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Reader's Digest Federal Register

Wednesday
November 21, 1979

Highlights

Cumulative List of Public Laws—The second cumulative list of public laws for the first session of the 96th Congress can be found in the Reader Aids Section of this issue.

- 66832 Iran** Treasury/Foreign Assets Control Office amends the Iranian Assets Control Regulations; effective 11-19-79
- 66836 Social Security** HEW/SSA proposes rule concerning the filing of applications for supplemental security income benefits; comments by 1-21-80
- 66783 Natural Gas** DOE/FERC issues interim rules defining the term "produced" as it relates to stripper wells; comments by 1-8-80; effective 11-9-79
- 66786 Natural Gas** DOE/FERC issues interim rules permitting jurisdictional agencies to withdraw notices of determinations regarding natural gas; comments by 1-14-80; effective 11-19-79
- 67060 Anti-Inflationary Price Standards and Procedural Rules** CWPS issues questions and answers; effective 10-1-79 (Part V of this issue)
- 66855 Medicaid Program** HEW/HCFR proposes rule concerning deeming of income between spouses; comments by 1-21-80

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Highlights

- 66851 Polychlorinated Biphenyls** EPA proposes amendment to disposal requirements for large PCB capacitors; comments by 12-21-79
- 66989 Polychlorinated Biphenyls** EPA issues notice of approved PCB disposal facilities
- 67040 Indian Education** Interior/BIA issues rule concerning grants for tribally controlled community colleges and Navajo Community College; effective 11-21-79 (Part II of this issue)
- 66825 Terminal Equipment** FCC adopts final rule providing for certain exceptions required to protect the national defense and security; effective 1-1-80
- 66830 Pollution Prevention** FCC adopts final rule to expand the circumstances under which on-board frequencies may be used aboard vessels involved in oil transfer operations; effective 12-19-79
- 66838 National Environmental Policy Act** State proposes to add new rules to implement procedural provisions; comments by 12-21-79
- 66846 Defense Materials System and Defense Priorities System** Commerce/ITA gives advance notice of rulemaking; comments by 1-17-80
- 66780 Comprehensive Energy Extension Service Program** DOE/Office of Conservation and Solar Energy adopts amendment providing that the first annual State applications for financial assistance shall be submitted by 2-19-80
- 67057 Abandoned Mine Reclamation Funds** Interior/SMRE issues final rules; effective 12-21-79 (Part IV of this issue)
- 66781 Premerger Notification** FTC adopts rules concerning reporting and waiting period requirements; effective 11-21-79
- 66991 Privacy Act** FDIC publishes a document affecting systems of records; comments by 12-21-79
- 67029 Sunshine Act Meetings**

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- 67040 Part II, Interior/BIA**
- 67050 Part III, Fine Arts Commission**
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- 67060 Part V, CWPS**

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Reg. 3, Amdt. 2]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Limitation of Shipments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to Final Rule.

SUMMARY: This amendment establishes a total limitation of shipment regulation for fresh Florida oranges, grapefruit, tangerines and tangelos during the period beginning 6:00 p.m., e.s.t., November 21, 1979, and ending 12:01 a.m., e.s.t., November 25, 1979. The regulation is needed to assist in preventing the accumulation of excessive market supplies of the specified fruits during the Thanksgiving Holiday period specified, in which it is anticipated there will be a greatly reduced market demand.

EFFECTIVE DATE: November 21, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.*

(1) This regulation is issued under the marketing agreement and Order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the committee established under the order, and upon other available information. It is found

that the limitation of shipments of oranges, grapefruit, tangerines and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) This amendment reflects the Department's appraisal of the marketing situation during the period immediately prior to the week in which Thanksgiving Day occurs and for the period immediately following. It is anticipated that shipments of fresh oranges, grapefruit, tangerines and tangelos prior to Thanksgiving Day will result in market supplies in excess of market needs. An accumulation of excessive quantities of any variety of citrus fruit in the markets during the period immediately prior to and following Thanksgiving contributes to unstable marketing conditions. It is reported that, absent the shipping holiday, excessive shipments of oranges, grapefruit, tangerines and tangelos would occur, causing an accumulation of these varieties of fruit in the market prior to and during the post-holiday period, a period in which there is a drop in consumer demand. Hence, the curtailment of orange, grapefruit, tangerine and tangelo shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until December 21, 1979 (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and good cause exists for making the provisions of this amendment effective at the time specified. Shipments of Florida oranges, grapefruit, tangerines and tangelos are currently regulated through October 12, 1980. Determination as to the need for, and extent of, regulation under § 905.52(a)(3) must await the development of the crop and the availability of information about market supplies and the demand for such fruits. The recommendation and supporting information for such regulation, were promptly submitted to the Department after an open meeting of

the committee, after notice to growers, shippers and others, and interested persons were afforded an opportunity to submit information and views. Information regarding specifications of the regulation has been provided to shippers, and the regulation is identical with the recommendation of the committee. Compliance with the regulation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone (202) 447-5975.

Accordingly, it is found that the provisions in paragraph (a) § 905.303 (Orange, Grapefruit, Tangerine and Tangelos Regulation 3; 44 FR 59195, 65962) should be and hereby are revised by adding a proviso applicable to shipments of oranges, grapefruit, tangerines and tangelos reading as follows:

§ 905.303 Orange, grapefruit, tangerine and tangelos regulation 3.

Order. (a) * * * unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) hereof) specified for such variety in columns (3) and (4) of such table: *Provided*, That during the period beginning at 6:00 p.m., e.s.t., November 21, 1979, and ending 12:01 a.m. e.s.t., November 25, 1979, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges, grapefruit, tangerines, or tangelos, of the varieties or types, specified in paragraph (a) Table I of this section, grown in the production area.

* * * * *

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

Dated, November 15, 1979, to become effective 6:00 p.m., e.s.t., November 21, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-35885 Filed 11-20-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 467]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 23-29, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Malvin E. McGaha, 202-447-5975.

SUPPLEMENTARY INFORMATION: Findings.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The committee met on November 19, 1979, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges has not yet stabilized.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective

date necessary to effectuate the declared policy of the act. Interested persons were given the opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication without opportunity for further public comment. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, phone 202-447-5975.

§ 907.767 Navel orange regulation 467.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period November 23, 1979 through November 29, 1979, are established as follows:

- (1) District 1: 720,000 cartons;
 - (2) District 2: Unlimited movement;
 - (3) District 3: 80,000 cartons;
 - (4) District 4: 10,001 cartons.
- (b) As used in this section, "handled", "District 1", "District 2", "District 3", "District 4", and "carton" mean the same as defined in the marketing order. (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 20, 1979.

D. S. Kuryloski,

Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 79-36267 Filed 11-20-79; 12:06 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Conservation and Solar Energy

10 CFR Part 465

Final Rule Changing the Submission Date for the First Annual State Application for Financial Assistance

AGENCY: Department of Energy.

ACTION: Final Rule.

SUMMARY: The Department of Energy today is adopting an amendment to 10 CFR 465.7(b) providing that the first annual State applications for financial assistance under the comprehensive Energy Extension Service (EES) program shall be submitted by February 19, 1980

rather than the date presently specified. Because implementation of the EES program was necessarily delayed the present date specified needs to be adjusted.

EFFECTIVE DATE: This amendment is effective December 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Kathleen Reavis, U.S. Department of Energy, Energy Extension Service, CS-74, MS 2H-027 Forrestal Building, Washington, D.C. 20585, telephone: 202/252-2305.

Richard F. Kessler, U.S. Department of Energy, Office of General Counsel, GC-33, MS 3228, 20MASS, Washington, D.C. 20585, telephone: 202/376-4100.

SUPPLEMENTARY INFORMATION:

1. Background
2. Amendment Adopted
3. Procedural Requirements

1. Background

The Department of Energy (DOE) issued final regulations, 43 FR 45536 (October 2, 1978), governing the expansion of the pilot program for the Energy Extension Service (EES) program, pursuant to the National Energy Extension Service Act (Act), 42 U.S.C. 7001 *et seq.*, to include all States. Section 465.7 of the regulations, 10 CFR 465.7, provides that the DOE Regional Representative will send a letter to the Governor of each State inviting him or her to submit the first annual State application for financial assistance under EES and that the first annual State application shall be submitted not later than 180 days from the date the regulations were issued, or by March 27, 1979. However, implementation of the national EES program was delayed to assure that an adequate level of funding would be available.

2. Amendment Adopted

We are revising § 465.7(b) of the regulations to specify February 19, 1980, as the new submission date for the first annual State applications for EES financial assistance. This date is 180 days after the date DOE invited the Governors to submit the first annual State application for EES.

3. Procedural Requirements

A. Section 553(b) of the Administrative Procedure Act and Section 501 of the DOE Act

Section 553(b) of the Administrative Procedure Act ("APA"), 5 U.S.C. 551 *et seq.*, requires that in most instances of rulemaking general notice of proposed rulemaking shall be published in the Federal Register. Except when notice or hearing is required by statute, the requirement for a notice of proposed rulemaking does not apply when the agency finds (and incorporates the

finding and a brief statement of its reasons in the final rulemaking) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest. For the reasons set forth in the "Background" section of this preamble and, in particular, because this amendment is not likely to affect significantly States' implementation of EES, we find that the section 553(b) requirements are unnecessary in this rulemaking proceeding.

In view of this determination, the prior notice requirement of subsection (b) of section 501 of the Department of Energy Organization Act ("DOE Act") 42 U.S.C. 7101 *et seq.*, Pub. L. 95-91, is also inapplicable. Therefore, we have determined, for the reasons stated above in support of waiving the APA section 553(b) requirements, that no substantial issue of law or fact exists with respect to this rulemaking and that the rulemaking is unlikely to have substantial impact on the nation's economy or large numbers of individuals or businesses. Accordingly, the hearing requirements of subsections (c) and (d) of section 501 of the DOE Act are inapplicable.

B. Executive Order 12044

In accordance with the DOE's criteria governing "significant regulations" set forth in paragraph 6(a)(3) of DOE Order 2030, 44 FR 1032, (January 3, 1979), the regulation set forth at the end of this preamble is not a significant regulation. Accordingly, the sixty-day advance public comment period and other rulemaking requirements specified in Executive Order 12044, entitled "Improving Government Regulations", 43 FR 12661 (March 23, 1978), and DOE's implementing procedures, DOE Order 2030, are inapplicable.

C. National Environmental Policy Act

In accordance with DOE's obligations under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, an evaluation of the potential environmental impacts of the EES regulation has been prepared by DOE. Based on the Environmental Assessment (DOE/EA-0042) of the comprehensive EES program, DOE determined that the EES regulation does not constitute a major Federal action having a significant effect on the quality of the human environment. This amendment to the EES regulation does not affect this determination. Accordingly, an environmental impact statement will not be prepared.

(The National Energy Extension Service Act, enacted as title V of the Energy Research and Development Administration Authorization Act of 1977, title V of Pub. L. 95-39, 91 Stat.

191 *et seq.*, 42 U.S.C. 7001 *et seq.*; Department of Energy Organization Act, Pub. L. 95-91 Stat. 965 *et seq.*, 42 U.S.C. 7101 *et seq.*, Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224, 92 Stat. 3 *et seq.*, 41 U.S.C. 501 *et seq.*; EO 12009, 42 FR 46267; EO 12044, 43 FR 12660.)

In consideration of the foregoing, Part 465 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective December 21, 1979.

Issued in Washington, D.C., November 14, 1979.

Maxine Savitz,

Acting Assistant Secretary, Conservation and Solar Energy.

Section 465.7 is amended by revising paragraph (b) to read as follows:

§ 465.7 Annual State applications.

(b) to be eligible for financial assistance under this part, a State shall submit an original and two copies to the Regional Representative of an annual State application executed by the Governor. The first annual State application shall be submitted not later than February 19, 1980. Subsequent annual State applications shall be submitted on or before September 30 of the following years.

[FR Doc. 79-35804 Filed 11-20-79; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 802

Premerger Notification; Reporting and Waiting Period Requirements

AGENCY: Federal Trade Commission.

ACTION: Promulgation of final rules.

SUMMARY: The purpose of this document is formally to amend the minimum dollar value rule contained in the Commission's premerger notification rules by raising certain minimum dollar value figures which define exemptions from the reporting and waiting requirements of Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. This document consists of the minimum dollar value rule as amended and a statement of basis and purpose. The amended rule will enlarge the class of relatively small transactions which are exempt from the requirement that Premerger Notification and Report Forms be filed with the Federal Trade Commission and the Antitrust Division of the Department of Justice and will be effective immediately.

EFFECTIVE DATE: Immediately November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, telephone: (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a (Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976), requires that certain persons contemplating certain acquisitions or mergers file Notification and Report Forms with the Federal Trade Commission and the Department of Justice and wait designated periods of time before consummating the transactions. Specifically, transactions between persons with \$100 million or more in sales or assets, and persons with \$10 million or more in sales or assets, are reportable to both agencies, if, as a result of the transaction, the acquiring person would hold 15 percent or more of the assets or voting securities of the acquired person or if the acquiring person would hold an aggregate total amount of the assets and securities of the acquired person in excess of \$15 million. See Clayton Act, section 7A(a)(3).

Statement of Basis and Purpose of Amended § 802.20 of the Commission's Premerger Notification Rules

Section 802.20, as amended, exempts certain acquisitions as a result of which the acquiring person will hold 15 percent or more of the voting securities or 15 percent or more of the assets of the acquired person, but the aggregate total amount of voting securities and assets so held will be \$15 million or less (*i.e.*, the 15-percent test of section 7A(a)(3)(A) will be satisfied, but the \$15 million test of section 7A(a)(3)(B) will not). This rule amends the previous § 802.20 so as to exempt acquisitions as a result of which the acquiring person would not hold either (a) assets of the acquired person valued at more than \$15 million, or (b) voting securities conferring control of an issuer which, together with all entities that it controls, has annual net sales or total assets of \$25 million or more.

Section 802.20 was originally promulgated to eliminate reporting and waiting period requirements with respect to certain relatively small acquisitions that are clearly reportable under the Act. It resulted from the Commission's belief

*** that certain relatively small transactions (frequently involving only a portion of the stock or assets of the acquired person) that might be reportable under the act are sufficiently unlikely to have a significant anticompetitive impact that imposition of the

act's requirements would not represent an appropriate use of public resources.

Statement of Basis and Purpose to Premerger Notification Rules, 43 FR 33490 (July 31, 1978).

Section 802.20 as originally promulgated exempted, first, those assets acquisitions where at least 15 percent of the acquired person will be held as a result of the transaction, if those assets are valued at \$10 million or less. Second, subsection (b) exempted acquisitions of 50 percent or more of the voting securities of an issuer, if the issuer has both sales and assets of less than \$10 million and the resulting holdings are valued at \$15 million or less. Finally, an acquisition of less than 50 percent of the voting securities of an issuer is exempt without regard to the size of the issuer's sales or assets, as long as the value of the holdings resulting from the acquisition is \$15 million or less.

The Commission scrutinized the filings received during the first nine months of the premerger program and found that, even with the exemptions provided in § 802.20, there was a significant number of relatively small transactions with respect to which neither agency requested additional information pursuant to section 7A(e) of the Act. The Commission has concluded that it could raise somewhat the floors in § 802.20 so as to exempt a larger number of these small transactions without impairing the effectiveness of the program, while at the same time reducing the burden on filing parties.

The new minimum dollar value floors were selected only after careful analysis of the data derived from the filings. Staff formulated a proposal that, based on the past data, maximized the number of additional relatively small transactions exempted while minimizing the possibility that, contrary to legislative intent, transactions which might be of antitrust interest to the agencies would also be exempted.

The amended rule, therefore, exempts assets acquisitions where at least 15 percent of the acquired person will be held as a result of the transaction, if those assets are valued at \$15 million or less (instead of the \$10 million formerly used). Second, amended subsection (b) exempts acquisitions of 50 percent or more of the voting securities of an issuer, if the issuer has both sales and assets of less than \$25 million (instead of the \$10 million figure formerly used) and the resulting holdings are valued at \$15 million or less. The third exemption, affecting acquisitions of less than 50 percent of an issuer's stock as long as the value of the holdings resulting from

the acquisition is \$15 million or less, remains the same.

Staff considered alternative dollar values; however, the \$15 million figure in the case of an assets acquisition and the \$25 million figure in the case of a voting securities acquisition were undoubtedly the most appropriate. All of the comments approved the agencies' attempt to exempt more transactions. Comment 4,¹ however, suggested raising the floor in an assets acquisition to \$20 million, citing as its justification the observation that inflation has rendered the \$15 million figure "an unreasonably low * * * benchmark for identifying potentially anti-competitive acquisitions."

Comment 8 recommended a \$25 million floor in an assets acquisition and a \$50 million floor in a voting securities acquisition. It relied upon a stated belief "that these lower magnitude acquisitions usually involve lower level technology, and these type companies tend to flourish regardless of acquisition activity." Neither comment offered factual support for its recommendations. The Commission has concluded that the 50% increase in an assets acquisition and the 150% increase in a voting securities acquisition is sufficient at this early stage of the program. Continued review of the filings received may result in a reassessment of the Commission's position with regard to these floors; however, a cautious approach seems more appropriate at this time.

Comment 2 recommended a "uniform exemption" for both assets and voting securities acquisitions so as to exempt any acquisition of \$15 million or less, regardless of the percentages involved. A similar comment was addressed to the Commission during promulgation of the original rules. As the Commission stated then, "[I]f Congress had intended such a result, the act could easily have been worded so as to achieve it." 43 FR at 33491. The disjunctive formulation of the size-of-transaction test in section 7A(a)(3) "indicates a clear Congressional intention to reach at least some acquisitions that satisfy only the percentage test." *Id.* Absent justification as to why the clear intent of Congress should be ignored, we will reject this suggestion.

Comments 6 and 9 recommended amending the similar exemptions provided in § 802.50 and § 802.51 for certain acquisitions by and of foreign persons. Comment 7 urged the Commission to redefine "acquired person" in § 801.1 (a)(1) in terms of only

¹ The nine comments received are identified and marked by number following the Statement of Basis and Purpose.

the issuer to be acquired along with all entities which the issuer controls. The Commission rejects these suggestions as being outside the scope of the published notice of proposed rulemaking, but will retain them for further consideration in the event that changes in these sections are proposed at a later date.

Comments

Received in response to August 10, 1979, publication of proposed amendment to § 802.20 of the rules implementing Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976 relating to premerger notification (comment period August 10, 1979 to September 10, 1979).

No.	Date of letter	Organization
1	8/17/79	Chadwell, Kayser, Ruggles, McGee & Hastings (David A. Nelson, Esq.).
2	9/4/79	Marathon Oil Co. (Kent B. Hampton).
3	9/5/79	Squibb Corp. * (J. Elliston Murray).
4	9/7/79	Edwards & Angell*.
5	9/10/79	Food Marketing Institute (Kathleen E. McDermott, Esq.).
6	9/10/79	Covington & Burling (Daniel M. Gribbon, Esq. and Stephen Calkins, Esq.).
7	9/10/79	International Telephone and Telegraph Corp. (Roger Langsdorf, Esq.).
8	9/11/79	McCormick & Co., Inc.* (James J. Harrison, Jr., Esq.).
9	9/13/79	Chamber of Commerce of the United States * Fred Byset.

*This comment was received after the comment period.

The Federal Trade Commission amends § 802.20 of title 16 CFR pursuant to section 7A(d) of the Clayton Act, 15 U.S.C. 18a(d), as added by section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, Pub. L. 94-435, 90 Stat. 1390, to read as follows:

§ 802.20 Minimum dollar value

An acquisition which would be subject to the requirements of the act and which satisfies section 7A(a)(3)(A), but which does not satisfy section 7A(a)(3)(B), shall be exempt from the requirements of the act if as a result of the acquisition the acquiring person would not hold:

- (a) Assets of the acquired person valued at more than \$15 million; or
- (b) Voting securities which confer control of an issuer which, together with all entities which it controls, has annual net sales or total assets of \$25 million or more.

Pursuant to section 7A(d) of the Act, 15 U.S.C. 18a(d), the Federal Trade Commission, with the concurrence of the Assistant Attorney General, hereby

formally amends § 802.20 of title 16 of the Code of Federal Regulation, Chapter I.

Issued November 13, 1979.

By direction of the Commission.

Carol M. Thomas,
Secretary.

[FR Doc. 79-35935 Filed 11-20-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-73]

Interim Interpretive Regulation; Definition of Term "Produced" as it Relates to Stripper Wells

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim Regulation.

SUMMARY: The Commission is issuing an interim regulation defining the term "produced" as it relates to stripper wells under the Natural Gas Policy Act of 1978. The regulation provides that natural gas is produced within the meaning of section 108(b)(3) (A) and (B) of the NGPA (1) on any day during which there is measurable production of natural gas from a well, and (2) on any day during which a well is open to the line but is unable to produce measurable quantities of gas.

The order also provides that days on which a well operator must shut the well in to build up pressure may qualify as "production days" if the jurisdictional agency makes a finding that conservation practice requires such shut-in.

DATES: The regulation is to be effective November 9, 1979. Comments are due on or before January 8, 1980. A public hearing will be held on January 3, 1980. Requests to participate should be received on December 27, 1979.

ADDRESSES: Send comments and requests to participate at the hearing to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The hearing will be held at the same location.

FOR FURTHER INFORMATION CONTACT: Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4001, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 275-5928 or 357-8511.

November 9, 1979.

I. Background

Section 501(b) of the Natural Gas Policy Act of 1978 (NGPA), 92 Stat. 3350, authorizes the Federal Energy Regulatory Commission (Commission) "to define, by rule, accounting, technical and trade terms" used in the NGPA, so long as such definition is "consistent with the definitions set forth in [the] Act." Pursuant to this authority, the Commission is issuing an interim interpretive regulation defining the term "produced" as it is used in portions of section 108 of the NGPA. We are also clarifying our interpretation of the terms "production day" and "90-day production period."

This order arises out of deliberations held in the course of Commission review of certain jurisdictional agency determinations¹ made under section 108 of the NGPA (stripper well natural gas). These determinations generally fall into three categories, which are described below. Wells in these categories had been preliminarily determined by the Commission not to qualify as stripper wells. In a number of these cases, however, the Commission noted that these Preliminary Findings were tentative conclusions which would be re-examined in a forthcoming rulemaking.

Category A (shut-in wells): This category consists of wells which are manually shut-in due to their inability to meet line pressure. For reasons which will be explained below, the Commission had preliminarily found that days on which a well was shut in for this reason did not qualify as "production days."

Category B (open valve wells): This category consists of wells which are open to the line but are unable to meet line pressure. For reasons which will be explained below, the Commission had preliminarily found that days on which a well was open to the line but not producing gas did not qualify as "production days" and could not make up a "90-day production period."

Wells in categories A and B, are generally low-production gas wells which were in production prior to passage of the NGPA (some for many years). These wells have experienced a drop in pressure to the point where they are incapable of producing against the line without compression or the application of enhanced recovery techniques. Producers of such wells have three alternatives: continued shut-

in, abandonment, or installation of enhanced recovery techniques such as compression.

Category C (intermittent production wells): This category consists of low-production gas wells which are open to the line and produce natural gas at irregular intervals. In such cases, pressure builds up over a period of time until the well can finally "burp up" a measurable amount of gas. Pressure then drops again and the well produces no gas for another period of time until it can build sufficient pressure once again. This cycle may continue on a regular or irregular basis. The Commission had found preliminarily that days in the cycle on which the well did not produce measurable amounts of gas were not "production days."

The regulation we adopt today changes these preliminary conclusions by defining the term "produced" as it applies to wells in categories (A), (B) and (C), in a manner consistent with what we believe to be the scope and the intent of section 108.

II. Nature of Interim Regulation

The Commission is amending § 271.803 by adding a new paragraph (e) defining the term "produced" as follows:

Natural gas is produced, within the meaning of section 108(b)(3) (A) and (B) of the NGPA: (1) on any day during which there is measurable production of natural gas from well, and (2) on any day on which a well is open to the line but is unable to produce measurable quantities of gas.

The phrase "open to the line" is intended to describe a situation in which there is no physical impediment to production. For example, a well may have a one-way or back-flow valve which will automatically close when line pressure is greater than well pressure, but there will exist no physical impediment which will prevent the valve from opening again if line pressure drops sufficiently or well pressure increases sufficiently.

The new definition of "produced" is intended to encourage both Renewed production from wells which are presently incapable of producing and continued production from wells which are presently producing on an irregular basis. Once an applicant has the qualifying production date available the installation of a process or equipment which increases the rate of production from the well will be eligible in most cases to qualify as application of a "recognized enhanced recovery technique."² If the recognized enhanced

¹ GP79-46, GP79-48, GP79-59, GP79-65, GP79-70, GP79-84, GP79-103, GP79-106, GP79-63, GP79-76, GP79-120.

² Section 271.803(a) defines recognized enhanced recovery technique as follows: "Recognized

Footnotes continued on next page

recovery technique increases production to a point at which average production exceeds 60 Mcf per production day, section 108(b)(2) provides that the gas may still qualify for the maximum lawful price for stripper well natural gas.³ Accordingly, the new rule will in many cases make it economically feasible for a producer to perform an enhanced recovery technique on a low-production well.⁴ In this way gas which might otherwise be lost will be recovered.

III. Relevant Provisions of Section 108

The following provisions of section 108 are described in order to demonstrate why wells such as those described above have not, until this time, been considered by the Commission to qualify as stripper wells.

A. "90-day production period": Section 108(b)(1)(A) stipulates that a well's qualification as a stripper well is based on its average production during the preceding "90-day production period." Section 108(b)(3)(B) defines that term as:

"Any period of 90 consecutive calendar days excluding any day during which natural gas is not produced for reasons other than voluntary action of any person with the right to control production of natural gas from such well" (emphasis added).

Under this definition, voluntarily shut-in days may be included in a preceding 90-day production period; therefore shut-in or abandoned wells may experience preceding 90-day production

periods even if they have been shut-in for the 180 days⁵ prior to the date the application for a stripper well determination is filed. However, wells which were open to the line but experienced no measurable production during the 180 days prior to filing have not been considered to have established a preceding 90-day production period, because involuntarily non-producing days have had to be excluded from any such period.⁶

The regulation we adopt today resolves this problem. "Any day during which natural gas is not produced for reasons other than voluntary action" no longer means any day during which the well was in a production mode (i.e., open to the line) but was unable to produce. Under our new definition, such days are not excluded from the 90-day production period, because they no longer are regarded as non-producing days.

B. "Production Day": Section 108(b)(1)(A) stipulates that in order for a well to qualify as a stripper well, it must have produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf "per production day" during the preceding 90-day production period. A well's average rate of production is calculated by dividing the total production during the 90-day production period by the number of

"production days" in that period. If the figure reached is 60 Mcf or less, the well meets the threshold requirement of section 108. The term "production day" is defined in section 108(b)(3)(A) as:

(i) Any day during which natural gas is produced; and
(ii) Any day during which natural gas is not produced if production during such day is prohibited by a requirement of State law or a conservation practice recognized or approved by the state agency having regulatory jurisdiction over the production of natural gas.

Read narrowly, this definition precluded as a "production day" any day on which a well was in a production status, i.e., was open to the line, but on which it was unable to produce measurable quantities of gas. When such days were not interpreted to be "production days," there existed no basis upon which to compute the average production "per production day" for a well which remained open but non-producing for an entire 90-day production period. Accordingly, such a well was not considered to qualify as a stripper well.

The rule we adopt today resolves this problem by defining the term "produced" to encompass days on which a well is in a production mode but is unable to produce. Once such days can qualify as "production days," such a well may meet the threshold requirement for a stripper well.

The chart below illustrates how average production per production day may be calculated for a well which is open to the line and produces 100 Mcf of gas every ten days. A typical 90-day production period for this well might be:

	Jan. 15-31	Feb. 1-28	March 1-31	April 1-15	Totals
Calendar days....	16	28	31	15	90
Days shut-in for maintenance ⁷	0	0	0	5	5
Days of measurable production	2	3	3	2	10
Days open to line with no measurable production	14	25	28	8	75
Total Mcf gas produced...	200	300	300	200	1000

⁷Days on which a well is shut-in for maintenance are not "production days." See pp. 11-12.

Footnotes continued from last page enhanced recovery techniques means processes or equipment, or both, which when performed or installed by the producer, increase the rate of production of gas from a well. Processes qualifying as recognized enhanced recovery techniques include mechanical as well as chemical stimulation of the reservoir formation. Equipment may include items installed in the well bore or on the surface.

"Normal well maintenance, repair, or replacement of equipment of facilities does not qualify as recognized enhanced recovery techniques. Normal completion operations (as defined by the jurisdictional agency or, if the agency has not defined the term, by state custom or practice) which are performed within two years of the initial completion do not qualify as recognized enhanced recovery techniques. Any drilling activity which results in production from another reservoir does not qualify as a recognized enhanced recovery technique."

³Section 108(b)(2) states the following: "The Commission shall, by rule, provide that, if nonassociated natural gas produced from a well which previously qualified as a stripper well under paragraph (1) exceeds an average of 60 Mcf per production day during any 90-day production period, such natural gas may continue to qualify as stripper well natural gas if the increase in nonassociated natural gas produced from such well was the result of the application of recognized enhanced recovery techniques."

⁴It should be noted, of course, that if subsequently the well is determined not to qualify for section 108, any gas produced from the well is subject to the otherwise applicable maximum lawful price.

⁵Section 271.804(c) of the Commission's regulations provides that the 90-day production period upon which the application is based must fall entirely within the 180 days prior to the date the application is filed. See footnote 8.

⁶Section 108(b)(1) provides that stripper well natural gas means nonassociated natural gas produced during any month from a well if during the preceding 90-day production period such well produced at a rate which did not exceed an average of 60 Mcf per production day. Because the statute speaks in terms of the preceding 90-day production period, rather than a preceding 90-day production period, it appears that Congress did not intend that any 90-day production period become the basis for a stripper well determination. Instead, Congress apparently wanted the most recent 90-day production period before the date of application to be the basis for the determination. Accordingly, the Commission adopted § 271.804(c), which provides that the 90-day production period upon which the application is based must fall entirely within the 180 days prior to the date the application is filed. This regulation: (1) Resolves time problems caused by the necessity of collecting data from the field by giving producers up to 90 days to file an application with the jurisdictional agency after establishing a 90-day production period; (2) attempts to comply, in as practical a manner as possible, with the intent of Congress that the 90-day production period nearest to the application date be the period evaluated by the jurisdictional agency when it makes a determination.

However, in the case of a well which is attempting but unable to produce against line pressure, the producer is not able to establish a 90-day production period within 180 days of the application, because, as explained above, the statutory definition of "90-day production period" excludes involuntarily non-producing days.

Average production per production day for this well is calculated by dividing total production (1000 Mcf) by the number of "production days (10+75, or 85):

$$\frac{1000}{85} = 11.8 \text{ Mcf per production day}$$

Accordingly, the well to which this chart applies would qualify as a stripper well, assuming that it was producing at its maximum efficient rate of flow.

Under our new definition of "produced," we believe that a producer may also find it economically reasonable to reopen to the line a well which is presently shut-in. Even if the well then produces no gas, any open-to-the-line day will qualify as a "production day" and the well will be able to meet the statutory requirements for a stripper well. As noted above, once the qualifying production data is available, the producer is in a position to install enhanced recovery techniques to bring the well into a measurable-production status. If the enhanced recovery technique causes the well's production to exceed an average of 60 Mcf per production day, the producer may retain his right to collect the stripper well price by applying for and receiving a designation that the enhanced recovery technique is "recognized."

IV. Further Clarification of Term "Production Day"

The Commission wishes to clarify two other situations which have caused uncertainty with respect to the term "production day."

The first situation involves wells which are shut-in by the operator intermittently to build up sufficient pressure in the well bore so that the well may produce against the line. The issue is whether such shut-in days may qualify as "production days" for purposes of calculating average production during the 90-day production period. As noted earlier, section 108(b)(3)(A) of the NGPA defines "production day" as:

(i) any day during which natural gas is produced; and (ii) any day during which natural gas is not produced if production during such day is prohibited by a requirement of State Law or a conservation practice recognized or approved by the state agency having regulatory jurisdiction over the production of natural gas.

Our interpretation of the term "produced," as defined in this order, does not encompass days on which a well is shut-in by the operator. Therefore, part (i) of the statutory definition does not apply to shut-in days. However, we believe that such

days may qualify as "production days" under part (ii) of the statutory definition if the jurisdictional agency makes a finding that conservation practice requires intermittent shut-in of the well. Conservation practice signifies, *inter alia*, attempts to prevent waste of natural gas supplies. Ensuring that existing supplies are recovered to the fullest extent possible is such an attempt.

The "conservation practice" finding should verify the particular physical impediment which requires the intermittent shut-in of the well and the number of days the well was shut-in; it should explain the conservation practice which the jurisdictional agency recognizes as applicable in the particular case; and it should explain why the conservation practice as applied to the subject well is necessary to achieve and to maintain production. If such a finding and explanation are provided, the Commission believes it will have substantial evidence that these shut-in days meet the statutory test for "production days."

The second situation arises when the 90-day production period contains days on which the well operator separates the well from the delivery line in order to undertake maintenance or repair. May such days qualify as "production days"? The Commission notes that the number of days on which an operator shuts in a well for purposes of repairs or maintenance is generally within the control of the operator or producer. Such voluntary shut-in days, while clearly included in the 90-day production period (See p. 6), do not meet the statutory definition of "production day." On such days the well was not producing, attempting to produce, or shut-in due to state conservation practice. The well was simply shut-in voluntarily. To permit such days to qualify as "production days" would be to invite manipulation of production in order to qualify for the section 108 incentive price.* The Commission notes that the statute was carefully constructed to prevent such manipulation, and we decline to define "production day" in a manner which would circumvent the statutory intent.

*For example, if a well produced 100 Mcf of gas for 54 consecutive calendar days, and then the operator shut the well in for the next 36 days, for "maintenance", there would exist a 90-day production period during which the well produced 5400 Mcf.

Average production per production day for this period would be 5400 divided by 54, or 100 Mcf, meaning the well would exceed the 60-Mcf stripper well limit. But if the "maintenance" days were permitted to qualify as production days, average production would be 5400 divided by 90, or 60 Mcf, meaning the well would qualify as a stripper well.

V. Clarification of Filing Requirements

The Commission recognizes that a jurisdictional agency may not have any means of establishing the number of qualifying "production days" in a given 90-day production period, other than examination of statements filed by the applicant. Section 274.206(a)(5) requires that the applicant file "the number of days natural gas was produced," and § 276.206(a)(6) requires that the applicant file "the number of days natural gas was not produced" and an explanation of the reason for the non-production. In addition to these requirements, we note that each applicant must file:

A statement * * * under oath, that he has made, or has caused to be made pursuant to his instructions, a diligent search of all records which are reasonably available and contain information relevant to the determination; a description of the search made, the records reviewed, and the results of this search and examination upon which he has concluded that to the best of his information knowledge and belief, the well qualifies as a stripper well; and a statement that he has no knowledge of any other information which is inconsistent with his conclusion;

We believe that this oath statement, in conjunction with the requirements of §§ 274.206(a) (5) and (6), provides a jurisdictional agency with a sufficient basis upon which to determine the number of "production days" in the 90-day production period, absent contradictory information in the record. Where the jurisdictional agency is able to determine the number of "production days" on the basis of information provided on the production period and the statement in § 274.206(a)(6), the requirements of (a)(5) will be deemed satisfied. The jurisdictional agency may, of course, request filing of additional information.

VI. Public Procedure

A. Written Comments

Interested persons are invited to submit comments, data, views, or arguments with respect to this interim regulation. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should refer to Docket No. RM79-73. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EDT, January 8, 1980 will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection

in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

B. Public Hearings

A public hearing on this proposed rule will be held at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. on Thursday, January 3, 1980, at 10:00 a.m. Any person interested in this proceeding or representing a group or class of persons interested in this proceeding may make a presentation at the hearing provided a written request to participate is received by the Secretary of the Commission prior to 4:30 p.m. on December 27, 1979.

Requests to participate in the hearing should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Requests should refer to Docket No. RM79-73 and should indicate that amount of time required for the oral presentation and the telephone number at which the person making the presentation can be reached. Persons participating in the public hearing should, if possible, bring 20 copies of their testimony to the hearing.

The hearings will not be of a judicial or evidentiary type. There will be no cross-examination of persons presenting statements. However, the panel designated by the Chairman may question such persons, and any interested person may submit questions to the presiding officer to be asked of persons making statements. The presiding officer will determine whether the question is relevant and whether the time limitations permit it to be presented. Any further procedural rules will be announced by the presiding officer at the hearings. Transcripts of the hearings will be available in the public file for the proceeding, Docket No. RM79-73 in the Commission's Office of Public Information.

This interim interpretive regulation relieves restrictions previously placed on applicants under the interim regulations. Accordingly, it is being made effective immediately for all determinations which have not become final as of the day before the date of issuance of this order. This regulation shall not become a final regulation, however, until the Commission has had an opportunity to receive oral and written presentation of relevant data, views and arguments.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301, *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7101, *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.

Section 271.803 is amended by adding a new paragraph (e) to read as follows:

§ 271.803 Definitions.

For purposes of this subpart.

(e) *Produced*. Natural gas is produced, within the meaning of section 108(b)(3) (A) and (B) of the NGPA:

(1) On any day during which there is measurable production of natural gas from a well, and

(2) On any day on which a well is open to the line but is unable to produce measurable quantities of gas.

[FR Doc. 79-35869 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-85-M

18 CFR Part 272

Interim Rules Involving High-Cost Natural Gas; Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This notice contains corrections to the Commission's interim rules in Docket No. RM79-44 (44 FR 61950, October 29, 1979) relating to defining and deregulating certain high-cost natural gas.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8151.

SUPPLEMENTARY INFORMATION: Note the following corrections in the Commission's interim rule entitled "Interim Rules Involving High-Cost Natural Gas Described in Section 107(c) (1), (2), (3) and (4) of the NGPA" issued October 24, 1979 (44 FR 61950, October 29, 1979).

(1) On page 61951, the first sentence after the heading "III. Requirements for Filing With the Jurisdictional Agencies", is corrected by inserting "jurisdictional agency filing requirements which" so that the sentence reads as follows:

As indicated in the notice issued June 13, 1979, we are promulgating for gas subject to section 107(c)(2) jurisdictional agency filing requirements which are similar to those imposed for other categories of gas.

(2) On page 61952, the reference to November 19, 1979, in the first sentence of the second paragraph after the heading "V. Comment Procedures, Public Hearings and Effective Date", is corrected to read "November 26, 1979".
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35777 Filed 11-20-79; 8:45 am]
BILLING CODE 6450-01-M

18 CFR Parts 273 and 275

[Docket No. RM79-66]

Interim Regulation Permitting Withdrawal of Notices of and Applications for Determinations Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Interim Regulation.

SUMMARY: The Commission is issuing interim regulations permitting jurisdictional agencies to withdraw notices of determinations regarding certain natural gas qualifying for certain maximum lawful prices under the Natural Gas Policy Act of 1978. The new regulations also permit individual applicants to withdraw applications for determinations which have been transmitted to the Commission.

DATES: The regulation to be effective November 19, 1979; written comments due by January 14, 1980.

ADDRESSES: Written comments to be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Carol Lane, Office of the General Counsel, Federal Energy Regulatory Commission, Room 4001, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-5928 or 357-8511.

November 15, 1979.

I. Background

On August 13, 1979, the Commission issued a Notice of Proposed Rulemaking¹ on amendments to Part 275 of its final regulations under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301 *et seq.* The Notice described the proposed amendments, sought written comments, and announced a public hearing, which was held in Washington, D.C. on September 25, 1979.² This order modifies the

¹ 44 FR 48262 (August 17, 1979).

² See Notice of Public Hearings, Docket Nos. RM79-44, RM79-76, and RM79-66, issued September 5, 1979.

amendments proposed in the Notice and adopts them as interim regulations.

II. Nature of Amendments

Part 275 of the Commission's regulations establishes the procedures under which the Commission reviews each jurisdictional agency notice of determination that natural gas from a particular well or completion location qualifies for a certain maximum lawful price under the NGPA. Pursuant to the authority granted to the Commission in section 501(a) of the NGPA, we are adopting several amendments to supplement these procedures:

(1) *Withdrawals.* Section 275.202(a) of the regulations provides that a jurisdictional agency determination shall become final 45 days after the date on which the Commission receives notice of such determination from the agency, unless during the 45-day period the Commission preliminarily reverses or remands the determination or notifies the agency that the notice is incomplete. The first amendment we adopt in this order provides new procedures under which (a) a jurisdictional agency may withdraw a notice of determination which is before the Commission, and by so doing render that notice a nullity (§ 275.202(c)), and (b) by which an applicant may withdraw an application for a determination which is before the Commission, and by so doing render that application a nullity (§ 275.202(d)).

(2) *Incomplete Notices.* Section 275.202(b)(2) provides that when a notice of determination is found to be incomplete, we will notify the jurisdictional agency within 45 days of the date on which we received the notice. The second amendment we adopt in this order requires the Commission also to notify the purchaser and the parties to the determination proceeding before the jurisdictional agency that the notice is incomplete.

(3) *Conforming Amendment.* Section 273.203(b)(2) is being amended to make a conforming change in a reference in that section to Part 275.

III. Summary of Comments

The Commission received two comments concerning the proposed amendments, one written and one presented at the public hearing. Both comments supported the establishment of procedures for withdrawals but proposed modification of the proposed procedures.³

³No comments were received on the proposed amendment to § 275.202(b)(2). Accordingly, that section is being adopted as proposed in the Notice for the reasons specified therein.

A. Timing of Jurisdictional Agency Withdrawal

The major issue raised by both parties concerned the fact that, under the rule as proposed, a withdrawal could be effected only within the 40-day period following the date on which the notice of determination was filed with the Commission. Both comments suggested that a withdrawal be permitted at any time prior to the date the determination becomes final. In support of this suggestion, one party noted that in many cases the jurisdictional agency may be unaware of any problem with respect to a notice of determination until just before the expiration of the 45-day Commission review period. Accordingly, a 40-day cut-off would preclude utilization of the withdrawal mechanism in the majority of cases. The other party noted that it would be useful to permit withdrawals after issuance of a Preliminary Finding, because at that time the jurisdictional agency would have a better understanding of the deficiencies or errors which the Commission had preliminarily found in the determination. It was argued that a withdrawal at this point would permit appropriate supplementation or correction of the record by the jurisdictional agency before resubmission to the Commission.

We agree that it is reasonable to extend the period during which withdrawals are permitted.⁴ Accordingly, the regulations adopted in this order permit a jurisdictional agency to withdraw a notice of determination at any time until it is made final by a final order or by operation of law. There is, however, one problem concerning an extended withdrawal period, which is that the applicant may be unaware of the fact that the determination has not become final but instead has been withdrawn just prior to expiration of the 45-day (or 120-day) period.

It was this type of problem which the Commission sought to avoid when it proposed the 40-day cutoff, allowing a 5-day period for the Commission to give notice before termination of the 45-day period. After due consideration, however, we believe any potential problems of this nature may be overcome not by limiting the withdrawal period but rather by requiring the jurisdictional agency to give notice to the applicant at the same time it notifies the Commission of the withdrawal. This procedure will insure that the applicant

⁴The Commission has already granted, by order, at least one withdrawal after issuance of a Preliminary Finding. See Order Granting Withdrawal of Jurisdictional Agency Determination, GP79-36, issued October 15, 1979.

will receive timely notice that the status of his well category determination has changed. Accordingly, we are altering the regulation as proposed to condition jurisdictional agency withdrawal upon simultaneous notice to the applicant and to the Commission that the notice of determination has been withdrawn.

B. Effect of Jurisdictional Agency Withdrawal on Interim and Retroactive Collections

Pursuant to § 273.202 of the Commission's regulations, a seller may begin interim collections of the price for which he has applied as soon as he has satisfied the filing requirements of § 273.202(d). Interim collections under this section terminate on the earlier of (1) the date on which the Commission receives a notice of the determination, or (2) 12 months after the first delivery for which interim collection is made (18 months in the case of deliveries beginning before May 1, 1979). (See § 273.202(b)(2)).

Accordingly, once the Commission has received notice of determination from the jurisdictional agency, interim collection authority under § 273.202 terminates and any further collection authority depends on the nature of the jurisdictional agency determination. If the determination is negative, the seller may collect only the otherwise applicable maximum lawful price. If the determination is affirmative, the seller may continue to make interim collections of the determined price under § 273.203 until the date the determination becomes final under § 273.203(b). Any such interim collections under § 273.203 cease, however, if a jurisdictional agency withdraws a notice of determination under the withdrawal rule adopted in this order. In the case of a withdrawal under this rule, the applicant would again be entitled to make interim collections under § 273.202, for the following reasons:

(1) *Affirmative Determinations.* When a jurisdictional agency withdraws a notice of an affirmative determination, such determination is rendered a nullity as of the date the Commission, the applicant, and the purchaser are notified. The determination is treated by the Commission as if it had never occurred. Accordingly, upon withdrawal of an affirmative determination, the seller's application is once again pending before the jurisdictional agency and is thus subject to the interim collection provisions of § 273.202 (collection pending jurisdictional agency determination of eligibility). The Commission emphasizes that withdrawal of an initial jurisdictional

agency notice by that agency does not terminate the interim collection authority under § 273.202. Accordingly, a seller who is awaiting jurisdictional agency reconsideration of a withdrawn affirmative determination may make interim collections under § 273.202. If the seller has previously filed the required interim collection data under § 273.202(d), he need not file it again.

(2) *Negative Determinations.* The provisions for affirmative determinations described in (1) above also apply to negative determinations. Accordingly, a seller who is awaiting jurisdictional agency reconsideration of a withdrawn negative determination may make interim collections under § 273.202. If he has previously filed the required interim collection data under § 273.202(d), he need not file it again.

Similarly, jurisdictional agency withdrawal of a notice of determination does not affect a seller's right to make retroactive collections under § 273.204. When a notice is withdrawn and a new notice is submitted to the Commission, the seller is eligible to make retroactive collections of the price which is finally determined to be the maximum lawful price by Commission order or by expiration of the Commission's review period. The seller may collect the difference between the determined maximum lawful price and any lesser price collected after the date the application was filed with the jurisdictional agency.

To summarize what we have explained in detail above, a seller's statutory right to make interim collections remains intact when a jurisdictional agency withdraws a notice of determination from the Commission, and the retroactive collection rules of § 273.204 continue to apply. No comments took issue with this conclusion.

C. Jurisdictional Agency Procedures Regarding Withdrawn Determinations

With respect to the rights of the seller or other parties during a jurisdictional agency's reconsideration of a withdrawn application, the Commission notes that section 503(c)(3) of the NGPA provides that determinations of a Federal or State agency shall be made in accordance with that agency's own procedures. The Statement of Managers of the NGPA states that any party aggrieved by procedural aspects of State or Federal agency determinations may pursue whatever appeal rights are otherwise available under State or Federal law. S. Rep. No. 95-1126, 95th Cong., 2d Sess. 119 (1978). Accordingly, comments concerning determination proceedings for withdrawn applications should be

directed to the appropriate jurisdictional agency. No comments took issue with this conclusion.

D. Withdrawal by Applicant

The other suggestion made in one of the comments concerned the fact that the Commission had made no provision for withdrawals by the applicant rather than by the jurisdictional agency. This comment proposed that we permit the applicant to seek withdrawal directly from the Commission, so long as (1) a time limit was set for refile, or (2) interim collections were cut off during the period the application was withdrawn.

We have adopted the suggestion that an applicant be permitted to seek withdrawal of an application for a determination which has been transmitted to the Commission for review.⁵ Regulations governing such withdrawals have been adopted in § 275.202(d). A withdrawal by an applicant may be effected by notifying the Commission, the jurisdictional agency, and the buyer at any time until the determination has been made final by Commission order or by operation of law. Such withdrawal will render the application (and the notice of determination on the application) a nullity. At that point, the applicant's right to make interim collections ceases, and he is required to make appropriate refunds under Part 273 if interim collections of the price applied for have been made.

Because the withdrawn application becomes a nullity, any subsequent application for a determination on the same well is not subject to the provisions of § 273.202(e). Accordingly, interim collections may be made under a subsequent application from the date of filing of such subsequent application. Any retroactive collections made after a final determination on the resubmitted application under § 273.204 may be made only for the period beginning on the date of the subsequent filing. As noted above, the original filing date will be a nullity.⁶

The Commission recognizes that a jurisdictional agency may not wish a notice of determination which it has submitted to the Commission to be rendered a nullity on the basis of a withdrawal by the applicant. (The

agency might prefer that the applicant be required to seek a withdrawal through the agency itself. Then, if the agency agreed to the withdrawal, it would effect it under the provisions of § 275.202(c)). Accordingly, any jurisdictional agency which prefers that its applicants follow a withdrawal procedure other than that adopted in § 275.202(d) should submit an alternative procedure to the Commission during the 60-day comment period described below. Any alternative plan provided by a jurisdictional agency and approved by the Commission for withdrawals by applicants will be incorporated by reference into the final regulations in this docket and will govern the withdrawal of any application filed with that particular agency.

E. Public Procedures and Effective Date

As noted on page 1 of this order, the Commission sought public comment in this docket on the Proposed Regulations regarding withdrawals. We are now adopting those proposed regulations, but with a number of amendments. Accordingly, further comment is sought before promulgation of final regulations.

Interested persons are invited to submit comments, data, views, or arguments with respect to this interim regulation. Comments should be submitted to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should refer to Docket No. RM79-66. An original and 14 copies should be filed. All comments received prior to 4:30 p.m. EDT, January 14, 1980, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection in the Commission's Office of Public Information, Room 1000 825 North Capitol Street, NE., Washington, D.C., during regular business hours.

The interim regulations adopted in this order promote administrative efficiency and relieve administrative burdens which would be imposed were the Commission required to review a determination which the jurisdictional agency wishes to reconsider prior to such review. Furthermore, they provide flexibility and avoid unnecessary restrictions upon applicants seeking determinations. Accordingly, we find there exists good cause to make them effective immediately on an interim basis.

(Department of Energy Organization Act, 42 U.S.C. 7107 *et seq.*, E.O. 12009, 42 F.R. 46267;

⁵ Procedures governing withdrawal of an application which has not been transmitted to the Commission are, of course, within the jurisdiction of the individual jurisdictional agency.

⁶ If an applicant were to withdraw his application from the jurisdictional agency before a notice of determination had been submitted to the Commission the same interim and retroactive collection situation would occur as if he had withdrawn the application from the Commission.

Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432).

In consideration of the foregoing, Parts 273 and 275 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, are amended as set forth below, effective immediately.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 275—COMMISSION DETERMINATIONS AND REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

§ 275.202 [Amended]

1. Section 275.202 is amended in paragraph (a) by deleting the phrase, "Except as provided in paragraph (b) of this section" and by substituting in lieu thereof the phrase, "Except as provided in paragraphs (b), (c) and (d) of this section".

2. Section 275.202(b) is amended by revising subparagraph (2) to read as follows:

§ 275.202 Commission review of final determinations.

(b) Incomplete notice.

Notwithstanding the provisions of paragraph (a) of this section, the 45-day period for Commission review of a determination shall not begin if:

(2) The Commission notifies the jurisdictional agency, the purchaser and the parties to the proceeding before the jurisdictional agency, within 45 days after the date on which the Commission receives notice of the determination, that the notice is incomplete.

§ 275.202 [Amended]

3. Section 275.202 is amended by redesignating paragraph (c) as paragraph (e); paragraph (d) as paragraph (f); paragraph (e) as paragraph (g); and by inserting new paragraphs (c) and (d) to read as follows:

(c) *Withdrawal of Notice.* (1) The jurisdictional agency may withdraw a notice of determination by giving notice as specified in paragraph (c)(2) of this section at any time prior to the issuance of a final order with respect to such determination under paragraphs (g)(1) and (g)(2) of this section, or at any time prior to the date such determination becomes final under paragraphs (a) or (g)(4) of this section. Such notice shall include the jurisdictional agency's reasons for the withdrawal.

(2) Withdrawal of a notice of determination shall take effect at such time as the jurisdictional agency has notified the Commission, the parties to the proceeding before the agency, and the purchaser of such withdrawal.

(3) Withdrawal of a notice of determination shall nullify such notice of determination.

(d) *Withdrawal of Application.* (1) An applicant may withdraw an application for a determination which is before the Commission by giving notice as specified in paragraph (d)(2) of this section at any time prior to the issuance of a final order with respect to such determination under paragraphs (g)(1) and (g)(2) of this section, or at any time prior to the date such determination becomes final under paragraphs (a) or (g)(4) of this section.

(2) Withdrawal of an application shall take effect at such time as the applicant has notified the Commission, the jurisdictional agency and the purchaser.

(3) Withdrawal of an application shall nullify such application and the notice of determination on such application.

(4) The applicant's right to make interim collections under Part 273 of this Chapter shall cease and the refund obligations of Part 273 of this chapter shall begin when the withdrawal takes effect under this paragraph.

PART 273—COLLECTION AUTHORITY; REFUNDS

§ 273.203 [Amended]

3. Section 273.203 is amended in paragraph (b)(2)(ii) by deleting "§ 275.202(e)" and by substituting in lieu thereof "275.202(g)".

[FR Doc. 79-35869 Filed 11-20-79; 8:45 am]
BILLING CODE 6450-95-M

18 CFR Part 284

[Docket No. RM79-75]

Certain Sales and Transportation of Natural Gas Policy Act of 1978 and Related Authorities; Order on Rehearing of Order No. 46

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order on Rehearing of Order No. 46.

SUMMARY: The Federal Energy Regulatory Commission (Commission) amended its regulations to provide (1) for pipelines to make requests for interpretation of rate questions from the Commission's Office of General Counsel, and (2) for automatic approval of an intrastate pipeline's proposed transportation rate unless the

Commission acts with 150 days of the receipt of the intrastate pipeline's rate application.

EFFECTIVE DATE: Effective December 14, 1979.

ADDRESSES: All filings should reference Docket No. RM79-75 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Robert Platt, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8454.

Federal Energy Regulatory Commission

Issued: November 14, 1979.

On August 30, 1979, the Federal Energy Regulatory Commission (Commission) issued Order No. 46, which contained the final rules implementing sections 311(a) and 312 of the Natural Gas Policy Act of 1978 (NGPA) 15 U.S.C. 3301 *et seq.* Section 311(a)(1) allows the Commission to authorize an interstate pipeline to transport natural gas on behalf of an intrastate pipeline or a local distribution company. Section 311(a)(2) allows the Commission to authorize an intrastate pipeline to transport natural gas on behalf of an interstate pipeline company or a local distribution company served by an interstate pipeline. Section 312 allows the Commission to authorize an intrastate pipeline to assign its surplus natural gas to an interstate pipeline or a local distribution company. Four applications for rehearing of Order No. 46 have been received, from the Railroad Commission of Texas (RR Commission), Texas Gas Transmission Corporation (Texas Gas), East Tennessee Natural Gas Company (East Tennessee) and Delhi Gas Pipeline Corporation (Delhi).

The RR Commission and Delhi object to the definition of "appropriate state regulatory agency." Both are uncertain as to whether the RR Commission falls within the scope of this definition.

In its motion filed September 28, 1979, the RR Commission states that it is required by statute to insure that jurisdictional rates are just and reasonable; that is, the utility shall be able to recover its operating expenses and earn a reasonable return on investment. Since the RR Commission's jurisdiction extends to city-gate service and transportation by intrastate

¹ That term was defined in § 284.128 in the interim rules, and in § 284.1(b) in the final rules. There is no substantive difference between the interim and final definitions.

pipelines, it appears that the RR Commission is an "appropriate state regulatory agency" within the meaning of § 284.1(b), at least insofar as it sets city-gate transportation rates. Based on our understanding of the RR Commission's operations, we find that the city-gate natural gas transportation rates set by the RR Commission are derived by applying a costing methodology such that the use of those rates for similar transactions under section 311(a)(2) will satisfy the statutory requirement that the rates are "fair and equitable" and not in excess of "an amount which is reasonably comparable to the rates and charges which interstate pipelines would be permitted to charge." See section 311(a)(2)(B)(i).²

Further, both the RR Commission and Delhi object to the use of the "cost-of-service" standard in the definition on the ground that the phrase is too vague. We will retain the standard, but will clarify its meaning.

The standard is intended to encompass those transportation rates which are set by a state regulatory agency under a methodology which considers the cost of providing the service rather than the price the service can demand. By cost we intend to include operating costs as well as a reasonable return on investment. If there is no rate setting review based upon the cost of providing the service, the rate is not "cost-based", and the agency setting the rate will not qualify under this definition. However, it is not intended that the methodologies utilized by the FERC are the only ones that can be deemed "cost-of-service." Any methodology that involves rate setting based on the cost of providing the service should satisfy the standard.³

Besides objection to the "cost-of-service" standard used by the Commission in implementing section 311(a)(2)(B)(i) in § 284.123, Delhi objects to using this approach for purposes of setting the transportation rates for services provided by the intrastate pipeline "in connection" with section 311(b) sales. (Section 311(b) allows the

Commission to authorize an intrastate pipeline to sell natural gas to an interstate pipeline or local distribution company. Section 311(b)(2)(B) requires the Commission to set, by rule, a method for computing the compensation due an intrastate pipeline for services rendered in connection with the sale.) Specifically, Delhi contends that the fair and equitable standard under section 311(a)(2)(B)(i) for setting section 311(a)(2) transportation rates differs from the statutory standards for setting the rates for services rendered in connection with section 311(b) sales, and thus the approach of § 284.123 need not be used for section 311(b) sales.

However, the language of section 311(b)(2)(B) is very similar to the language used in section 311(a)(2)(B)(ii). (Section 311(a)(2)(B)(ii) addresses the rates to be charged for services "connected" with the section 311(a)(2) transaction just as section 311(b)(2)(B) governs section 311(b) "connected" service rates). Both used the phrases "reasonably compensate" and "reasonable profit." In promulgating rules under these sections, we determined that it is reasonable to set rates under both sections by reference to the "fair and equitable" standard⁴ set forth in § 284.123. We will adhere to that view.

In addressing another aspect of § 284.123, Delhi made an incorrect inference based on Order No. 46's amendment to the language in § 284.123(b)(2). Delhi inferred that by allowing for an affirmative Commission order approving a section 311(a)(2) rate, the Commission has "dramatically shifted" * * * the burden of going forward in a rate proceeding. * * * Such is not the case; the final rule did not place any additional burdens on the intrastate pipeline. The intrastate pipeline which makes a rate filing under § 284.123(b)(2) can begin the transaction prior to Commission review, as it could under the interim rule. It must file "information showing that the proposed rates and charges are fair and equitable," as was required under the interim rule. And, as in the interim rule, the Commission cannot disapprove the rate without "affording notice and opportunity for oral presentation of views, data and arguments." Thus, providing for the specific approval of the rate should work to the advantage of the intrastate pipeline, because such approval would eliminate any uncertainty concerning the possibility that the Commission will

later disapprove the rate and order a refund under § 284.2(a).

However, the Commission has determined that a specific order should not be required to give the necessary rate certainty. Accordingly, § 284.123(b)(2) has been amended to provide that unless the Commission acts⁵ within 150 days of the date on which the Commission received notice of the proposed rate, an application filed under § 284.123(b)(2) will be deemed approved.⁶ Once the rate is deemed approved, the intrastate pipeline will not be subject to any retroactive refund obligation for failure of the rate charged to comply with the requirements of § 284.123(b)(2). However, the Commission can prospectively revoke its approval (or deemed approval) of the rate at any time.

Delhi also objected to our rejection, on page 4 of the Order No. 46, of the request that "if authorization under section 311(a) is found not to exist the parties to such a transaction be allowed to cease operations without having [Natural Gas Act] jurisdiction attach if the transaction was entered into in good faith."

Our position on this matter will not be changed. The Commission has jurisdiction under the Natural Gas Act over all companies engaged in the transportation or sale of natural gas in interstate commerce unless the company is exempted by some statutory provision. Section 601 of the NGPA grants such an exemption if the transaction is authorized by the Commission under section 311 or 312. However, if the transaction is not authorized under section 311 or 312, section 601 does not apply, and Natural Gas Act jurisdiction attaches. The statutory exemption in section 601 does not mention "good faith." Thus, the Commission has no authority to exempt from Natural Gas Act jurisdiction a party who, through a good faith mistake, engages in a jurisdictional activity.

Finally, Delhi objects to § 284.163(b), which limits the price that can be paid under a self-executing section 312 assignment. The limit in both the interim and final rule is the section 102 maximum lawful price for new natural gas. Delhi requests that it be allowed to self-execute assignments priced up to

² An additional point should be stressed: if a state agency makes no review of the cost of a particular service, the rate for that service would not qualify as being set on a cost-of-service basis. Thus, a state regulatory agency may be "appropriate" within the meaning of the definition for some rates under its jurisdiction, but not for others.

³ City-gate rates to distribution companies tend to be cost-based whether or not they are regulated under a specific tariff. It was with this in mind that the words "city-gate" were inserted in § 284.123(b)(1)(i) (A) and (B). Likewise, the word "comparable" in § 284.123(b)(ii) is intended to refer to city-gate service; a delivery of natural gas directly to an industrial user would not qualify as a "comparable" service.

⁴ On page 107 of the Joint Explanatory Statement of the Committee on Conference the term "fair and equitable" is used in describing the total rate to be charged under section 311(b).

⁵ The Commission can act by extending the 150 day period, or by instituting a proceeding to examine the rate more fully.

⁶ For section 311(a)(2) rates set in accordance with § 284.123(b)(1), as well for any section 311(a)(1) rates, the transporting pipeline may request an interpretation pursuant to § 1.42 of our regulations regarding whether the rate complies with the regulations. Section 284.6 has been included in Subpart A to specifically provide for these interpretations.

the section 102 ceiling plus state severance taxes. The Commission will maintain this ceiling price for self-executing assignments because we continue to believe that relatively expensive natural gas assignments should receive scrutiny. We have chosen as the appropriate cut-off point for scrutiny the section 102 maximum lawful price. The price set for section 102 gas provides a reasonable point for defining "relatively extensive natural gas assignment" for the purpose of determining which transactions to examine. Moreover, it is administratively useful in a way the suggested figure is not. The section 102 price type of figure is uniform throughout the country and is thus administratively simple to apply in selecting which transaction to examine. If our future experience in this area indicates a need to set a higher cut-off point for self-executing assignments, we can do so in the future. Under the present rule higher priced assignments can go forward after Commission approval and this approval will be required for transactions which exceed the section 102 price with no additions.

The two other issues raised in the applications for rehearing involve section 311(a)(1) transportation by interstate pipelines. Texas Gas requests that the Commission allow budget-type construction authorization for facilities that must be constructed to effectuate a section 311(a)(1) transaction. The Commission has permitted such authorization with respect to facilities that are jurisdictional under the Natural Gas Act, in its final rules issued on November 1, 1979, in consolidated Docket Nos. RM79-37 and RM79-43.

Finally, East Tennessee states that the "flowback" rule of § 284.103(d) does not take into account the special circumstances of those interstate pipelines which also perform services which are not subject to the jurisdiction of the Commission under the Natural Gas Act.⁷ East Tennessee suggests that the Commission should allow a pipeline with "jurisdictional" and "nonjurisdictional" customers to allocate the revenue between the two, and flow back through Account 191 only the revenues attributable to the jurisdictional customers.

The Commission agrees that such an allocation is proper. The Commission rules require that the interstate pipeline credit only that portion of the revenues (in excess of 1 cent per MMBtu) properly

allocable to its jurisdictional customers. The allocation should, as a general matter, be based on the pipeline's ratio of (1) sales for resale subject to regulation under the Natural Gas Act, to (2) total sales, on a monthly basis.

The amendments to the Part 284 regulations which are contained in this Order on Rehearing have been reached after consideration of the comments on these rules received under Docket No. RM79-3, and in consideration of the above referenced applications for rehearing. Accordingly, we find that further notice and public procedure is unnecessary and impracticable and that good cause exists to dispense with additional public procedure and to issue these amendments as final rules.

(Natural Gas Act, as amended, 15 U.S.C. 717 *et seq.*, Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.*, Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*, E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Subparts A and C of Part 284 of Subchapter I, Chapter I, Title 18, Code of Federal Regulations, are amended as set forth below, effective 30 days from the date of issuance of this order.

By the Commission.
Kenneth F. Plumb,
Secretary.

1. Subpart A of Part 284 is amended by adding a new section to read as follows:

§ 284.6 Rate Interpretations.

(a) *Procedure.* A pipeline may obtain an interpretation pursuant to § 1.42 of this chapter concerning whether particular rates and charges comply with the requirements of this Part.

(b) *Address.* Requests for interpretations should be addressed to: FERC Part 284 Interpretations, Office of General Counsel, Suite 8000, 825 North Capitol Street, Washington, D.C. 20036.

2. Section 284.123 is amended by deleting subparagraph (b)(2) and inserting the following in lieu thereof:

§ 284.123 Rates and charges.

* * * * *

(b) Elections.

* * * * *

(2)(i) If an intrastate pipeline does not choose to make any election under paragraph (b)(1), of this section it shall apply for Commission approval, by order, of the proposed rates and charges by filing with the Commission the proposed rates and charges, and information showing the proposed rates and charges are fair and equitable. Upon filing the petition for approval, the intrastate pipeline may commence the transportation service and charge and

collect the proposed rate, subject to refund.

(ii) 150 days after the date on which the Commission received an application filed pursuant to paragraph (b)(2)(i) of this section, the rate proposed in the application will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for providing similar transportation service, unless within the 150 day period, the Commission either extends the time for action, or institutes a proceeding in which all interested parties will be afforded an opportunity for written comments and for the oral presentation of views, data and arguments. In such proceeding, the Commission either will approve the rate or disapprove the rate and order refund, with interest, of any amount which has been determined to be in excess of those shown to be fair and equitable or in excess of the rates and charges which interstate pipelines would be permitted to charge for providing similar transportation service.

(iii) A Commission order approving or disapproving a transportation rate under this subparagraph supersedes a rate determined in accordance with paragraph (b)(1) of this section.

[FR Doc. 79-35834 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1625 and 1627

Age Discrimination in Employment; Final Interpretations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final interpretations.

SUMMARY: On July 1, 1979, pursuant to Reorganization Plan No. 1 of 1978, 43 FR 19807 (May 9, 1978), responsibility and authority for enforcement of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621, 623, 625, 626-633 and 634 (ADEA) was transferred from the Department of Labor to the Equal Employment Opportunity Commission. The Commission assumed enforcement of the ADEA on that date. Prior to the transfer of authority which occurred on July 1, 1979, the Department of Labor published for comment in the *Federal Register* proposed amendments to their existing interpretations of the ADEA. These proposed amendments included sections entitled "Exemption for certain tenured employees at institutions of higher learning" and "Exemption for

⁷ Section 284.103(d) requires all but one cent of section 311(a)(1) transportation revenues to be credited to the interstate pipeline's Purchased Gas Adjustment account, Account 191.

certain executive and high policymaking employees." Insofar as those sections have already been published for public comment, they are herein published as final interpretations of the Commission with certain changes made by the Department of Labor after careful consideration was given to the written comments on the proposed amendments.

EFFECTIVE DATE: Since the following final agency interpretations are interpretive rules or statements of policy, the 30-day delay in effective date as prescribed in Section 553(d) of Title 5 U.S. Code, does not apply. Accordingly, these interpretations are effective November 21, 1979.

FOR FURTHER INFORMATION CONTACT: John Pagano, Office of the General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, NW., Room 2254, Washington, D.C. 20506, telephone (202) 634-6595.

SUPPLEMENTARY INFORMATION: On December 12, 1978, prior to the transfer of authority to the EEOC, the Department of Labor published its proposal to add new § 860.98 (now § 1625.11) to the Interpretive Bulletin in order to set forth the Department's interpretation of section 12(d) of the Act, which took effect on January 1, 1979, when the maximum age of individuals in the private sector and non-Federal public sector protected by the Act was extended from age 65 to 70. See 43 FR 58154-58156. Section 12(d) provides a temporary exemption for newly-protected employees, serving under a contract or similar arrangement of unlimited tenure, at an institution of higher education. The statutory text provides:

(d) Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965).

As provided by section 3(b)(3) of the 1978 amendments, this exemption is repealed on July 1, 1982. The proposal took the position that an individual would not be subject to the exemption if the individual is employed by an institution of higher education as of July 1, 1982, regardless of whether his or her duties for the current academic year ceased before that date. The proposal also took the position that receipt of regular salary and employee benefits (except retirement benefits) would be treated as conclusive proof of an employment relationship.

After reviewing the comments and reconsidering these proposed positions, the Department of Labor, with present concurrence from the EEOC, decided that modifications are necessary. The underlying problem raised by the comments relating to the July 1, 1982 repeal date is that where a tenured employee reaches age 65 before July 1, the contract (or similar arrangement) providing for unlimited tenure sometimes does not expire until a month or two after that date, even though the employee is no longer "serving" under the contract (or similar arrangement) because all job duties and responsibilities have ceased prior to July 1.

This situation usually occurs because the college or university's 12-month fiscal year ends on July 31 or even August 31, instead of on June 30, which is the typical end of the fiscal year at many, if not most, institutions. Mandatory retirement (and the concomitant cessation of tenure) is usually effective at the end of the fiscal year, largely as a matter of administrative convenience.

However, even where an employee who reaches age 65 prior to July 1 enjoys tenured status for a month or two thereafter before mandatory retirement, that employee would in most instances have no duties or responsibilities imposed by the college or university after commencement (or after papers and examinations have been graded) in May or June. The individual need not maintain office hours, attend committee meetings, conduct classes or seminars, or even be present on campus. Where a tenured employee with such freedom has attained age 65 before July 1, 1982, he or she cannot truly be said to be "serving" under a contract (or similar arrangement) providing for unlimited tenure, within the meaning of the exemption. The statutory requirement that the employee be "serving" under such a contract (or similar arrangement) obviously contemplates that the employee have certain duties or responsibilities which he or she is obligated to fulfill.

Where a tenured employee has reached age 65 and has ceased all job duties and responsibilities prior to July 1, 1982, it makes no sense that the exemption should apply or not apply, as the case may be, solely because the date on which tenure ceases (that is, the last day of the institution's fiscal year) may be a month or two after June 30 instead of on June 30. This view is confirmed by the legislative history. In the conference committee meeting on March 2, 1978, the conferees initially reached tentative

agreement that the exemption would be repealed three years after the age cap was raised from 65 to 70. However, it was noted that such a repeal would occur on January 1, 1982, before the tenured employee's duties would have ceased for that academic year. The conferees therefore agreed upon July 1, 1982 as the date of repeal, thereby allowing a tenured employee who reaches age 65 at any time through June 30, 1982 to fall within the exemption, if his or her duties had ceased by that time.

In order to effect the change described above, proposed § 1625.11(a)(2) has been revised.

On a related matter, just as tenured status may extend a month or two past the cessation of job duties and responsibilities, so too may salary payments and entitlement to fringe benefits (apart from retirement benefits). This often occurs because the individual has chosen to be paid in 12 installments, rather than in nine, or that the benefit plan provides for coverage of a retiring employee for a certain period after actual retirement (e.g., 30 or 60 days). Moreover, as discussed above, even if the individual is still technically an "employee" for a brief period after July 1, 1982, he or she may not be "serving" under a contract (or similar arrangement) providing for unlimited tenure. In light of these considerations, the reference to salary and employee benefits as conclusive proof of an employment relationship has been removed.

Another principal problem of interpretation presented by this exemption was whether the word "employee" in Section 12(d) should be restricted to those whose sole (or at least primary) duty is teaching or should include such people as research staff, deans, etc. The concept of tenure has traditionally been applied to teachers as a means of assuring academic freedom. On the other hand, when the exemption emerged from the Senate Committee, there was a companion provision exempting tenured "teachers" employed by a local educational agency of a state (see S. Rept. No. 95-493, p. 9). Failure to use the same word in Section 12(d), which instead specifies "any employee" (emphasis added), suggests that a broader application of the exemption was in fact intended with regard to institutions of higher education. Indeed, although the Senate floor debates refer largely to "teachers", there is also discussion of the exemption as applying to all tenured "faculty members" (see 123 Cong. Rec. S17278-S17295). This is reflected in the Conference Committee

Report, which states that the exemption permits the mandatory retirement of "faculty members" (H.R. Rept. No. 95-950, p. 10), as well as in the statements of the House and Senate floor managers (124 Cong. Rec. H2270, S4449). While faculties may differ from one institution to another, they are usually comprised of those groups of employees who are eligible to receive "tenure." Moreover, while teachers do constitute the largest group of employees eligible for tenure at any institution of higher education, certain other groups (such as academic deans, scientific researchers, professional librarians and counselling staff) are frequently also eligible. See, e.g., Commission of Academic Tenure in Higher Education, *Faculty Tenure* (San Francisco: Jossey-Bass, Inc., Publishers, 1973), p. 77.

In light of this legislative history and these facts, the Department of Labor's proposed interpretation did not limit the exemption solely to teachers who meet the tenure requirements. None of the commenters objected to this position, and the final interpretation adopts it without change.

Another major problem arose with regard to the phrase "unlimited tenure," which is not defined in the Act. The Department of Labor's proposed interpretation adopted the almost universally accepted definition of academic "tenure" set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, jointly adopted by the Association of American Colleges and American Association of University Professors. See *Faculty Tenure*, supra, pp. 251-252. See also *AAUP Policy Documents and Reports*, 1977 edition (American Association of University Professors, Washington, D.C.), p. 2. No commenters objected to this approach.

The commenters were divided as to whether the Commission, in addition to adopting the basic definition of tenure in the 1940 Statement of Principles, should also adopt the detailed minimum standards for tenure set forth in the 1940 Statement of Principles and described therein as "acceptable academic practice." The legislative history of the exemption shows clear Congressional recognition that there are certain rights and privileges associated with tenure. Senator Chafee, who introduced the measure, referred to a wide range of policies and practices, such as the important requirement that an institution must "prove incompetence or just cause" before discharging a tenured employee (123 Cong. Rec. S17286; see also 123 Cong. Rec. S17279, S17287). Although the legislative history does not contain a comprehensive list of the

minimum standards required for a tenure system to qualify under the exemption, the standards specifically discussed in the floor debates indicate that the sponsors had in mind the most widely accepted detailed standards as set forth in the 1940 Statement of Principles. The Department of Labor therefore adopted those standards in the proposed interpretation.

Some commenters nevertheless objected to the explicit reference to and quotation from the 1940 Statement of Principles. Their primary objection was that, although the 1940 Statement has been adopted or endorsed by the overwhelming majority of institutions of higher education, some institutions of higher education maintain tenure policies or practices which are substantially different. Moreover, these commenters expressed a concern that even a slight variance from the standards set forth in the 1940 Statement of Principles would be deemed sufficient to deny the exemption.

Where an institution of higher education has tenure policies or practices which are substantially different from the 1940 Statement of Principles, an employee of the institution will not be deemed to be serving under a contract of "unlimited tenure" within the meaning of the Section 12(d) exemption. However, the Commission's proposal was not intended to require an institution to follow the 1940 Statement of Principles to the letter, in order for the exemption to apply. The proposed interpretation merely noted that arrangements which "meet (the detailed minimum standards) will *** satisfy the tenure requirements of the exemption." In order to make clear that these detailed minimum standards need not necessarily be met in every particular aspect, a new paragraph has been added to the final interpretation, in which the views set forth above are expressly stated.

The proposed interpretation also dealt with the issue of whether employees who fall within the exemption may be offered a change in position or status, which is short of forced retirement, and which therefore allows them to remain as employees. The statutory text by its terms excuses only "compulsory retirement." However, if this language were interpreted literally, it would lead to the anomalous result that an employer having an employee within the exemption would be able to force the employee to retire, but would not be able to offer the employee nontenured status or (in the case of a full-time employee) a part-time position. Neither

the Department of Labor nor the EEOC believe that the exemption was intended to lead to such a situation. In light of these considerations, where an employee falls within the exemption, the Commission will not question a conversion to part-time status or other change in position or status short of forced retirement: *Provided*, That the employee voluntarily accepts this new position or status, and that he or she is treated no less favorably than similarly situated younger employees. The proposed interpretation reflected this position.

The commenters generally agreed with this position. However, several suggested that the interpretation be modified so that an individual within the exemption who voluntarily accepts a nontenured position could be forced to retire thereafter on the basis of age. The Commission does not adopt the suggested change in the final interpretation. While the exemption does not require an institution of higher education to offer an employee a nontenured position or status in lieu of compulsory retirement, neither does it permit discrimination on the basis of age against an employee who accepts such employment from the institution.

The Department of Labor published its proposal to add a new subsection (c) to § 850.1 (now § 1627.1, see 44 FR 38459 (July 2, 1979)) and a new § 850.17 (now § 1627.17, see 44 FR 38459 (July 2, 1979)) to the Regulations under the ADEA, and its proposal to add a new § 860.97 (now § 1625.12) to the Interpretative Bulletin on the ADEA on December 12, 1978 (see 43 FR 58148). The purpose of these additions is to take account of an exemption in Section 12(c) of the Act which took effect on January 1, 1979, when the maximum age of individuals in the private sector and the non-Federal public sector protected by the Act was extended from age 65 to age 70. The exemption is as follows:

(c)(1) Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least \$27,000.

(2) In applying the retirement benefit test of paragraph (1) of this subsection, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions,

such benefit shall be adjusted in accordance with regulations prescribed by the Secretary, after consultation with the Secretary of the Treasury, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

Paragraph (1) of the exemption describes the types of employees who fall within it; paragraph (2) requires that the Commission issue regulations indicating how the \$27,000 annual retirement benefit is to be calculated under specified circumstances. The final regulation with respect to paragraph (2) is contained in new subsection (c) to § 1627.1 and new § 1627.17.

With regard to § 1627.1(c), the proposed regulation as originally published set forth the purpose and scope of the regulation in § 1627.17. There are no changes in § 1627.1(c).

With regard to §§ 1627.17 (a) and (b), the proposed regulation as originally published merely set forth the text of the exemption in Section 12(c) of the Act. This remains unchanged in the final regulation.

With regard to § 1627.17(c), the proposed regulation took the position that an employee, in order to fall within the exemption, must have the option of in fact receiving, during each year of his or her lifetime following retirement, at least \$27,000 per year (exclusive of amounts attributable to Social Security, employee contributions, rollover contributions and contributions of prior employers). (A retirement benefit which excludes amounts attributable to these sources is sometimes referred to herein as a "qualified" retirement benefit.) This requirement was deemed met where the employee has the option of receiving, during each year of his or her lifetime following retirement, an annual payment of at least \$27,000, or periodic payments on a more frequent basis which, in the aggregate, equal at least \$27,000 per year. The requirement was also deemed met where the employee has the option of receiving, upon retirement, a lump sum payment with which it is possible to purchase a single life annuity (with no ancillary benefits) yielding at least \$27,000 per year.

Where an employee who has any of the options described above instead freely selects still another available option (or options) providing for payments after his or her death, the proposed regulation took the position that the value of these payments may be included in determining whether all of the retirement benefits are actuarially equivalent to a single life annuity (with no ancillary benefits) of at least \$27,000 per year. On the other hand, where an

employee has no choice but to have certain benefits provided after his or her death, the value of these benefits may not be included in this determination.

This approach was intended to assure that "no employee who is required to receive less than \$27,000 per year during his or her lifetime in retirement (because of other benefits being provided only after death) will fall within the exemption." 43 FR 58149 (Dec. 12, 1978).

Several commenters pointed out that the proposed regulation would exclude from the calculation of the \$27,000 retirement benefit those amounts which are derived from many unfunded deferred compensation plans. Such plans encompass a wide variety of arrangements under which compensation to an employee for past or current service is postponed to some future date. Such a plan often does not provide a single life annuity option but instead provides for a specified number of annual installments. Nor does a deferred compensation plan typically provide for a lump sum payment, because of adverse tax consequences.

Section 12(c)(1) of the Act expressly provides that the calculation of qualified retirement benefits includes, *inter alia*, benefits from a "deferred compensation plan." Inasmuch as the proposed regulation would in many if not most instances exclude benefits from such plans, the final regulation has been changed slightly in order to avoid writing such plans out of the exemption. Under the new test, where an employee is entitled to benefits from a deferred compensation plan, it is permissible to count the following amount toward the \$27,000 test: The aggregate value of the employer's contributions, as of the date of the employee's retirement, with respect to those installment payments which are scheduled to be made within the period of life expectancy of the employee.

With regard to § 1627.17(d), the proposed regulation, in accord with the language and legislative history of Section 12(c)(1) of the Act, took the position that the only retirement benefits which may be counted towards the \$27,000 annual benefit are those from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans. The value of benefits from any other employee benefit plan, such as health or life insurance, could therefore not be counted.

The comments raised a question as to whether an employer could supplement the retirement benefits payable to an employee in order to reach the \$27,000 annual benefit level necessary to claim the exemption. Under the proposed

regulation, this issue was not specifically addressed. Under the final interpretation, the only benefits which may be counted are those authorized by and provided under the terms of a pension, profit-sharing, savings, or deferred compensation plan. Benefits from other sources, or provided under other plans, cannot be counted. The reason for this limitation is that these are the only plans referred to by the statutory language.

Another issue not specifically addressed by the proposed regulation was whether an employee may unilaterally withdraw employer contributions from a plan in order to avoid receiving a \$27,000 annual retirement benefit, if such withdrawals are authorized by the plan's terms. To present such a practice at least partially, some commenters have recommended that the proposed regulation be changed to exclude from the calculation of qualified retirement benefits all supplemental payments by employers or contribution withdrawals by employees which occur during the 2-year period immediately before retirement. However, there is no support in the statutory language or legislative history of the Act for such an approach. Accordingly, the proposed regulation is adopted in final form without the suggested changes.

With regard to § 1627.17(e), in accord with the statutory language and the legislative history, the proposed regulation excluded from the calculation of qualified retirement benefits amounts attributable to Social Security, employee contributions, rollovers and contributions of prior employers.

The proposed regulation did not set forth any special rules explaining how amounts attributable to Social Security are to be calculated. These amounts appear to be readily determinable. Since no comments were received with regard to the handling of Social Security, the regulation in paragraph (1) was adopted without change.

Excluding amounts attributable to employee contributions required further explanation. In this regard, the proposed regulation generally followed Section 411(c) of the Internal Revenue Code (as added to the Code by the Employee Retirement Income Security Act of 1974 (ERISA)), and the Treasury regulations thereunder.

Commenters favored the Commission's reliance on the principles in Section 411(c) and the Treasury regulations. However, a number of comments pointed out a deviation from those principles and requested that the proposed regulation be changed to conform. Specifically, proposed

§ 1627.17(e)(2)(ii)(B) required that, in determining the amounts attributable to employee contributions under a defined benefit plan for which separate accounts are not maintained, interest at the rate of 5 percent be credited to the employee's contributions "from the time each such contribution was made" until the date of retirement. On the other hand, the Internal Revenue Code/ERISA provision requires that 5 percent interest be credited on and after the January 1, 1976 effective date of ERISA and, for periods up to that date, requires only that interest be credited at the rate (if any) specified under the plan as then in existence. Since there does not appear to be any reason why the same rule should not apply under the ADEA, the final regulation adopts the distinction between the crediting of interest before and after the date a plan became subject to ERISA.

The proposed regulation also dealt with the issue of excluding contributions by prior employers from the determination of the value of the retirement benefits. The purpose of this restriction, according to the legislative history, is to assure that "the employee's retirement income will be adjusted to reflect the level of retirement income actually provided by the employer wishing to initiate compulsory retirement." S. Rept. No. 95-493, p. 8.

The contributions to the pension, profit-sharing, savings, or deferred compensation plan made by the employer which actually makes the decision to force the employee to retire may be counted, as the legislative history makes clear. The proposed regulation added to this test the further requirement that the employer which in fact forces the employee to retire must be the employer which customarily and regularly makes such decisions. This second requirement was intended to close what was seen as a loophole. For example, if a subsidiary of a parent corporation customarily and regularly makes its own decisions about whether to discharge employees (and institute other important personnel actions), the subsidiary might ask the parent to force an employee to retire on account of age so that both parent and subsidiary would be deemed the last employer, with the result that pension contributions made by both could be counted towards the \$27,000. The proposed regulation closed this loophole.

Numerous commenters objected to the second requirement. They agreed that Congress intended to exclude from the calculation of qualified retirement benefits those amounts provided by

prior employers unrelated to the current employer. However, they contended that there was no evidence of congressional intent to preclude the aggregating of retirements benefits accrued by an employee while in the employ of affiliated companies, such as parents and subsidiaries, and brother and sister corporations.

In this connection, it is a well-established fact that employees are frequently transferred between parent and subsidiary companies, or among brother and sister corporations within a family of business organizations, as a part of normal executive development. In this way, the employees learn first-hand about many of the various business activities of the entire family of companies and thereby tend to enhance their opportunities for promotion to greater responsibilities and higher income. Under the proposed interpretation, however, because of the way in which it distinguished current from prior employers, these very employees would be much less likely to fall within the exemption than would employees who spend their entire careers with a single subsidiary or other business unit and never work elsewhere in the family of companies. After considering these and similar anomalies, the Commission has concluded that there is no purpose of the exemption which would be served by allowing the bona fide executive who stays with one entity of the business family to fall within the exemption, while preventing the exemption from applying to the bona fide executive who is identical in every respect except for having moved around among various entities within the same family companies.

The largest number of comments on this issue suggested that because the exemption itself relies on concepts taken from the Internal Revenue Code and ERISA, the Commission should adopt the special "controlled group" rule under Section 414(b), 414(c) and 415(h) of the Internal Revenue Code (26 U.S.C. 414(b), 414(c) and 415(h)) and Section 210(c) and 210(d) of ERISA (29 U.S.C. 1060(c) and 1060(d)). Those subsections provide in substance that retirement benefits accrued while in the employ of affiliated corporations, partnerships, proprietorships and all other trades or businesses, which have at least a 50 percent ownership in common, are required to be aggregated and considered as if accrued in the employ of a single employer.

In the final interpretation, the Department does adopt the "controlled group" approach. This is a well-known concept under the Internal Revenue

Code and ERISA; it better reflects economic realities among executives and high policymakers; and it avoids many anomalies that the proposed interpretation would have lead to. However, it should be noted that this special use of the term "employer" in the Section 12(c) exemption does not affect the normal meaning of the term elsewhere in the ADEA, as defined in Section 11(b) and as construed by the courts.

§ 1625.12(a)

The proposed interpretation as originally published set forth the text of the exemption in Section 12(c)(1) of the Act. This remains the same in the final interpretation.

§ 1625.12(b)

The proposed interpretation set forth two well established principles of statutory construction: That exemptions from remedial legislation must be narrowly construed, and that persons seeking to invoke such an exemption must prove that every element has been clearly and unmistakably met. This subsection remains unchanged in the final version.

§ 1625.12(c)

The proposed interpretation dealt with the issue of whether employees who fall within the exemption may be offered a change in position or status which is short of forced retirement, and which therefore allows them to remain as employees. The statutory test by its terms excuses only "compulsory retirement." However, if this language were interpreted literally, it would lead to the anomalous result that an employer having an employee within the exemption would be able to force the employee to retire, but would not be able to offer the employee a position of lesser status or (in the case of a full-time employee) a part-time position.

The Commission does not believe that the exemption was intended to lead to such a situation. In light of these considerations, where an employee falls within the exemption the Commission will not question an offer of a position of lesser status, conversion to part-time status, or other change in position or status short of forced retirement, provided that the employee voluntarily accepts this new position or status, and that he or she is thereafter treated no less favorably than similarly situated younger employees.

Several commenters suggested that the proposed interpretation be modified to permit the forced retirement (at any time after age 65) of an employee who was subject to the exemption but who,

in order to avoid retirement after attaining age 65, accepted a job which is not a bona fide executive or a high policymaking position. The Commission does not adopt the suggested change in the final interpretation. While the exemption does not require an employer to offer an employee a job with reduced status in lieu of mandatory retirement, neither does it permit an employer to discriminate against an employee who voluntarily accepts such a job, and thereby removes himself or herself from the exemption.

§ 1625.12 (d), (e)

The proposed interpretation of paragraph (1) of the exemption adopted most of the joint explanatory statement of the House and Senate conferees contained in the Conference Committee Report (H.R. Rept. No. 95-950, pp. 8-10). That statement consists largely of a description of the kinds of "executive" and "high policy-making" employees intended to be exempted by the provision. While this description provides a general indication of what kinds of employees are exempt, it does not purport to indicate in every instance whether or not the exemption may apply.

In the supplementary information accompanying the proposed interpretation, the Commission therefore requested comments on the desirability of describing "executive" employees in terms of an annual dollar volume test for the establishment or department supervised or in terms of a minimum number of employees supervised. 43 FR 58148-58149 (Dec. 12, 1978). Only a few comments were received, several objecting to any such descriptive definition. Two commenters did suggest that the top 2 or 3 percent of employees in any company be treated as executives for purposes of the exemption. On further inquiry, however, it appears that the number of executive positions may be substantially lower than that in many large manufacturing concerns, but substantially higher in some small professional services firms. Since insufficient data was a series of concrete examples of employees subject to the exemption, the proposed interpretation is continued without change.

§ 1625.12(f)

The proposed interpretation followed the statutory requirement that an employee must have been in a bona fide executive or high policy-making position, within the meaning of the exemption, "for the 2-year period immediately before retirement * * *". This requirement, according to the

legislative history, prevents an employer from placing an employee within such a position just before age 65 (or any other age less than 70) in order to be able to force the employee to retire on account of age (Conference Report, p. 9).

In response to questions posed by one comment, the final interpretation makes clear that an employee who holds two or more different positions during the 2-year period is subject to the exemption only if each such job is an executive or high policymaking position.

§ 1625.12(g)

The proposed interpretation referred to the statement in the Conference Committee Report that the exemption is not applicable to Federal employees covered by Section 15 of the Act (H.R. Rept. No. 95-950, p. 10). The final version is unchanged.

§ 1625.12(h)

The proposed interpretation stated that the "annual retirement benefit," referred to in the exemption, is the sum of qualified benefits received during each one-year period from the date on which such benefits first become receivable by the retiree. There were no comments regarding the proposed interpretation, which is adopted without change.

§ 1625.12(i)

The proposed interpretation required that benefit payments, in order to be counted towards the \$27,000 annual minimum, must be made or commence within 60 days after the employee's retirement. This provision was intended to give reasonable meaning to the statutory requirement that the employee be entitled to "immediate" payment of the annual retirement benefit.

Many commenters advocated that the Commission adopt instead the rule under ERISA. Under ERISA, benefit payments must begin not later than 60 days after the close of a specified plan year (depending upon the age of the employee, years of participation in the plan, or date of termination of service) (see section 206(a) of ERISA and section 401(a)(14) of the Internal Revenue Code, as added by section 1021(d) of ERISA). The 60-day period starts running at the end of the plan year, and not at the date of retirement, in order to avoid any disruption in those plans which begin benefits for all retired employees on the same date.

However, if this same rule were applied under the ADEA exemption, a bona fide executive or high policymaking employee who is forced to retire because of age might have to wait as long as 14 months to receive any

benefits, depending on how early in the plan year he or she was forced to retire. This result would be contrary to the ADEA's requirement that the \$27,000 annual retirement benefit be an "immediate" one. Under the Commission's ADEA interpretation, if an employee within the exemption were a participant in a plan providing for benefit payments within 60 days after the end of the plan year, the employee could not be forced to retire until the last day of the plan year. However, as the final interpretation also provides, an employee who is entitled to receive benefits within 60 days after retiring would not be removed from the exemption where he or she freely elects to start receiving benefits at some later time.

§ 1625.12(k)

The proposed interpretation dealt with the statutory requirement that the annual retirement benefit be "nonforfeitable."

Commentators have expressly requested the Commission to reconcile the proposed interpretation with section 411(a)(3) of the Internal Revenue Code (26 U.S.C. 411(a)(3)). Under section 411(a)(3), retirement benefits derived from employer contributions are not treated as forfeitable solely because the plan provides that such benefits are discontinued in certain situations on account of death, or suspended during certain periods of reemployment. Nor does section 411(a)(3) treat such benefits as forfeitable under certain limited circumstances where retroactive amendments to the plan are permitted in order to decrease plan liabilities. Finally, under section 411(a)(3), benefits derived from employer contributions are not treated as forfeitable where, under statutorily specified circumstances, the plan participant, in withdrawing his or her own mandatory contributions, thereby loses the right to receive the employer's contributions.

The proposed interpretations did not refer to these exceptions. However, the exceptions are specifically permitted by the Internal Revenue Code (as amended by ERISA) and are not irreconcilable with the term "nonforfeitable" as used in section 12(c) of the ADEA. Accordingly, the Commission has chosen to adopt these section 411(a)(3) exceptions in its interpretation.

Another issue raised by the commenters is the effect of the nonforfeitability requirement on unfunded deferred compensation plans. Paragraph (1) of proposed § 1625.12(k) stated that if an employee is subject to plan provisions which could cause the cessation of payments to a retiree or

could reduce payments below \$27,000, then the exemption would not apply. The commenters noted, however, that many unfunded deferred compensation plans are subject to forfeiture clauses in order to assure, for tax purposes, that the money promised under the plan will not be deemed to have been "constructively received" prior to retirement. (Where the money is deemed to be "constructively received" prior to retirement, it is considered as current income, rather than deferred income.)

The Commission does not believe that this comment necessitates any change in its proposed interpretation. The interpretation deals only with forfeiture clauses which could reduce or eliminate money paid to employees *after retirement*; it does not deal with forfeiture clauses which affect employees *before retirement*. As a result, clauses which provide for forfeiture of funds before retirement (and thereby avoid "constructive receipt" problems) could still be included in deferred compensation plans. However, where any money is in fact forfeited prior to retirement pursuant to such a clause, it is clear that none of the forfeited funds could be counted towards the \$27,000 statutory requirement.

Paragraph (2) of the proposed interpretation stated that "as of the effective date of the retirement in question, there must be at least a reasonable expectation that the plan will be sufficiently funded to meet its obligations" (emphasis added). Several commenters questioned how the proposed interpretation would apply to those deferred compensation plans which are unfunded.

An employee who participates in an unfunded deferred compensation plan does not have an individual account in which retirement funds are placed over the years, nor does the employer necessarily set aside funds periodically for the employee's benefit to cover the promised future payment. Deferred compensation plans tend to be unfunded for the same reason that they are subject to contingencies which can result in their forfeiture prior to retirement—to assure that the employee will not be deemed to have "constructively received" any funds prior to retirement. If no money is set aside for the benefit of the employee prior to retirement, there is no money which can be "constructively received."

In light of this situation, the requirement in the proposed interpretation that the plan be sufficiently "funded" could well write all unfunded deferred compensation plans out of the exemption. The

Commission believes that this would be contrary to congressional intent. Such unfunded plans are generally provided for the very key top executives for whom the exemption was designed. Moreover, where there is a reasonable expectation that the plan will pay the promised benefit, the Commission does not believe that employers providing such unfunded plans should be required to set aside funds earmarked for the employee in question. The interpretation has therefore been changed to state that there must be "at least a reasonable expectation that the plan will meet its obligations," thereby leaving out the previous reference to funding.

This document was originally prepared under the direction of the Deputy Administrator, Wage and Hour Division of the Department of Labor with the assistance of the Office of the Solicitor and the concurrence of the Office of the General Counsel of the Equal Employment Opportunity Commission. In addition, in accordance with Executive Order 12067, the Commission has solicited the views of affected Federal agencies.

Signed at Washington, D.C., this 14th day of November 1979.

For the Commission,
Eleanor Holmes Norton,
Chair, Equal Employment Opportunity Commission.

Accordingly, new §§ 1625.11, 1625.12, 1627.17, and new paragraph (c) of § 1627.1 are added to Title 29, Code of Federal Regulations.

Subpart A—General

§ 1627.1 Purpose and scope.

(c) Subpart D of this part sets forth the Commission's regulations issued pursuant to section 12(c)(2) of the Act, providing that the Secretary of Labor, after consultation with the Secretary of the Treasury, shall prescribe the manner of calculating the amount of qualified retirement benefits for purposes of the exemption in section 12(c)(1) of the Act.

Subpart D—Statutory Exemption

§ 1627.17 Calculating the amount of qualified retirement benefits for purposes of the exemption for bona fide executives or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide

executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least \$27,000." The Commission's interpretative statements regarding this exemption are set forth in § 1625 of this chapter.

(b) Section 12(c)(2) of the Act provides:

In applying the retirement benefit test of paragraph (a) of this subsection, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit shall be adjusted in accordance with regulations prescribed by the Commission, after consultation with the Secretary of the Treasury, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

(c)(1) The requirement that an employee be entitled to the equivalent of a \$27,000 straight life annuity (with no ancillary benefits) is satisfied in any case where the employee has the option of receiving, during each year of his or her lifetime following retirement, an annual payment of at least \$27,000, or periodic payments on a more frequent basis which, in the aggregate, equal at least \$27,000 per year: *Provided, however*, That the portion of the retirement income figure attributable to Social Security, employee contributions, rollover contributions and contributions of prior employers is excluded in the manner described in paragraph (e) of this section. (A retirement benefit which excludes these amounts is sometimes referred to herein as a "qualified" retirement benefit.)

(2) The requirement is also met where the employee has the option of receiving, upon retirement, a lump sum payment with which it is possible to purchase a single life annuity (with no ancillary benefits) yielding at least \$27,000 per year as adjusted.

(3) The requirement is also satisfied where the employee is entitled to receive, upon retirement, benefits whose aggregate value, as of the date of the employee's retirement, with respect to those payments which are scheduled to be made within the period of life expectancy of the employee, is \$27,000 per year as adjusted.

(4) Where an employee has one or more of the options described in paragraphs (c) (1)–(3) of this section, but instead selects another option (or

options), the test is also met. On the other hand, where an employee has no choice but to have certain benefits provided after his or her death, the value of these benefits may not be included in this determination.

(5) The determination of the value of those benefits which may be counted towards the \$27,000 requirement must be made on the basis of reasonable actuarial assumptions with respect to mortality and interest. For purposes of excluding from this determination any benefits which are available only after death, it is not necessary to determine the life expectancy of each person on an individual basis. A reasonable actuarial assumption with respect to mortality will suffice.

(6) The benefits computed under paragraphs (c)(1), (2) and (3) of this section shall be aggregated for purposes of determining whether the \$27,000 requirement has been met.

(d) The only retirement benefits which may be counted towards the \$27,000 annual benefit are those from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans. Such plans include, but are not limited to, stock bonus, thrift and simplified employee pensions. The value of benefits from any other employee benefit plans, such as health or life insurance, may not be counted.

(e) In calculating the value of a pension, profit-sharing, savings, or deferred compensation plan (or any combination of such plans), amounts attributable to Social Security, employee contributions, contributions of prior employers, and rollover contributions must be excluded. Specific rules are set forth below.

(1) *Social Security.* Amounts attributable to Social Security must be excluded. Since these amounts are readily determinable, no specific rules are deemed necessary.

(2) *Employee contributions.* Amounts attributable to employee contributions must be excluded. The regulations governing this requirement are based on section 411(c) of the Internal Revenue Code and Treasury Regulations thereunder (§ 1.411(c)-(1)), relating to the allocation of accrued benefits between employer and employee contributions. Different calculations are needed to determine the amount of employee contributions, depending upon whether the retirement income plan is a defined contribution plan or a defined benefit plan. Defined contribution plans (also referred to as individual account plans) generally provide that each participant has an individual account and the participant's benefits are based solely on the account balance. No set

benefit is promised in defined contribution plans, and the final amount is a result not only of the actual contributions, but also of other factors, such as investment gains and losses. Any retirement income plan which is not an individual account plan is a defined benefit plan. Defined benefit plans generally provide a definitely determinable benefit, by specifying either a flat monthly payment or a schedule of payments based on a formula (frequently involving salary and years of service), and they are funded according to actuarial principles over the employee's period of participation.

(i) *Defined contribution plans.—(A) Separate accounts maintained.* If a separate account is maintained with respect to an employee's contributions and all income, expenses, gains and losses attributable thereto, the balance in such an account represents the amount attributable to employee contributions.

(B) *Separate accounts not maintained.* If a separate account is not maintained with respect to an employee's contributions and the income, expenses, gains and losses attributable thereto, the proportion of the total benefit attributable to employee contributions is determined by multiplying that benefit by a fraction—

(1) The numerator of which is the total amount of the employee's contributions under the plan (less withdrawals), and

(2) The denominator of which is the sum of the numerator and the total contributions made under the plan by the employer on behalf of the employee (less withdrawals).

Example: A defined contribution plan does not maintain separate accounts for employee contributions. An employee's annual retirement benefit under the plan is \$40,000. The employee has contributed \$96,000 and the employer has contributed \$144,000 to the employee's individual account; no withdrawals have been made. The amount of the \$40,000 annual benefit attributable to employee contributions is $\$40,000 \times \$96,000 / \$96,000 + \$144,000 = \$16,000$. Hence the employer's share of the \$40,000 annual retirement benefit is \$40,000 minus \$16,000 or \$24,000—too low to fall within the exemption.

(ii) *Defined benefit plans.—(A) Separate accounts maintained.* If a separate account is maintained with respect to an employee's contributions and all income, expenses, gains and losses attributable thereto, the balance in such an account represents the amount attributable to employee contributions.

(B) *Separate accounts not maintained.* If a separate account is not maintained with respect to an employee's contributions and the income, expenses,

gains and losses attributable thereto, all of the contributions made by an employee must be converted actuarially to a single life annuity (without ancillary benefits) commencing at the age of forced retirement. An employee's accumulated contributions are the sum of all contributions (mandatory and, if not separately accounted for, voluntary) made by the employee, together with interest on the sum of all such contributions compounded annually at the rate of 5 percent per annum from the time each such contribution was made until the date of retirement. *Provided, however,* That prior to the date any plan became subject to section 411(c) of the Internal Revenue Code, interest will be credited at the rate (if any) specified in the plan. The amount of the employee's accumulated contribution described in the previous sentence must be multiplied by an "appropriate conversion factor" in order to convert it to a single life annuity (without ancillary benefits) commencing at the age of actual retirement. The appropriate conversion factor depends upon the age of retirement. In accordance with Rev. Rul. 76-47, 1976-2 C.B. 109, the following conversion factors shall be used with respect to the specified retirement ages:

Retirement age:	Conversion factor percent
65 through 66.....	10
67 through 68.....	11
69.....	12

Example: An employee is scheduled to receive a pension from a defined benefit plan of \$50,000 per year. Over the years he has contributed \$150,000 to the plan, and at age 65 this amount, when contributions have been compounded at appropriate annual interest rates, is equal to \$240,000. In accordance with Rev. Rul. 76-47, 10 percent is an appropriate conversion factor. When the \$240,000 is multiplied by this conversion factor, the product is \$24,000, which represents that part of the \$50,000 annual pension payment which is attributable to employee contributions. The difference—\$26,000—represents the employer's contribution, which is too low to meet the test in the exemption.

(3) *Contributions of prior employers.* Amounts attributable to contributions of prior employers must be excluded.

(i) *Current employer distinguished from prior employers.* Under the section 12(c) exemption, for purposes of excluding contributions of prior employers, a prior employer is every previous employer of the employee except those previous employers which are members of a "controlled group of corporations" with, or "under common control" with, the employer which forces the employee to retire, as those terms are used in sections 414 (b) and 414(c) of the Internal Revenue Code, as modified

by section 414(h) (26 U.S.C. 414(b), (c) and (h)).

(ii) *Benefits attributable to current employer and to prior employers.* Where the current employer maintains or contributes to a plan which is separate from plans maintained or contributed to by prior employers, the amount of the employee's benefit attributable to those prior employers can be readily determined. However, where the current employer maintains or contributes to the same plan as prior employers, the following rule shall apply. The benefit attributable to the current employer shall be the total benefit received by the employee, reduced by the benefit that the employee would have received from the plan if he or she had never worked for the current employer. For purposes of this calculation, it shall be assumed that all benefits have always been vested, even if benefits accrued as a result of service with a prior employer had not in fact been vested.

(4) *Rollover contributions.* Amounts attributable to rollover contributions must be excluded. For purposes of § 1627.17(e), a rollover contribution (as defined in sections 402(a)(5), 403(a)(4), 408(d)(3) and 409(b)(3)(C) of the Internal Revenue Code) shall be treated as an employee contribution. These amounts have already been excluded as a result of the computations set forth in § 1627.17(e)(2). Accordingly, no separate calculation is necessary to comply with this requirement.

§ 1625.11 Exemption for employees serving under a contract of unlimited tenure.

(a)(1) Section 12(d) of the Act, added by the 1978 amendments, provides: "Nothing in this act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1201(a) of the Higher Education Act of 1965)."

(2) This exemption from the Act's protection of covered individuals took effect on January 1, 1979, and is repealed on July 1, 1982 (see sections 3(b)(1) and 3(b)(3) of the Age Discrimination in Employment Act Amendments of 1978, Pub. L. 95-256, 92 Stat. 189). Individuals who attain age 65 prior to July 1, 1982 and all of whose job duties and responsibilities cease prior to that date will not be considered outside the exemption merely because their contract (or similar arrangement) providing for unlimited tenure expires on or after July 1, 1982.

(b) Since section 12(d) is an exemption from the nondiscrimination requirements of the Act, the burden is on the one seeking to invoke the exemption to show that every element has been clearly and unmistakably met. Moreover, as with other exemptions from the ADEA, this exemption must be narrowly construed.

(c) Section 1201(a) of the Higher Education Act of 1965, as amended by 20 U.S.C. 403(b), provides in pertinent part:

The term "institution of higher education" means an educational institution in any state which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner (of Education) for this purpose or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. * * *

The definition encompasses almost all public and private universities and two- and four-year colleges. The omitted portion of the text of section 1201(a) refers largely to one-year technical schools, which generally do not grant tenure to employees, but which, if they do, are also eligible to claim the exemption.

(d)(1) Use of the term "any employee" indicates that application of the exemption is not limited to teachers, who are traditional recipients of tenure. The exemption may also be available with respect to other groups, such as academic deans, scientific researchers, professional librarians and counseling staff, who frequently have tenured status.

(2) The Conference Committee Report on the 1978 amendments expressly states that the exemption does not apply to Federal employees covered by section

15 of the Act (H.R. Rept. No. 95-950, p. 10).

(e)(1) The phrase "unlimited tenure" is not defined in the Act. However, the almost universally accepted definition of academic "tenure" is an arrangement under which certain appointments in an institution of higher education are continued until retirement for age or physical disability, subject to dismissal for adequate cause or under extraordinary circumstances on account of financial exigency or change of institutional program. Adopting that definition, it is evident that the word "unlimited" refers to the duration of tenure. Therefore, a contract (or other similar arrangement) which is limited to a specific term (for example, one year or 10 years) will not meet the requirements of the exemption.

(2) The legislative history shows that Congress intended the exemption to apply only where the minimum rights and privileges traditionally associated with tenure are guaranteed to an employee by contract or similar arrangement. While tenure policies and practices vary greatly from one institution to another, the minimum standards set forth in the 1940 Statement of Principles on Academic Freedom and Tenure, jointly developed by the Association of American Colleges and the American Association of University Professors, have enjoyed widespread adoption or endorsement. The 1940 Statement of Principles on academic tenure provides as follows:

(a) After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigencies.

In the interpretation of this principle it is understood that the following represents acceptable academic practice:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. Notice should be given at least

one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

(3) During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

(4) Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, should, if possible, be considered by both a faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused teacher should be informed before the hearing in writing of the charges against him and should have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He should be permitted to have with him an advisor of his own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of teachers and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.

(5) Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

(3) A contract or similar arrangement which meets the standards in the 1940 Statement of Principles will satisfy the tenure requirements of the exemption. However, a tenure arrangement will not be deemed inadequate solely because it fails to meet these standards in every respect. For example, a tenure plan will not be deemed inadequate solely because it includes a probationary period somewhat longer than seven years. Of course, the greater the deviation from the standards in the 1940 Statement of Principles, the less likely it is that the employee in question will be deemed subject to "unlimited tenure" within the meaning of the exemption. Whether or not a tenure arrangement is adequate to satisfy the requirements of the exemption must be determined on the basis of the facts of each case.

(f) Employees who are not assured of a continuing appointment either by contract of unlimited tenure or other similar arrangement (such as a state statute) would not, of course, be exempted from the prohibitions against compulsory retirement, even if they perform functions identical to those performed by employees with appropriate tenure.

(g) An employee within the exemption can lawfully be forced to retire on account of age at age 65 or above. In addition, the employer is free to retain such employees, either in the same

position or status or in a different position or status: *Provided*, That the employee voluntarily accepts this new position or status. For example, an employee who falls within the exemption may be offered a nontenured position or part-time employment. An employee who accepts a nontenured position or part-time employment, however, may not be treated any less favorably, on account of age, than any similarly situated younger employee (unless such less favorable treatment is excused by an exception to the Act).

§ 1625.12 Exemption for bona fide executive or high policymaking employees.

(a) Section 12(c)(1) of the Act, added by the 1978 amendments, provides: "Nothing in this Act shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age but not 70 years of age, and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee which equals, in the aggregate, at least \$27,000."

(b) Since this provision is an exemption from the non-discrimination requirements of the Act, the burden is on the one seeking to invoke the exemption to show that every element has been clearly and unmistakably met. Moreover, as with other exemptions from the Act, this exemption must be narrowly construed.

(c) An employee within the exemption can lawfully be forced to retire on account of age at age 65 or above. In addition, the employer is free to retain such employees, either in the same position or status or in a different position or status. For example, an employee who falls within the exemption may be offered a position of lesser status or a part-time position. An employee who accepts such a new status or position, however, may not be treated any less favorably, on account of age, than any similarly situated younger employee.

(d)(1) In order for an employee to qualify as a "bona fide executive," the employer must initially show that the employee satisfies the definition of a bona fide executive set forth in § 541.1 of this chapter. Each of the requirements in paragraphs (a) through (e) of § 541.1 must be satisfied, regardless of the level of the employee's salary or compensation.

(2) Even if an employee qualifies as an executive under the definition in § 541.1 of this chapter, the exemption from the ADEA may not be claimed unless the employee also meets the further criteria specified in the Conference Committee Report in the form of examples (see H.R. Rept. No. 95-950, p. 9). The examples are intended to make clear that the exemption does not apply to middle-management employees, no matter how great their retirement income, but only to a very few top level employees who exercise substantial executive authority over a significant number of employees and a large volume of business. As stated in the Conference Report (H.R. Rept. No. 95-950, p. 9):

Typically the head of a significant and substantial local or regional operation of a corporation [or other business organization], such as a major production facility or retail establishment, but not the head of a minor branch, warehouse or retail store, would be covered by the term "bona fide executive." Individuals at higher levels in the corporate organizational structure who possess comparable or greater levels of responsibility and authority as measured by established and recognized criteria would also be covered.

The heads of major departments or divisions of corporations [or other business organizations] are usually located at corporate or regional headquarters. With respect to employees whose duties are associated with corporate headquarters operations, such as finance, marketing, legal, production and manufacturing (or in a corporation organized on a product line basis, the management of product lines), the definition would cover employees who head those divisions.

In a large organization the immediate subordinates of the heads of these divisions sometimes also exercise executive authority, within the meaning of this exemption. The conferees intend the definition to cover such employees if they possess responsibility which is comparable to or greater than that possessed by the head of a significant and substantial local operation who meets the definition.

(e) The phrase "high policymaking position," according to the Conference Report (H.R. Rept. No. 95-950, p. 10), is limited to " * * * certain top level employees who are not 'bona fide executives' * * *." Specifically, these are:

* * * individuals who have little or no line authority but whose position and responsibility are such that they play a significant role in the development of corporate policy and effectively recommend the implementation thereof.

For example, the chief economist or the chief research scientist of a corporation typically has little line authority. His duties would be primarily intellectual as opposed to executive or managerial. His responsibility would be to evaluate significant economic or

scientific trends and issues, to develop and recommend policy direction to the top executive officers of the corporation, and he would have a significant impact on the ultimate decision on such policies by virtue of his expertise and direct access to the decisionmakers. Such an employee would meet the definition of a "high policymaking" employee.

On the other hand, as this description makes clear, the support personnel of a "high policymaking" employee would not be subject to the exemption even if they supervise the development, and draft the recommendation, of various policies submitted by their supervisors.

(f) In order for the exemption to apply to a particular employee, the employee must have been in a "bona fide executive or high policymaking position," as those terms are defined in this section, for the two-year period immediately before retirement. Thus, an employee who holds two or more different positions during the two-year period is subject to the exemption only if each such job is an executive or high policymaking position.

(g) The Conference Committee Report expressly states that the exemption is not applicable to Federal employees covered by section 15 of the Act (H.R. Rept. No. 95-950, p. 10).

(h) The "annual retirement benefit," to which covered employees must be entitled, is the sum of amounts payable during each one-year period from the date on which such benefits first become receivable by the retiree. Once established, the annual period upon which calculations are based may not be changed from year to year.

(i) The annual retirement benefit must be immediately available to the employee to be retired pursuant to the exemption. For purposes of determining compliance, "immediate" means that the payment of plan benefits (in a lump sum or the first of a series of periodic payments) must occur not later than 60 days after the effective date of the retirement in question. The fact that an employee will receive benefits only after expiration of the 60-day period will not preclude his retirement pursuant to the exemption, if the employee could have elected to receive benefits within that period.

(j)(1) The annual retirement benefit must equal, in the aggregate, at least \$27,000. The manner of determining whether this requirement has been satisfied is set forth in § 1627.17(c).

(2) In determining whether the aggregate annual retirement benefit equals at least \$27,000, the only benefits which may be counted are those authorized by and provided under the terms of a pension, profit-sharing,

savings, or deferred compensation plan. (Regulations issued pursuant to section 12(c)(2) of the Act, regarding the manner of calculating the amount of qualified retirement benefits for purposes of the exemption, are set forth in § 1627.17 of this Chapter.)

(k)(1) The annual retirement benefit must be "nonforfeitable." Accordingly, the exemption may not be applied to any employee subject to plan provisions which could cause the cessation of payments to a retiree or result in the reduction of benefits to less than \$27,000 in any one year. For example, where a plan contains a provision under which benefits would be suspended if a retiree engages in litigation against the former employer, or obtains employment with a competitor of the former employer, the retirement benefit will be deemed to be forfeitable. However, retirement benefits will not be deemed forfeitable solely because the benefits are discontinued or suspended for reasons permitted under section 411(a)(3) of the Internal Revenue Code.

(2) An annual retirement benefit will not be deemed forfeitable merely because the minimum statutory benefit level is not guaranteed against the possibility of plan bankruptcy or is subject to benefit restrictions in the event of early termination of the plan in accordance with Treasury Regulation 1.401-4(c). However, as of the effective date of the retirement in question, there must be at least a reasonable expectation that the plan will meet its obligations.

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DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 724

Revision of Naval Discharge Review Board Regulations

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: This rule revises the Navy regulations governing the functions and procedures of the Naval Discharge Review Board. This revision reflects the provisions of Part 70 of Title 32, Code of Federal Regulations, Pub. L. 95-126, Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics) memorandum of March 30, 1978, (FR Doc. 78-11025 published at FR page 17355 on April 24, 1978), and it also reflects the refinement of certain

changes to the discharge review regulations made pursuant to a District Court approved settlement. This revision is intended to provide more comprehensive guidance for the Naval Discharge Review Board and for those who bring matters before it.

EFFECTIVE DATE: The Department of the Navy Manual for Discharge Review, 1979, is effective from April 19, 1979, and is applicable to all cases pending before the Naval Discharge Review Board as well as to new applications.

FOR FURTHER INFORMATION CONTACT: Rear Admiral John M. Delargy, U.S. Navy, Director, Naval Council of Personnel Boards, Room 911, 801 North Randolph Street, Arlington, Virginia 22203, telephone number (202) 696-4355.

SUPPLEMENTARY INFORMATION: Under the authority of 10 U.S.C. 1553, the Secretary of the Navy has established the Naval Discharge Review Board and has, from time to time, promulgated regulations governing the functions and procedures of the Board. On April 19, 1979, the Secretary approved the Department of the Navy Manual for Discharge Review, 1979, revising the prior direction contained in Part 724 of Title 32, Code of Federal Regulations (1978). The revised Naval Discharge Review Board instruction prescribes Naval Discharge Review Board organization, the authority and jurisdiction of the Naval Discharge Review Board, policy and procedure pertaining to the review of discharges from the naval service, designates and directs the Naval Discharge Review Board to make final determination as to whether discharges from the naval service should be changed and the nature of the change, if warranted, and revises procedures for those decisions of the Naval Discharge Review Board to be reviewed by the Secretary. By this revision a petitioner may submit contentions and/or issues of fact, law, or discretion at any time prior to the Board's consideration of the case, and the Board is required to provide appropriate statements of its findings, reasons and conclusions. Since these rules specify Naval Discharge Review Board procedures to be followed and since no substantive comments were received in response to the notice of rulemaking published April 8, 1977, and since many of these changes are required under the provisions of Part 70 of Title 32, Code of Federal Regulations, and Pub. L. 95-126, and reflect refinements of certain changes to the discharge review regulations made pursuant to a stipulation of dismissal approved by the United States District Court for the District of Columbia on

January 31, 1977, it has been determined that further invitation for public comment on these changes prior to adoption would be unnecessary and impractical, and therefore not required under the public rulemaking provisions in Parts 296 and 701 of 32, Code of Federal Regulations. However, interested persons are invited, on a continuing basis to comment in writing on these revised Naval Discharge Review Board regulations. Comments should be submitted to the Director, Naval Council of Personnel Boards. All written material received will be available for public inspection during normal business hours in the Director's office and will be considered before taking action on any future revisions of these regulations.

In consideration of the foregoing and for the reasons given by the authority of section 301, Title I, Act of June 22, 1944, (10 U.S.C. 1553), 32 CFR Part 724 is revised as follows:

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Appendix A—Methods by which individuals may be involuntarily separated from the Naval Service (other than by reason of being physically unfit).

Appendix B—Policy statements by the Secretary of Defense—addressing certain categories of discharges.

Appendix C—Oath of Affirmation to be administered to Discharge Review Board members.

Appendix D—Principal forms employed by the Naval Discharge Review Board.

Appendix E—Veterans' benefits.

Authority:—10 U.S.C. § 1553.

Subpart A—Definitions

§ 224.101 Naval service.

The naval service is comprised of the uniformed members of the United States Navy and the United States Marine Corps, including active and inactive reserve components.

§ 224.102 Naval Discharge Review Board.

An administrative board established by the Secretary of the Navy pursuant to Title 10, United States Code, section 1553, for the review of discharges of former members of the naval service.

§ 224.103 Naval Discharge Review Board Panel.

An element of the Naval Discharge Review Board, consisting of five members, authorized to review discharges. In plenary review session, a Naval Discharge Review Board Panel acts with the authority delegated by the Secretary of the Navy to the Naval Discharge Review Board.

§ 224.104 Naval Discharge Review Board Traveling Panel.

A Naval Discharge Review Board Panel that travels for the purpose of conducting personal appearance discharge review hearings in locations outside the Washington, D.C. area.

§ 224.105 President, Naval Discharge Review Board.

A senior officer of the naval service designated by the Secretary of the Navy who is responsible for the direct supervision of the discharge review function within the naval service. (See Subpart J of this part.)

§ 224.106 Presiding Officer, Naval Discharge Review Board Panel.

The senior member of a Naval Discharge Review Board Panel shall be the Presiding Officer. He shall convene, recess, and adjourn the Naval Discharge Review Board Panels as appropriate.

§ 224.107 Discharge.

(a) In the context of the review function prescribed by 10 U.S.C. 1553, a discharge or dismissal is a complete separation from the naval service, other than one pursuant to the sentence of a general court-martial.

(b) By reason of usage, the term "discharge" is predominantly applicable to the separation of enlisted personnel for any reason, and the term "dismissal" to the separation of officers as a result of Secretarial or general court-martial action; however, Appendix A to this

part sets forth other applicable separations.

(c) In the context of the mission of the Naval Discharge Review Board, the term "discharge" used in this part shall, for purpose of ease of expression, include any complete separation from the naval service other than that pursuant to the sentence of general court-martial.

(d) The term "discharge" also includes the type of discharge and the reason/basis for that discharge, e.g. Undesirable/Misconduct (Civil Conviction).

§ 224.108 Administrative discharge.

A discharge upon expiration of enlistment or required period of service, or prior thereto, in a manner prescribed by the Commandant of the Marine Corps or the Chief of Naval Personnel, but specifically excluding separation by sentence of a court-martial.

§ 224.109 Characterization of service for administrative separations.

(a) A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are:

(1) *Honorable*. A separation from the naval service with honor. The issuance of an Honorable Discharge is contingent upon proper military behavior and performance of duty.

(2) *Under Honorable Conditions (also termed General Discharge)*. A separation from the naval service under honorable conditions is contingent upon military behavior and performance of duty which is not sufficiently meritorious to warrant an Honorable Discharge.

(3) *Under Other Than Honorable Conditions (formerly termed Undesirable Discharge)*. A separation from the naval service under conditions other than honorable. It is issued to terminate the service of a member of the naval service for one or more of the reasons/bases listed in the current editions of the Bureau of Naval Personnel Manual, Marine Corps Separation and Retirement Manual and their predecessor publications.

§ 224.110 Reasons/bases for administrative discharges.

The terms "reason for discharge" and "basis for discharge" have the same meaning. The first is a Navy term and the second is a Marine Corps term. These terms identify why an administrative discharge was issued, e.g., Convenience of the Government, Misconduct. Reasons/bases for discharge are found in the Bureau of Naval Personnel Manual and Marine

Corps Separation and Retirement Manual as well as their predecessor publications.

§ 224.111 Punitive discharge.

A discharge awarded by sentence of a court-martial. There are two types of punitive discharges:

(a) *Bad conduct*. A separation from the naval service under conditions other than honorable. It may be effected only as a result of the approved sentence of a general or special court-martial.

(b) *Dishonorable*. A separation from the naval service under dishonorable conditions. It may be effected only as a result of the approved sentence of a general court-martial.

§ 224.112 Clemency discharge.

(a) The clemency discharge was created by the President on September 16, 1974, in his Proclamation 4313, "Announcing a Program for the Return of Vietnam Era Draft Evaders and Military Deserters." Upon issuance to individuals who have an undesirable discharge or a punitive discharge, a clemency discharge serves as a written testimonial to the fact that the individual has satisfied the requirements of the President's program, and has fully earned his return to the mainstream of American society in accordance with that program.

(b) The clemency discharge is a natural discharge, neither honorable or less than honorable. It does not effect a change in the characterization of the individual's military service as having been under other than honorable conditions, nor does it serve to change, seal, erase or in any way modify the individual's past military record. Therefore, if the underlying discharge was issued as a result of a general court-martial, the issuance of a Clemency Discharge does not subject the underlying characterization to review under 10 U.S.C. 1553. Clemency Discharges are issued by the Chief of Naval Personnel or the Commandant of the Marine Corps when an individual has met the requirements.

§ 224.113 Application.

In the context of this part, a written application to the Naval Discharge Review Board for review of discharge submitted by a former member of the naval service or, where a former member is deceased or incompetent, by spouse, next of kin or legal representative. Department of Defense Form 293 is used for application. (Appendix D of this part.)

§ 724.114 Applicant.

A former member of the naval service who has been discharged administratively in accordance with the directives of the naval service or by sentence of a special court-martial under Title 10, U.S.C. 801 *et seq.* (Uniform Code of Military Justice) and, in accordance with statutory and regulatory provisions:

(a) Whose case is considered by Naval Discharge Review Board at the request of the former member, or, if authorized under § 724.113, the surviving spouse, next-of-kin or legal representative, or

(b) Whose case is considered on the Naval Discharge Review Board's own motion (*see* § 724.318).

§ 724.115 Next-of-kin.

The person or persons in the highest category of priority as determined by the following list (categories appear in descending order of priority): Surviving legal spouse; children (whether current or prior marriage) age 18 years or older in descending precedence by age; father or mother, unless by court order custody has been vested in another (adoptive parent takes precedence over natural parent); siblings (whole or half) age 18 years or older in descending precedence by age; grandfather or grandmother; any other relative (precedence to be determined in accordance with the civil law of descent of the deceased former member's state of domicile at time of death). (Reference Bureau of Naval Personnel Instruction 1770.2 series).

§ 724.116 Legal representative.

The person(s) representing the interests of the member or former member. Proof of proper interest shall be submitted as may be required by the Naval Discharge Review Board.

§ 724.117 Counsel/representative.

An individual or agency designated by the applicant who agrees to represent the applicant in a case before the Naval Discharge Review Board. It includes but is not limited to: a lawyer who is a member of the bar of a Federal court or of the highest court of a state; an accredited representative designated by an organization recognized by the Administrator of Veterans' affairs; a representative from a state agency concerned with veterans' affairs; and representatives from private organizations or local government agencies.

§ 724.118 Discharge review.

Reappraisal at the level of the Navy Department of discharges from the naval service. The object of the reappraisal is

to determine whether the discharge should be changed, and if so, the nature of the change. This reappraisal includes the type and reason/basis for separation, the procedures followed in accomplishing separation, and the characterization of service. This term includes determinations made under the provisions of Title 38, United States Code, section 3103(e).

§ 724.119 Documentary discharge review.

A formal session of the Naval Discharge Review Board convened for the purpose of reviewing, on the basis of documentary data, an applicant's discharge. The documentary data shall include the application together with all information accompanying that application, available service and medical records, and any other information considered relevant by the Naval Discharge Review Board.

§ 724.120 Personal appearance discharge review.

A formal session of the Naval Discharge Review Board convened for the purpose of reviewing an applicant's discharge on the basis of personal appearance, as well as documentary data. The personal appearance may be by the applicant or by a representative of the applicant, or both.

§ 724.121 Findings upon contentions/issues.

A statement of substantiated evidence which provides the basis for conclusions and reasons with respect to contentions/issues.

§ 724.122 Conclusions upon contentions/issues.

Judgments that contentions/issues are either valid or invalid.

§ 724.123 Reasons for findings/conclusions.

A statement which supports the conclusion as to the validity, or invalidity, of a contention/issue, based upon the findings on that contention/issue.

§ 724.124 Findings upon which decision is based.

A statement which identifies the applicant's current discharge, the change(s) the applicant has requested, and a summary of the previous conclusions on contentions/issues which support the decision/recommendation.

§ 724.125 Conclusions upon which decision/recommendation is based.

A statement of whether or not the type and/or reason/basis of the applicant's discharge should be changed and, if changed, the changes to be made.

§ 724.126 Reason upon which decision/recommendation is based.

Statements supporting the conclusions upon which the decision/recommendation is based and when the full relief requested is not granted, the reasons why.

§ 724.127 Decision/recommendation.

A determination as to whether or not a discharge should be changed.

Subpart B—Authority for Departmental Discharge Review**§ 724.201 Authority.**

The Naval Discharge Review Board, established pursuant to 10 U.S.C. 1553, is a component of the Naval Council of Personnel Boards. By Secretary of the Navy Instruction 5430.7 series, Subject: Assignment of Responsibilities to and among the Civilian Executive Assistants to the Secretary of the Navy, the Assistant Secretary of the Navy (Manpower, Reserve Affairs, and Logistics) is authorized and directed to act for the Secretary of the Navy within his assigned area of responsibility and exercises direct supervision over the Naval Council of Personnel Boards. Secretary of the Navy Instruction 5420.135 series, Subject: Naval Council of Personnel Boards, states the organization, mission, duties, and responsibilities of the Naval Council of Personnel Boards to include the Naval Discharge Review Board. By Chief of Naval Operations Notices 5420 of September 9, 1976, and January 24, 1977, the Chief of Naval Operations approved the Naval Council of Personnel Boards as a shore activity with the following mission statement:

To administer and supervise assigned boards and councils.

§ 724.202 Statutory/directive authority.

The Naval Discharge Review Board, in its conduct of discharge reviews, shall be guided by the applicable statutes, regulations, bureau manuals, directives of the Department of the Navy, and other written public expressions of policy by competent authority.

(a) 10 U.S.C. 1553, Review of discharge or dismissal:

(a) The Secretary concerned shall, after consulting the Administrator of Veterans' Affairs, establish a board of review, consisting of five members, to review the discharge or dismissal (other than a discharge or dismissal by sentence of a general court-martial) of any former member of an armed force under jurisdiction of his department upon its own motion or upon the request of the former member, or, if he is dead, his surviving spouse, next-of-kin, or legal representative. A motion or request for

review must be made within 15 years after the date of the discharge or dismissal.

(b) A board established under this section may, subject to review by the Secretary concerned, change a discharge or dismissal, or issue a new discharge, to reflect its findings.

(c) A review by the board established under this section shall be based on the records of the armed forces concerned and such other evidence as may be presented to the board. A witness may present evidence to the board in person or by affidavit. A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Administrator of the Veterans' Affairs under Chapter 59 of Title 38.

(b) Pub. L. 95-126. See Appendix E of this part.

(c) 32 CFR Part 70. This provides for uniform standards and procedures for review of discharges from the military services of the Department of Defense. The provisions of 32 CFR Part 70 are incorporated in this part.

(d) The Secretary of Defense memoranda dated August 13, 1971 and April 28, 1972. These directed a review for recharacterization of (1) administrative discharges under other than honorable conditions issued solely on the basis of personal use of drugs or possession of drugs for the purpose of such use, and (2) punitive discharges and dismissals issued solely for conviction of personal use of drugs and possession for the purpose of such use, for those discharges executed as a result of a case completed or in process on or before July 7, 1971. (See Appendix B).

(e) 32 CFR Part 41. This prescribes policy, standards and procedure which govern the administrative separation of enlisted persons from the armed forces.

Subpart C—Policy Pertaining to Review of Naval Discharges

§ 724.301 Broad objectives of naval discharge review.

Naval discharge review shall have as its broad objectives:

(a) The furtherance of good order and discipline,

(b) The correction of injustice or inequity in the discharge issued,

(c) The correction of administrative or clerical errors.

§ 724.302 Eligibility for naval discharge review.

Any former member of the naval service, eligible for review under 10 U.S.C. 1553, or surviving spouse, next of kin or legal representative, shall upon submission of an application be afforded a review of the member's discharge from the naval service as provided in §§ 724.303 and 724.304.

Discharge review may also be initiated on the motion of the Naval Discharge Review Board. (See § 724.318.)

§ 724.303 Authority for review of naval discharges; jurisdictional limitations.

(a) The board shall have no authority to:

- (1) Review a discharge or dismissal resulting from a general court-martial;
- (2) Revoke any discharge or dismissal;
- (3) Reinstate a person in the naval service; or
- (4) Recall a former member to active duty.

(b) Review of naval discharge shall not be undertaken in instances where the elapsed time between the date of discharge and the date of receipt of application for review exceeds fifteen years. Pub. L. 95-126, however, provides that any former member administratively discharged under other than honorable conditions, and otherwise eligible to make application for review may do so without regard to the 15-year limitation period in Title 10, United States Code, section 1553 if such application is received prior to January 1, 1980. (See Appendix E of this part.)

§ 724.304 Jurisdictional determinations.

The determination as to whether the Naval Discharge Review Board has jurisdiction in any case shall be predicated on the policy stated in § 724.303 above. Decisions shall be made by administrative action without referral to the Naval Discharge Review Board. Normally, they shall be made by the Executive Secretary of the Naval Discharge Review Board, or they may be referred to the President, Naval Discharge Review Board.

§ 724.305 Disposition of applications for discharge review.

One of three dispositions will be made of an application for review of a discharge:

(a) The application may be denied for reason of:

- (1) Absence of jurisdiction;
- (2) Previous review on the same evidence; or

(b) The application may be withdrawn by the applicant; or

(c) The application may be accepted and the discharge reviewed by the Naval Discharge Review Board, resulting in:

- (1) Change to the discharge, or
- (2) No change.

§ 724.306 Implementation of Naval Discharge Review Board decisions.

The Commandant of the Marine Corps and the Chief of Naval Personnel shall be notified by the Naval Discharge Review Board of decisions in each

discharge review case and shall implement the decisions within their respective services.

§ 724.307 Evidence supporting applications.

In the absence of law, evidence or policy to the contrary, naval discharges shall be considered just, equitable and proper. When hearings are scheduled, applicants must be prepared to present their case at the scheduled time. In the absence of any other evidence, naval discharge review shall be undertaken by examination of available service and health records of the applicant. Normally, the responsibility for presenting evidence from outside available service and health records shall rest with the applicant. Applications in which elements of relevant information are obviously omitted will be returned for completion and resubmission.

§ 724.308 Review action in instances of unavailable records.

In the event that personnel or health records of the Department of the Navy associated with a requested review of discharge are not located at the custodial activity, the following action shall be taken by the Naval Discharge Review Board prior to consideration of the request for discharge review.

(a) A certification that the records are unavailable shall be obtained from the custodial activity.

(b) The applicant shall be notified of the situation and requested to provide such information and documents as may be desired in support of the request for discharge review. A period of not less than 30 days shall be allowed for such documents to be submitted. At the expiration of this time period, the review may be conducted with information available to the Naval Discharge Review Board.

(c) The presumption of regularity in the conduct of Government affairs may be applicable in instances of unavailable records depending on the circumstances of the case. (See § 724.309.)

§ 724.309 Regularity of Government affairs.

There is a presumption of regularity in the conduct of governmental affairs. This presumption can be applied in any review unless there is substantial credible evidence to rebut the presumption.

§ 724.310 Availability of records.

(a) Prior to a review, applicants or their designated representatives may obtain copies of military records by submitting a Standard Form 180,

Request Pertaining to Military Records, to the National Personnel Records Center (NPRC), 9700 Page Boulevard, St. Louis, Missouri 63132. The request must be submitted prior to the time the DD Form 293 is submitted, since once the DD Form 293 is submitted, the records will be requested from the National Personnel Records Center by the Naval Discharge Review Board.

(b) When the Naval Discharge Review Board is not authorized to provide copies of documents that are under the cognizance of another Government department, office or activity, applications for such information must be made by the applicant to the cognizant authority. The Naval Discharge Review Board shall advise the applicant of the mailing address of the Government department, office, or activity to which the request should be submitted.

(c) The Naval Discharge Review Board may take steps to obtain additional evidence relevant to the discharge review under consideration beyond that found in the official military records or submitted by the applicant, if a review of available evidence suggests certain aspects of the review would be incomplete without the additional information or when the applicant presents testimony or documents which require additional information in order to enable proper evaluation. Such information shall be made available to the applicant, upon request, with appropriate modifications regarding classified material.

(d) Prior to initiation of the decision process specified in § 724.807, the applicant and/or counsel/representative is entitled to request access to the records to be considered by the Naval Discharge Review Board in the discharge review.

(1) At a reasonable time prior to the initiation of the decision process, in any hearing conducted on request of an applicant, the Naval Discharge Review Board shall provide the applicant and/or counsel representative with a notice of the availability of all regulations and documents to be considered in the discharge review, except for documents in the official personnel/medical records and any documents submitted by the applicant. The Naval Discharge Review Board shall also notify the applicant and/or counsel/representative of: (i) The right to examine such documents or to be provided with copies of the documents upon request, (ii) the date by which such requests must be received, and (iii) the opportunity to respond within a reasonable period of time to be set by the Naval Discharge Review Board.

(2) When necessary to acquaint the applicant with the substance of a classified document, the classifying authority, on the request of the Naval Discharge Review Board, shall prepare a summary of or extract from the document deleting all references to sources of information and other matters, the disclosure of which, in the opinion of the classifying authority, would be detrimental to the national security interest of the United States. Should preparation of such summary be deemed impracticable by the classifying authority, information from the classified sources shall not be considered by the Naval Discharge Review Board in its review of the case.

(e) Regulations of the Department of the Navy may be obtained by writing to the Armed Forces Discharge Review/Correction Board Reading Room, The Pentagon Concourse, Washington, D.C. 20310. In addition, certain regulations may be available at installations under the jurisdiction of the military service concerned.

§ 724.311 Attendance of witnesses.

Arrangements for attendance of witnesses testifying in behalf of the applicant at discharge review hearings are the responsibility of the applicant. The Naval Discharge Review Board is not authorized to subpoena or otherwise require their presence.

§ 724.312 Applicant's expenses.

Unless otherwise specified by law or regulation, expenses incurred by the applicant, witnesses, or counsel/representative will not be paid by the Department of Defense.

§ 724.313 Military representation.

Military officers desiring to act for or on behalf of an applicant in the presentation of a case before a Naval Discharge Review Board Panel are advised to consult legal counsel before undertaking such representation. Such representation may be prohibited by Title 18, United States Code, Chapters 11 and 15.

§ 724.314 Limitation—Failure to appear for hearing.

Except as authorized or directed by the Secretary of the Navy further opportunity for personal appearance shall not be made available to an applicant who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time and place of the hearing, either in person or by representative, not having made a prior, timely request for a continuance or withdrawal of the application. In such

cases the applicant shall be deemed to have forfeited the right to a personal appearance and the Naval Discharge Review Board shall complete its review of the discharge based upon the evidence of record. Further requests for a personal hearing shall not be granted unless the applicant can demonstrate that prior failure to appear or to request continuance or withdrawal of the application was due to circumstances beyond the applicant's control.

§ 724.315 Limitation—Reconsideration.

A discharge review shall not be subject to reconsideration except:

(a) Where the only previous consideration of the case was on the motion of the Naval Discharge Review Board;

(b) When the original discharge review did not involve a personal hearing and a personal hearing is desired, and the provisions of § 724.314 do not apply;

(c) Where changes in discharge policy are announced subsequent to an earlier review of an applicant's discharge, and the new policy is made expressly retroactive;

(d) Where the Naval Discharge Review Board determines that policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a service-wide basis to discharges of the type under consideration, provided that such changes in policies or procedures represent a substantial enhancement of the rights afforded an applicant in such proceedings;

(e) Where an individual is to be represented by counsel/representative, and was not so represented in any previous consideration of the case by the Naval Discharge Review Board;

(f) Where the case was not previously considered under uniform standards published pursuant to Pub. L. 95-126 (Appendix E of this part) and such application is made before January 1, 1980, or within 15 years after the date of discharge; or

(g) On the basis of presentation of new, substantial, relevant evidence not available to the applicant at the time of the previous review. The decision as to whether evidence offered by an applicant in support of a request for reconsideration is in fact new, substantial, relevant, and was not available to the applicant at the time of the original review will be based on a comparison of such evidence with the evidence considered in the previous discharge review. If this comparison shows that the evidence submitted would have had a probable effect on

matters concerning the propriety or equity of the discharge, the request for reconsideration shall be granted.

§ 724.316 Limitation—Continuances and postponements.

(a) A continuance of a discharge review hearing may be authorized by the President of the Naval Discharge Review Board or presiding officer of the Naval Discharge Review Board Panel concerned, provided that such continuance is of reasonable duration and is essential to achieve a full and fair hearing. Where a proposal for continuance is indefinite, the pending application shall be returned to the applicant with the option to resubmit when the case is fully ready for review.

(b) Postponements of scheduled reviews normally shall not be permitted other than for demonstrated good and sufficient reason set forth by the applicant in a timely manner or for the convenience of the Government.

§ 724.317 Withdrawal of application.

An applicant shall be permitted to withdraw an application without prejudice at any time before the scheduled review, except that failure to appear for a scheduled hearing shall not be construed or accepted as a withdrawal.

§ 724.318 Review on motion of the Naval Discharge Review Board.

(a) Reviews of naval discharges may be initiated by the Naval Discharge Review Board on its own motion, (10 U.S.C. 1553) which includes reviews requested by the Veterans' Administration under Title 38, U.S.C. 1001, 3103 as amended by Pub. L. 95-126 of October 8, 1977. (See Appendix E of this part).

§ 724.319 Secretarial review of naval discharge review decisions.

(a) The decisions of the Naval Discharge Review Board are final, subject only to Secretarial review.

(b) The following categories of discharge cases are subject to the review of the Secretary of the Navy:

(1) All cases in which a minority of the Naval Discharge Review Board requests the recorded opinion be forwarded for consideration.

(2) Selected cases as appropriate in order to provide information to the Secretary on specific aspects of the discharge function or of the discharge review function which are of interest to the Secretary of the Navy.

(3) Any specific case which the Secretary has an interest.

(4) Any case which the President, Naval Discharge Review Board in his

sole discretion believes is of significant interest to the Secretary.

(c) Material submitted prior to Secretarial review to correct alleged errors under the provisions of § 724.501(g) below, must be addressed to the President, Naval Discharge Review Board, and must be received within 25 days of the date on which the notification of the decision was mailed to the applicant. Requests or material received subsequent to that date shall not be considered unless a prior extension of time has been approved by the President, Naval Discharge Review Board, or for good cause shown as determined by the President, Naval Discharge Review Board.

§ 724.320 Scheduling of discharge reviews.

(a) If an applicant requests a personal appearance discharge review, or to be represented in absentia, the Naval Discharge Review Board shall provide a hearing in the Washington, D.C. area or at another site within the forty-eight contiguous states.

(b) The Naval Discharge Review Board shall subsequently notify the applicant and representative (if any) in writing of the personal appearance hearing time and place. This notice shall normally be mailed thirty to sixty days prior to the date of the hearing, if the applicant elects, this time limit may be waived and an earlier date set.

(c) When an applicant requests a documentary review, the Naval Discharge Review Board shall undertake the review as soon as practicable. Normally, documentary reviews shall be conducted in the order in which they are received.

§ 724.321 Personal appearance discharge review sites.

(a) The Naval Discharge Review Board shall be permanently located, together with its administrative staff, in the Washington, D.C. area. The Naval Discharge Review Board shall routinely conduct personal appearance discharge reviews and documentary reviews at this, its permanent office. Applicants located within a radius of three hundred miles from the Washington, D.C. area shall normally be required to present their cases in Washington, D.C. if they request a personal appearance review.

(b) In addition, as permitted by available resources, Naval Discharge Review Board Panels shall travel to other selected sites within the contiguous 48 states for the purpose of conducting reviews. The selection of sites and the frequency of visits shall be predicated on the number of requests pending within a region and the

availability of resources. Applicants located within the radius of three hundred miles from sites selected for Naval Discharge Review Board Panel reviews shall normally be required to present their cases at the selected sites, if they have requested a personal appearance review. An exception shall be made if the applicant requests a personal appearance review in Washington, D.C.

(c) If an applicant who has requested a personal appearance review declines without justifiable cause to present a case to the Naval Discharge Review Board Panel when it is sited within three hundred miles of the location in the application, the applicant shall be deemed to have forfeited any right to a personal appearance before a traveling panel. Instead, the Naval Discharge Review Board Panel shall conduct a documentary review of the discharge and its decision shall be based on that review.

§ 724.322 Naval Discharge Review Board support and augmentation by Regular and Reserve activities.

(a) When a Naval Discharge Review Board Panel travels for the purpose of conducting hearings, it shall normally select as review sites Navy and Marine Corps installations in the area visited.

(b) The Naval Discharge Review Board Traveling Panel shall normally consist of members from Washington and augmentees from Regular and Reserve Navy and Marine Corps sources, as required.

(c) Naval and Marine Corps activities in the geographical vicinity of selected review sites shall provide administrative support and augmentation to a Naval Discharge Review Board Panel during its visit where such assistance can be undertaken without interference with mission accomplishment. The Naval Discharge Review Board shall coordinate requests for augmentees and administrative support through the Commandant of the Marine Corps, Chief of Naval Reserve, Commandants of the Naval Districts, and Directors of Marine Corps Districts, as appropriate.

(d) The administrative staff in Washington shall undertake all arrangements for Naval Discharge Review Board Traveling Panel visits and shall process associated review documents.

§ 724.323 Court martial specifications, presumption concerning.

(a) Relevant and material facts stated in a court-martial specification, shall be presumed by the Naval Discharge Review Board Panel as established facts unless there is substantial credible

evidence to rebut this presumption if the applicant was found guilty and the finding was not subsequently overturned by a reviewing authority.

(b) Relevant and material facts stated in a court-martial specification, in the face of which the applicant requested a discharge for the good of the service to avoid trial by court-martial, shall be considered in accordance with the following:

(1) If the accused was required to admit the facts contained in the charge sheet, or if the discharge authority was required to find that the facts stated therein were true, then the Discharge Review Board can presume the truth of such facts, unless there is substantial credible evidence to rebut this presumption; or

(2) If the discharge in lieu of court-martial only required a valid referral, the Discharge Review Board may presume that the signer either had personal knowledge of, or had investigated the matters set forth therein, and that the charges were true in fact to the best of the signer's knowledge and belief. The weight to be given this presumption in determining whether the facts stated in the charge sheet are true is a matter to be determined by the Discharge Review Board. To the extent that the discharge proceeding reflects: (i) An official determination that the facts stated in the charge sheet are true; (ii) that the accused admitted the facts stated in the charge sheet; or (iii) that the accused admitted guilt of the offense(s), then the presumption is strengthened. In accordance with § 70.5(b)(12)(vi) of Part 70, Title 32, Code of Federal Regulations, the presumption may be rebutted by "substantial credible evidence."

Subpart D—Principal Elements of the Navy Department Discharge Review System

§ 724.401 Applicants.

As defined in § 724.114.

§ 724.402 Naval Discharge Review Board.

As defined in § 724.102.

§ 724.403 President, Naval Discharge Review Board.

Supervises the Naval Discharge Review Board. (See Subpart J of this part.)

¹ Charges may be preferred by any person subject to the Uniform Code of Military Justice. The charges must be signed and sworn to before a commissioned officer authorized to administer oaths, and shall state: (1) That the signer has personal knowledge of, or has investigated the matters set forth therein; and (2) that the charges are true in fact to the best of the signer's knowledge and belief. 10 U.S.C. 830 (1976) (Art. 39 Uniform Code of Military Justice).

§ 724.404 Director, Naval Council of Personnel Boards.

Exercises administrative control and oversight of the naval discharge review process. (See Subpart J of this part.)

§ 724.405 Commandant of the Marine Corps (Code M) and the Chief of Naval Personnel.

Personnel managers of the Marine Corps and the Navy; responsible for providing limited support to the Naval Discharge Review Board and for implementation of departmental discharge review decisions. (See Subpart K of this part.)

§ 724.406 Chief, Bureau of Medicine and Surgery.

Custodian of Navy and Marine Corps health records. (See Subpart K of this part.)

§ 724.407 Chief of Naval Reserve.

Manages Naval Reserve resources. Responsible for providing limited support within available resources to the Naval Discharge Review Board. (See Subpart K of this part.)

§ 724.408 Secretary of the Navy.

The final authority within the Department of the Navy in discharge review.

Subpart E—Procedural Rights of the Applicant and Administrative Actions Preliminary to Discharge Review

§ 724.501 Procedural rights of the applicant.

Each applicant has the following procedural rights:

(a) Within 15 years after the date of discharge, to make a written request for review of the applicant's discharge if the discharge was other than the result of a general court-martial. The request may include such other statements, affidavits, or documentation as desired. (See §§ 724.302 and 724.303.)

(b) Prior to January 1, 1980, without regard to the date of discharge, to request review of the applicant's discharge if the discharge has not been reviewed previously under the procedures and standards set forth in Subparts H and I of this part and the applicant was administratively discharged under other than honorable conditions. (See § 724.303.)

(c) To have that review conducted by the Naval Discharge Review Board either in the Washington, D.C. area or other designated locations (see § 724.321), when a personal appearance discharge review is desired.

(d) To appear before the Naval Discharge Review Board in person with or without counsel/representative; with

counsel/representative concurrence, to have counsel/representative present the applicant's case in the absence of the applicant; or to have the review conducted based on records and any additional documentation submitted by the applicant or counsel/representative.

(e) To request copies of any documents or other evidence to be considered by the Naval Discharge Review Board in the review of the applicant's discharge or dismissal other than the documents or evidence contained in the official record or submitted by the applicant prior to the conduct of the formal review and to be afforded an opportunity to examine such other documents or evidence or to be provided with copies of them. (See § 724.310.)

(f) To withdraw the request for discharge review without prejudice at any time prior to the scheduled review, except that failure to appear for a scheduled hearing shall not be construed or accepted as a withdrawal. (See § 724.314.)

(g) To request a continuance of the review when the continuance is of a reasonable duration and essential to achieving a full and fair hearing. The request must indicate the reason why the continuance is required. (See § 724.316.)

(h) To request postponement of the discharge review for good and sufficient reason set forth in a timely manner. (See § 724.316.)

(i) To request reconsideration of the discharge review under the conditions set forth in § 724.315.

(j) To have access to the information to be considered by the Naval Discharge Review Board prior to the actual review of the applicant's case. (See § 724.310.)

(k) To have the applicant's right to privacy protected in any review conducted by the Naval Discharge Review Board. (See §§ 724.815 and 724.1003(g).)

(l) When appearing personally before the Naval Discharge Review Board:

(1) To introduce witnesses, documents, sworn or unsworn testimony. (See §§ 724.311 and 724.312.)

(2) To present oral or written arguments personally or through counsel/representative.

(m) To submit documents, affidavits, briefs or arguments in writing. When the counsel/representative appears in person before the Naval Discharge Review Board, arguments may be presented orally.

(n) To state clearly and specifically the contentions or issues which the applicant desires the Naval Discharge Review Board to answer in writing. These should be presented in writing by

the applicant or counsel/representative. Although applicants are encouraged to state contentions/issues in writing, they may be stated orally at personal appearance hearings.

(o) To have the applicant's discharge reviewed under the standards of equity and propriety outlined in Subpart I of this part.

(p) To be provided with a written decision on the applicant's review.

(q) If the case is to be forwarded for Secretarial review, to present a timely statement rebutting any findings, conclusions, or reasons of the Naval Discharge Review Board or the President, Naval Discharge Review Board, which are alleged to be erroneous on the facts, against the substantial weight of the evidence, or contrary to law or governing regulations, prior to that Secretarial review.

§ 724.502 Actions to be taken by the applicant preliminary to discharge review.

(a) Application for Review of Discharge or Dismissal From the Armed Forces of the United States, DD Form 293 (See Appendix D of this Part) is to be used in requesting a discharge review. DD Form 293 is available at most military installations and regional offices of the Veterans' Administration. This form is to be signed personally by the applicant. In the event the discharged individual is deceased or incompetent, the form must be signed by an authorized individual as discussed in § 724.113.

(b) The application is to be accompanied by:

(1) A copy of the certificate of discharge, if available;

(2) A copy of the Armed Forces of the United States Report of transfer or Discharge (DD-214), if available;

(3) Certification of death, incompetency and evidence of relationship in applicable cases (§ 724.113);

(4) Statements by the applicant specifically presenting contentions/issues of fact, law, or discretion, if any, which form the basis for the request;

(5) Other statements, affidavits, depositions, documents and information desired by the applicant to be considered by Naval Discharge Review Board.

(c) Correspondence relating to review of naval discharges should be addressed to:

Naval Discharge Review Board, Suite 905, 801 North Randolph Street, Arlington, VA 22203, telephone No. (202) 696-4881.

§ 724.503 Naval Discharge Review Board response to application for discharge review.

(a) The Naval Discharge Review Board shall acknowledge receipt of the application.

(b) In the event a documentary review is requested, the applicant shall normally receive no further communication from the Naval Discharge Review Board until notified of the decision in the case.

(c) In the event a personal appearance discharge review is requested, the applicant shall be notified of the time and place of this review and shall be advised of the availability of the official documents to be considered by the Naval Discharge Review Board.

(d) A copy of Naval Discharge Review Board correspondence to an applicant shall be sent to the representative of record, if any.

§ 724.504 Naval Discharge Review Board actions preliminary to discharge review.

(a) When each application for discharge review is received by the Naval Discharge Review Board, the service record and health record of the applicant will be requested from the appropriate record custodian, usually the National Personnel Record Center, St. Louis, Missouri.

(b) Upon receipt, each record of service will be reviewed to determine whether or not the applicant appears to have been discharged under circumstances which might act as a bar to Veterans' Administration benefits under section 3103, Title 38, United States Code. These circumstances of discharge are:

(1) Discharge or dismissal by reason of the sentence of a general court-martial.

(2) Discharge as a conscientious objector who refused to perform military duty, to wear the uniform or otherwise to comply with lawful orders of competent military authority.

(3) Discharge as a deserter.

(4) Discharge on the basis, or as part of the basis, of an absence without authority from active duty for a continuous period of at least 180 days if such discharge was under conditions other than honorable. Additionally, such absence is computed without regard to the applicant's normal or adjusted expiration of term of service.

(5) Discharge or dismissal of an officer based on acceptance of the officer's resignation for the good of the service.

(6) Discharge, on his own application, during a period of hostilities, as an alien.

(c) If it appears that the applicant was not discharged under the circumstances

noted in § 724.504(b), the discharge review will continue.

(d) If it appears that the applicant was discharged under one or more of the circumstances outlined in § 724.504(b), a written notification will be sent which informs the applicant that:

(1) An initial service record review reveals that the discharge may have been awarded under circumstances which make the applicant ineligible for receipt of Veterans' Administration benefits regardless of an action taken by the Naval Discharge Review Board.

(2) Separate action by the Board for Correction of Naval Records (BCNR) and/or the Veterans' Administration, in case of 180 days consecutive unauthorized absence disqualification, may confer eligibility for Veterans' Administration benefits.

(3) Provides instructions for making application to Board for Correction of Naval Records and for contacting the Veterans' Administration.

(4) Indicates that the discharge review will continue if the applicant so requests.

(5) Provides 45 days for the applicant to inform the Naval Discharge Review Board whether or not the applicant wishes the discharge review to continue.

(e) If the applicant does not respond within the allotted 45 days, or if in replying within 45 days the applicant requests a discharge review, the discharge review will continue.

(f) If the applicant replies within 45 days and requests the discharge review not take place, the case will be closed without further action and the records will be returned to storage.

Subpart F—Naval Discharge Review Board Mission and Functions

§ 724.601 General.

The Naval Discharge Review Board is a component of the Naval Council of Personnel Boards and has its offices located in the Washington, D.C. area. The Naval Discharge Review Board conducts documentary reviews and personal appearance reviews, in the Washington, D.C. area and, on a traveling basis, at selected sites within the 48 contiguous states. Regional site selection is predicated on the number of pending applications accumulated from a given geographical area and the resources available to support distant personal appearance reviews. The Naval Discharge Review Board does not maintain facilities other than at its Washington D.C. area offices.

§ 724.602 Mission.

To decide, in accordance with standards of naval law and discipline

and the standards for discharge review set forth in Subpart I of this part, whether a discharge or dismissal from the naval service is proper and equitable, or whether it should be changed.

§ 724.603 Functions.

(a) Meet as frequently as necessary to provide expeditious review of naval discharges.

(b) Meet at locations within the 48 contiguous states as determined appropriate on the basis of the numbers of discharge review applications received from various geographical areas and of available resources and facilities.

(c) Review applications for review of discharges.

(d) In consonance with directives of higher authority and the policies set forth in this Part, grant or deny change of discharges.

(e) Promulgate decisions in a timely manner.

(f) Maintain a system of records.

(g) Maintain liaison in discharge review matters with:

- (1) General Counsel of the Navy;
- (2) Commandant of the Marine Corps;
- (3) Chief of Naval Personnel;
- (4) Judge Advocate General of the Navy;
- (5) Chief of Naval Reserve;
- (6) Chief, Bureau of Medicine and Surgery;

(7) Veterans' service organizations;

(8) Discharge review boards of the other services, using the Army Discharge Review Board as a focal point for service coordination.

(h) Protect the privacy of individuals whose records are reviewed.

(i) Maintain for public access a reading file and associated index of records of Naval Discharge Review Board proceedings in all reviews undertaken subsequent to July 1, 1975. (See § 724.814.)

Subpart G—Organization of the Naval Discharge Review Board

§ 724.701 Composition.

The Naval Discharge Review Board acting in plenary review session shall be composed of five members. Normally the members shall be career military officers, however, officers of the inactive Navy and Marine Corps Reserves may serve as members when designated to do so by the President, Naval Discharge Review Board.

(a) Presiding officers of the Naval Discharge Review Board shall normally be Navy or Marine Corps officers in the grade of Captain/Colonel or above.

(b) The remaining Naval Discharge Review Board membership shall

normally be not less than the grade of Lieutenant Commander/Major with preference being given to senior grades.

(c) Naval Discharge Review Board members shall be designated from the following sources:

- (1) Officers performing duty with the Naval Council of Personnel Boards;
 - (2) Officers nominated by the Commandant of the Marine Corps;
 - (3) Officers nominated by the Chief of Naval Reserve, on request;
 - (4) Officers nominated by Director of Marine Corps Districts, on request;
 - (5) Officers nominated by the Commandants of the Naval Districts.
- (d) At least three of the five members of the Naval Discharge Review Board shall belong to the service from which applicant whose case is under review was discharged.
- (e) Individual membership in the Naval Discharge Review Board may vary within the limitations of the prescribed composition.

§ 724.702 Executive management.

The administrative affairs of the Naval Discharge Review Board shall be managed by the Executive Secretary. This responsibility shall include schedules, records, correspondence, and issuance of Naval Discharge Review Board decisions.

§ 724.703 Recorders.

The Naval Discharge Review Board shall be assigned a number of Navy and Marine Corps officers who shall act as recorders for discharge review sessions. The number of recorders assigned shall be consistent with Naval Discharge Review Board case loading. These officers shall normally be of the rank of Lieutenant Commander/Major or Commander/Lieutenant Colonel.

§ 724.704 Counsel.

Normally the Naval Discharge Review Board shall function without the immediate attendance of legal counsel. In the event that a legal advisory opinion is deemed appropriate by the Naval Discharge Review Board, such shall be obtained routinely by reference to the senior Judge Advocate assigned to the Office of the Director, Naval Council of Personnel Boards. In unusual circumstances, the Naval Discharge Review Board Traveling Panel may request advice from the Officer-in-Charge of the nearest Naval Legal Service Office. In addition, the Naval Discharge Review Board may request advisory opinions from staff offices of the Department of the Navy, including, but not limited to the General Counsel and the Judge Advocate General.

Subpart H—Procedures of the Naval Discharge Review Board

§ 724.801 Material to be considered in discharge review.

In the process of its review of discharges, the Naval Discharge Review Board shall examine available records and pertinent regulations of the Department of the Navy, together with such information as may be presented by the applicant and/or representative, normally to include:

- (a) The application for discharge review;
- (b) Statements, affidavits or documentation, if any, accompanying the application or presented during hearings;
- (c) Testimony, if any, presented during hearings;
- (d) Service and health records;
- (e) A brief of pertinent facts extracted from the service and health records, prepared by the Naval Discharge Review Board recorder, using NAVSO Form 1900/5C (Appendix D of this part).

§ 724.802 Contentions/issues.

(a) Applicant must state clearly and specifically their contentions, and/or the issues of fact, law, or discretion for written determination to be made in accordance with § 724.810.

(b) In addition to contentions/issues considered by the Naval Discharge Review Board under § 724.802(a), the Naval Discharge Review Board shall consider such issues of fact, law, or discretion as are discerned by them in the discharge review process.

(c) The Naval Discharge Review Board shall state its findings and conclusions and reasons with respect to the contentions and issues as required by § 724.810.

(d) Except as provided in § 724.802(d)(4), all matters that appear to be contentions/issues submitted by an applicant or counsel shall be listed verbatim in the decisional document and appended thereto. The Naval Discharge Review Board must provide findings, conclusions, and reasons only for contentions/issues submitted that are stated clearly and specifically. The Naval Discharge Review Board shall prepare decisional documents in the following manner, with respect to applicant's contentions/issues:

- (1) If contentions/issues are stated clearly and specifically by an applicant or counsel, and they are not subsequently amended by the applicant or counsel, these contentions/issues shall be listed verbatim in the decisional document or appended thereto: (See § 724.810(h));

(2) If there are no clearly and specifically stated contentions/issues presented by an applicant or counsel, but contentions/issues are discerned by the Naval Discharge Review Board from an application to the Naval Discharge Review Board for review of discharge, those portions of the application from which the contentions/issues were discerned shall be listed verbatim in the decisional document or appended thereto, and the decisional documents shall note that "THE APPLICANT FAILED TO PROVIDE CLEARLY AND SPECIFICALLY STATED CONTENTIONS/ISSUES. IN THE ABSENCE OF SUCH SPECIFICITY THE BOARD DISCERNED THE FOLLOWING CONTENTIONS/ISSUES USING INFORMATION FROM THE APPLICANT'S STATEMENT:". Whether or not the Board discerns any contentions/issues from the applicant's statement, however, if the entire applicant's statement is included on the Form DD 293, this statement shall be quoted verbatim in the summary of applicant's statement portion of the decisional document;

(3) If no applicant contentions/issues are discernible from an application but the Naval Discharge Review Board determines that there are issues that can be addressed, the lack of applicant contentions/issues and the existence of Naval Discharge Review Board contentions/issues must be noted on the decisional document. Issues which are raised by the Naval Discharge Review Board must also be noted on the decisional document in addition to any listed applicant contentions/issues; and

(4) An applicant or counsel shall not be required to amend a contention/issue. If an applicant or counsel at a personal appearance hearing decides to change contentions/issues previously submitted to the Naval Discharge Review Board, the applicant may withdraw the contention/issue and, if desired, submit an amended contention/issue. Any such decision made at the hearing shall be a part of the record of proceedings, and the decisional document shall note that "AT THE BEGINNING OF THE HEARING, THE APPLICANT INTRODUCED THE FOLLOWING CONTENTIONS/ISSUES AS THE ONLY CONTENTIONS/ISSUES THE APPLICANT IS REQUESTING THE BOARD TO CONSIDER:".

§ 724.803 Summary of evidence to be displayed in Records of Review Proceedings.

The Naval Discharge Review Board shall summarize the evidence

considered in each discharge review. This shall include:

(a) The date, type and reason of the discharge and the discharge regulation under which it was issued;

(b) The circumstances and character of the applicant's service as extracted from service records, health records and information provided by other Government authority or the applicant;

(c) The relevant evidence developed from testimony, when the review involves a personal appearance;

(d) Reference to applicant's written brief, if any. Factual information and/or advice from applicant's brief relied upon for final decision shall normally be set forth verbatim. In lieu thereof, a copy of the applicant's brief may be appended.

(e) Reference to advisory opinions, if any. Factual information and/or advice from advisory opinions relied upon for final decision shall normally be set forth verbatim. In lieu thereof, a copy of the advisory opinion(s) may be appended. Care must be taken to ensure that the summary of evidence also includes those factors required by applicable service regulations to be considered for the determination of the type and reason/basis for the discharge in question.

§ 724.804 Findings, conclusions and reasons upon contentions/issues.

After carefully weighing the evidence, the Naval Discharge Review Board shall prepare findings, a conclusion and reasons for each contention/issue raised by the applicant. (See §§ 724.121, 724.122, 724.123, and 724.810(d).) A conclusion shall be stated as either "Valid" or "Invalid".

§ 724.805 Findings, conclusions and reasons upon which decision is based.

The Naval Discharge Review Board shall record its findings, conclusions and reasons as to whether a discharge should remain unchanged or be changed. The nature of any change shall be specified clearly. (See §§ 724.124, 724.125, 724.126, and 724.810.)

§ 724.806 Decision/recommendation.

The determination by the Naval Discharge Review Board as to whether or not a discharge should be changed and a statement of the type and reason/basis of the discharge and the specific authority for decision/recommendation—e.g., General Discharge/Unfitness for Frequent Involvement (Marine Corps Separations and Retirement Manual, paragraph 6017.2b). (See § 724.127.)

§ 724.807 Decision process.

(a) Naval Discharge Review Board Panels shall meet in plenary session to

review discharges and exercise their discretion on a case-by-case basis in applying the standards set forth in Subpart I of this part.

(b) The presiding officer is responsible for the conduct of the discharge review. The presiding officer shall convene, recess, and adjourn the Naval Discharge Review Board panel as appropriate and shall maintain an atmosphere of dignity and decorum at all times.

(c) Each Naval Discharge Review Board member shall act under oath or affirmation requiring careful, objective consideration of the application. Naval Discharge Review Board members are responsible for eliciting all facts necessary for a full and fair hearing. They shall consider all information presented to them by the applicant. In addition, they shall consider available service and health records, together with such other records as may be in the files of the Department of the Navy and relevant to the issues before the Naval Discharge Review Board, and any other evidence obtained in accordance with Part 70, Title 32, Code of Federal Regulations or this part.

(d) If the applicant does not appear in person and the designated counsel/representative does not appear in the applicant's behalf, the Naval Discharge Review Board shall review the discharge on the basis of available records, documentary evidence submitted by or on behalf of the applicant and any other relevant evidence obtained in accordance with Part 70, Title 32, Code of Federal Regulations or this part.

(e) If the applicant appears in person or the designated counsel/representative appears before the Naval Discharge Review Board in the applicant's behalf, the Naval Discharge Review Board shall review the application on the basis of testimony on behalf of the applicant, available official records, documentary evidence submitted by or on behalf of the applicant and any other relevant evidence obtained in accordance with Part 70, Title 32, Code of Federal Regulations or this part.

(f) *Application of Standards.* (1) When the Naval Discharge Review Board determines that an applicant's discharge was improper (§ 724.902), the Naval Discharge Review Board will determine which reason/basis for discharge should have been assigned based upon the facts and circumstances properly before the discharge authority in view of the service regulations governing reasons/bases for discharge at the time the applicant was discharged. Unless it is also determined that the discharge was inequitable (§ 724.903), the provisions in

the discharge regulations as to the type of discharge under which the applicant should have been discharged will be considered in determining whether further relief is warranted.

(2) When the Naval Discharge Review Board determines that an applicant's discharge was inequitable (§ 724.903), any change will be based on the evaluation of the applicant's overall record of service and relevant Department of the Navy regulations.

(g) Voting shall be conducted in closed session, a majority of the five members' votes constituting the Naval Discharge Review Board decision. The presiding officer shall have a single vote. Decisions shall be reached by formal voting.

(h) Details of closed session deliberations of a Naval Discharge Review Board are privileged information and shall not be divulged.

(i) Minority written opinions, while not required, may be submitted by any minority member(s) and shall contain statements of findings, conclusions and reasons for only those contentions/issues on which the minority disagrees with the majority. The minority's written statement of findings, conclusions and reasons are also required to meet the standards of §§ 724.804 and 724.805. If the minority disagrees with the majority decision/recommendation and writes an opinion as just described, that opinion shall contain the minority's decision/recommendation and the specific authority for that decision/recommendation. (See § 724.806.) In all cases, in which a minority of the Naval Discharge Review Board requests Secretarial review, the entire case, including the majority and minority written opinions will be forwarded to the Secretary of the Navy via the President, Naval Discharge Review Board. The President, Naval Discharge Review Board's recommendations to the Secretary of the Navy will be attached to the majority and minority written opinions and will include findings, conclusions and reasons, in the form earlier described herein.

(j) The Naval Discharge Review Board may request advisory opinions from staff officers of the Department of the Navy. The opinions are advisory in nature and are not binding on the Naval Discharge Review Board in its decision-making process.

§ 724.808 Issuance of decisions following discharge review.

The applicant and counsel/representative, if any, shall be provided with a copy of the decisional document and of any further action in review. Final notification of decisions shall be

issued to the applicant with a copy to the counsel/representative, if any, and to the Service Personnel Manager.

(a) Notification to applicants, with copies to counsel/representatives, shall normally be made through the United States Postal Service. Such notification shall consist of a notification of decision, together with a copy of the decisional document, Form NAVSO 1900/5C (Appendix D of this Part).

(b) Notification to the Commandant of the Marine Corps (Code M) and the Chief of Naval Personnel shall be for the purpose of appropriate action and inclusion of review matter in personnel records. Such notification shall normally be issued en bloc and shall bear the personal signature of the Executive Secretary of the Naval Discharge Review Board in certification of completeness and accuracy. Delivery of en bloc notifications shall normally be via interoffice mail.

(c) Actions on review by the Secretary of the Navy, when occurring, shall be provided to the applicant and counsel/representative in the same manner as the notification of the review decision.

§ 724.809 Conduct of personal appearance discharge reviews.

(a) Personal appearance discharge reviews shall be conducted with a recognition of the individual's rights to privacy. Accordingly, presence at hearings of individuals other than those whose presence is required will be limited to persons authorized by the Secretary of the Navy, President of the Naval Discharge Review Board, Presiding Officer of the Naval Discharge Review Board Panel or expressly requested by the applicant, subject to reasonable limitations based upon available space. If, in the opinion of the President of the Naval Discharge Review Board or Presiding Officer of the Naval Discharge Review Board Panel, the presence of other individuals would be prejudicial to the interests of the applicant or the Government, such reviews may be held in closed session.

(b) Personal appearance discharge reviews shall be conducted with the objective of eliciting all the facts bearing on the case. Naval Discharge Review Board members shall attempt to elicit all the facts necessary for a full and fair hearing, whether or not the applicant is accompanied by a representative.

(c) Each board member shall act under the oath or affirmation as set forth in Appendix C of this part.

(d) *Evidence and testimony:* (1) The Naval Discharge Review Board may consider any evidence obtained in accordance with Part 70, Title 32, Code of Federal Regulations or this part.

(2) Formal rules of evidence shall not be applied in Naval Discharge Review Board proceedings. The presiding officer shall rule on matters of procedure and shall insure that reasonable bounds of relevancy and materiality are maintained in the taking of evidence and presentation of witnesses.

(3) Applicants having personal appearance reviews shall be permitted to introduce witnesses, documents, sworn or unsworn statements or other information on their behalf, all at no expense to the Department of Defense.

(4) Applicants may present oral or written arguments personally and/or through counsel/representatives.

(5) Applicants who present sworn or unsworn statements and witnesses may be questioned by the Naval Discharge Review Board. All testimony shall be taken under oath or affirmation unless the applicant specifically requests to make an unsworn statement.

§ 724.810 Decisional document.

A decisional document shall be prepared for each review conducted by the Naval Discharge Review Board. See copy in Appendix D of this Part (Record of Review of Discharge, NAVSO 1900/5C). At a minimum this document shall contain:

(a) the date, type and reason/basis for the discharge issued to the applicant upon separation from the naval service, including the specific discharge regulation under which the discharge was issued.

(b) the circumstances and character of the applicant's service as extracted from service records, health records and information provided by other Government authority or the applicant, such as, but not limited to:

- (1) Date of enlistment.
- (2) Period of enlistment.
- (3) Age at enlistment.
- (4) Length of service.
- (5) Periods of unauthorized absence.
- (6) Conduct and efficiency ratings (numerical or narrative).
- (7) Highest rank achieved.
- (8) Awards and decorations.
- (9) Educational level.
- (10) Aptitude test scores.
- (11) Incidents of punishment pursuant to Article 15, Uniform Code of Military Justice (including nature and date of offense or punishment).
- (12) Convictions by court-martial.
- (13) Prior military service and type of discharge received.

(c) Reference to the written brief, documentary evidence, and testimony presented to the Naval Discharge Review Board by or on behalf of the applicant.

(d) *Statements of findings, conclusions, and reasons consisting of:*

(1) Findings, conclusions, and reasons on all issues of fact, law, or discretion upon which the decision on the application is based, including those factors required by naval service regulations to be considered for determination of the type of and reason/basis for the discharge in question.

(2) Findings, conclusions, and reasons on all other issues of fact, law, or discretion raised by the applicant in accordance with § 724.802, including claims by the applicant that statutory, regulatory, and/or constitutional provisions were violated, and such other claims made by the applicant, which in the opinion of the Naval Discharge Review Board would have warranted greater relief than that afforded the applicant by the Naval Discharge Review Board decision if resolved in the applicant's favor. If the applicant has clearly and specifically stated a contention/issue, which in the opinion of the Naval Discharge Review Board would not have warranted greater relief than that recommended by the Naval Discharge Review Board if resolved in the applicant's favor, then the Board shall indicate this in the decisional document.

(3) Findings, conclusions, and reasons as to whether or not any change, correction or modification should be made in the type or reasons/basis of the discharge; and, if so concluded, the particular changes, corrections or modifications that should be made.

(4) If the Naval Discharge Review Board adopts statements of findings, conclusions and reasons from a prior decisional document for the same applicant, these findings, conclusions and reasons must be restated in the new decisional document.

(5) If a discharge is changed but not to fully honorable, unless a lesser type discharge is specifically requested by the applicant, a statement of the reasons for the decision not to change the discharge to fully honorable.

(e) Advisory opinions, including those containing factual information, where such opinions have been relied upon for final decisions or have been accepted as a basis for rejecting any of the applicant's claims. Such advisory opinions or relevant portions thereof that are not fully set forth in the statement of findings, conclusions, and reasons shall be incorporated by reference therein. A copy of such opinions shall be appended to the decision and included in the record of proceedings.

(f) A record of the Naval Discharge Review Board members' names and votes.

(g) The Naval Discharge Review Board decision and written minority opinions if any. In a unanimous decision the decisional document shall be signed by the presiding officer and authenticated by the recorder. In a split decision all members will sign the decisional document in the place where their vote is recorded. If the decisional document cannot be signed by the presiding officer or authenticated by the recorder by reason of death, disability or absence, the decisional document shall be signed by the next senior officer available and may be authenticated by another member who was actually at the conclusion of the proceedings. If the decisional document in a split decision cannot be signed by a member(s) by reason of death, disability or absence, the vote of such member(s) may be recorded by another member who was actually present at the conclusion of the proceedings. The decisional document will contain a brief statement explaining any authorized alternative signature(s).

(h) A verbatim listing of the contentions or issues presented by the applicant, if not included elsewhere.

§ 724.811 Records of Naval Discharge Review Board proceedings.

(a) When the proceedings in any review have been concluded, a record thereof will be prepared.

(b) At a minimum, the record will include the following:

(1) An application for review (except non-motion reviews).

(2) A summary of testimony in personal appearance hearings.

(3) Documentary evidence or copies thereof considered by the Naval Discharge Review Board other than service and health record.

(4) Briefs/arguments submitted by or on behalf of the applicant.

(5) Advisory opinions considered by the Naval Discharge Review Board.

(6) The findings, conclusion, and reasons developed by the Naval Discharge Review Board.

(7) Reference to the document notifying the cognizant personnel manager of the discharge review action in each case.

(8) Minority reports, if any.

(9) A copy of the decisional document (NAVSO 1900/5C).

§ 724.812 Secretarial review of Naval Discharge Review Board decisions.

Cases accepted for review by the Secretary of the Navy, or by one to whom the reviewing authority has been delegated, will be considered in

accordance with the standards set forth in Subpart I of this part.

(a) On every decision of the Naval Discharge Review Board that is accepted for review by the Secretary of the Navy, or by one to whom reviewing authority has been delegated, the decision on review will be made in writing.

(b) In every case, the decision of the Naval Discharge Review Board and reviewing authority, if any, will include a statement of findings, conclusions, and reasons, except where the reviewing authority expressly adopts, in whole or in part, the statement of findings, conclusions and reasons of the Naval Discharge Review Board. Similarly, where the reviewing authority adopts the Naval Discharge Review Board's statement of findings, conclusions, and reasons, there is no requirement for duplicative publication and indexing under terms of § 724.814.

§ 724.813 Final disposition of the record of proceedings.

(a) The original record of proceedings and all appendices thereto shall in all cases be incorporated in the service record of the applicant and the service record shall be returned to the custody of the Naval Personnel Records Center, St. Louis, Missouri, via the service personnel manager, if applicable.

(b) A case file consisting of a complete copy of the record of the Naval Discharge Review Board proceedings and hearing transcripts, if any, shall be maintained for reference by the Naval Discharge Review Board for a period of one year, after which the copy of the record of proceedings shall be destroyed or transferred to the Washington National Records Center, Suitland, Maryland.

§ 724.814 Availability of Naval Discharge Review Board documents for public inspection and copying.

(a) A copy of the decisional document prepared in accordance with § 724.810 shall be made available for public inspection and copying promptly after a notice of final decision is sent to the applicant.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, identifying details of the applicant and other persons will be deleted from documents made available for public inspection and copying. Names, addresses, social security numbers, and military service numbers must be deleted. Written justification shall be made for all other deletions and shall be available for public inspection.

(c) Any other privileged or classified material contained in or appended to

any documents required by this instruction to be furnished the applicant and counsel/representative or made available for public inspection and copying may be deleted therefrom, only if a written statement of the basis for the deletions is provided the applicant and counsel/representative and made available for public inspection. It is not intended that the statement be so detailed as to reveal the nature of the withheld material.

(d) Naval Discharge Review Board documents made available for public inspection and copying shall be located in the Armed Forces Discharge Review/Correction Board Reading Room. The documents shall be indexed in a usable and concise form so as to enable the public and those who represent applicants before the Naval Discharge Review Board to isolate from all these decisions that are indexed, those cases that may be similar to an applicant's case and that indicate the circumstances under, and/or reasons for, which the Naval Discharge Review Board or the Secretary of the Navy granted or denied relief.

(1) The reading file index shall include, in addition to any other items determined by the Naval Discharge Review Board, the case number, the date, the type, the reason/basis, and authority for the discharge. It shall further include the decisions of the Naval Discharge Review Board and reviewing authority, if any, and the issues addressed in the statement of findings, conclusions and reasons.

(2) The index should be made available at sites selected for Naval Discharge Review Board Traveling Panel reviews at least 30 days prior to the arrival of the Panel. Applicants at such sites shall be so advised in the notice of scheduled reviews.

(3) The Naval Discharge Review Board is responsible for timely submission to the Reading Room of individual case information required for a quarterly update of indexes. The indexes shall be available for public inspection and/or purchase at the Reading Room. This information will be provided to applicants in the notice of scheduled hearings.

(4) Correspondence relating to matters under the cognizance of the Reading Room (including requests for purchase of indexes) shall be addressed to:

Armed Forces Discharge Review/Correction Board Reading Room, The Pentagon Concourse, Washington, D.C. 20310.

§ 724.815 Privacy Act information.

Information protected under the Privacy Act is involved in the discharge review functions. The provisions of DoD

Directive 5400.11 will be observed throughout the processing of a request for review of discharge.

Subpart I—Standards for Discharge Review

§ 724.901 Objective of discharge review.

The objective of a discharge review is to examine the propriety and equity of the applicant's discharge and to effect changes, if necessary. The standards of review and the underlying factors which aid in determining whether the standards are met shall be historically consistent with criteria for determining honorable naval service. No factors shall be established which require automatic change or denial of a change in a discharge. Neither the Naval Discharge Review Board nor the Secretary of the Navy shall be bound by any methodology of weighing of the factors in reaching a determination. In each case, the Naval Discharge Review Board or the Secretary of the Navy shall give full, fair, and impartial consideration to all applicable factors prior to reaching a decision.

§ 724.902 Propriety of the discharge.

A discharge shall be deemed to be proper unless, in the course of discharge review, it is determined that:

(a) There exists an error of fact, law, procedure or discretion associated with the discharge at the time of issuance; and that the rights of the applicant were prejudiced thereby. Such error shall constitute prejudicial error, if there is substantial doubt that the discharge would have remained the same if the error had not been made; or

(b) A change in policy by the military service of which the applicant was a member, made expressly retroactive to the type of discharge under consideration, requires a change in the discharge.

§ 724.903 Equity of the discharge.

A discharge shall be deemed to be equitable unless:

(a) In the course of a discharge review, it is determined that the policies and procedures under which the applicant was discharged differ in material respects from policies and procedures currently applicable on a service-wide basis to discharges of the type under consideration, provided that:

(1) Current policies or procedures represent a substantial enhancement of the rights afforded the applicant in such proceedings; and

(2) There is substantial doubt that the applicant would have received the same discharge if relevant current policies and procedures had been available to

the applicant at the time of the discharge proceedings under consideration; or

(b) At the time of issuance, the discharge was inconsistent with standards of discipline in the military service of which the applicant was a member; or

(c) In the course of a discharge review, it is determined that relief is warranted based upon consideration of the applicant's service record and other evidence presented to the Naval Discharge Review Board viewed in conjunction with the factors listed in this subparagraph and the service regulations under which the applicant was discharged, even though the discharge was determined to have been otherwise equitable and proper at the time of issuance. Areas of consideration include, but are not limited to:

(1) Quality of service, as evidenced by factors such as:

(i) Service history, including date of enlistment, period of enlistment, highest rank/rate achieved, conduct or efficiency evaluations (numerical or narrative).

(ii) Awards and decorations.

(iii) Letters of commendation or reprimand.

(iv) Combat service.

(v) Wounds received in action.

(vi) Records of promotions and demotions.

(vii) Level of responsibility at which the applicant served.

(viii) Other acts of merit that may not have resulted in a formal recognition through an award or commendation.

(ix) Length of service during the service period which is the subject of the discharge review.

(x) Prior military service and type of discharge received or outstanding post-service conduct to the extent that such matters provide a basis for a more thorough understanding of the performance of the applicant during the period of service which is the subject of the discharge review.

(xi) Convictions by court-martial.

(xii) Records of nonjudicial punishment.

(xiii) Convictions by civil authorities while a member of the naval service, reflected in the discharge proceedings or otherwise noted in the service records.

(xiv) Records of periods of unauthorized absence.

(xv) Records relating to a discharge in lieu of court-martial.

(2) Capability to serve, as evidenced by factors such as:

(i) Total capabilities. This includes an evaluation of matters such as age, education level, and aptitude scores. Consideration may also be given as to

whether the individual met normal military standards of acceptability for naval service and similar indicators of an individual's ability to serve satisfactorily, as well as ability to adjust to the naval service.

(ii) Family/personal problems. This includes matters in extenuation or mitigation of the reason for discharge that may have affected the applicant's ability to serve satisfactorily.

(iii) Arbitrary or capricious actions. This includes actions by individuals in authority which constitute a clear abuse of such authority and which, although not amounting to prejudicial error, may have contributed to the decision to discharge or to the characterization of service.

(iv) Discrimination. This includes unauthorized acts as documented by records or other evidence.

Subpart J—Director, Naval Council for Personnel Boards and President, Naval Discharge Review Board

§ 724.1001 Mission.

To oversee and administer discharge review procedures within the Department of the Navy.

§ 724.1002 Functions: Director, Naval Council of Personnel Boards.

(a) Make recommendations to the Secretary of the Navy regarding the organization, tasking and resources of the Naval Discharge Review Board and its associated administrative support.

(b) Submit recommendations to the Secretary of the Navy regarding policy and procedures for discharge review.

(c) Provide administrative and clerical support for the Naval Discharge Review Board.

(d) Inform the Secretary of the Navy of matters of interest to him.

(e) Maintain a system of records, including as a minimum:

(1) Records specified for the Naval Discharge Review Board as stipulated in the procedures prescribed in Subpart H of this Part.

(2) Records required for the administration of military and civilian personnel.

(3) Files of correspondence received and issued.

(f) Prepare and submit to the Secretary of the Navy, a semiannual report covering the operations of the Naval Discharge Review Board.

(g) Establish billet/position assignment criteria for the Naval Discharge Review Board.

(h) Propose to the Secretary of the Navy, changes to the Department of the Navy Manual for Discharge Review.

(i) Issue requisite precepts and remove or add members to Naval Discharge Review Board from personnel detailed to serve on the Naval Council of Personnel Boards, or from personnel otherwise made available.

§ 724.1003 Functions. President, Naval Discharge Review Board.

(a) Exercise primary cognizance within the Department of the Navy for matters relating to discharge review.

(b) Supervise and direct the activities of the Naval Discharge Review Board.

(c) Maintain appropriate liaison with discharge review activities in other services: Use Army Discharge Review Board as focal point for service coordination.

(d) Maintain coordination with the Commandant of the Marine Corps (Code M) and the Chief of Naval Personnel in matters associated with discharge review.

(e) Screen all cases forwarded to the Secretary. In those cases, the President shall provide the Secretary with the Record of Review of Discharge (NAVSO 1900/5C), the service and health records, if available, a statement of the President's findings, conclusions, and reasons, except in the event that he expressly adopts the statement of findings, conclusions, and reasons of the Panel, and any additional statements submitted by the applicant pursuant to § 724.501(g). Where the President adopts such statements, publication and indexing under the terms of § 724.814 is not required where such would duplicate existing publication and indexing of the same material.

(f) In conformance with Secretary of the Navy Instruction 5211.5A, protect the privacy of individuals in connection with discharge review.

(g) Assure that Naval Discharge Review Board functions are administered in accordance with the appropriate Secretary of the Navy instructions dealing with privacy and access to information.

(h) Convene the Naval Discharge Review Board as authorized by the Secretary of the Navy.

(i) Direct the movements of the Naval Discharge Review Board Traveling Panel(s) on the basis of regional hearing requests.

(j) Monitor the performance of the naval discharge review system. Make recommendations for changes and improvements. Take action to avoid delays in processing of individual discharge review actions.

(k) Provide Naval Discharge Review Board inputs for the maintenance of a public reading file and maintain associated Naval Discharge Review Board indexes updated quarterly.

Subpart K—Responsibilities in Support of the Naval Discharge Review Board

§ 724.1101 Responsibility.

The Commandant of the Marine Corps, Chief of Naval Personnel, Chief of Naval Reserve, Chief, Bureau of Medicine and Surgery, and chiefs of other bureaus and offices of the Department of the Navy shall provide limited support to the Naval Discharge Review Board.

§ 724.1102 Functions of the Commandant of the Marine Corps and Chief of Naval Personnel.

(a) Provide and facilitate access by the Naval Discharge Review Board to service/health records and other data associated with performance of duty of applicants.

(b) Advise the Naval Discharge Review Board of developments in personnel management which may have a bearing on discharge review judgments.

(c) Implement the discharge review decisions of the Naval Discharge Review Board and those of higher authority within respective areas of cognizance.

(d) Include the record of Naval Discharge Review Board proceedings as a permanent part of the service record of the applicant in each case.

(e) Issue clemency discharge certificate when notified that an individual has met the requirements.

(f) Where appropriate, recommend cases for Naval Discharge Review Board review on its own motion.

(g) Provide qualified personnel as Naval Discharge Review Board members, recorders and administrative staff.

(h) Establish administrative procedures to ensure that if a member is separated from the Navy or the Marine Corps under other than fully honorable conditions, the member is advised of:

(1) the right to a review of his or her discharge under provisions of 10 U.S.C. 1553, and

(2) the procedures for applying for such a review.

(i) Provide Navy and Marine Corps units and activities with information on the mission of the Naval Discharge Review Board through entries in

appropriate personnel administration directives.

§ 724.1103 Functions of the Chief, Bureau of Medicine and Surgery.

Facilitate, as required, access by the Naval Discharge Review Board to health records of applicants.

§ 724.1104 Functions of the Commandant of the Marine Corps and Chief of Naval Reserve (refer to § 724.322).

(a) Upon request and within available resources, provide qualified Reservists to serve as members of the Naval Discharge Review Board.

(b) Upon request, provide appropriate accommodations to the Naval discharge Review Board Traveling Panels for purposes of conducting review at Naval and Marine Corps Reserve Centers.

§ 724.1105 Functions of the Commandants of Naval Districts and Directors of Marine Corps Districts (refer to § 724.322).

Upon request and within available resources, provide administrative support and augmentation to Naval Discharge Review Board Traveling Panels.

Dated: November 15, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-35837 Filed 11-20-79; 8:45 am]

BILLING CODE 3810-71-M

Department of the Air Force

32 CFR Part 806b

Air Force Privacy Act Program; Correction

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

ACTION: Correction to final rule.

SUMMARY: This document corrects a final rule that appeared at page 23068 in the Federal Register on April 18, 1979.

FOR FURTHER INFORMATION CONTACT: Captain Loretta Behrens, (202) 694-3431.

The preamble, as published in 43 FR 23068, April 18, 1979, should be corrected to change the Authority to read: 5 U.S.C. 552a Pub. L. 93-579, December 31, 1974, 88 Stat. 1897, and amended Pub. L. 94-183, December 31, 1975, 89 Stat. 1057.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-35928 Filed 11-20-79; 8:45 am]

BILLING CODE 3910-10-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5686

[I-13259]

Idaho: Public Land Order No. 5680, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order; correction.

SUMMARY: This document will correct Public Land Order No. 5680 of August 30, 1979, insofar as it affects the first sentence in paragraph 4 and clarifies the language in the summary statement to show that the 20,738 acres in which the surface is privately owned with a reservation of minerals to the United States, will be open to location for nonmetalliferous minerals under the mining and mineral leasing laws.

EFFECTIVE DATE: November 21, 1979.

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

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

The first sentence in paragraph 4 of Public Land Order No. 5680 of August 30, 1979, appearing at page 52688 in the Federal Register of September 10, 1979, is corrected to read:

"Subject to applicable law, the lands in which the surface is privately owned with a reservation of minerals to the United States, will be open to location for nonmetalliferous minerals under the mining laws and to applications and offers under the mineral leasing laws at 10 a.m., on October 5, 1979."

Guy R. Martin,

Assistant Secretary of the Interior.

November 14, 1979.

[FR Doc. 79-35835 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13, 73, and 74

[Docket No. 20817; FCC 79-721]

Inquiry Relating to the Commission's Radio Operator Licensing Program

AGENCY: Federal Communications Commission.

ACTION: Second Report and Order.

SUMMARY: Amendment of the rules to authorize the holder of any class of commercial operator license to perform routine operating duties at TV stations

and AM stations with critical directional antenna systems; and to authorize less than full-time employment of a First-class radiotelephone license holder, acting as "chief" operator, in charge of technical maintenance at stations.

EFFECTIVE DATE: December 19, 1979.

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

FOR FURTHER INFORMATION CONTACT: John Reiser, Steve Crane, Philip Cross, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

In the matter of an inquiry relating to the Commission's Radio Operator Licensing Program, Docket No. 20817, RM-3350 [44 FR 1733].

Second Report and Order

Adopted: November 6, 1979.

Released: November 16, 1979.

1. This proceeding addresses the matter of Commission licensing of radio operators in all services, including broadcast (AM, FM, TV) and non-broadcast, and is directed primarily to the Radiotelephone operator class of license. [Notice of Inquiry, released June 7, 1976, FCC 76-746, 41 FR 22981; Notice of Proposed Rule Making, released August 4, 1977, FCC 77-528, 42 FR 40939].¹

2. The First Report and Order herein was restricted to the matter of reducing the requirement for duty operators at AM and FM broadcast stations, except those AM stations with critical directional antennas, to holders of any class of commercial operator license, including Restricted Radiotelephone Operator Permit, in lieu of Third-class Radiotelephone Operator Permit Endorsed for Broadcast Operation. (Released January 5, 1979, FCC 78-871, 44 FR 1738, 70 FCC 2d 2371.)

3. It was stated in the First Report and Order that other matters contained in this overall proceeding would be considered in the near future by means of a Further Notice of Inquiry, Further Notice of Rule Making or a Report and Order, as may be appropriate.

4. This Second Report and Order is limited to the following proposals which further relax the operator requirements for broadcast stations:

(a) Authorizing AM stations with critical directional antennas and TV stations to use for routine operating duties an operator holding any class of commercial radio license, including a Restricted permit.

¹ In the Notice of Inquiry, more than 500 parties filed formal and informal comments. One reply comment was filed. In the Notice of Proposed Rule Making, there were ninety-nine comments and one reply comment, a list of which is set out in Appendix A.

(b) Reducing from full-time to less than full-time the required employment of a "Chief" First-class operator for technical supervision and maintenance at AM stations with a directional antenna or power in excess of 10,000 watts; and conforming TV station requirements to the less than full-time employment and the "Chief" operator provisions.

Routine Duty Operators

5. Section 13.62(c) of our rules, "Special privileges," provides that routine operating duties may be performed at AM and FM broadcast stations (except those with a critical directional antenna system) by persons holding any class of commercial operator license, including a Restricted Radiotelephone Operator Permit.

6. A Restricted Permit requires no oral or written examination. Instead, applicants are required to certify in writing to a declaration that the applicant has a need for the requested permit; can receive and transmit spoken messages in English; can keep at least a rough written log in English or in some other language in general use that can be readily translated into English; is familiar with the provisions of treaties, laws, and rules and regulations governing the authority granted under the requested permit; and understands that it is his/her responsibility to keep currently familiar with all such provisions (§ 13.22 (h)).

7. Routine operating duties at an AM or FM station which may be performed by the holder of any class of license pursuant to § 13.62(c) are defined therein as turning the transmitter on and off, making minor adjustments in operating power and modulation, and changing operating power or antenna modes, usually at sunrise and sunset if required by the terms of the station license. (The power and antenna mode changes may be made if they involve only the simple activation of switches and do not require retuning or adjustment of the transmitter or antenna phasing equipment.)

8. The special operating authority for performance of routine duties by lesser grade operators is subject to the condition that there is "in employment at the broadcast station in accordance with Part 73 of this chapter one or more First-class radiotelephone operators authorized to make or supervise all adjustments, whose primary duty shall be to effect and insure the proper functioning of the transmitting system." (§ 13.62 (c)(3)).

9. Section 13.62 on "Special privileges" concerning use of lesser grade operators for routine operating

duties does not now include TV stations. TV stations are required to have First-class Radiotelephone operators for all technical duties. There is no definition of routine operating duties for TV as there is for AM and FM, because the First-class duty operators at TV stations have full authority to make complex adjustments or perform any maintenance of the transmitting equipment.

10. We address first the question of extending to AM stations with critical directional antenna systems the special privilege in § 13.62 of permitting persons with Restricted permits to perform routine operating duties. Comments and reply comments filed in response to the *Notice of Inquiry* and the *Notice of Proposed Rule Making* herein provide little help except for general conclusions that the routine operating duties are so limited by definition and so supervised that most any operator could carry them out.

11. AM stations with critical directional antenna systems are few in number, not in excess of 25. Extending to such stations the special privilege provision of permitting the holder of a Restricted permit to carry out the routine operating duties is not a sweeping change. However, preserving the integrity of the system and keeping it in proper adjustment to avoid interference to other stations is a vital concern. A directional antenna system is considered critical when the station's authorization requires that it maintain ratios of the currents in the elements of the system within tolerance which is less than five percent or relative phases within tolerances which are less than three degrees. (Section 73.14(v)). Our rules further provide, § 73.93(g), that it is the responsibility of the station licensee to insure that each operator is fully instructed in the performance of all the above adjustments, as well as in the other required duties, such as reading meters and making log entries; and that printed step-by-step instructions for those adjustments which the lesser grade operator is permitted to make, and a tabulation or chart of upper and lower limiting values of parameters required to be observed and logged, shall be posted at the operating station. The routine operating duties limited by definition under § 13.62(d) are such that a Restricted permit operator would not be involved in the intricacies of maintaining the ratios within the tolerances specified. The Restricted operator should be sufficiently instructed pursuant to § 73.93(g), quoted above, to read the meters and understand the tolerances. If the station

were to exceed the tolerances at any time, all the Restricted permit operator could do is turn the transmitter off. The required First-class operator would be responsible for making necessary adjustments.

12. We are therefore persuaded that because of the obligation of station licensees to train routine duty operators so as to assure the technical integrity of their stations, pursuant to our rules, the requirement to use First-class operators to perform such routine duties serves no useful purpose. Also, this would provide substantial relief to stations. In view of the foregoing, we conclude that our rules should be amended to authorize the performance of routine operating duties at AM stations with critical directional antenna systems by Restricted permit operators.

13. We address next the question of whether it is necessary for TV stations to have First-class Radiotelephone operators only as now required. They perform both routine operating duties and technical supervision and maintenance duties.

14. Comments were submitted in support of a provision that performance of routine operating duties by Restricted permit operators be extended to TV. American Broadcasting Companies, Inc. (ABC) stated, "In our view, the same rationale underlying the extension of this policy to AM and FM stations also applies to television broadcast operations." In the "Comments of Licensees," submitted on behalf of twenty-nine licensees of radio and television stations, it is stated that the Commission should also permit routine operation of television stations by holders of a limited permit since "there would not appear to be any rational basis for distinguishing between the two services in this regard and the Commission's *Notice* does not offer any basis for such difference in treatment."

15. In reply comments, Harriscope Broadcasting Corporation stated the following:

"The existing rules (§§ 73.661 and 13.61(e)) require the presence of first-class operators throughout the broadcast day at each and every television station in the country. No distinction is made with respect to the operator license requirements for installation, repair and maintenance of a transmitter, and routine operating functions. The end result is that television stations are required to hire more first-class technicians than can be gainfully employed throughout the broadcast day. Not only do first-class technicians perform duties, which, were it not for the requirements set forth in Commission rules (e.g., §§ 73.669, 73.671, 73.672) ² could be

² Now designated as §§ 73.1800, 73.1820 and 73.1830, respectively.

performed by others; but also, simply because first-class operators are on duty, they perform many routine functions, which under the rules do not require a first-class operator."

16. With today's technology and reliability of equipment, it must be concluded that many of the routine operating duties at a television station do not require the services of a First-class operator. We are persuaded that there is no present basis for distinguishing between TV and AM and FM in this matter. Accordingly, we are amending Parts 13 and 73 to include TV with AM and FM in the authorization of Restricted permit operators to perform routine operating duties.

17. The present description of routine operating duties in § 13.62 will obtain with respect to TV, where applicable, and adjustment of visual modulation will be added for TV.

Maintenance Operators

18. We proceed from our previous consideration of duty operators to consideration of maintenance operators. Installation, maintenance, repair and technical supervision of broadcast transmitting operations require an expertise obviously greater than for routine operating duties. Such maintenance operators are required by our rules to be holders of First-class licenses in the case of each broadcast service, AM, FM and TV.³ The *Notice of Proposed Rule Making* herein raised the question of "Should the service or maintenance operator requirements in the various radio services be retained." After the *Notice* was issued, the Commission received in November, 1978, a draft of the final report of a contract study by the Georgia Institute of Technology (GIT) on broadcast regulatory matters which recommended, among other things, that the current program of licensing operators in the broadcast service by examination be eliminated and a "registration" program be substituted.⁴ We stated in the *First Report and Order* that the study raises questions not considered in the *Notice of Proposed Rule Making* and that further review and evaluation are needed before final action is taken. We are not resolving those questions in this *Report and Order*. They will be the subject of a further document.

19. We are addressing, at this time, only the narrow matter of reducing from full-time to less than full-time the

employment required of a maintenance operator as the "Chief operator" at AM stations with directional antenna systems or with power in excess of 10,000 watts and conforming TV stations thereto.

20. It is contended that there is not enough technical maintenance work to be done at many such broadcast stations to keep First-class operators gainfully employed throughout the day. We recognize the facts that some stations require more technical maintenance than others and that many with sophisticated and reliable equipment require very little maintenance. We agree that a station should not be required to employ a First-class operator for more time than is needed to maintain properly the equipment involved and keep it in compliance with our rules. We believe that an accommodating flexibility can be incorporated into the Rules.

21. We now review those rules. Section 73.93(h) of the AM rules now provides, in pertinent part, that "When lesser grade operators are used * * * for any period of operation with normal power in excess of 10 kilowatts, or with a directional antenna, the station shall designate one First-class operator in full-time employment as the chief operator who, together with the licensee, shall be responsible for the technical operation." We are amending the rule to provide for full-time employment or whatever less than full-time employment the licensee determines is needed to keep its technical operation in compliance with our rules.⁵

22. Section 73.661 of our TV rules provides, in pertinent part, that "one or more operators holding a valid radiotelephone first-class operator license shall be on duty and shall be in actual charge whenever the transmitter is delivering power to the transmitting antenna." We are amending this rule to incorporate the same provision as above for less than full-time employment for the First-class operator in actual charge.

23. Sections 73.93(h) and 73.661 are the only rules involving the matter of full-time employment of First-class maintenance operators.

24. Our relaxation of the TV rules to provide for lesser grade duty operators does not change in any way the requirements that technical supervision and maintenance must be performed by a First-class operator. As noted above,

the AM rules provide that, when lesser grade duty operators are used at stations with a directional antenna system or with power in excess of 10,000 watts, the station must designate one first-class operator as the "Chief operator" responsible for the technical operation of the station. For those TV stations which elect to use lesser grade duty operators, the rules will be conformed to the AM provision that the station must designate one first-class operator as the "Chief operator" responsible for the technical operation of the station. The amended operator rules will so indicate.⁶

25. Operator rules being amended are §§ 13.61, 13.62, 73.93, 73.661 and 74.966.

26. We repeat that this *Report and Order* is limited to the matters addressed above and that other issues in this overall proceeding on operator licensing—both broadcast and non-broadcast—will be considered in subsequent documents. We look toward issuance in the near future of a Further Notice of Proposed Rule Making in the matter of testing and licensing maintenance operators for broadcast stations, and inclusion of findings in the study by the Georgia Institute of Technology (para. 18, above) with opportunity for comment on the relevant findings.

27. We stress again, as we did in our *First Report and Order*, that relaxation of the operator requirements does not lessen the burden of responsibility of either the operator or the broadcast station licensee for strict compliance with the Commission rules.

28. Further information concerning matters contained in this *Report and Order* can be obtained from John Reiser, Steve Crane or Philip Cross, FCC, Washington, D.C. 20554, telephone (202) 632-9660. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file. 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 presentations requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she

³ Second-class operators may perform such duties at NCE-FM stations with transmitter output of 1,000 watts or less.

⁴ A final report by the Georgia Institute of Technology "Broadcast Regulation Tradeoff Study" was presented to the Commission in June 1979.

⁵ The National Association of Broadcasters (NAB) filed on March 12, 1979, a petition for rule making, RM-3350, to reduce from full-time to part-time the required employment of a Chief First-class operator at AM stations with a directional antenna system or with power in excess of 10,000 watts. In view of our action here, the petition will be dismissed as moot.

⁶ Section 73.3547, "Requests for temporary permission to use lesser grade operators or pro-tem, non-fulltime chief operators," is being retitled and editorially revised to conform to the amended duty operator and chief operator requirements.

should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554 (202) 632-7000.

29. We conclude that, for the reasons stated above, adoption of these amendments will serve the public interest. Accordingly, it is ordered, that, effective December 19, 1979, Parts 13, 73 and 74 of the Commission's rules and regulations are amended as set forth in Appendix B, pursuant to authority contained in 4(i), 303(l) and 303(r) of the Communications Act of 1934, as amended; and it is further ordered, That, the above referenced petition (para. 21) of the National Association of Broadcasters is dismissed as moot.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments and reply comments were received from the following:

Albert K. Nielsen—WDNX
Robert Dean Seaver
Adlai C. Ferguson, Jr.—WPRS/WACF
Boyce J. Hanna—WADT
John J. Davis
Paul H. Lee
Charles W. Sepmeier—WFSU/WTAL
Raphael Soifer
George H. Baskos—KCDC
Robert Yeates
William H. Wilson
Hudson C. Millar—WIRA
John E. Shepler—WROK/WZOK
Chris Nevil
Jesse L. Sprouse
Peter B. Orlik—WMHW-FM
Charles B. Field
Daryl E. Harris, Sr.
Michael W. Moran—WLKE
J. F. Curado—Hawaiian Airlines
Rowland Medler
David R. Santee—KBRL
Bruce L. Mackey—WKRT
Frank J. Maynard
Louise Keltner—WPTN
Frederick E. Wells—WNDA
Mark Robinson—WWCU-FM
Robert W. Sassaman—WNWR
Walter L. Johnson, Jr.
Bruce R. Glazer
Gregg S. Warren
Andy K. Hughes
Thomas M. Neilson
Donald L. Schesser
T. E. Shireman
Michael Hemeon
George T. Wade
Robert Kares
Forest Industries Telecommunications
H. David Harrell
Boris Pastuch
John G. Murray—KCMW-FM
Alfred Pastuch

Constantino E. Bernardez—KTCU-FM
John Pastuch
Stephen A. Bloomfield—WAUP-FM
Kenneth L. Welch
National Marine Electronics Association
Bill Harrell
Robert L. Bingham
Gulf Radiotelephone and Electronics
Ernest O. Sutton
California Mobile Radio Association
Cleveland Institute of Electronics
California State Communications Division
John Furr—KITE/KITE-FM
Ernest R. Skinner, Jr.
Greg VanAcker
Patrick Fisher
Raymond H. Basemore
Gerhard J. Straub
Mike Henderson—KINN
Herbert M. Schulkind—WCVB-TV
Daniel J. Reilly, Jr.
Joel E. Wharton
James M. Greenwood
James T. Bittle, James E. Hatson, and James C. Martin (Joint Comment)
William G. Wheeler
C. Curtis Sigmon—WYCL
Associated Public-Safety Communications Officers, Inc. (APCO)
Roland Closson
Hartley Peterson
Michael Donovan—WGLS
Kermit L. Richardson—KBOK
Martin Dekkenga—KDCR
Wisconsin Chapter Associated Public-Safety Communications Officers, Inc.
William J. Oliver
Edwin H. Ryland—KSWH-FM
Donald Karr
RCA Corporation
Tamalpais Broadcast Advertising
Command Productions
J. G. Rountree
National Broadcasting Company, Inc.
Motorola, Inc.
Aeronautical Radio, Inc.
G.T.E. Service Corp.
Aloysius B. McCabe—WGN
American Broadcasting Companies, Inc.
National Association of Broadcasters
National Association of Business and Educational Radio, Inc. (NABER)
Utilities Telecommunications Council
William F. Duhamel—Duhamel Broadcasting Enterprises
Greater Media, Inc.—WCTC/WMCO-FM, ET AL
McKenna, Wilkinson, and Kittner, Representing 29 Broadcast Station Licensees
National Radio Broadcasters Association
Merrill T. See
The Radio Shack
Robert E. Krueger—KTVB, Inc. (Reply Comment)

Appendix B

PART 13—COMMERCIAL RADIO OPERATORS

1. In § 13.61, the introductory paragraph, paragraphs (a)(1), (b)(1), (d)(1), (g)(1) and (h)(1) are deleted and marked "reserved;" paragraphs (a)(2), (b)(2), (d)(2), (f)(2), (g)(3) and (h)(3) are

amended; paragraphs (f)(3), (4), (5), (6) and (7) are deleted in their entirety; and paragraph (f)(8) is redesignated as (f)(3) as follows:

§ 13.61 Operating authority.

The various classes of commercial radio operator licenses issued by the Commission authorize the holder thereof to operate radio stations, except amateur, as follows. (See also § 13.62 for additional operator authority with respect to AM, FM and TV broadcast stations.)

(a) *Radiotelegraph first-class operator license.* Any station except:

- (1) [Reserved]
- (2) AM, FM, TV and International Broadcast Stations.
- (3) ***

(b) *Radiotelegraph second-class operator license.* Any station except:

- (1) [Reserved]
- (2) AM, FM, TV and International Broadcast Stations.
- (3) ***

(d) *Radiotelegraph third-class operator permit.* Any station except:

- (1) [Reserved]
- (2) AM, FM, TV and International Broadcast Stations.
- (3) ***

(f) ***

(1) ***

(2) AM, FM, TV and International Broadcast Stations.

(3) At a ship radar station, the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy unless the operator has satisfactorily completed the supplementary examination qualifying that operator for that duty and receiving a ship radar endorsement on the license certifying to that fact. Nothing in this paragraph shall be construed to prevent persons holding licenses not so endorsed from making replacements of fuses or of receiving-type tubes. The supplementary examination shall consist of:

(i) Written examination element: 8.

(g) *Radiotelephone third class operator permit.* Any station except:

- (1) [Reserved]
- (2) ***
- (3) AM, FM, TV and International Broadcast Stations.
- (4) ***

(h) *Restricted Radiotelephone Operator Permit.* Any station except:

(1) [Reserved]

(2) * * *

(3) AM, FM, TV and International Broadcast Stations.

(4) * * *

2. In § 13.62, paragraph (c) is amended and (d) is added to read as follows:

§ 13.62 Special privileges.

* * *

(c) The holder of any class of commercial operator license or permit may perform routine transmitter operating duties at any AM, FM or TV broadcast station. However, if the operator holds a license other than a First-class Radiotelephone Operator License, only such duties as set forth in paragraph (d) of this section may be performed, under the following conditions and restrictions:

(1) The licensee of the station has fully instructed the operator in the performance of all transmitter adjustments described in paragraph (d) of this section and in all other required operator duties such as the reading of meters and making of log entries.

(2) The licensee of the broadcast station has posted at each operating position step-by-step instructions for all transmitter adjustments and operating procedures which duty operators, employed under the provisions of this paragraph, are required to perform. Also posted must be a table or chart of the limiting values of transmission system operating parameters that are required to be observed and logged.

(3) The emissions of the station must be terminated whenever the transmitting system is observed operating beyond the posted limiting values or in any other manner inconsistent with the rule or station authorization when the adjustments listed in paragraph (d) of this section are ineffective in correcting the improper operation.

(d) The technical adjustments of the transmitting system that may be performed as routine operating duties at a broadcast station by operators holding other than a First-class Radiotelephone Operator License (or Second Class Radiotelephone Operator License for noncommercial educational FM stations operating with not more than 1 kilowatt transmitter output power) are limited to the following:

(1) Those necessary to turn the transmitter on and off.

(2) Those necessary to maintain the operating power within the prescribed limits.

(3) Those necessary to maintain the aural modulation levels within the prescribed limits.

(4) Those necessary to maintain the visual modulation and waveform within the prescribed limits.

(5) Those necessary to effect the routine changes in operating power within the broadcast day at times specified by an AM station authorization.

(6) Those necessary to change between non-directional and directional or between differing radiation patterns of an AM station, provided that such changes require only activation of switches and do not involve the manual tuning of the transmitter final amplifier and antenna phasing equipment. The switching equipment must be arranged so that the failure of any relay in the directional antenna system to activate properly will cause the emissions of the station to terminate.

PART 73—RADIO BROADCAST SERVICES

3. Section 73.14 is amended to add new paragraph (v) to read as follows:

§ 73.14 Technical definitions.

* * *

(v) *Critical directional antenna.* An AM broadcast directional antenna for which the station authorization requires the maintenance of the ratios of currents within the elements of the system within a tolerance of less than 5% or the relative phases of those currents within a tolerance of less than 3°.

4. In § 73.93, paragraphs (d), (e) and (h) are amended to read:

§ 73.93 Operator requirements.

* * *

(d) Stations using non-directional antennas during periods of operation with an authorized power in excess of 10 kW may employ operators holding any class of commercial radio operator license or permit for the routine duty operation of the transmitting system as defined in paragraph (f) of this section. In addition, such stations must employ at least one operator holding a First-class Radiotelephone Operator License in either full-time or whatever less than full-time employment the station licensee determines is needed to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization.

(e) The licensee of an AM station using a directional antenna system may employ persons holding any class of commercial radio operator license or permit for the routine duty operation of the transmitting system as defined in paragraph (f) of this section. If the licensee elects to employ operators holding any class of license or permit

other than a First-class Radiotelephone Operator License for the routine duty operation of the transmitting system, the licensee must comply with the following:

(1) The station must employ at least one operator holding a First-class Radiotelephone Operator License in either full-time or whatever less than full-time employment the station licensee determines is needed to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization.

(2) * * *

* * *

(h) When lesser grade operators are used, in accordance with paragraph (d) or (e) of this section, the station licensee must designate one First-class Radiotelephone Operator as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another First-class Radiotelephone Operator as assistant chief operator, who will assume all responsibilities during absence of the designated chief operator. A copy of the designation must be posted with the license of the designated operator.

(1) [Reserved]

* * *

5. Section 73.661 is revised in its entirety to read as follows:

§ 73.661 Operator requirements.

(a) Except as provided for in paragraphs (b), (c) and (d) of this section, one or more operators holding First-class Radiotelephone Operator Licenses must be on duty at the place where the transmitting apparatus is located, where extension meters and monitoring devices for monitoring critical parameters of the transmitter are located as provided for in § 73.1550, or at an authorized remote control point established pursuant to the provisions of § 73.677; and shall be in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna.

(1) The licensed operator on duty and in charge of the TV transmitter may, at the discretion of the licensee, be employed for other duties or for operation of another station or stations in accordance with the class of operator license held and the rules governing such other stations. However, such other duties must not impair or impede the required supervision of the TV broadcast transmitting system.

(2) The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment or the controls and required monitoring metering

equipment in an authorized remote control operation must be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations for normal indications of required instruments can be observed from that location.

(b) The licensee of a TV station may employ persons holding any class of commercial radio operator license or permit for the routine duty operation of the transmitting system as defined in paragraph (c) of this section. In addition, the licensee must employ at least one person holding a First-class Radiotelephone Operator License either in full-time or whatever less than full-time employment the station licensee determines is necessary to keep the station's technical operation in compliance with the FCC rules and terms of the station authorization. If the licensee elects to employ operators holding any class of license or permit other than a First-class Radiotelephone Operator License for the routine duty operation of the transmitting system, the licensee must comply with the following:

(1) One First-class Radiotelephone operator shall be designated in writing as the chief operator who, together with the licensee, shall be responsible for the technical operation of the station. The licensee may also designate another First-class Radiotelephone operator as assistant chief operator, who shall assume all responsibilities of the chief operator during periods of his absence. A copy of the designation must be posted with the license(s) of the designated operator(s).

(2) The station licensee shall vest such authority in, and afford such facilities to, the chief operator as may be necessary to insure that the chief operator's primary responsibility for the proper technical operation of the station may be discharged efficiently.

(3) At such times as the regularly designated chief operator is unavailable or unable to act as chief operator (e.g., vacations, sickness), and an assistant chief operator has not been designated, or, if designated, for any reason is unable to assume the duties of chief operator, the licensee shall designate another First-class Radiotelephone operator as acting chief operator on a temporary basis. Within 3 days of the date such action is taken, the Engineer in Charge of the radio district in which the station is located shall be notified by the licensee by letter of the name and license number of the acting chief operator, and shall be notified by letter, again within 3 days, of the date when the regularly designated chief operator returns to duty.

(4) The designated chief operator may serve as a routine duty transmitter operator at any station only to the extent that it does not interfere with the efficient discharge of his responsibilities as listed below.

(i) The inspection and maintenance of the transmitting system, including the antenna system and required monitoring equipment.

(ii) The accuracy and completeness of entries in the maintenance log.

(iii) The supervision and instruction of all other station operators in the performance of their technical duties.

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operator logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating logs shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24-hour period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review cannot exceed 72 hours.

(c) Subject to the conditions in paragraph (b) of this section, operators not holding First Class Radiotelephone Operator Licenses may make adjustments only of external controls, as follows:

(1) Those necessary to turn the transmitter on and off;

(2) Those necessary to maintain the operating power within the prescribed limits;

(3) Those necessary to maintain the aural modulation levels within the prescribed limits;

(4) Those necessary to maintain the visual modulation and waveform within the prescribed limits.

(d) It is the responsibility of the station licensee to insure that each operator is fully instructed in the performance of all of the above adjustments as well as in other required duties, such as reading meters and making log entries. Printed step-by-step instructions for those adjustments which the lesser grade operator is permitted to make, and a tabulation or chart of upper and lower limiting values of parameters required to be observed and logged, shall be posted at the operating position. The emissions of the station must be terminated immediately whenever the transmitting system is observed operating beyond the posted

parameters, or in any other manner inconsistent with the rules or the station authorization and the above adjustments are ineffective in correcting the condition of improper operation and a First-class Radiotelephone operator is not present.

(e) At TV stations which elect to use less than First-class Radiotelephone operators for routine duty operation, a complete inspection of the transmitting system and required monitoring equipment in use shall be made by an operator holding a First-class Radiotelephone License at least once each calendar week. The interval between successive required inspections shall not be less than 5 days. This inspection shall include such tests, adjustments, and repairs as may be necessary to insure operation in conformance with the provisions of this Subpart and the current station authorization.

6. Section 73.3547, including headnote, is being revised in its entirety to read as follows:

§ 73.3547 Requests for temporary permission to use lesser grade operators or a pro-tem chief operator.

(a) For stations which elect to have First-class Radiotelephone Licensed operators on duty in charge of the transmitting system during all periods of operation and, due to circumstances beyond the licensee's control, such operators are unavailable to maintain the regular schedule of operation, a request for temporary permission to employ lesser grade operators may be submitted to the Engineer in Charge of the radio district in which the station is located.

(b) For stations which are required to have a designated chief operator and that operator becomes incapacitated or temporarily unavailable and a designated assistant chief operator is not employed, a request for permission to appoint a First-class operator available on call as the pro-tem chief operator must be submitted to the Engineer in Charge of the radio district in which the station is located.

(c) Temporary permission to operate with either lesser grade operators or with a pro-tem chief operator may be granted for a period of up to 60 days upon a showing of need. The Engineer in Charge may terminate the permission in the absence of adequate efforts to obtain qualified replacement operators or for other good reasons in the judgment of the Engineer in Charge.

(d) Requests for temporary authority are to be made in letter form, signed by the licensee, and must include the following:

(1) The name of the licensee and call letters of the station.

(2) When lesser grade operators are to be employed, a showing that at least one First-class radiotelephone operator is employed and responsible for all technical adjustments and maintenance.

(3) When a pro-tem chief operator is to be employed, a showing that at least one First-class radiotelephone operator will be available on an on-call basis to perform all technical adjustments and maintenance, and who will assume the responsibilities of the chief operator.

(4) Any request for an extension of the original permission, when the employment of a replacement chief operator is required, must include a showing of the continuing efforts made to obtain qualified employees, including the sources of contact and dates of contacts of all known sources of broadcast operators. If a replacement chief operator is rejected for employment, a statement giving the reason for rejection must be included.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

7. In § 74.966, paragraph (a) is amended to read as follows:

§ 74.966 Operator requirements.

(a) An instructional TV fixed station (ITFS) used for the origination of visual and aural program material or the transmitter of which is modulated with visual and aural program material received from other sources, must be operated by a person holding any class of commercial radio operator license or permit, on duty at the place where the transmitter is located or at an authorized control point established pursuant to the provisions of § 74.933, and in actual charge thereof.

[FR Doc. 79-35952 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 15

[Docket No. 21010; RM-2577; FCC 79-719]

UHF Television Receiver Noise Figures

AGENCY: Federal Communications Commission.

ACTION: Final rule (Order in FCC Docket 21010).

SUMMARY: Order amending the new noise figure requirements for TV receivers to clarify how they apply to video tape recorders with built-in TV tuners. The Order is in response to

petition for clarification from the Consumer Electronics Group of the Electronic Industries Association.

EFFECTIVE DATE: November 23, 1979.

ADDRESSES: Federal Communications Commission, 1919 M St., NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Larry Middlekamp, FCC Laboratory, P.O. Box 429, Columbia, MD 21045, Phone 301-725-1585.

Adopted: November 6, 1979.

Released: November 14, 1979.

1. On August 1, 1978 (43 FR 54097), the Commission adopted a Report and Order in Docket No. 21010, which required a reduction of UHF television receiver noise figures.

2. No change in this policy is contemplated by this Order. However, because of the way the implementing rules were written, video tape recorders would inadvertently be subjected to more stringent standards than intended.¹ Video tape recorders, regulated under Class I TV Devices in Part 15 of the Commission's Rules, include additional components (power splitters) not found in, or necessary to, television receivers. While the UHF TV tuner in a video tape recorder must meet the new noise figures adopted in Docket No. 21010, the use of a power splitter results in an increase in the measured noise figure when measured at the UHF antenna of the video tape recorder.²

3. The only way a manufacturer could meet the new noise figure requirement using the prescribed measuring techniques would be to attach the power splitter to the outside of the cabinet of the recorder, or sell the power splitter separately and have the customer install it. While this would permit the manufacturer to comply with our requirements for noise figure, it could result in a more serious picture quality impairment than if the power splitter were built-in, and would not be as convenient for the consumer. Because the rules governing Class I TV Devices refer to Subparts B and C of Part 15 which in turn refer to Subpart J of Part 2, the applicability and measuring techniques of the new UHF noise figure

¹ A "Petition for Clarification" in this matter was filed by the Consumer Electronics Group of the Electronic Industries Association on April 30, 1979. In addition, letters requesting clarification and/or amendment of the Rules were received from Matsushita Industrial Company and Hitachi Sales Corporation of America. A filing by the Council for UHF Broadcasters supported the above mentioned requests for clarification.

² The Commission requires that the UHF noise figure be measured at the antenna terminals of the receiver so that the antenna lead connection between the external antenna terminals and those of the built-in UHF tuner will be taken into account.

requirements to video tape recorders were not clear.

4. The Council for UHF Broadcasting (CUB), in a filing on June 25, 1979, made an important point. The fundamental goal of our noise figure regulation is to promote the comparability of UHF television reception to that of VHF television reception. Since the power splitter loss also occurs at VHF, the 4 dB allowance for this loss does not affect the difference between UHF and VHF reception. Further, CUB points out that while the loss of the power splitting device should be minimized, 4 dB represents a "reasonable maximum additional loss figure." (CUB comment dated June 25, 1979 on page 3.)

5. For the reasons set forth above, an amendment to clarify how the new noise figure requirements shall be applied to video tape recorders with built-in TV tuners will serve the public interest. Prior notice of rulemaking, effective date provisions, and public procedure thereon are unnecessary, pursuant to the requirements of 5 U.S.C. 553, inasmuch as these amendments only clarify existing law and raise no issues which would likely result in adverse comment.

6. In view of the foregoing, and pursuant to authority contained in §§ 4 and 303(s) of the Communications Act of 1934, as amended, IT IS ORDERED, that § 15.66 of Part 15, IS AMENDED as set forth in the attached Appendix, effective November 23, 1979.

7. For further information concerning this matter, contact Mr. Larry Middlekamp, FCC Laboratory, P.O. Box 429, Columbia, MD 21045, phone 301-725-1585.

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

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Section 15.66 is amended by adding a new paragraph (d) to read as follows:

§ 15.66 All-channel television broadcast reception: Noise figure.

(d) In the case of a TV tuner built-in as part of a video tape recorder which uses a power splitter between the antenna terminals of the video tape recorder and the input terminals of the TV tuner 4 dB may be subtracted from the noise figure measured at the antenna terminals of the video tape recorder for determining compliance of such built-in

TV tuner with the noise figure limits in paragraph (a) of this section.

[FR Doc. 79-35880 Filed 11-20-79; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 61

[Docket No. 20698; FCC 79-727]

Providing Adequate Notice and Timely Availability of Tariff Filings to the Public

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: These amendments will make tariffs, letters of transmittal and cost support material filed with the Commission more promptly and directly accessible to the public.

EFFECTIVE DATE: December 19, 1979.

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

FOR FURTHER INFORMATION CONTACT: Helen E. Golding, Common Carrier Bureau, (202) 632-6312.

Adopted: November 6, 1979.

Released: November 15, 1979.

In the matter of amendment of §§ 1.773, 61.32 and 61.58 of the Commission's Rules to provide adequate notice and timely availability of tariff filings to the public (See 41 FR 4727).

1. This proceeding was instituted by a Notice of Inquiry and Proposed Rulemaking (Notice) released on February 10, 1976 (FCC 76-82) 57 FCC 2d 1148 (1976). As stated in the Notice, the proposed rules would amend §§ 1.773, 61.32 and 61.58 of the Commission's Rules, 47 CFR 1.773, 61.32 and 61.58. The proposed revisions are intended to make copies of transmittal letters, tariff schedules, supporting cost material and other information more promptly and directly available to the printer who makes copies of Commission records for sale to the public. They also suggest the amendment of our notice requirements for tariff filings.

2. Comments on the proposed rules were duly filed by the American Telephone and Telegraph Company (AT&T), the Computer and Business Equipment Manufacturers Association (CBEMA), GTE Service Corporation (GTE), ITT World Communications, Inc. (ITT), MCI Telecommunications Corporation (MCI), Southern Pacific Communications Company (SPC), TRT Telecommunications Corporation (TRT), Western Union International, Inc. (WUI), Western Union Telegraph Company (WUTC), and the law firm of Wilkinson, Cragun and Barker (WCB).

All except CBEMA, an association representing the business equipment manufacturing industry, and WCB, engaged in representing clients before the Commission, are communications common carriers. Reply comments were timely filed by AT&T, GTE, TRT, and WCB.

Background

3. While the aforementioned comments were under consideration Congress enacted amendments to Sections 203 and 204 of the Communications Act of 1934.¹ These amendments (1) established a maximum 90 day notice period for proposed tariff changes, (2) extended the maximum period for suspension of new or revised tariff provisions from three to five months, (3) authorized the Commission to allow a part of a tariff filing to go into effect, and (4) gave the Commission authority to allow tariff filings to go into effect temporarily pending a further order. After these statutory revisions became effective, the Commission issued two interlocutory Public Notices² which established temporary procedures for tariff filings until the Commission could revise its Rules to reflect the new law. Public Meetings were held by the Commission staff with customers, carriers, and other members of the public in order to obtain their views concerning appropriate periods of public notice for various types of tariff filings. After careful consideration of the parties' comments and proposals, the Commission amended Parts 0, 1, and 61 of its Rules and established new tariff notice periods. See, *Public Tariff Filings*, 62 FCC 2d 474 (1976). It should also be noted that other amendments to these sections of the Rules were made to take into account changes brought about by passage of the Government in the Sunshine Act, P.L. 94-409, 90 Stat. 1241 (1976). See, *Tariffs, Filing and Posting of*, 64 FCC 2d 635 (1977), *reconsid. denied*, 70 FCC 2d 1483 (1979). The parties' comments in the present Docket do not reflect the exigencies of the Sunshine Act. Thus, because of these subsequent events, the portions of the comments which relate to the amendment of Sections 1.773 and 61.58 have been superseded and are therefore moot.

Comments

4. As a result of the foregoing, we will focus our attention on the amendment of § 61.32 of the Rules. Because of the parties' comments, §§ 61.33 and 61.34 are also being amended. A review of the

comments pertinent to these sections reveals the following viewpoints concerning changes in the requirements for submission of tariff materials.

5. The amendment proposed to Rule 61.32, as set forth in the Appendix to the Notice, was that a copy of the complete tariff publication, along with supporting data and the transmittal letter, be sent concurrently with the filing thereof to the commercial printer with whom the Commission annually awards a contract to make copies of Commission records for sale to the public. As stated in the Notice, several carriers had begun to follow this procedure voluntarily pursuant to written requests by Commission staff prior to the institution of this rulemaking. WCB noted that under the voluntary informal procedures some carriers would hand deliver tariff materials to the Commission but mail them to the printer, thereby causing a delay. To remedy the discrepancy in the time of receipt, WCB suggested that tariff materials be sent to the printer at its Commission office simultaneously and by the same means that they are filed at the Commission. AT&T submitted that it would be preferable to require that three copies of the tariff materials be submitted directly to the Secretary, with one designated to go to the printer. This, it said, would simplify the filing procedure by obviating the need for the printer to maintain an office at the Commission and by insuring contemporaneous filing. It proposed that this change be incorporated into Section 61.32, allowing the deletion of Section 61.34, which provides that two copies of each publication, in one package and under one letter of transmittal, be filed with the Commission. Another recommendation, by ITT and AT&T, was that the AT&T printer be required to fill orders for tariff materials within two business days. Without designating a specific time constraint, WCB and SPC also emphasized the importance of getting copies made quickly.

6. CBEMA asked that the rule require that a copy of all of the filing materials also be delivered directly to the Common Carrier Bureau on the date of filing with the Commission, in order to avoid delays from internal routing procedures. AT&T agreed generally but suggested that to require the copy to be sent to the Common Carrier Bureau, Tariff Division concurrently and by the same means as the original filing would serve the purpose of same day delivery while avoiding undue hardship when the filing is made by mail.

7. MCI proposed that a carrier which files tariffs in response to a Commission order be required to serve copies of the tariff provisions and supporting materials on all parties to the

¹ P.L. 94-376, 90 Stat. 1080 (1976).

² FCC 76-774, 61 FCC 2d 1188 (1976); FCC 76-811 (1976).

proceeding. MCI also suggested that the Commission require all carriers providing domestic point-to-point communications services (other than program transmission services) to serve all other such carriers when it fills a tariff revision. These proposals were opposed by AT&T which argued that increased costs would ultimately have to be borne by the public and maintained that those who have an interest in receiving copies should pay for them.

8. Other comments addressed the content of various elements of the filing package. WUI proposed that Section 61.33 be amended to require that the transmittal letter contain a concise explanation of the content and nature of the filing being made. WCB asked that all subordinate calculations in supporting documentation be clearly displayed therein or else made available on request, and that claims that certain data are proprietary and confidential be disfavored except in limited circumstances.

Discussion

9. After careful consideration of all of the comments of the parties, we are of the opinion that §§ 61.32, 61.33 and 61.34 of the Rules should be amended as follows:

(a) Section 61.32 is to be amended to provide that the carrier shall file the entire publication (tariff schedules and supporting data) with the transmittal letter at the office of the commercial printer located on the Commission's premises and at the Office of the Chief, Tariff Review Branch, by the same means (hand delivery or mail) and at the same time that those documents are filed with the Commission. The copy submitted to the Tariff Review Branch will serve as the public reference copy and should be so labelled by the carrier. This simultaneous delivery requirements should (1) enable the printer to respond more quickly to requests from the public for copies of tariff materials, and (2) enable the Commission staff to avoid delay caused by internal routing procedures. Due to the short response times for filing petitions against these tariffs, these revisions should assist both those potential petitioners and the Commission staff. The provision previously contained in Section 61.34, requiring that two copies of each tariff publication be filed with the Commission, in a single package and under one letter of transmittal, is being transferred to this Section, with minor modifications, to clarify that this language refers to the official filing which is made with the Secretary of the

Commission.³ Carriers and others affected by these Rules are reminded that it is the date that the original tariff materials are filed at the Commission that will control. It remains the petitioner's responsibility to ascertain the actual date of filing in order to ensure timely responses.

(b) Section 61.33 is to be amended to require that a concise explanation of the nature and purpose of the tariff filing be included in the transmittal letter. Such an explanation should be helpful to quickly establish the basic nature of complex and often voluminous tariff filings.

(c) The substance of § 61.34, as indicated above, is being incorporated into § 61.32, and accordingly, will be deleted.

10. Other suggestions have been considered but are not adopted. WCB's proposal that we develop rules to discourage carriers' claims that their supporting data is proprietary and confidential is rejected inasmuch as we are of the opinion that such filings are very uncommon and should be reviewed on a case by case basis. In general, we have not been sympathetic to carriers making requests for confidential treatment. In any event, §§ 0.457 and 0.459 of the Commission's Rules⁴ adequately deal with bona fide claims of confidentiality.

11. Although we see some merit in AT&T's proposal that the copy of tariff materials for the printer be submitted along with those filed at the Office of the Secretary, we believe that it is on the whole better to require the copy to be filed directly with the printer. Since it is already routine for the printer to maintain an office on the Commission's premises, this procedure should pose no particular hardship, and it will serve to guard against potential administrative and routing delays.

12. MCI's suggestion that a carrier which files tariffs in response to a Commission order be required to serve complete copies on all parties to the proceeding overlooks the fact that a basic purpose of filing a tariff is to give the public notice and opportunity for all interested persons to respond to the filing. The proposal would mainly favor other carriers by providing them with direct notice and free copies of tariff materials, while leaving other interested persons to check Commission filings and to pay for any desired copies.

13. Other comments were made concerning the prompt completion of

copying orders and also about the date from which the time for filing opposition to tariff filings should run. Such changes were intended to enable interested parties to acquire actual notice of a tariff filing and to ensure that they have adequate time for response. However, we believe that the changes adopted in this proceeding will significantly improve the ability of interested persons to obtain prompt actual notice of tariff filings. Moreover, because of statutory time constraints on prior notice requirements (90 days maximum under Section 203(b) of the Act, 47 U.S.C. 203(b)), we do not believe an action which would lessen the period for Commission review of petitions would be advisable.

14. Authority for the Rules adopted is contained in Sections 2, 3, 4(i), and 4(j), 203 and 403 of the Communications Act, as amended, 47 U.S.C. §§ 152, 153, 154(i), 154(j), 203 and 403.

15. Accordingly, it is ordered, effective December 19, 1979, that Part 61 of the Rules and Regulations is amended as set forth in the Appendix hereto, and this proceeding is terminated.

(Secs. 1, 2, 4, 201-205, 206, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602) Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

Part 61, Chapter X of Title 47 of the Code of Federal Regulations, is amended to read as follows:

1. In § 61.32, the headnote and text are amended to read as follows:

§ 61.32 Method of filing publications.

Tariff publications sent for filing shall be addressed to "Secretary, Federal Communications Commission, Washington, D.C. 20554." One copy of each publication, including all supporting information, shall be filed under a letter of transmittal. The date of which the tariff publication is filed with the Secretary shall be considered the official filing date. Simultaneously with the filing of the publication with the Secretary of the Commission and by the same means (hand delivery or mail), the filing carrier shall send a copy of the entire publication with all supporting information and the transmittal letter (1) to the commercial firm (at its office on the Commission's premises) to whom the Commission annually awards a contract to make copies of Commission records and offer them for sale to the public, and (2) to the Chief, Tariff Review Branch. The copy filed with the

³ Because we are requiring carriers to file one copy of their tariff material with the Tariff Review Branch, we will require that only one copy be filed with the Secretary's Office.

⁴ 47 CFR §§ 0.457 and 0.459.

Tariff Review Branch shall be clearly labelled "Public Reference Copy."

2. Section 6133 (c) is added to read as follows:

§ 61.33 Letters of transmittal.

(c) A statement giving a concise explanation of the nature and purpose of the filing shall be included in the transmittal prescribed above.

§ 61.34 [Deleted and Reserved]

3. Section 61.34 is deleted in its entirety (Number reserved.)

[FR Doc. 79-35858 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 68

[CC Docket No. 78-331; FCC 79-728]

Connection of Terminal Equipment to the Telephone Network; Providing for Certain Exceptions Required To Protect the National Defense and Security as Well as Other Appropriate Exceptions

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: FCC granted an exception to the terminal equipment registration requirements of Part 68 of its Rules to the Department of Defense and other governmental agencies in instances where compliance would compromise the national security and defense. All other proposals for general exceptions were denied.

EFFECTIVE DATE: January 1, 1980.

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

FOR FURTHER INFORMATION CONTACT: Eliot J. Greenwald, Common Carrier Bureau, 202-632-6312.

SUPPLEMENTARY INFORMATION:

Adopted: November 8, 1979.

Released: November 14, 1979.

In the matter of amendment of Part 68 of the rules to provide for certain exceptions required to protect the national defense and security as well as other appropriate exceptions; CC Docket No. 78-331; memorandum opinion and order.

1. On June 5, 1978 (43 FR 54666) the American Telephone and Telegraph Company (AT&T) sought to revise its Tariff F.C.C. No. 263 to require that as of July 1, 1979¹ customer premises equipment, systems, and protective apparatus (hereafter referred to in the aggregate as "premises equipment")

used in connection with long distance message telecommunications service (MTS) must conform to the registration requirements of Part 68 of the Commission's Rules, 47 CFR 68.1 *et seq.* Part 68 provides for a telephone equipment registration program intended to permit direct electrical connection of customer premises equipment to the nationwide telephone network without harm, and without a requirement for telephone company furnished protective devices (connecting arrangements). The Department of Defense (DOD) requested that we suspend and investigate this tariff. It claimed, among other things, that compliance (that is, registration) would result in the public release of classified information in certain circumstances, thus compromising the national security and defense.

2. In Order FCC 78-712, 69 FCC 2d 1810 (1978), we noted the general areas where DOD asserted these classified equipment items, locations, and project and exercises would normally occur. Moreover, we found merit in DOD's contention that the equipment registration program was never intended to interfere with national security or defense. Accordingly, in that order, we initiated a rulemaking to determine whether a "narrowly drawn" exception to the registration requirements of Part 68 of the Rules should be carved out for government agencies in instances where the agency can certify that the equipment and systems will not harm the public telephone network and where disclosure of equipment, locations or projects and exercises would compromise national security and defense. 69 FCC 2d at 1811-12. Further, on our own motion, we decided to consolidate into this rulemaking the issue of whether Part 68 should be amended to recognize other special historical exceptions to earlier tariff requirements prohibiting interconnection of customer premises equipment.² All told, we specifically requested comments on the following issues:

(a) Should there be an exception to the general requirements of Part 68 of the FCC's Rules, running to equipment or systems provided by governmental agencies in instances where compliance with part 68 might compromise the

² Prior to the promulgation of Part 68, AT&T's tariffs prohibited the direct interconnection of customer provided equipment with the telephone network. There were exceptions, however. These excepted customers have included railroads, pipeline companies, right of way companies, "service station" lines, and customers in hazardous or inaccessible locations.

national security or defense? How shall any such exception be defined?

(b) Are there any special customer circumstances, such as those expressed in the historical special "interconnection" tariff regulations for pipeline, right-of-way, and railroad companies, as well as "service station" lines and hazardous or inaccessible locations, which would also warrant special treatment under Part 68 of the FCC's Rules? How shall the contours of any such special treatment be defined?

(c) What procedures, if any, should be adopted for any exceptions to Part 68 of the FCC's Rules which might be promulgated under (a) or (b) above to assure that equipment or systems connected to the nationwide telephone network do not cause it harm?

(d) What specific rules or rule changes should be adopted in Part 68 of the FCC's Rules consistent with the foregoing?

69 FCC 2d at 1813.

3. Comments or reply comments have been filed by 11 interested persons. See Appendix A. Their comments are summarized in Appendix B. After carefully considering these comments, we find, for reasons to be stated below that public interest and national defense considerations warrant an exception to Part 68 of the Rules in instances where compliance with the registration requirements would compromise the national security. On the other hand, for reasons also to be discussed, we are unable to find a public benefit in creating for the first time a special exception to the registration requirements for those who have traditionally benefitted from the historical exceptions to tariff prohibitions against customer provided equipment.

I. National Defense and Security

4. As noted, DOD has brought to our attention four general areas where classified equipment items, locations and projects and exercises normally occur: communications support of the President and other senior officials, particularly in travel status; communications support of U.S. intelligence agencies; communications support of criminal investigative activities; and, finally, communications support of other classified or sensitive activities approved at Cabinet-official levels. There is no dispute, moreover, among those filing comments that if DOD or other governmental agencies were compelled to meet the present notification and registration requirements of Part 68, public release of

¹ This date was later extended to January 1, 1980.

otherwise classified information would result.

5. In our judgment, the possibility of public disclosure under such circumstances makes neither good law nor good sense. As stated in our earlier order, the Part 68 registration program has never been intended to interfere with national security and defense. See 69 FCC 2d at 1811. We are mindful in this regard of our statutory responsibility under Section 1 of the Communications Act to regulate communications in part for the purpose of national defense. 47 U.S.C. 151. Moreover, we would reiterate here our observation, in our *Third Report and Order* in Docket 19528, that certain "special" entities such as governmental agencies have in the past been presumed by carriers to be competent to install and maintain their own telephone equipment and communications systems. See 67 FCC 2d 1255, 1272 (1978). In short, nothing in the comments or in the record before us dissuades us from concluding that an exception under these special circumstances is warranted.³

6. What little dispute there is in the instant comments on the national security and defense exception concerns its implementation rather than propriety. Thus, GTE Service Corporation (GTE) suggests that we limit the exemption to classified locations. We find GTE's proposal too narrow, however. The equipment or certain projects and exercises which GTE seeks to exclude from the scope of the exception may be subject to security classification, yet occur at unclassified locations. In other words, GTE's proposal might leave DOD vulnerable to the very disclosure it rightly seeks to avoid.

7. We emphasize, nevertheless, that the exception we fashion here is to be limited to security classified matters. Any broader exception in our view would compromise the salutary purposes behind the registration program we long ago found in the public interest. Thus, as stated in our instituting order, if unclassified equipment is used in any unclassified location, and classified projects or

exercises are not involved, DOD or other governmental agencies will continue to be subject to Part 68 requirements. See 69 FCC 2d at 1812.

8. In light of the above considerations, our new rule provides that DOD or other governmental agencies approved by this Commission shall be exempted from Part 68 requirements when disclosure adversely affects national defense and security. (The text of these revisions is set forth in Appendix C.) DOD and other agencies will be required, however, to certify to the affected carrier that the connection is required in the interest of the national security and defense; that the equipment or device complies with the technical requirements of Part 68 or will not harm the telephone network or carrier employees; and that only well-trained, qualified employees of DOD or other agencies will perform the installation under the supervision and control of an individual qualified under § 68.215(c) of the Rules, 47 CFR 68.215(c).⁴

9. We recognize that the above scheme is not in full accord with the views of some parties. For example, the North American Telephone Association (NATA) proposes that exemptions be cleared with the Commission in order to prevent telephone companies from discriminating in favor of their own manufacturing affiliates. AT&T, in turn, suggests that DOD or other agencies be required to certify that their equipment complies with Part 68's technical requirements. Finally, Continental Telephone Corporation (Continental) proposes that DOD and other agencies be required to certify that they will assume all responsibility for harm to the telephone network, and to promulgate instructions for processing damage claims.

10. These suggestions may be readily disposed of. Regarding the suggestion that the Commission pre-screen exemption requests, we see no need to involve ourselves beyond approval of those agencies that are to be eligible for the national security exemptions, and publishing that list in the Federal Register. Notification that connections are being made pursuant to an authorized exception will be made to the telephone companies. This approach is consistent with the way in which customers have ordinarily complied with Part 68, and we find no basis to depart from that procedure here. As to the claim of discrimination, moreover, where, as here, the telephone company could not be given the design

specifications of the DOD equipment, we fail to see how a telephone company-owned manufacturer would attain a favored status. Stated differently, the telephone company would have no way of knowing under our exemption which manufacturer's equipment DOD or other governmental agencies is using.

11. As to AT&T's suggestion that DOD and other agencies be required to certify that their equipment complies with the technical requirements of Part 68, we find that the proposal is too narrowly drawn. Ordinarily, if a manufacturer wishes to directly connect equipment that does not comply with Part 68, it must seek a rule change or waiver. However, in the case of security classified equipment, such a request is not feasible. The very fact that equipment is classified precludes the governmental entity from publicly seeking a rule change or waiver. Under these circumstances, we believe the more sensible resolution is to afford DOD and other agencies the option of certifying that the equipment will not harm the telephone network or telephone company employees.

12. Finally, we reject Continental's proposal that DOD and other agencies be required to certify that they will assume all responsibility for harm to the telephone network and promulgate instructions for processing damage claims. As stated in DOD's reply comments, tort liability for DOD and other Federal entities is governed by the Federal Tort Claims Act, 28 USC §§ 1346, 2671-80 as well as 50 USC § 1431, Executive Order No. 10789, November 14, 1958, Sections 10, 15 and 17 of the Defense Acquisition Regulations (DARS), and similar provisions in the Federal Procurement Regulations (FPR). In particular, Section 15 of the DARS and similar provisions in the FPR would permit financial payment to a carrier pursuant to a contract for known, identifiable and quantifiable costs incurred by the carrier as a result of interconnection under a national defense and security exemption from Part 68. Overall, the cited provisions in our view preempt any need for this Commission to promulgate further rules concerning damages.

II. Other Historical Exceptions to Interconnection Prohibitions

13. We recognize that many entities such as railroads, right-of-way companies, pipeline companies, and customers in hazardous or inaccessible locations have successfully interconnected pursuant to tariff exceptions to the telephone network for many years. In fact, the very success of

³ We would also note that Part 68 at present applies to customer premises equipment directly connected to the public switched network only, that is, message telephone service (MTS) and wide area telephone service (WATS). We are, however, currently considering proposed rules to encompass the direct connection of premises equipment to certain private line services. See Order FCC 79-334 (CC Docket 79-143), 72 FCC 2d 330 (1979). Regardless of the outcome there, the national defense and security exemption we promulgate here is intended to be broad enough to exempt DOD and other governmental agencies from Part 68 registration and notification requirements for all services.

⁴ This provision sets out the qualifications for supervising installation of other than "fully-protected" premises wiring.

these historical exceptions helped formulate the basis for the Commission's interconnection program because these exceptions demonstrated that customer owned equipment and systems can be interconnected without harm to the network. Docket No. 19528, *First Report and Order*, 56 FCC 2d 593, 598 (1975). Thus, Part 68 was designed to insure that any entity, including the historically excepted customers could interconnect provided that there was no harm to the network.

14. The question raised here is whether these historical exceptions need be continued by operation of a special Commission rule under a regime where the rights of interconnection are now routinely conferred upon any qualified customer who can satisfy the notification and registration requirements. Accordingly, we address now the comments by interested persons—in the main railroads, pipeline companies, and utilities—who contend that there is nevertheless a public purpose in continuing their excepted status.

15. We turn first to the railroads. The gravamen of their complaint appears to be hardships which assertedly would be imposed by their having to comply with § 68.215 of the Rules. That rule governs the installation of other than "fully-protected" premises wiring. Of particular concern are the supervisor requirements imposed by § 68.215(c).

16. We find no such hardship, however. Section 68.215 has been amended since the filing of comments in this proceeding. See Dockets No. 19528, 20774, 21182 and RM-2829, 70 FCC 2d 1800, 1850 (1979). Section 68.215(c)(4) now permits licensed professional engineers to supervise the interconnection of other than fully-protected premises wiring, thus mooted the objections raised concerning the supervision requirements of that section. Also, the Commission has greatly reduced the amount of paperwork necessary to satisfy the documentation requirements of § 68.215(e).⁶ Thus the objections raised concerning the affidavit requirements are moot as well.

17. The Union Pacific Railroad Company (Union Pacific) also objects to Section 68.215(f), (acceptance testing for imbalance) and the § 68.215(g)(3) inspection procedures which are included as part of the § 68.215(g) extraordinary procedures. It claims that these procedures will be burdensome, and may lead to discrimination. However, § 68.215(f) involves only

simple routine testing to see that equipment will not harm the telephone network. Such testing is hardly burdensome to Union Pacific. Furthermore, equipment that fails these tests either produces an audible hum or other excess noise, does not produce a proper dial tone, or does not break the dial tone upon dialing. Faulty equipment can potentially cause harm to the telephone network. Thus, there are sound public interest reasons for having all customers subject to this rule.

18. The complaint against § 68.215(g) fares no better. That section's extraordinary procedures may be invoked only when either (1) information in the supervisor's affidavit gives reason to believe a violation of Part 68 is likely; (2) a failure has occurred during acceptance testing for imbalance; or (3) harm has occurred, and there is reason to believe that it has resulted from the wiring operations performed under that section. Obviously, under any of the above adverse circumstances, the telephone network must be protected. Section 68.215(g) is intended to provide procedures for such protection. Thus, a company that properly installs equipment that is not harmful to the network would be unaffected by § 68.215(g). For these reasons, we find no merit in these objections by the railroads.

19. The pipeline companies and energy utilities ask for a special exemption from Part 68. They claim that compliance would be burdensome, expensive, and inflationary. They fail to explain, however, what the costs would be or how these added costs would affect their customers. Furthermore, as shown, the revisions to § 68.215 discussed above reduce or eliminate many of the alleged burdens.⁶

20. The pipeline companies and energy utilities additionally argue that the use of protective devices will reduce the efficiency and reliability of their systems. However, § 68.215 allows for the direct interconnection of non-protected registered or grandfathered circuitry, obviating the need for protective devices in many circumstances. Also, contrary to the claims of these companies, equipment

such as power supplies need not be registered and may be connected pursuant to § 68.215.

21. The Utilities Telecommunications Council (UTC) argues that its members interconnect with the public switched network in emergencies only, and then, only on a manual basis. Part 68, however, is designed to protect the network at all times, and thus emergencies do not, in our view, warrant a general exemption. Similarly, whether control is manual or automatic, the network must be protected.

22. The utilities and pipeline companies contend that the Commission's decision to exempt hazardous and inaccessible locations from the plug and jack requirements of Part 68 (see Docket No. 20774, 41 F.R. 28694, 28699, July 12, 1976) creates the inference that hazardous and inaccessible locations should be completely exempt from the registration requirements. That reading, however, is simply incorrect. Rather, our intention there was to exempt the standard plug and jack requirements, and not to expand the scope of that exemption.⁷

23. Finally, Eastman Kodak (Kodak) urges that we grant an exception for large industrial plants. Part 68, it states, could not hope to define all the possible interconnection arrangements required in a large scale system. However, we find this rationale insufficient basis for the requested exception. Kodak has not stated why it cannot use grandfathered or registered equipment, and, in any event, § 68.215 provides for the interconnection of other than fully-protected premises wiring.

24. In sum, after carefully reviewing the comments and replies, we find that additional exceptions other than for the national defense or security are not in the public interest. Part 68 was promulgated to insure customers' rights to interconnect their own equipment and systems with the telephone network without causing harm. Moreover, as explained in our instituting order, application of Part 68 in a uniform and

⁶ In the event that we decide not to grant an exemption for hazardous and inaccessible locations and right-of-way companies, the energy companies request that we clarify the Part 68 definitions of "terminal equipment" and "systems" and explain whether equipment "behind" protective circuitry may be utilized without registration. In this regard we emphasize that Part 68 was designed to protect the telephone network from harm. Registered protected circuitry accomplishes this result, and any equipment behind registered protected circuitry need not comply with Part 68. However, equipment that is behind other than fully-protected circuitry must either be itself fully-protected circuitry or be connected in compliance with Section 68.215. APT's corollary request for a five year grandfather period will be addressed in Docket No. 79-143.

⁷ See Part 68 Blanket Affidavit Procedure Available, Public Notice Mimeo No. 16384, April 12, 1979.

⁶ These parties also complain of many technical problems that concern private line services. However, this is not the appropriate proceeding to consider these issues. This is a proceeding concerning whether there should be any general exceptions to Part 68. The issues raised concern specific technical problems that do not warrant a general exception and are thus more appropriately raised in a petition for rulemaking. If unique and unusual circumstances surround the registration of particular premises equipment, a request for a rule waiver may be the appropriate approach.

non-discriminatory fashion better serves the public interest.⁸

25. Accordingly, it is ordered, that pursuant to sections 1, 2(a), 4(i)-(j), 201(b), 202(a), 203, 205, and 403 of the Communications Act of 1934 (as amended), 47 USC §§ 151, 154(i)-(j), 201(b), 202(a), 203, 205, and 403, Section 68.2 of the FCC's Rules and Regulations, 47 CFR 68.2 is amended as specified in Appendix C of this Order. These amendments shall become effective January 1, 1980; however, governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to § 68.2(d) may file their requests immediately.

26. It is further ordered, that the American Telephone and Telegraph Company shall amend all applicable tariffs in a manner consistent with this Memorandum, Opinion and Order before January 1, 1980.

27. It is further ordered, that this proceeding is terminated.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

Comments were filed by:

American Petroleum Institute
American Telephone and Telegraph Company
Association of American Railroads
Consolidated Rail Corporation
Continental Telephone Corporation
Department of Defense
Eastman Kodak Company
GTE Service Corporation
North American Telephone Association
Union Pacific Railroad Company
Utilities Telecommunications Council

Reply Comments were filed by:

American Petroleum Institute
American Telephone and Telegraph Company
Association of American Railroads
Department of Defense
North American Telephone Association
Utilities Telecommunications Council

Late Reply Comments were filed by:

Tennessee Valley Authority
United States Coast Guard

Appendix B—Comments of the Parties

I. National Defense and Security Issues

1. In its comments, DOD explains that it has frequently connected its own telephone equipment and communications systems to telephone company provided services pursuant to AT&T's Tariff F.C.C. No. 263, Section 2.7.7. It adds that in many instances the specific types of equipment or their geographic location may be subject to security classification, or the equipment or location may be used for security classified projects and exercises. DOD lists four general areas where these classified equipment items, locations, and projects and exercises normally occur:

1. Communications support of the President and other senior United States officials, particularly when they are in travel status;

2. Communications support of United States intelligence agencies, including counterintelligence;

3. Communications support of criminal investigative activities, particularly of espionage, sabotage and subversion; and

4. Communications support of other classified or sensitive activities approved at Cabinet-official levels.

2. DOD states that compliance with present Part 68 of the Commission's Rules would result in the public release of classified information. It explains that both DOD and the National Security Agency (NSA) make extensive use of various communications security devices which are capable of operation in connection with telephone company provided services. Although the majority of these devices are employed to protect classified information relating to diplomatic, defense, intelligence, and executive matters, such devices are also used to protect unclassified information relating to the national security and defense.

3. However, DOD says, disclosure of information relative to security protection equipment, its deployed locations, envisioned uses, or sometimes even the mere fact of its existence, erodes the security the equipment has been designed to provide. Such disclosure, which might enable an adversary to more intelligently plan to exploit the security devices, increases the likelihood that foreign intelligence would target or intercept the communications security installations or equipment.

4. DOD also explains that it is in its interest that any equipment it interconnects be safe and reliable because harm to the telephone network would interfere with the very

communication system that DOD needs for the protection of the national security and defense. Thus, a Part 68 exception is necessary and in the public interest in instances where disclosure of information pertaining to the equipment or its location would compromise the national security and defense. DOD adds that it would be willing to certify that connection of such equipment is required in the interest of national security and defense and either that it complies with the technical requirements of Part 68 or that it will not cause harm to the telephone network or telephone company employees. It includes a proposed rule to create a national defense and security exception to Part 68.

5. In general, the other parties support the proposal to provide a Part 68 exception for governmental agencies in instances where compliance would compromise the national security and defense and the equipment and installations would not harm the telephone network. There is also general support of the proposal that the exception be drawn narrowly so as to limit it to equipment, locations, or projects and exercises that are classified.

6. The North American Telephone Association (NATA) expresses concern that any national security or defense exemption not discriminate between carriers and non-carriers, or between carrier-owned manufacturers and other manufacturers.

7. GTE Service Corporation (GTE) suggests that DOD should not be relieved of Part 68 registration requirements when installing equipment in nonclassified locations. It added that DOD should provide certificates to appropriately cleared telephone company personnel that the equipment exempted from registration will not harm the network.

8. Continental Telephone Corporation (Continental) initially asks that the Commission require that only well-trained, qualified employees perform the installations, modifications, and repairs. In addition, Continental asks that we require DOD to comply with the standards of Part 68 to the extent consistent with national security. Further, it requests that DOD be required to assume all responsibility for harm to the network. Lastly, it recommends that the Commission list in the Federal Register all governmental agencies that are eligible for an exception. Continental also included proposed language for such a rule.

9. The American Telephone and Telegraph Company (AT&T) stated that it would agree to an exception for DOD

⁸ Cf. Docket No. 19528, First Report and Order, 56 FCC 2d 593 (1975), where we determined that the registration program will apply to carriers as well as customers because "carrier-supplied terminal equipment possesses the same potential for harm to the network as does customer-supplied equipment. . . ." 56 FCC 2d at 601. Under these circumstances, it would be inconsistent for us to require carriers to comply with Part 68 in spite of their historic performance, yet except certain customers based on their historic performance.

provided that DOD certifies in writing that disclosure of information pertaining to the equipment, its location, or associated personnel or activity would adversely affect the national defense and security and that such equipment complies with the technical requirements of Part 68. AT&T also included a proposed rule.

10. DOD replied to the comments of NATA, GTE, Continental, and AT&T. In response to NATA, DOD stated that it is not the intent of DOD or NCS that the proposed national defense and security exemption from Part 68 result in discrimination between or among carriers, noncarriers, or manufacturers.

11. In response to Continental, DOD states that it does not object to a requirement that it employ only well trained and technically qualified personnel to perform the necessary interconnections and that it certify such to the Commission. DOD also does not object to Continental's proposal that any connections comply with Part 68 to the extent consistent with national security and that it certify to the telephone company that the connection must be made for national security purposes. DOD also agrees with printing in the Federal Register a list of entities eligible for a Part 68 exemption provided that the listing is by broad agency level as opposed to specific entities within an agency.

12. As to Continental's proposal that DOD and other entities assume responsibility for harm to the telephone network, DOD points out that the extent to which financial responsibility can be imposed upon a Federal Agency and the procedures to be used are spelled out in the Federal Tort Claims Act, 28 USC §§ 1346, 2671-80. In addition, DOD points out that 50 USC § 1431, Executive Order No. 10789, November 14, 1958, and Sections 10 and 17 of the Defense Acquisition Regulations (DARS) and similar provisions in the Federal Procurement Regulations (FPR) for civilian agencies permit indemnification of carriers in the event of extraordinary and unusual circumstances described there. Lastly, DOD mentions that Section 15 of the DARS and similar provisions in the FPR would permit financial payment to a carrier pursuant to a contract for known, identifiable and quantifiable costs incurred by the carrier as a result of interconnection under a national defense and security exemption from Part 68.

13. DOD interprets Continental's proposal as requiring a case-by-case Commission review of Government agency requests for an exemption which would be followed by a public notice granting each individual exemption.

DOD criticizes this idea because it would create an unnecessary workload for the Commission and the disclosure of individual Part 68 exemptions would erode the security that the exemption is supposed to protect. Also, DOD explains that it, as well as other agencies, often must make connections of a security nature in emergencies, and the time delay resulting from the need for Commission approval would hinder the ability of DOD and other agencies to respond to the emergencies.

14. DOD criticizes GTE's proposal that a Part 68 exemption be limited to classified locations because classified equipment can be used at both classified and unclassified locations and classified projects and exercises can occur at single or multiple locations of both a classified and unclassified nature. Thus, grant of an exemption for classified locations only would be too narrow to protect the national defense and security.

15. As to AT&T's proposal that DOD and other agencies must certify that terminal equipment and systems interconnected pursuant to the national defense and security exemption comply with the technical requirements of Part 68, DOD argues that the specific nature and functional makeup of communications security devices does not permit governmental assurance that each device will at all times meet the technical requirements of Part 68. Nevertheless, DOD asserts that the use of such equipment will not harm the telephone network. Thus DOD proposes that it be required to certify either that the equipment or device complies with the technical requirements of Part 68 or it will not cause harm to the telephone network or telephone company employees.

16. In its reply comments, NATA objects to AT&T's proposal that DOD and other governmental agencies notify the appropriate common carrier that disclosure of information would adversely affect the national defense and security. NATA fears giving common carriers the function of administering Part 68 exceptions would create a situation favoring carriers and their manufacturing affiliates. Instead, NATA proposes that DOD and other agencies certify to the Commission that connection of the equipment is required and that it complies with Part 68 or will not harm the network. NATA also supports DOD's proposal that equipment may be connected if DOD and other agencies can certify that it does not cause harm, even if Part 68 is not complied with.

17. The United States Coast Guard supports DOD.

II. Issues Involving Other Historical Exceptions to Interconnection Prohibitions

18. The Association of American Railroads (AAR), the Union Pacific Railroad Company (Union Pacific), and the Consolidated Rail Corporation (Conrail) each claim that the requirements of Section 68.215 of the Rules, 47 CFR § 68.215, would place an undue burden on the railroads. Section 68.215 governs the installation of other than "fully-protected" premises wiring.

19. The AAR, Conrail, and Union Pacific all object to Section 68.215(c)(3) which, at the time comments were filed, required that interconnection of equipment be under the responsible control and supervision of a person trained by and qualified to act as an installation agent of the manufacturer. The AAR and Union Pacific each object to the documentation provisions of Section 68.215(e) which requires notarized affidavits prepared by the installation supervisor of each operation associated with other than fully-protected premises wiring. Also, Union Pacific asks that railroads be exempted from Section 68.215(f), acceptance testing for imbalance, and the 68.215(g)(3) inspection procedures which are included as a part of the 68.215(g) extraordinary procedures.

20. The American Petroleum Institute (API) urges a Part 68 exception for all products and pipeline companies operating along right-of-ways and in hazardous or inaccessible locations, and the Utilities Telecommunications Council (UTC) asks for the same for energy utilities. Each organization argues that its members have successfully interconnected their own equipment with the telephone network for many years and have not caused any harm to telephone company facilities or employees.

21. The two associations claim that compliance with the registration requirements is burdensome, expensive, and inflationary, and that use of protective devices will reduce the efficiency and reliability of their specialized systems. They also claim that certain equipment used, such as emergency power sources, cannot be registered, and that nonuniform application of Part 68 by various telephone companies allows them to interconnect certain equipment in some areas but not others. In addition, they contend that exemption of hazardous and inaccessible locations from the plug and jack requirements of Part 68 (Docket No. 20774, 41 FR 28694, 28699, July 12, 1976) creates the inference that hazardous and inaccessible locations

should be completely exempt from the registration requirements of Part 68. Lastly, UTC argues that energy utilities are entitled to an exemption because they interconnect with the public switched network in emergencies only, and when they do interconnect, the interconnection is manually controlled.

22. In the event the Commission decides that an exemption from Part 68 should not be granted for hazardous and inaccessible locations and right-of-way companies, API argues alternatively that it clarify Part 68 in relation to defining "terminal equipment" and "systems," and explain whether equipment "behind" protective circuitry may be utilized without registration. API also asks for a grandfather period of at least five years to facilitate Part 68 implementation.

23. Eastman Kodak Company (Kodak) suggests that the Commission except large-scale interconnected telephone systems, for example, those operated by pipeline companies and large industrial plants. Kodak argues that Part 68 could not hope to define all the possible interconnection arrangements required in a large system which is operating industry-type equipment in a similar fashion to an independent telephone company.

24. AT&T, Continental, GTE, and NATA each object to any exceptions to Part 68 of the Rules save for the national defense and security exception. They explain that Part 68 was established to protect the telephone network from harm which might be caused by connection of terminal equipment and to administer the standards in a fair and even-handed manner. It is their understanding that Part 68 was designed to eliminate the historical exceptions to telephone company tariffs prohibiting interconnection by allowing those entities that have had the exceptions to be able to interconnect in a manner consistent with Part 68. They maintain that allowing exceptions to Part 68 would defeat its very purpose.

25. In its reply comments, AAR supports UTC and asks for a general exception from Part 68 for the railroads similar to the one proposed by UTC. The Tennessee Valley Authority supports UTC.

26. UTC added that it thought the AC voltage limitations listed in Section 68.306(b)(4), 47 CFR § 68.306(b)(4), were too severe. It claimed that the restriction will preclude the type acceptance of commonly used pilot wire relays.¹

¹ The relay measures the current flow on an electrical transmission line, converts it to a low voltage AC signal of 60 Hz and delivers it to the communications channel. The companion relay at

27. In their reply comments, AT&T and NATA state that uniform application of Part 68 is necessary to protect the telephone network from harm. Rather, AT&T suggests that parties propose changes to Part 68 to remove any unnecessary burdens.

28. AT&T and NATA each mention that the specific problems raised by UTC relate to private line usage and should be dealt with in the proceeding concerning that issue. As to UTC's claim that interconnection with the public switched network occurs during emergency situations only, NATA explains that there is as much need for network protection during an emergency as during non-emergency periods.

Appendix C

Part 68—Connection of Terminal Equipment to the Telephone Network, Subpart A is amended as follows:

* * * * *

1. In § 68.2, paragraph (a) is revised and a new paragraph (d) is added to read as follows:

* * * * *

§ 68.2 Scope.

(a) *General.* Except as provided for in paragraphs (b), (c), and (d), the rules and regulations in this Part apply to the direct connection of all terminal equipment to the telephone network, for use in conjunction with all services other than party line service and coin service.

* * * * *

(d) *National Defense and Security.*

Where the Secretary of Defense or authorized agent or the head of any other governmental department, agency, or administration (approved in writing by the Commission to act pursuant to this rule) or authorized representative, certifies in writing to the appropriate common carrier that compliance with the provisions of Part 68 could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activity which would adversely affect the national defense and security, such equipment or security devices may be connected to the telephone company provided communications network without compliance with this Part, provided that each written certification states that:

(1) The connection is required in the interest of national defense and security;

(2) The equipment or device to be connected either complies with the technical requirements of this part or will not cause harm to the nationwide

the other end of the transmission line performs a similar task and the two AC voltages are compared.

telephone network or telephone company employees; and

(3) The installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who meets the qualifications stated in § 68.215(c).

Governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section shall file a request with the Secretary of this Commission stating the reasons why the exemption is requested. A list of those departments, agencies, or administrations that have filed requests shall be published in the *Federal Register*. The Commission may take action with respect to those requests 30 days after publication. The Commission action shall be published in the *Federal Register*. However, the Commission may grant, on less than the normal notice period or without notice, special temporary authority, not to exceed 90 days, for governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section. Requests for such authority shall state the particular facts and circumstances why authority should be granted on less than the normal notice period or without notice. In such cases, the Commission shall endeavor to publish its disposition as promptly as possible in the *Federal Register*.

[FR Doc. 79-35859 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 83 and 91

[SS Docket No. 78-324; FCC 79-723]

Aiding Pollution Prevention, To Broaden Permissible Communications Aboard Vessels Involved in Large Oil Transfer Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: To expand the circumstances under which on-board frequencies may be used aboard vessels involved in oil transfer operations. The United States Coast Guard (USCG) is extending their regulations to apply to additional categories under which communications are required to be provided during oil transfer operations. This action will permit vessel operators to comply with the revised USCG regulations.

EFFECTIVE DATES: December 19, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Walter E. Weaver, Private Radio
Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:**Report and Order (Proceeding Terminated)**

Adopted: November 6, 1979.

Released: November 14, 1979.

By the Commission:

In the matter of amendment of Parts 83 and 91—to aid pollution prevention, to broaden permissible communications aboard vessels involved in large oil transfer operations.

1. The Notice of Proposed Rulemaking in this proceeding was released on October 12, 1978 (43 FR 47578) (FCC 78-701), and was published in the *Federal Register* on October 16, 1978 (43 FR 47578). The dates for filing comments and replies have passed.

Background

2. In 1972 the United States Coast Guard (USCG) initiated a regulatory proceeding to require communications be provided between persons at both ends of a facility while transferring oil to or from vessels. The objective was to avoid accidental spillage and the pollution of waters resulting therefrom. In 1977 the USCG initiated a further regulatory action to fix the lower limit of large oil transfers (at 250 barrels) and to expand the requirement for mandatory communications to other oil transfer operations.

3. In keeping with the USCG 1977 action, this rulemaking proposed to expand the circumstances under which frequencies available for on-board communications may be used aboard vessels involved in oil transfer operations. The term on-board communications refers to the Maritime Mobile Service voice communications used within a vessel or its immediate vicinity. We proposed, further, to discontinue licensing the low power Business Radio frequencies aboard ship.

Commenters

4. Timely comments were filed by the American Institute of Merchant Shipping (AIMS), American Waterways Operators, Inc. (AWO), and the Central Committee on Communication of the American Petroleum Institute (API). The United States Coast Guard has provided a letter to ensure correct interpretation of the USCG's requirements. No other comments were filed.

Disposition

5. Our first proposal was to expand the provisions of § 83.815(a)(2) to permit the usage of on-board frequencies to

fulfill the new (1977) requirements promulgated by the USCG. Numerous changes were suggested to the proposed language of this section. As a consequence, we have rewritten Section 83.815(a)(2), as set forth in the attached Appendix. We believe the rewritten version of this section adequately fulfills the views expressed.

6. Our second proposal was to discontinue, by amending § 90.75, our current practice of licensing low power Business Radio frequencies aboard ship. There was general opposition to this second proposal and we have, therefore, dropped it.

7. Regarding questions on matters covered by this document contact Walter E. Weaver, (202) 632-7175.

8. On the basis of the above considerations, it is ordered, That pursuant to the authority contained in Section 4(i) and 303 (b), (c), (d), (f), (g), and (r) of the Communications Act of 1934, as amended, Parts 83 of the Commission's rules, is amended, effective December 19, 1979, as set forth in the attached Appendix.

9. It is further ordered, That this proceeding is terminated.

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

Federal Communications Commission,
William J. Tricarico,
Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 83.815, paragraph (a)(2) is amended to read as follows:

§ 83.815 Points of communication.

(2) To aid in oil pollution prevention during transfer of oil (250 barrels or greater) from one ship to another ship, barge or lighter, and return; or from ship to onshore facility for transfer (250 barrels or greater) of cargo oil or for vessel fueling (bunkering).

[FR Doc. 79-35857 Filed 11-20-79; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE**COMMISSION****49 CFR Part 1008**

[Ex Parte No. 342]

Procedures Governing the Processing, Investigation and Disposition of Overcharge, Duplicate Payment, or Overcollection Claims

AGENCY: Interstate Commerce Commission.

ACTION: Modification of Final Rules.

SUMMARY: Rule 1008.9(a) providing for disposition of unidentified payments will require carriers to provide one notice of an unidentified payment to the payor. This rule is amended to require that a meaningful single notice must be clearly stated, in writing and provide sufficient information to payor. Upon receipt of information from payor, the carrier shall, within 14 days, make a complete refund, or request additional information, or notify payor of its determination.

EFFECTIVE DATE: December 21, 1979.

FOR FURTHER INFORMATION CONTACT: Richard Felder (202-275-7693).

SUPPLEMENTARY INFORMATION: In our prior decision, 358 I.C.C. 114, served September 1, 1978, published in the *Federal Register* at 43 FR 41040, we adopted regulations providing uniform procedures for the expeditious processing and disposition by motor carriers and freight forwarders of claims for overcharge, duplicate payment and overcollection. In our decision on reconsideration, served January 10, 1979, 359 I.C.C. 211, we ordered a limited reopening of the record to receive additional evidence on the subject of unidentified payments. Notice was published in the *Federal Register* on January 23, 1979 (44 FR 4679). Except for § 1008.9(a), the rules, with minor modifications, became effective February 22, 1979. Section 1008.9(a), addressed to unidentified payments, was stayed pending further order of the Commission.

The proposed rule reflects our belief that an automatic refund policy, rather than resolve the problem of unidentified payments, may aggravate it. Our conclusion that an automatic refund is inappropriate is based on several considerations: (1) It places an undue evidentiary burden upon the carriers, and relieves shippers from any responsibility in providing accurate information on remittances; (2) Carriers emphasize the possibility that an automatic refund policy might foster an attitude of indifference on the part of shippers in providing required information.

We believe that the burden of providing multiple notices would be prohibitive especially to smaller carriers with manual accounting systems. A single notice providing sufficient data and explanation, and specifically including a clear warning that it will be the only notice provided, is all that can fairly be required of carriers.

We agree that a meaningful single notice must be clearly stated and

provide sufficient information to payor. Rule 1008.9(a) will be modified to include an additional paragraph (2). It will provide that notice shall be in writing and clearly indicate that it is a notice and not a bill. The notice shall include: the check number, amount, and date; the payor's name and any additional information the carrier is able to provide.

Although we believe the definition of unidentified payments adopted in § 1008.2(e) is basically realistic, the definition will be reworded to eliminate the suggestion that all unidentified payments are, in fact, payments for transportation services. Accordingly, the regulations as published at 43 FR 41040 are amended as follows:

§ 1008.2 [Amended]

Section 1008.2(e) is modified as follows:

(e) "unidentified payment" means a payment which a carrier has received but which the carrier is unable to match with its open accounts receivable or otherwise identify as being due for the performance of transportation services.

§ 1008.9 [Amended]

Section 1008.9(a) is amended as follows:

(a) (1) Carriers shall establish procedures for identifying and properly applying all unidentified payments. If a carrier does not have sufficient information with which properly to apply such a payment, the carrier shall notify the payor of the unidentified payment within 60 days of receipt of the payment and request information which will enable it to identify the payment. If the carrier does not receive the information requested within 90 days from the date of the notice, the carrier may treat the unidentified payment as a payment in fact of freight charges owing to it. Following the 90-day period, the regular claims procedure under this part shall be applicable.

(2) Notice shall be in writing and clearly indicate that it is a final notice and not a bill. Notice shall include: the check number, amount, and date; the payor's name; and any additional basic information the carrier is able to provide. The final notice also must inform payor that: (i) Applicable regulations allow the carrier to conditionally retain the payment as revenue in the absence of a timely response by the payor; and (ii) following the 90-day period the regular claims procedure shall be applicable.

(3) Upon a carrier's receipt of information from the payor, the carrier shall, within 14 days: (i) Make a

complete refund of such funds to the payor; or (ii) notify the payor that the information supplied is not sufficient to identify the unapplied payment and request additional information; or (iii) notify the payor of the carrier's determination that such payment was applicable to particular freight charges lawfully due the carrier. Where no refund is made by the carrier, the carrier shall advise the payor of its right to file a formal claim for refund with the carrier in accordance with the regular claims procedure under this part.

These rules are issued under the authority of 5 U.S.C. 553 and 559 and 49 U.S.C. 10321.

Dated at Washington, D.C. this 7th day of November, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Gresham not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-3580 Filed 11-20-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 535

Iranian Assets Control Regulations; Amendments

AGENCY: Office of Foreign Assets Control.

ACTION: Final rule.

SUMMARY: The Office of Foreign Assets Control is amending the Iranian Assets Control Regulations. The purpose of the amendments is to make available to the public certain basic definitions, interpretations, general licenses, and procedures contained in sections that were reserved when the Regulations were issued on November 15, 1979 (44 FR 65956). The need for the amendments is that the Regulations, as published contemporaneously with Executive Order 12170 declaring a national emergency and blocking Iranian assets, of necessity omitted certain essential provisions. These include definitions, interpretations, general licenses, and procedures which affected persons need in order to fully understand and properly comply with the Regulations. The effect of the amendments is that business enterprises, attorneys, and other members of the public will have available to them appropriate guidance on the proper interpretation of the

Regulations, the standards and procedures for obtaining specific licenses, and other matters.

EFFECTIVE DATE: November 19, 1979.

FOR FURTHER INFORMATION CONTACT: Dennis M. O'Connell, Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, Washington, D.C. 20220 (202) 376-0236.

SUPPLEMENTARY INFORMATION: Since the regulations involve a foreign affairs function, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, requiring notice of proposed rulemaking, the opportunity for public participation and a delay in effective date are inapplicable.

The Iranian Assets Control Regulations are amended as follows:

1. Title 31 CFR Part 535, Subpart C, is amended by revising § 535.320 and adding new §§ 535.316, 535.317, 535.318, and 535.321 to read as follows:

Subpart C—General Definitions

§ 535.316 License.

Except as otherwise specified, the term "license" shall mean any license or authorization contained in or issued pursuant to this part.

§ 535.317 General license.

A general license is any license or authorization the terms of which are set forth in this part.

§ 535.318 Specific license.

A specific license is any license or authorization issued pursuant to this part but not set forth in this part.

§ 535.320 Domestic bank.

(a) The term "domestic bank" shall mean any branch or office within the United States of any of the following which is not Iran or an Iranian entity: any bank or trust company incorporated under the banking laws of the United States or of any state, territory, or district of the United States, or any private bank or banker subject to supervision and examination under the banking laws of the United States or of any state, territory or district of the United States. The Secretary of the Treasury may also authorize any other banking institution to be treated as a "domestic bank" for the purpose of this definition or for the purpose of any or all sections of this part.

(b) For purposes of §§ 535.413, 535.508, 535.531 and 535.901, the term "domestic bank" includes any branch or office within the United States of a non-Iranian foreign bank.

§ 535.321 United States; continental United States.

The term "United States" means the United States and all areas under the jurisdiction or authority thereof including the Trust Territory of the Pacific Islands. The term "continental United States" means the states of the United States and the District of Columbia.

2. Title 31 CFR Part 535 is amended by adding a new Subpart D—Interpretations, consisting of § 535.413 to read as follows:

Subpart D—Interpretations**§ 535.413 Transfers between dollar accounts held for foreign banks.**

Transfers authorized by § 535.901 include transfers by order of a non-Iranian foreign bank from its account in a domestic bank (directly or through a foreign branch or subsidiary of a domestic bank) to an account held by a domestic bank (directly or through a foreign branch or subsidiary) for a second non-Iranian foreign bank which in turn credits an account held by it abroad for Iran. For the purposes of this section, a non-Iranian foreign bank means a bank which is not a person subject to the jurisdiction of the United States.

3. Subpart E is amended by adding new §§ 535.502, 535.503, and 535.566 to read as follows:

Subpart E—Licenses, Authorizations and Statements of Licensing Policy**§ 535.502 Effect of subsequent license or authorization.**

(a) No license or other authorization contained in this part or otherwise issued by or under the direction of the Secretary of the Treasury pursuant to section 203 of the International Emergency Economic Powers Act, shall be deemed to authorize or validate any transaction effected prior to the issuance thereof, unless such license or other authorization specifically so provides.

(b) No regulation, ruling, instruction, or license authorizes a transaction prohibited under this part unless the regulation, ruling, instruction, or license is issued by the Treasury Department and specifically refers to this part. No regulation, ruling, instruction or license referring to this part shall be deemed to authorize any transaction prohibited by any provision of Parts 500, 505, 515, 520 or 530 of this chapter unless the regulation, ruling, instruction or license specifically refers to such provision.

§ 535.503 Exclusion from licenses and authorizations.

The Secretary of the Treasury reserves the right to exclude any person from the operation of any license or from the privileges therein conferred or to restrict the applicability thereof with respect to particular persons, transactions or property or classes thereof. Such action shall be binding upon all persons receiving actual notice or constructive notice thereof.

§ 535.566 Unblocking of foreign currency deposits held by U.S.-owned or controlled foreign firms.

Deposits held abroad in currencies other than U.S. dollars by branches and subsidiaries of persons subject to the jurisdiction of the United States are unblocked, provided however that conversions of blocked dollar deposits into foreign currencies are not authorized.

4. Title 31 CFR Part 535 is amended by adding a new Subpart H—Procedures to read as follows:

Subpart H—Procedures

- 535.801 Licensing.
- 535.802 Unblocking.
- 535.803 Decision.
- 535.804 Records and reporting.
- 535.805 Amendment, modification, or revocation.

Subpart H—Procedures**§ 535.801 Licensing.**

(a) *General licenses.* General licenses have been issued authorizing under appropriate terms and conditions many types of transactions which are subject to the prohibitions contained in Subpart B of this part. All such licenses are set forth in Subpart E of this part. It is the policy of the Office of Foreign Assets Control not to grant applications for specific licenses authorizing transactions to which the provisions of an outstanding general license are applicable. Persons availing themselves of certain general licenses are required to file reports and statements in accordance with the instructions specified in the licenses.

(b) *Specific licenses.*—(1) General course of procedure. Transactions subject to the prohibitions contained in Subpart B of this part which are not authorized by general license may be effected only under specific license. The specific licensing activities of the Office of Foreign Assets Control are performed by its Washington Office and by the Federal Reserve Bank of New York.

When an unusual problem is presented, the proposed action is cleared with the Director of the Office of Foreign Assets Control or such person as he may designate.

(2) *Applications for specific licenses.* Applications for specific licenses to engage in any transaction prohibited by or pursuant to this part are to be filed in duplicate on Form TFAC-27 with the Federal Reserve Bank of New York. Any person having an interest in a transaction or proposed transaction may file an application for a license authorizing the effecting of such transaction, and there is no requirement that any other person having an interest in such transaction shall or should join in making or filing such application.

(3) *Information to be supplied.* Applicant must supply all information specified by the respective forms and instructions. Such documents as may be relevant shall be attached to each application as a part of such application except that documents previously filed with the Office of Foreign Assets Control may, where appropriate, be incorporated by reference. Applicants may be required to furnish such further information as is deemed necessary to a proper determination by the Office of Foreign Assets Control. If an applicant or other party in interest desires to present additional information or discuss or argue the application, he may do so at any time before or after decision. Arrangements for oral presentation should be made with the Office of Foreign Assets Control.

(4) *Effect of denial.* The denial of a license does not preclude the reopening of an application or the filing of a further application. The applicant or any other party in interest may at any time request explanation of the reasons for a denial by correspondence or personal interview.

(5) *Reports under specific licenses.* As a condition upon the issuance of any license, the licensee may be required to file reports with respect to the transaction covered by the license, in such form and at such times and places as may be prescribed in the license or otherwise.

(6) *Issuance of license.* Licenses will be issued by the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury or by the Federal Reserve Bank of New York, acting in accordance with such regulations, rulings and instructions as the Secretary of the Treasury or the Office of Foreign Assets Control may from time to time prescribe, in such

cases or classes of cases as the Secretary of the Treasury or the Office of Foreign Assets Control may determine, or licenses may be issued by the Secretary of the Treasury acting directly or through any person, agency, or instrumentality designated by him.

§ 535.802 Unblocking.

Any interested person desiring the unblocking of accounts or other property on the ground that neither Iran nor any Iranian entity has an interest in the property may file such an application. Such application shall be filed in the manner provided in § 535.801(b) and shall contain full information in support of the administrative action requested.

The applicant is entitled to be heard on the application. If the applicant desires a hearing, arrangements should be made with the Office of Foreign Assets Control.

§ 535.803 Decision.

The Office of Foreign Assets Control or the Federal Reserve Bank of New York will advise each applicant of the decision respecting applications filed by him. The decision of the Office of Foreign Assets Control acting on behalf of the Secretary of the Treasury with respect to an application shall constitute final agency action.

§ 535.804 Records and reporting.

Records are required to be kept by every person engaging in any transaction subject to the provisions of this part.

Reports may be required from any person with respect to any transaction subject to the provisions of this chapter or relative to any property in which any foreign country or any national thereof has any interest.

§ 535.805 Amendment, modification, or revocation.

The provisions of this part and any rulings, licenses, authorizations, instructions, orders, or forms issued thereunder may be amended, modified, or revoked at any time.

Authority: Secs. 201-207, 91 Stat. 1626; 50 U.S.C. 1701-1706; E.O. No. 12170, 44 FR 85729.

Dated: November 19, 1979.

Stanley L. Sommerfield,
Director.

Approved:

Richard J. Davis,
Assistant Secretary.

[FR Doc. 79-36201 Filed 11-19-79; 5:04 pm]

BILLING CODE 4810-25-M

Proposed Rules

Federal Register

Vol. 44, No. 226

Wednesday, November 21, 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.

CIVIL AERONAUTICS BOARD

14 CFR Part 233 and 302

[EDR-387B; PDR-68B; Docket 36497;
Dated: November 15, 1979]

Transportation of Mail and Establishment of Mail Rates; Rules Applicable to Mail Rate Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Extension of Comment Period.

SUMMARY: The CAB is extending until December 11, 1979, the filing date for reply comments in a rulemaking proceeding that proposes modification in the procedures by which air mail rates are set.

DATES: Reply Comments by: December 11, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36497, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Lawrence Myers, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5791.

SUPPLEMENTARY INFORMATION: By Notice of Proposed Rulemaking EDR-387/PDR-68, 44 FR 52246, September 7, 1979, the Board proposed to establish new procedures for setting interstate, overseas, and foreign mail rates under section 406 of the Federal Aviation Act. Comments were due by October 22, 1979, with reply comments due November 6, 1979. In a supplemental

notice, EDR-387A/PDR-68A, at the request of several local service carriers, we extended those filing dates by approximately 2 weeks, so that comments were due by November 5, 1979, and reply comments by November 20, 1979.

The U.S. Postal Service (USPS) has asked that we extend the date for the filing of reply comments until December 11, 1979. USPS stated that the time given to respond to the many and varied comments, which exhaustively treat the complex issues raised in the proposed rule, is too short. USPS has asked for the extension of time to provide a thorough response to the comments filed on the complicated issues in this rulemaking.

For the reasons given by USPS, I find good cause to grant the requested extension of time. This is an important rulemaking, and the Board needs the most complete discussion possible on the issues. The extension will allow all parties the time needed to analyze carefully and to respond to the initial comments already filed.

Under authority delegated in 14 CFR 385.20(d), the time for filing of reply is therefore extended until December 11, 1979, as requested.

(Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324.)

Richard B. Dyson,

Associate General Counsel, Rules and Legislation.

[FR Doc. 79-35945 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 4, 144, 151, and 159

Extension of Time for Comments Concerning Proposed Amendments to the Customs Regulations Relating to Public Gaugers of Imported Petroleum and Petroleum Products

AGENCY: U.S. Customs Service,
Department of the Treasury.

ACTION: Notice of extension of time for comments.

SUMMARY: This document extends the period of time permitted for the submission of comments in response to the recent proposal to amend the

Customs Regulations relating to public gaugers of imported petroleum and petroleum products. This extension will permit the preparation and submission of more detailed comments by interested members of the public.

DATE: Comments must be received on or before December 14, 1979.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Room 2335, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Alice M. Rigdon, Cargo Processing Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, (202-566-5354).

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1979, the Customs Service published in the *Federal Register* (44 FR 64434), notice of a proposal to amend Parts 4, 144, 151, and 159, Customs Regulations (19 CFR Parts 4, 144, 151, 159), to incorporate recommendations of a Customs Petroleum Imports Task Force for establishing guidelines and procedures applicable to the use of public gaugers in monitoring imports of petroleum and petroleum products. As fully explained in that notice, the purpose of the proposed amendments is to ensure proper control of imported petroleum and petroleum products and uniform, complete, and reliable statistics relating to the importation of these products.

Comments

Customs has received a request from an industry trade association to extend the period of time for the submission of comments in order to prepare a more detailed response. Therefore, the period of time for submission of comments is extended to December 14, 1979.

Dated: November 16, 1979.

Salvatore E. Caramagno,

Acting Director, Office of Regulations and Rulings.

[FR Doc. 79-35883 Filed 11-20-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind and Disabled; Filing of Applications; Proposed Rule

AGENCY: Social Security Administration,
HEW.

ACTION: Proposed Rule.

SUMMARY: The Social Security Administration is revising its regulations to make them clearer and easier for the public to use. As part of this effort we are proposing a complete revision of Subpart C which contains the rules for filing an application for supplemental security income (SSI) benefits. We have completely reorganized and rewritten the rules in simpler, briefer language.

We are also including a new policy which allows the date of an oral inquiry to be used as the filing date of an application. We published an amendment reflecting this policy on July 2, 1979.

DATES: We will consider your comments if we receive them no later than January 21, 1980.

ADDRESSES: Send your written comments to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Anyone can see copies of all comments we receive at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 1169, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Dyer, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7454.

SUPPLEMENTARY INFORMATION: The Social Security Administration is in the process of revising all of its regulations to make them easier to read and more helpful to the public.

Filing an application is generally a requirement for receipt of benefits under the Social Security Act. The application permits us to make a decision on a person's entitlement to benefits and protects the person's right to appeal if he or she is not satisfied with the decision. In some situations when a person is already entitled to receive benefits, and

seeks a different type of benefit, he or she may become entitled to the new benefit without filing a new application.

This subpart deals only with applications for supplemental security income (SSI) benefits. Regulations dealing with the application requirement for retirement, survivors, and disability benefits, for black lung benefits, and for a social security number appear in Parts 404, 410 and 422 of Title 20 of the Code of Federal Regulations.

In rewriting the regulations we propose to clarify the rules about the use of the date of written statement as the filing date. We restated the rule to make clear that the filing date of an application may be based on a written statement if the applicant files a prescribed application form within a specified period of time.

A new policy permitting the use of the date of an oral inquiry whether in person or by telephone, to protect a person's filing date appears in § 416.345 of this proposed regulation. We published this policy in an amendment to the regulations on July 2, 1979.

We plan to relocate § 416.337 which explains the responsibilities of applicants prior to the final decision on their applications. We will place the provisions of this section in Subparts B and G of Part 416.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program)

Dated: October 5, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: November 8, 1979.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

Subpart C of Part 416 is Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart C—Filing of Applications

General Provisions

Sec.

416.301 Introduction.

416.302 Definitions.

416.305 You must file an application to receive supplemental security income benefits.

Applications

416.310 What makes an application a claim for benefits.

416.315 Who may sign an application.

416.320 Evidence of authority to sign an application for another.

416.325 When an application is considered filed.

Effective Filing Period of Application

416.330 Filing before the first month you meet the requirements for eligibility.

Sec.

416.335 Filing in or after the first month you meet the requirements for eligibility.

Filing Date Based Upon a Written Statement or Oral Inquiry

416.340 Use of date of written statement as application filing date.

416.345 Use of date of oral inquiry as application filing date.

416.350 Treating a title II application as an oral inquiry about SSI benefits.

Withdrawal of Application

416.355 Withdrawal of an application.

416.360 Cancellation of a request to withdraw.

Authority: Secs. 1102, 1611, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1475; (42 U.S.C. 1302, 1382, 1383)

Subpart C—Filing of Applications

General Provisions

§ 416.301 Introduction.

This subpart contains the rules for filing a claim for supplemental security income (SSI) benefits. It tells you what an application is, who may sign it, who must file one to be eligible for benefits, the period of time it is in effect, and how it may be withdrawn. It also tells you when a written statement or an oral inquiry may be considered to establish an application filing date.

§ 416.302 Definitions.

For the purpose of this subpart—

"Benefits" means any payments made under the SSI program. SSI benefits also include any federally administered State supplementary payments.

"Claimant" means the person who files an application for himself or herself or the person on whose behalf an application is filed.

"We" or "us" means the Social Security Administration (SSA).

"You" or "your" means the person who applies for benefits, the person for whom an application is filed or anyone who may consider applying for benefits.

§ 416.305 You must file an application to receive supplemental security income benefits.

(a) *General rule.* In addition to meeting other requirements, you must file an application to become eligible to receive benefits. If you believe you may be eligible, you should file an application as soon as possible. Filing an application will—

(1) Permit us to make a formal determination whether or not you are eligible to receive benefits;

(2) Assure that you receive benefits for any months you are eligible; and

(3) Give you the right to appeal if you disagree with the determination.

(b) *Exceptions.* You need not file a new application if—

(1) You have been receiving benefits as an eligible spouse and have been living apart from your husband or wife (who is an eligible individual) for more than 6 months;

(2) You have been receiving benefits as an eligible spouse of an eligible individual who has died;

(3) You have been receiving benefits because you are disabled or blind and you are 65 years old before the date we determine that you are no longer blind or disabled.

Applications

§ 416.310 What makes an application a claim for benefits.

An application will be considered a claim for benefits, if the following requirements are met:

(a) An application form prescribed by us must be filled out.

(b) It must be filed at a social security office, at another Federal or State office we have designated to receive applications for us, or with a person we have authorized to receive applications for us. See § 416.325.

(c) The claimant or someone who may sign an application for the claimant must sign the application. See §§ 416.315 and 416.320.

(d) The claimant must be alive at the time the application is filed. See §§ 416.340, 416.345, and 416.350.

§ 416.315 Who may sign an application.

We will determine who may sign an application according to the following rules:

(a) If you are 18 years old or over, mentally competent, and physically able, you must sign your own application. If you are 18 years old or older and under age 18, you may sign the application if you are mentally competent, have no court appointed representative, and are not in the care of any other person or institution.

(b) If the claimant is under age 18, or is mentally incompetent, or is physically unable to sign the application, a court appointed representative or a person who is responsible for the care of the claimant, including a relative, may sign the application. If the claimant is in the care of an institution, the manager or principal officer of the institution may sign the application.

(c) To prevent a claimant from losing benefits because of a delay in filing an application when there is a good reason why the claimant cannot sign an application, we may accept an application signed by someone other than a person described in this section.

Example: Mr. Smith comes to a social security office a few days before the end of the month to file an application for SSI benefits for Mr. Jones. Mr. Jones, who lives alone, just suffered a heart attack and is in the hospital. He asked Mr. Smith whose only relationship is that of a neighbor and friend to file the application for him. We will accept an application signed by Mr. Smith since it would not be possible to have Mr. Jones sign and file the application until the next calendar month and a loss of one month's benefits would result.

§ 416.320 Evidence of authority to sign an application for another.

(a) A person who signs an application for someone else will be required to provide evidence of his or her authority to sign the application for the person claiming benefits under the following rules:

(1) If the person who signs is a court appointed representative, he or she must submit a certificate issued by the court showing authority to act for the claimant.

(2) If the person who signs is not a court appointed representative, he or she must submit a statement describing his or her relationship to the claimant. The statement must also describe the extent to which the person is responsible for the care of the claimant. This latter information will not be requested if the application is signed by a parent for a child with whom he or she is living. If the person signing is the manager or principal officer or an institution he or she should show his or her title.

(b) We may, at any time, require additional evidence to establish the authority of a person to sign an application for someone else.

§ 416.325 When an application is considered filed.

(a) *General rule.* We consider an application for SSI benefits filed on the day it is received by an employee at any social security office, by someone at another Federal or State office designated to receive applications for us, or by a person we have authorized to receive applications for us.

(b) *Exceptions.* (1) If using the date we receive an application results in a loss of benefits, we will use the date the application was mailed to us as shown by a United States postmark. If the postmark is unreadable or there is no postmark, we will consider other evidence of when the application was mailed. If we receive the application in the first 5 days of the month, we will presume that it was mailed before the end of the preceding month when there is no actual postmark to go by.

(2) We consider an application to be filed on the date of the filing of a written

statement or the making of an oral inquiry under the conditions in §§ 416.340, 416.345 and 416.350.

Effective Filing Period of Application

§ 416.330 Filing before the first month you meet the requirements for eligibility.

If you file an application for SSI benefits before you meet all the requirements for eligibility, it will be good up until we make a final decision on your application. In addition, if you request that the final decision be reviewed by a court, and the request is made within the time limit set for requesting the review by the court, the application is good up until the time the court makes its final decision. If you meet all the requirements for eligibility within these time periods, we can pay you from the first month that you meet all the requirements.

§ 416.335 Filing in or after the first month you meet the requirements for eligibility.

When you file an application in a month that you meet all the other requirements for eligibility, your application is good for payment as of the first day of that month. If you file an application after the month you first meet all the other requirements for eligibility, you cannot be paid for any month before the month you filed an application. See §§ 416.340, 416.345 and 416.350 on how a written statement or an oral inquiry made before the filing of the application form may affect the filing date of the application.

Filing Date Based Upon a Written Statement or Oral Inquiry

§ 416.340 Use of date of written statement as application filing date.

We will use the date we receive a written statement such as a letter, an SSA questionnaire or some other writing, as the filing date of an application for benefits if the following requirements are met:

(a) The written statement shows an intent to claim benefits for yourself or for another person.

(b) You, your spouse or a person who may sign an application for you signs the statement.

(c) An application form signed by you or by a person who may sign an application for you is filed with us within 60 days after the date of a notice we will send telling of the need to file an application. The notice will say that we will make an initial determination of eligibility for SSI benefits if an application form is filed within 60 days after the date of the notice. (We will send the notice to the claimant or, where he or she is a minor or incompetent, to

the person who gave us the written statement.)

(d)(1) The claimant is alive when the application on a prescribed form is filed, or

(2) If the claimant dies after the written statement is filed, the deceased claimant's spouse or someone on his or her behalf files an application form, and the surviving spouse is eligible for SSI benefits and was living with the deceased claimant within 6 months before the claimant's death. If we learn that the claimant has died before the notice is sent or within 60 days after the notice but before an application form is filed, we will send a notice to the claimant's spouse. The notice will say that we will make an initial determination of eligibility for SSI benefits only if an application form is filed on behalf of the deceased within 60 days after the date of the notice to the spouse and only if the surviving spouse was eligible for SSI benefits and was living with the deceased claimant within 6 months before the claimant's death.

§ 416.345 Use of date of oral inquiry as application filing date.

We will use the date of an oral inquiry about SSI benefits as the filing date of an application for benefits if the following requirements are met:

(a) The inquiry asks about the claimant's eligibility for SSI benefits.

(b) The inquiry is made by the claimant, the claimant's spouse, or a person who may sign an application on the claimant's behalf as described in § 416.315.

(c) The inquiry, whether in person or by telephone, is directed to an office or an official described in § 416.310(b).

(d) The claimant or a person on his or her behalf as described in § 416.315 files an application on a prescribed form within 60 days after the date of the notice we will send telling of the need to file an application. The notice will say that we will make an initial determination of eligibility for SSI benefits if an application form is filed within 60 days after the date of the notice. (We will send the notice to the claimant or, where he or she is a minor or incompetent, to the person who made the inquiry.)

(e)(1) The claimant is alive when the application on a prescribed form is filed, or

(2) If the claimant dies after the oral inquiry is made, the deceased claimant's spouse or someone on his or her behalf files an application form, and the surviving spouse is eligible for SSI benefits and was living with the deceased claimant within 6 months before the claimant's death. If we learn

that the claimant has died before the notice is sent or within 60 days after the notice but before an application form is filed, we will send a notice to the claimant's spouse. The notice will say that we will make an initial determination of eligibility for SSI benefits only if an application form is filed on behalf of the deceased within 60 days after the date of the notice to the spouse and only if the surviving spouse was eligible for SSI benefits and was living with the deceased claimant within 6 months before the claimant's death.

§ 416.350 Treating a title II application as an oral inquiry about SSI benefits.

(a) When a person applies for benefits under title II (retirement, survivors, or disability benefits) we will explain the requirements for receiving SSI benefits and give the person a chance to file an application for them if—

(1) The person is within 2 months of age 65 or older or it looks as if the person might qualify as a blind or disabled person, and

(2) It is not clear that the person's title II benefits would prevent him or her from receiving SSI or any State supplementary benefits handled by the Social Security Administration.

(b) If the person applying for title II benefits does not file an application for SSI on a prescribed form when SSI is explained to him or her, we will treat his or her filing of an application for title II benefits as an oral inquiry about SSI, and the date of the title II application form may be used to establish the SSI application date if the requirements of § 416.345 (d) and (e) are met.

Withdrawal of Application

§ 416.355 Withdrawal of an application.

(a) *Request for withdrawal filed before we make a determination.* If you make a request to withdraw your application before we make a determination on your claim, we will approve the request if the following requirements are met:

(1) You or a person who may sign an application for you signs a written request to withdraw the application and files it at a place described in § 416.325.

(2) You are alive when the request is filed.

(b) *Request for withdrawal filed after a determination is made.* If you make a request to withdraw your application after we make a determination on your claim, we will approve the request if the following requirements are met:

(1) The conditions in paragraph (a) of this section are met.

(2) Any other person who may lose benefits because of the withdrawal consents in writing (anyone who could

sign an application for that person may give the consent).

(3) All benefits already paid based on the application are repaid or we are satisfied that they will be repaid.

(c) *Effect of withdrawal.* If we approve your request to withdraw an application, we will treat the application as though you never filed it. If we disapprove your request for withdrawal, we will treat the application as though you never requested the withdrawal.

§ 416.360 Cancellation of a request to withdraw.

You may cancel your request to withdraw your application and your application will still be good if the following requirements are met:

(a) You or a person who may sign an application for you signs a written request for cancellation and files it at a place described in § 416.325.

(b) You are alive at the time the request for cancellation is filed.

(c) For a cancellation request received after we have approved the withdrawal, the cancellation request is filed no later than 60 days after the date of the notice of approval of the withdrawal request.

[FR Doc. 79-35941 Filed 11-20-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF STATE

22 CFR Part 161

[Docket No. SD 148]

Regulations for Implementation of the National Environmental Policy Act (NEPA)

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to add new regulations to implement the procedural provisions of the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 *et seq.* and the Council on Environmental Quality's (CEQ) National Environmental Policy Act regulations (40 CFR Parts 1500-1508).

DATE: Written comments must be received by December 21, 1979.

ADDRESS: Comments should be addressed to Mr. William H. Mansfield, III, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Environment and Health, Department of State, Room 7820, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: William H. Mansfield, III, Bureau of Oceans and International Environmental and Scientific Affairs, Office of Environment and Health, Room

7820, Department of State, Washington, D.C. 20520 (telephone 202/632-9266).

SUPPLEMENTARY INFORMATION: The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, establishes national policies and goals for protecting the environment. Section 102(2) of NEPA contains certain procedural requirements directed toward attaining those goals. All Federal agencies are required to give appropriate consideration in their decisionmaking to the environmental effects of their proposed actions and to prepare environmental statements on recommendations or reports on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

Executive Order 11991 of May 24, 1977, directed the Council on Environmental Quality (CEQ) to issue regulations to implement the procedural provisions of NEPA. Accordingly, on November 29, 1978 CEQ issued final regulations (43 FR 55978 *et seq.*, November 29, 1978) for implementing NEPA (40 CFR Parts 1500-1508) (CEQ Regulations) which are binding on all Federal agencies as of July 30, 1979. The regulations provide that each Federal agency shall as necessary adopt implementing regulations to supplement the CEQ Regulations. Section 1507.3(b) of the CEQ regulations identifies those sections of the CEQ regulations which must be addressed in agency regulations.

The proposed Departmental regulations address policy and procedure in order to assure compliance with the spirit and substantive intent of NEPA. The proposed regulations reaffirm and codify the Department of State's policy for achieving the goals of section 101 of NEPA and implementing adequate procedures for planning, developing, and effecting Departmental actions. The regulations set forth general policy and procedural directives to assist Departmental officers in complying with the mandates of NEPA and the CEQ regulations.

The proposed Departmental regulations will be applicable to environmental review of major Federal actions with significant environmental effects within the United States. Departmental environmental review of major Federal actions with significant adverse environmental effects abroad is governed by the Department's environmental review procedures, which entered into effect on September 4, 1979 (FAMC No. 807A), published in the Notices section of this issue.

Accordingly, the Department of State proposes to add a new Subchapter Q,

Part 161 to Title 22 of the Code of Federal Regulations to read as set forth below.

SUBCHAPTER Q—ENVIRONMENTAL PROTECTION

PART 161—REGULATIONS FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

Subpart A—General

Sec.

- 161.1 Purpose and scope.
- 161.2 Policy.
- 161.3 Applicability.
- 161.4 Definitions.

Subpart B—NEPA and Departmental Decisionmaking

- 161.5 Major decision points and timing.
- 161.6 Responsibilities of Departmental officials.
- 161.7 Categories of Actions.

Subpart C—Environmental Review Procedures

- 161.8 General description of the Department's NEPA process.
- 161.9 Specific steps in the Department's NEPA process.

Subpart D—Coordination of Other Requirements of NEPA

- 161.10 Non-Federal applicants for permits.
- 161.11 Environmental review and consultation requirements.
- 161.12 Environmental effects abroad of major departmental actions.

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 *et seq.*; Executive Order 11514, 34 FR 4247, as amended by Executive Order 11991, 42 FR 26927; 22 U.S.C. 2658, as amended.

Subpart A—General

§ 161.1 Purpose and scope.

These Departmental regulations are designed to supplement the CEQ Regulations and provide for the implementation of those provisions identified in § 1507.3(b) of the CEQ Regulations. The CEQ Regulations are incorporated herein by reference. The Department's regulations seek to assure that environmental considerations and values are incorporated into the Department's decisionmaking process and assign responsibility within the Department for assessing the significant environmental effects in the United States of the Department's actions.

§ 161.2 Policy.

It is the policy of the Department of State to use all practicable means, consistent with the Department's statutory authority, available resources and national policy, to:

- (a) Protect and enhance the quality of the environment;

(b) Ensure that environmental amenities and values are appropriately considered in Departmental actions;

(c) Integrate planning and environmental review procedures with the Department's decisionmaking process;

(d) Invite and facilitate, when appropriate, Federal, State and local governmental authorities and public involvement in decisions which affect the quality of the environment; and

(e) Recognize the worldwide and long-range character of environmental concerns and, when consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of the world environment.

§ 161.3 Applicability.

The provisions of these regulations apply to decisions on all Departmental actions which may affect the quality of the environment within the United States. The Department is establishing separate environmental review procedures under Executive Order 12114 (January 4, 1979) for actions having potential effects on the environment of global commons areas, such as the high seas, or areas outside national jurisdiction, such as Antarctica, or on the environment of foreign nations.

§ 161.4 Definitions.

Definitions for many terms used in these regulations may be found in section 1508 of the CEQ Regulations. In addition, as used in these regulations, the term:

(a) "Responsible action officer" means the Department officer principally responsible for the preparation of action memoranda and other documents relating to a given Departmental action to which by these regulations apply. Ordinarily, the responsible action officer will be the country or office director whose office has action responsibility for a given action.

(b) "CEQ Regulations" means the regulations implementing the procedural provisions of the National Environmental Policy Act, issued by the Council on Environmental Quality on November 29, 1978 (43 FR 55978-56007), and codified at 40 CFR Parts 1500-1508.

(c) "United States" means all States, territories and possessions of the United States and all waters and airspace subject to the jurisdiction of the United States.

(d) "Environmental document" means an environmental assessment, an environmental impact statement, a Finding of No Significant Impact or a

Notice of Intent prepared under these regulations.

Subpart B—NEPA and Departmental Decisionmaking

§ 161.5 Major decision points and timing.

(a) The responsible action officer shall ensure compliance with these regulations at the earliest practicable stage of Departmental study, consideration or planning of a proposed major Federal action which could significantly affect the quality of the human environment. To accomplish this the responsible action officer must ensure that data developed during the review process is collected, analyzed and made available for consideration early in planning and decisionmaking when it will be most valuable in formulating, reviewing and deciding upon proposals for Departmental action.

(b) Environmental analysis and review of a proposed Departmental action shall be conducted as early as practicable so as to be timely, yet late enough to be relevant to the decisionmaking.

(c) Environmental documents should whenever possible accompany the principal action memorandum relating to a proposed action. An environmental document required in conjunction with conclusion of an international agreement shall, where possible, be prepared and circulated for review and comment before final negotiations begin. The completed environmental document should thus ordinarily accompany the principal memorandum or request for authority to negotiate an agreement under the Department's Circular 175 regulation (11 FAM 720).

(d) Where practicable and appropriate, an environmental document should be prepared before the establishment of a final United States position on a proposal. In such cases the document should indicate the alternatives under consideration without specifying a Departmental preference. If the content and dimensions of a proposed action will not be clear until after the conclusion of an international negotiation or if a decision to proceed on an action involving another nation or international organization is required on short notice and before the environmental document can be prepared, the environmental document should be prepared as soon as possible after the conclusion of an agreed text of a treaty or agreement on the proposed action. If the Senate's advice and consent to a treaty with potential significant environmental effects in the United States will be sought the final environmental impact statement should

accompany other decision documentation for ratification. Legislative environmental impact statements on proposed treaties or legislation shall conform to the requirements of § 1506.8 of the CEQ Regulations and must be prepared in time for Congressional hearings and deliberations.

(e) Because actions having effects on the United States may to varying degrees be initiated, influenced and conducted by other countries, it is recognized that the preparation of environmental documents for such actions must be adjusted to meet a variety of circumstances. Bearing in mind the degree to which other countries possess information on and the ability to affect the decision under consideration, responsible action officers shall seek at all times to prepare environmental analysis documents as early as feasible in the decisionmaking process.

§ 161.6 Responsibilities of Departmental officials.

(a) *General.* As a general rule, responsibility for preparing environmental analysis documents will follow the Department's standard organizational practices; in this way environmental considerations and awareness of environmental responsibilities will be integrated most readily and effectively into the usual decisionmaking processes.

(1) *Departmental bureaus.* Each bureau within the Department shall be responsible for:

(i) Implementing these regulations and incorporating them into its normal decisionmaking processes.

(ii) Identifying actions it intends to initiate which may affect significantly the environment of the United States and employing the environmental evaluation procedures outlined in these regulations to ensure that necessary actions are taken to meet the requirements of applicable laws and regulations.

(iii) Coordinating environmental assessment-related activities for which it is responsible with the Office of Environment and Health in the Bureau of Oceans and International Environmental and Scientific Affairs and supporting and assisting the Office of Environment and Health in implementing these regulations as required.

(iv) Providing the personnel required to implement these regulations, informing the Office of Environment and Health and the Office of the Legal Adviser whenever it is anticipated that environmental documents will be

prepared under these regulations, and consulting the Office of Environment and Health and the Office of the Legal Adviser as necessary for guidance and assistance in the preparation of such documents.

(2) *Bureau of Oceans and International Environmental and Scientific Affairs.* Through its Office of Environment and Health the Bureau shall have the primary responsibility for ensuring the Department's compliance with environmental policies, regulations and procedures. It shall provide policy and professional direction and guidance within the Department for implementing these regulations. It shall also assist other bureaus in obtaining appropriate scientific advice and budgetary resources to implement the regulations. The Office of Environment and Health will act as the focal point for implementation, working closely with the Departmental bureaus and the Office of the Legal Adviser. The Bureau and other involved bureaus will work closely with the Assistant Secretary for Congressional Relations in the preparation of environmental documents relating to legislation. In carrying out its responsibilities the Bureau shall:

(i) Coordinate the formulation, development and revision of Departmental policies and positions on matters pertaining to environmental evaluation and review;

(ii) Develop and ensure the implementation of Departmentwide standards, procedures and working relationships for environmental review and compliance with applicable environmental laws and regulations;

(iii) Develop, as an integral part of the Department's basic decision processes, procedures to ensure that environmental factors are properly considered in all relevant proposals and decisions;

(iv) Monitor these processes to ensure that Departmental procedures are achieving their purposes;

(v) Advise, assist and inform Departmental bureaus of the technical and management aspects of environmental analysis, and of the relevant expertise available in and outside the Department;

(vi) Establish and maintain working relationships with the Council on Environmental Quality, Environmental Protection Agency, and other federal, State and local governmental agencies concerned with environmental matters;

(vii) Represent the Department in working with other government agencies and organizations to formulate, revise and achieve uniform understanding and application of government-wide policies relating to the environment;

(viii) Consolidate and transmit to the appropriate parties Departmental comments on environmental impact statements and other environmental reports prepared by other agencies; and

(ix) Acquire information for and prepare other Departmental reports on environmental assessment matters.

(3) *Office of the Legal Adviser.* The Office of the Legal Adviser is the principal Departmental authority on the legal aspects of environmental matters and the implementation of these regulations and shall advise and assist Departmental Bureaus in these matters.

(4) *Bureau Environmental Coordinators.* Each Departmental bureau and major office shall designate an officer to act as coordinator, adviser and principal point of contact for environmental matters within the bureau. The bureau coordinator will advise and assist the bureau in implementing these regulations and serve as a member of the Departmental Committee of Environmental Coordinators.

(5) *Departmental Committee of Environmental Coordinators.* A Departmental Committee of Environmental Coordinators shall be established to assist in coordinating Departmental implementation of these regulations; in providing advice on major issues, policies and procedures relating to the Department's implementation of environmental analysis requirements; and in ensuring general conformity of Departmental implementation practices. The Committee's responsibility will be to exchange information on the implementation of these regulations, assist bureaus in early identification of Departmental actions which should be analyzed for environmental effects and help to coordinate and provide the appropriate analysis. The Committee will be chaired by the Office of Environment and Health and will be comprised of bureau and office coordinators designated by the respective bureaus and offices.

(6) *Outside contractors.* Qualified outside contractors may be employed to assist Departmental officers in preparing environmental documents as required under these regulations.

§ 161.7 Categories of actions.

Departmental officers shall review each major Departmental action having a potentially significant effect on the quality of the environment in the United States. The need to prepare formal environmental documents will depend on the scope of the action and the context and intensity of any environmental effects expected if the

action is implemented. Departmental actions can generally be grouped into three categories, as follows:

(a) *Actions normally requiring environmental impact statements.* Any Departmental action deemed to have a "significant effect upon the quality of the human environment" of the United States requires the preparation of an environmental impact statement. The criteria to be used in determining significance are set forth in § 1508.27 of the CEQ Regulations. The Department has reviewed representative actions and has found no common pattern which would enable it to specify actions normally requiring environmental impact statements. If developments later enable such designations to be made the Department will publish a description of proposed actions for such designation in the *Federal Register*.

(b) *Actions categorically excluded from the requirement to prepare environmental impact statements.* Categorical exclusion, as defined in § 1508.4 of the CEQ Regulations, provides for exclusion from environmental review of specified actions which have as a class been found to have no significant impact on the quality of the human environment. Neither an environmental assessment nor an environmental impact statement is ordinarily required for such actions. Departmental actions categorically excluded from the requirements of these regulations include the following:

(1) Routine conduct of Departmental and overseas political and economic functions, including reporting on political and economic developments, trends and activities, communicating to host governments United States Government views, maintaining contact with foreign officials and individuals, and facilitating trade opportunities abroad and U.S. business expansion in foreign markets;

(2) Provision of consular services—visas, passports and citizenship, and special consular services, such as issuing or reviewing passports and visas, taking legal depositions, notarizing absentee ballots and other documents and delivering retirement checks, social security payments and veterans benefits;

(3) Conduct of routine administrative functions, such as budget and finance, personnel and general services. This includes routine administrative procurements (e.g., general supplies, negotiating leases for office space or staff housing, ordering supplies and arranging for customs clearances); financial transactions, including salaries, expenses and grants; routine management, formulation and allocation

of the Department's budget at all levels (this does not exempt the preparation of environmental documents for proposals included in the Department's budget when required); and personnel actions (e.g., promotions, hirings, and counseling American and host country employees who work for the Department of State);

(4) Preparing for and participating in conferences, workshops or meetings for information exchange, data collection or research or study activities; and

(5) Document and information exchanges.

Even though an action may be categorically excluded from the need for an environmental impact statement, if information developed during the planning for the actions indicates the possibility that the particular action in question may nonetheless cause significant environmental effects, an environmental assessment shall be prepared to evaluate those effects. Based upon the assessment, a determination will be made whether to prepare an environmental impact statement. The Department may designate additional actions for categorical exclusion by publishing a listing of actions proposed for such designation in the *Federal Register*.

(c) *Actions normally requiring environmental assessments.* An environmental assessment shall provide the basis of the determination whether an environmental impact statement is required. A Departmental action shall require the preparation of an environmental assessment if the action is not one known normally to require an environmental impact statement and is not categorically excluded. Departmental actions normally included in this category are actions for which the Department has lead-agency responsibility and which may significantly affect the human environment of the United States, such as those actions involving:

(1) Issuance of permits for construction of international bridges and pipeline (see Executive Order 11423 and the International Bridge Act of 1972 (Pub. L. 92-434, 86 Stat. 23));

(2) Wetlands, floodplains, endangered species and national historical, archeological and recreational sites (see also specific requirements for environmental review and consultation in § 161.11 of these regulations); and

(3) Ocean dumping, control of toxic substances, disposal and storage of wastes and radioactive substances.

(d) *Emergencies and other exceptional circumstances.* Not every Departmental activity will be considered a major Federal action for

the purposes of these regulations. Several limited classes of action which might ordinarily be subject to these regulations will not be considered major Federal actions requiring the preparation of an environmental impact statement. Among them are the following:

(1) Actions taken in emergency circumstances and disaster and emergency relief activities as defined in section 1506.11 of the CEQ Regulations (in such circumstance the responsible action officer should consult with the Office of Environment and Health which shall consult with the Council on Environmental Quality about appropriate alternative arrangements);

(2) Mandatory actions required under any treaty or international agreement to which the United States Government is a party, or required by the decisions of international organizations or authorities in which the United States is a member or participant;

(3) Payment of contributions, either assessed or voluntary, to any international organization of which the United States is a member pursuant to the obligation of a treaty or other international agreement or which is not for the purpose of carrying out a specifically identifiable action which would affect the environment; and

(4) Support for or acquiescence in (by affirmative vote or agreement to consensus) an activity or expenditure of funds by an international organization where the United States has no unilateral right to control such expenditures.

Subpart C—Environmental Review Procedures

§ 161.8 General description of the Department's NEPA process.

In reviewing proposed actions for potential environmental effects in the United States responsible action officers will follow the procedural steps required by the CEQ Regulations and set forth below. These steps are developed in more detail in the sections of these regulations which follow and in the referenced sections of the CEQ Regulations.

(a) *Preliminary environmental evaluations.* Early in the process of considering any possible action the responsible action officer shall review the action to determine if it may cause potential significant environmental effects on the environment of the United States. A proposed action shall be reviewed initially to determine into which of the following three basic categories of action it falls:

(1) Actions normally requiring environmental impact statements;

(2) Actions categorically excluded from environmental impact statements; or

(3) Actions normally requiring environmental assessments. If the responsible action officer concludes that the proposed action is a major action potentially having significant effects in the United States he should, in cooperation with other appropriate Departmental officials, carry out the steps described in these regulations. If during his review of the location of potential environmental effects or following preparation of an environmental assessment it is determined that the action could affect the environment of the global commons or a foreign nation the officer is responsible for ensuring compliance with the Department's procedures for implementing Executive Order No. 12114 on Environmental Effects Abroad of Major Federal Actions (FAMC No. 807A).

(b) *Environmental Assessment.* An environmental assessment is a concise document which analyses potential environmental effects to determine if an environmental impact statement is required (CEQ Regulations §§ 1501.3 and 1508.9). If the action does not fall into either the category of those actions normally requiring an environmental impact statement or that of actions categorically excluded from the requirement to prepare an environmental impact statement, then the responsible action officer in cooperation with other Departmental officials shall prepare an environmental assessment to determine whether it is necessary to prepare an environmental impact statement or a "Finding of no significant impact". If the action normally requires an environmental impact statement, there is ordinarily no need for the preparation of an environmental assessment and the environmental impact statement process should be initiated without preparing such an assessment. If the action is categorically excluded, no further environmental review is needed. If an environmental assessment is prepared it may also be used to evaluate whether the proposed action may have effects outside the United States.

(c) *Finding of no significant impact.* If the environmental assessment indicates that the environmental effects of the action in the United States are not significant, then the responsible action officer shall make a "Finding of no significant impact", thereby concluding the NEPA review process (CEQ Regulations §§ 1501.4 and 1508.13).

(d) *Environmental impact statement.*

If the environmental assessment demonstrates that the environmental effects of the action with the United States may be "significant" (see § 1508.27 of the CEQ Regulations) the Department is required to prepare an environmental impact statement (EIS) in accordance with these regulations (see also CEQ Regulations § 1501.8, Part 1502 and §§ 1506.2 through 1506.7). In preparing the environmental impact statement the following steps will be carried out:

(1) *Notice of intent to prepare an EIS.* If an impact statement is required, the Department will publish in the Federal Register a "Notice of intent" to prepare such a statement (CEQ Regulations §§ 1501.7 and 1508.22).

(2) *Scoping procedures.* The Department will then hold a scoping meeting with interested agencies and individuals to determine the proper content ("scope") of the statement (CEQ Regulations §§ 1501.7 and 1508.25).

(3) *Draft environmental impact statement (DEIS).* The Department will then prepare a draft EIS (DEIS) which will be filed with the Environmental Protection Agency and circulated to agencies and the public for comment for at least 45 days, except where the CEQ Regulations and these regulations permit the time period to be shortened (CEQ Regulations § 1501.8, Part 1502, §§ 1506.2 through 1506.7, 1506.10(d) and 1506.11; §§ 161.7(d), 161.9(n)(2)).

(4) *Final environmental impact statement (FEIS).* In light of the comments and following any revision in the draft EIS, the Department will file with the Environmental Protection Agency and circulate to agencies and the public a final EIS at least 30 days before making a final decision on the action, except where the CEQ Regulations and these regulations permit the time period to be shortened (CEQ Regulations §§ 1506.9, 1506.10(d), 1506.11; §§ 161.7(d), 161.9(n)(2)).

(5) *Record of decision.* After making a decision on the action, the Department will make available a formal "Record of decision" (CEQ Regulations § 1505.2).

§ 161.9 Specific steps in the Department's NEPA process.

(a) *Decision whether to prepare a EIS.* In deciding whether to prepare an environmental impact statement, the responsible action officer shall make an initial review in the early planning stages of a proposed action to identify and evaluate potential environmental effects of the actions and all reasonable measures which may be taken to mitigate adverse impacts. This review must be conducted in conjunction with

all requests under the Department's Circular 175 procedure (11 FAM 720), with all actions involving the obligation of funds within the Department's annual or supplemental budget submissions to the Office of Management and Budget, and with other actions when a potentially significant environmental impact may result. The responsible action officer shall ensure that the principal action memoranda prepared for such actions properly reflect the environmental review in all cases. No written statement is required in the case of actions which do not raise the question of environmental impacts. The environmental evaluation document prepared shall be considered along with political, economic and other decisionmaking factors relating to the proposed action.

(1) *Review of the categories of actions.* During the initial environmental review of the proposed action, the responsible action officer should classify the proposed Departmental action as one either (i) normally requiring an environmental impact statement, (ii) normally not requiring such a statement, or (iii) normally requiring an environmental assessment. (See § 1504.1 of the CEQ Regulations and § 161.7 of these regulations.)

(i) *Actions normally requiring environmental statements.* Environmental assessments are not required for actions which it is already known will require the preparation of environmental impact statements. For each major Departmental action which in the view of the responsible action officer meets the criteria of this section he shall, in cooperation with the Office of Environment and Health, initiate steps to prepare an environmental impact statement. This will be accomplished by preparing a "Notice of intent" to prepare an EIS (see § 1508.22 of the CEQ Regulations). The Office of Environment and Health shall arrange for publication of the notice in the Federal Register (see § 1507.3(e) of the CEQ Regulations). The responsible action officer shall then apply the procedures set forth in § 161.8 of these regulations to determine the scope of the proposed EIS, and proceed to prepare and release the environmental impact statement in accordance with CEQ and Departmental regulations. If, however, the responsible action officer believes that the proposed action, though included within or closely similar to one which normally requires the preparation of an EIS, will itself have no significant impact, he should conduct an environmental assessment in accordance with the CEQ Regulations

(§ 1508.9). If the assessment demonstrates that there will be no significant impact, he should prepare a "Finding of no significant impact" and provide for public review of this finding in accordance with §§ 1501.4(e) and 1506.6 of the CEQ Regulations.

(ii) *Actions categorically excluded.* Separate detailed documentation is not normally required for actions which are categorically excluded and which are therefore exempt from the requirement of preparations of an environmental assessment or environmental impact statement. However, the responsible action officer shall note in the action memorandum concerning the action that the proposed action has been reviewed under the Department's environmental procedures and determined to be categorically excluded. The Office of Environment and Health shall periodically review actions in the classes categorically excluded under these regulations to determine if the original decision to categorically exclude the class remains valid. If such a review determines that a proposed action may have a significant impact on the human environment the necessary revision in the categorical exclusion shall be made and an environmental assessment shall be prepared to determine the need for the preparation of an environmental impact statement.

(iii) *Actions normally requiring environmental assessments.* For each action meeting the criteria of this section the responsible action officer shall prepare an environmental assessment (see §§ 1501.3 and 1508.9 of the CEQ Regulations) and, on the basis of that assessment, determine if an EIS is required. If the determination is that no environmental impact statement is required, the responsible action officer shall, in coordination with the Office of Environment and Health, prepare a "Finding of no significant impact" (see §§ 1501.4 and 1508.13 of the CEQ Regulations). The "Finding of no significant impact" shall be made available to the public through direct distribution and publication in the Federal Register. If the determination is that an environmental impact statement is required, the official shall proceed with the "Notice of intent" to prepare an EIS and the subsequent steps in the preparation and release of an EIS in accordance with the CEQ Regulations (§§ 1501.7, 1507.3 and 1508.22) and these regulations.

(2) *Preparation of environmental assessments.* Environmental assessments, as defined in the CEQ Regulations (§ 1508.9), should be prepared as directed in § 1501.3 of the

CEQ Regulations. The environmental assessment shall be used to determine whether to prepare an environmental impact statement or a "Finding of no significant impact". The assessment shall include a brief discussion of the need for the proposed action, of alternatives and of environmental impacts and a listing of agencies and persons consulted in preparing the assessment.

(3) *Notice of intent to prepare an EIS.* As soon as practicable after deciding to prepare an environmental impact statement and before initiating the scoping process (see § 161.9(b) of these regulations) the Department or another lead agency, if one is designated in accordance with § 1501.5 of the CEQ Regulations, shall publish in the Federal Register a "Notice of intent" to prepare an EIS in accordance with §§ 1501.7 and 1508.22 of the CEQ Regulations. The Office of Environment and Health shall arrange for publishing the notice.

(b) *Scoping.* The Department shall conduct an early and open meeting with interested agencies and the public for determining the scope of issues to be addressed in a given environmental impact statement and for identifying the significant issues related to a proposed action. The elements of the scoping process are defined in § 1501.7 of the CEQ Regulations and must include consideration of the range of actions, alternatives, and impacts discussed in § 1508.25 of the CEQ Regulations.

(c) *Cooperation with other agencies.* Departmental officials are encouraged to cooperate with other agencies and the public throughout the conduct of the Department's NEPA process. The Office of Environment and Health shall ensure also that the Department reviews the draft and final impact statements submitted for review by other agencies (§ 1502.19 of the CEQ Regulations). Where appropriate and to eliminate duplication it shall arrange to prepare environmental assessments and impact statements jointly with other Federal or State agencies. Where possible it will arrange for the department to "adopt" statements prepared by other agencies (§ 1506.3 of the CEQ Regulations). It shall arrange lead and cooperating agency responsibilities for preparing environmental documents (see §§ 1501.5 and 1501.6 of CEQ Regulations).

(d) *Preparation of draft environmental impact statement.* The responsible action officer shall be responsible for the preparation of the draft environmental impact statement in the manner described in § 1501.8, Part 1502, and §§ 1506.2 through 1506.7 of the CEQ Regulations. Preliminary copies of the draft environmental impact statement

and attachments shall be submitted to the Office of Environment and Health before any formal review is conducted outside the Department. This submission shall be accompanied by a list of Federal, State, and local officials (Part 1503 of the CEQ Regulations) and a list of other interested parties (§ 1506.6 of the CEQ Regulations) whose comments shall be sought. The Office of Environment and Health shall review the draft and obtain additional comments from other appropriate Departmental bureaus and offices.

(e) *Review of and comment on draft EIS.* For external review, the Office of Environment and Health shall transmit five copies of the revised draft statement to the Environmental Protection Agency (EPA) Office of Federal Activities. EPA will publish a notice of the statement's availability the following week in the Federal Register. Upon transmission of the draft statement to EPA, the Office of Environment and Health shall also seek the views of appropriate agencies and individuals in accordance with Part 1503 and §§ 1506.6 and 1506.9 of the CEQ Regulations. It shall specify that replies are required at a stated date not earlier than 45 days from the date of NEPA publication of the draft statement availability. Any views submitted during the comment period shall be provided to the responsible action officer in the Department for consideration in preparing the final statement. To the fullest extent possible, requirements for review and consultation with other agencies on environmental matters established by statutes other than NEPA, such as the review and consultation requirements of the Endangered Species Act of 1973, as amended, should be met before or through this review process (see § 161.11 of these regulations). In addition, the draft EIS shall list all environmentally-related federal permits, licenses or other approvals required to implement the proposal as specified in § 1502.25(b) of the CEQ Regulations.

(f) *Public involvement.* (1) Departmental officials will make diligent efforts to involve the public in implementing these regulations as provided in § 1501.4(e), 1503.1(a)(e) and 1506.6 of the CEQ Regulations.

(2) Interested persons can obtain information on the Department's environmental impact statements and other aspects of the Department's NEPA process by contacting the Director, Office of Environment and Health, Room 7820, Department of State, Washington, D.C. 20520 (tel. 202/632-9266). Information pertaining to the NEPA

process may be sent to the above address. Federal Register notices concerning the Department's environmental documents shall specify where such information relevant to the documents in question may be obtained.

(3) The responsible action officer shall identify those persons, community organizations, environmental interest groups, international organizations or other bodies which may have an interest in or be affected by the proposed Departmental action and who should therefore be involved in the NEPA process. With the assistance of the Office of Environment and Health he shall transmit a list of such persons, groups and organizations to the Office of Environment and Health at the same time he submits:

- (i) A recommendation regarding a "Finding of no significant impact";
- (ii) A "Notice of intent to prepare an EIS";
- (iii) A recommendation on possible public hearings (see § 1506.6(c) of CEQ Regulations);
- (iv) A draft EIS, or
- (v) A final EIS.

(4) The responsible action officer shall consult with the Office of Environment and Health and make recommendations regarding the need for public hearings. The Office of Environment and Health shall, as necessary, review such recommendations with the Office of the Legal Adviser.

(g) *Preparation of final environmental impact statement.* (1) After conclusion of the review process with other Federal, State and local agencies and the public, the responsible action officer shall consider suggestions received and revise the draft environmental impact statement as appropriate in accordance with Part 1502 and §§ 1501.8 and 1506.2 through 1506.7 of the CEQ Regulations.

(2) Five copies of the preliminary final environmental impact statement, with attached copies of the comments received and suggested responses, shall be provided to the Office of Environment and Health. The Office of Environment and Health will, as appropriate, obtain additional comments from any other appropriate Departmental bureau or offices and notify the responsible action officer of any further changes required and the number of final statements to be transmitted. The Office of Environment and Health shall submit five copies of the final statement to the Environmental Protection Agency's Office of Environmental Review. Copies shall also be sent to all parties who commented and to other interested parties in accordance with § 1506.9 of the CEQ Regulations.

(3) Each draft and final statement, the supporting documentation, and the "Record of decision" (see § 161.9(h) of these regulations) shall be available for public review and copying at the Office of Environment and Health (OES/ENH), Room 7820, Department of State, Washington, D.C. 20520 (tel. 202/632-2418).

(h) *Record of the decision.* At the time of the decision on the proposed action, the responsible Departmental official shall consult with the Office of Environment and Health and prepare a concise "Record of decision" (see § 1505.2 of the CEQ Regulations).

(i) *Timing of EIS preparation and action decision.* Preparation of an environmental impact statement shall be initiated as soon as the responsible action officer in consultation with the Office of Environment and Health and the Office of the Legal Adviser, has determined that the statement shall be prepared. Except where permitted by the CEQ Regulations (§§ 1506.10(d), 1506.11) and these regulations (§§ 161.7(d), 161.9(n)(2)), no decision on the proposed action shall be made by the Department until the later of the following dates:

(1) Ninety (90) days after publication by EPA of a notice of availability of a Departmental draft EIS.

(2) Thirty (30) days after publication by EPA of a notice of availability of a departmental final EIS.

(j) *Implementing and monitoring the decision.* Section 1505.3 of the CEQ Regulations establishes the procedures to be followed by the Department in monitoring to assure that any mitigation measures or other commitments associated with the decision and its implementation are carried out. The Office of Environment and Health will maintain general oversight and cooperate with bureau officers in such monitoring.

(k) *Supplemental environmental impact statements.* Departmental officials shall supplement a draft EIS whenever an alternative which is substantially different from those discussed in the draft is under consideration or when the draft is otherwise out of date. A final EIS shall be supplemented when a substantial change is made in the proposed action or when significant new information on the environmental impacts comes to light. A supplemental EIS should be prepared, circulated and approved in accordance with the provisions of § 1502.9 of the CEQ Regulations. No supplemental EIS need be prepared when the final decision on the action in question has already been taken, if there are reasons not to prepare a

supplemental EIS when one ordinarily would be called for, the responsible action officer should consult with the Office of Environment and Health, which shall consult with the Council on Environmental Quality on the matter.

(l) *Programmatic and generic environmental impact statements.* (1) Before preparing an environmental document under these regulations the responsible action officer should determine if there exists a generic or programmatic environmental document analyzing actions, effects or issues similar to those involved in the proposed action. A generic environmental document reviews the environmental effects that are generic or common to a class of Departmental actions which may not be specific to any single country or area. Where such a document is prepared it could be applied to a number of similar specific country applications. If a generic document exists and if it deals with relevant similarities in the action, such as common timing, environmental impacts, alternatives, methods of implementation or subject matter it will not be necessary to prepare further environmental documentation.

(2) A programmatic environmental document shall focus its analysis on the environmental aspects of an entire program rather than on the specific elements of the program. If a programmatic environmental document has already been prepared the responsible action officer should determine whether it adequately deals with the environmental effects of the particular action under review. If the programmatic document adequately reviews the environmental impacts of the action under consideration, then additional environmental documentation is not required under these regulations. In preparing environmental documents on specific actions, Departmental officers shall consider the advisability of modifying or expanding the documents so they may serve as generic or programmatic documents for a broader range of actions.

(m) *Amendments.* Amendments to these regulations may be made by the Assistant Secretary for Oceans and International Environmental and Scientific Affairs in consultation with other Departmental bureaus and the Office of the Legal Adviser. Such amendments will be published in the *Federal Register* after consultation with the Council on Environmental Quality, in accordance with § 1507.3 of the CEQ Regulations, and public review and comment.

(n) *Modifications.* The Department's procedures for preparing environmental documents may be modified to accommodate the following circumstances:

(1) *Classified material.* Most Departmental environmental documents will not normally contain classified or administratively controlled material (see § 1507.3(c) of the CEQ Regulations); in some cases, however, an environmental document must include such material to evaluate adequately environmental effects. In such cases Departmental environmental documents, or portions thereof, may be classified. Such material should, if possible, be confined to a classified annex of the environmental document. Approval for classification must be granted with the concurrence of the Assistant Secretary for Oceans and International Environmental and Scientific Affairs and the Office of the Legal Adviser, and the assistant secretary of the bureau with the action responsibility for the proposed action. In these cases, Departmental environmental documents or portions thereof may be classified in accordance with the criteria set forth in Executive Order 12065, dated December 1, 1978. Handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. The portions of an environmental document which are not classified or administratively controlled will be made available to persons outside the Department, as provided in 22 CFR Part 9. Classification does not preclude the obligation to ensure that environmental documents are reviewed by competent scientific and technical experts. Appropriate arrangements will be made through the Office of Environment and Health for Federal agency review of classified or administratively controlled environmental documents.

(2) *Time periods for environmental review.* When necessary to comply with other specific statutory requirements or for compelling reasons of national policy the Department may, by agreement with the Environmental Protection Agency, modify time periods specified by the CEQ Regulations for preparing environmental documents in accordance with § 1506.10 of the CEQ Regulations. See also provisions for emergency circumstances contained in § 1506.11 of the CEQ Regulations and § 161.7(d) of these regulations.

Subpart D—Coordination of Other Requirements of NEPA

§ 161.10 Non-Federal applicants for permits.

The Department is responsible for issuing international permits for the construction of bridges and oil pipelines that cross the international boundaries with Canada and Mexico. The Office of Environment and Health will assist in preparation of the required environmental analysis documentation for such permits. Applicants for international permits may obtain information on the type of environmental information needed and the extent of the applicant's participation in the necessary environmental studies and their documentation from the Office of the Legal Adviser, Department of State, Washington, D.C. 20520 (tel. 202/632-0349).

§ 161.11 Environmental review and consultation requirements.

In addition to the environmental review requirements of NEPA the Department has other statutory environmental review and consultation requirements. Departmental officials, in cooperation with the Office of Environment and Health and the Office of the Legal Adviser shall, to the maximum extent possible, conduct environmental review and consultation for these additional requirements concurrently with and integrated with preparation of assessments, and environmental impact statements. The principal additional requirements affecting the Department of State's actions are outlined below.

(a) Section 7 of the Endangered Species Act, as amended, 16 U.S.C. 1531 *et seq.*, requires identification of and consultation on aspects of any Departmental action that may have effects in the United States on listed species or their habitat. As appropriate, written request for consultation, along with the draft environmental document shall be conveyed by the Office of Environment and Health to the Regional Director of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, as appropriate, for the Region in the United States where the action will be carried out.

(b) Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(f), requires identification of National Register properties, eligible properties, or properties in the United States which may be eligible for the National Register within the area of the potential impact of a proposed Departmental action.

Evaluation of the impact of the action on such properties shall be discussed in draft environmental impact statements and transmitted to the Advisory Council on Historic Preservation for comments.

(c) Executive Order 11988 (Floodplains Management) and Executive Order 11990 (Wetlands), requires identification of actions which will occur in or affect a floodplain or wetland (e.g., in areas along the boundary with Canada or Mexico). A comparative evaluation of such actions shall be discussed in draft environmental impact statements and transmitted to the U.S. Water Resources Council for comments.

(d) Fish and Wildlife Coordination Act, 16 U.S.C. 661 *et seq.*

(e) Clean Water Act of 1977, 33 U.S.C. 1251 *et seq.*

(f) Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1451 *et seq.*

(g) Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1401 *et seq.*

(h) Deepwater Port Act of 1974, as amended, 33 U.S.C. 1501 *et seq.*

(i) Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 *et seq.*

§ 161.12 Environmental effects abroad of major Departmental actions.

Departmental officials shall analyze actions under their cognizance with due regard for the environmental effects in the global commons and in foreign jurisdictions. Such analysis shall be prepared in accordance with separate Departmental procedures (FAMC No. 807A), dated September 4, 1979 for implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (44 FR 1957), dated January 4, 1979.

Leslie H. Brown,

Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

October 29, 1979.

[FR Doc. 79-35043 Filed 11-20-79; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 208

[Docket No. R79-725]

Partial Payment of Claim

Correction

In FR Doc. 79-34649 appearing on page 65081 in the Friday, November 9,

1979, the date given in the second column for comments now reading "January 8, 1979" should have read "January 8, 1980".

BILLING CODE: 1505-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

32A CFR Parts 601 through 662

A Review of Defense Materials System and Defense Priorities System Regulations

AGENCY: Office of Industrial Mobilization, Bureau of Trade Regulation, Department of Commerce.

ACTION: Advance notice of rulemaking and request for comments.

SUMMARY: The Defense Materials System (DMS) and the Defense Priorities System (DPS) have not been reviewed comprehensively since 1974. Since that time several new responsibilities have been added to the DMS/DPS including authority to provide priorities and allocation support to maximize domestic energy supplies. In the intervening years, the country has experienced new and different types of material shortages. New types of defense production activities have been initiated; most notably, co-production programs with our allies. Finally, a number of inconsistencies or other technical problems with the DMS/DPS regulations have been brought to the attention of the Office of Industrial Mobilization (OIM).

Since the DMS/DPS was last reviewed, the President has issued Executive Order 12044 on "Improving Government Regulations". This Executive Order calls for ensuring that regulations be simple and as clear as possible, achieve legislative goals effectively and efficiently, and not impose unnecessary burdens on the economy, on individuals, on public or private organizations, or on state and local governments.

OIM will completely review its present set of rules and regulations toward fully satisfying the intent of E.O. 12044, taking into account the developments mentioned above and the experience gained during the past five years.

This Notice establishes the procedures which OIM will follow in reviewing, and if appropriate, in developing and promulgating revised DMS/DPS regulations.

DATES: Comments by January 17, 1980.

ADDRESS: Iain S. Baird, Director, Priorities and Allocations Division, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Iain S. Baird, Director, Priorities and Allocations Division, Office of Industrial Mobilization, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-2233.

SUPPLEMENTARY INFORMATION: The Defense Materials System (DMS) and Defense Priorities System (DPS), as it now exists, has three major purposes: First, it is designed to be readily expandable into a system of comprehensive industrial controls to ensure that the industrial resources of the nation are properly allocated during times of emergency.

Second, the DMS/DPS is an active priorities and allocation system currently helping to ensure the timely delivery of items required to promote the national defense.

Third, since a strong and healthy economy is vital to the strength of the nation and the national security, the DMS/DPS is designed and administered to minimize its interference with the private sector during times of peace.

The authority for the DMS/DPS is contained in Title I of the Defense Production Act of 1950, as amended. The Secretary of Commerce has been delegated the responsibility for issuing rules and regulations with respect to priorities and allocations for most industrial items. Within the Department, the Office of Industrial Mobilization (OIM) administers the DMS/DPS.

The following rules and regulations will be included in the proposed review and possible revision of the DMS/DPS and appear in 32A CFR Chapter VI: DMS Reg. 1, Basic Rules of the Defense Materials System

DMS Reg. 1, Dir. 1, Self-Authorization Procedure for MRO Needed to Fill Mandatory Acceptance Orders

DMS Reg. 1, Dir. 2, Controlled Materials Producers and Distributors

DMS Order 1, Iron and Steel

DMS Order 2, Nickel Alloys

DMS Order 3, Aluminum

DMS Order 4, Copper and Copper-Base Alloys

DPS Reg. 1, Basic Rules of the Defense Priorities Systems

DPS Reg. 2, Operations of the Priorities and Allocations System Between Canada and the United States

DPS Reg. 3, Compliance and Enforcement Procedures

DMS Order 1, Metalworking Machines

DMS Order 2, Nickel

The following delegations will be included in the proposed review and possible revisions of the DMS/DPS:

BDC Del. 1. Delegation of Authority to Secretary of Defense (41 FR 13641)

BDC Del. 2. Delegation of Authority to Energy Research and Development Administration (41 FR 13642)

BDC Del. 3. Delegation of DO Priority Rating to Administrator of General Services (41 FR 13643)

BDC Del. 4. Administrator of the Federal Energy Administration (41 FR 52331)

The terms of the delegations listed above have been amplified through the issuance of statements of conditions to the delegate agencies. The statements of conditions have not been previously published in the *Federal Register* and are not part of the Code of Federal Regulations. However, they are being made available for review by interested parties and may be inspected and copied at the Freedom of Information Records Inspection Facility described further below. The statements of conditions include:

Statement of Conditions to BDC Del. 1 (Defense)

Statement of Conditions to BDC Del. 2 (ERDA)

Statement of Conditions to BDC Del. 3 (GSA)

Statement of Understanding to BDC Del. 4 (FEA)

Finally, the Office of Industrial Mobilization is publishing a Regulation on Priorities and Allocations of Materials and Equipment to Maximize Domestic Energy Supplies (Energy Reg. 1) at the same approximate time as this Notice. Eventually, it will be incorporated as Part 671 to 32A CFR Chapter VI.

The promulgation of defense production regulations is exempt from the rulemaking procedures of the Administrative Procedure Act. However, because of the importance and complexity of the regulations involved, the Department is inviting public participation in their review. All persons who desire to comment are encouraged to do so at the earliest possible time, so as to ensure the fullest consideration of their views.

Comments may take form of proposed regulatory language, narrative discussion, hypothetical case situations, or any other appropriate format. Comments received on or before January 17, 1980, will be considered in the review of these regulations.

OIM expects to publish the proposed regulations in the *Federal Register* in early 1980, and expects to allow 60 days for submission of comments on the proposed regulations. The Department

expects to publish final regulations in the *Federal Register* in the spring of 1980, after taking into consideration the comments received.

Written public comments accompanied by a request that part or all of the material contained therein be treated confidentially will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in developing the regulations. All public comments to be considered in the review of the DMS/DPS will be a matter of public record and will be available for public inspection and copying.

In the interest of accuracy and completeness, comments in written form are preferred. If oral comments are received, the Department of Commerce official receiving such comments will prepare a memorandum summarizing the substance of the comments and identifying the individual making the comments as well as the person on whose behalf they purport to be made. All such memoranda will also be a matter of public record and will be available for public review and copying.

Written comments (three copies, if possible) concerning the review of the DMS/DPS should be addressed to: U.S. Department of Commerce, The Office of Industrial Mobilization, Room 4104, Washington, D.C. 20230.

Oral Communications should be directed to: Iain S. Baird, Director, Priorities and Allocations Division (202) 377-2233.

The public record concerning these defense production regulations will be maintained in the Industry and Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230. Records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information pertaining to the inspection and copying of records at the facility may be obtained from Ms. Patricia L. Mann, the Industry and Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

A copy of the sections of the Defense Production Act of 1950, as amended, relevant to priorities and allocations is attached to this notice for the information of those wishing to comment on the review of the DMS/DPS.

Dated: November 16, 1979.

Robin B. Schwartzman,
Acting Deputy Assistant Secretary for Trade Regulation.

Title I—Priorities and Allocations

Sec. 1101. (50 U.S.C. App. 2071) (a) The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense.

(b) The powers granted in this section shall not be used to control the general distribution of any material in the civilian market unless the President finds (1) that such material is a scarce and critical material essential to the national defense, and (2) that the requirements of the national defense for such material cannot otherwise be met without creating a significant dislocation of the normal distribution of such material in the civilian market to such a degree as to create appreciable hardship.

(c) (1) Notwithstanding any other provision of this Act, the President may, by rule or order, require the allocation of, or the priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if he makes the findings required by paragraph (3) of this subsection.

(2) The President shall report to the Congress within sixty days after the date of enactment of this subsection on the manner in which the authority contained in paragraph (1) will be administered. This report shall include the manner in which allocations will be made, the procedure for requests and appeals, the criteria for determining priorities as between competing requests, and the office or agency which will administer such authorities.

(3) The authority granted in this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials and equipment in the marketplace, unless the President finds that—

(A) such supplies are scarce, critical, and essential to maintain or further (i) exploration, production, refining, transportation, or (ii) the conservation of energy supplies, or (iii) for the construction and maintenance of energy facilities; and

(B) maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

(4) During any period when the authority conferred by this subsection is being

exercised, the President shall take such action as may be appropriate to assure that such authority is being exercised in a manner which assures the coordinated administration of such authority with any priorities or allocations established under subsection (a) of this section and in effect during the same period.⁶

Sec. 102. (50 U.S.C. App. 2072) In order to prevent hoarding, no person shall accumulate (1) in excess of the reasonable demands of business, personal, or home consumption, or (2) for the purpose of resale at prices in excess of prevailing market prices, materials which have been designated by the President as scarce materials or materials the supply of which would be threatened by such accumulation. The President shall order published in the Federal Register, and in such other manner as he may deem appropriate, every designation of materials the accumulation of which is unlawful and any withdrawal of such designation. In making such designations the President may prescribe such conditions with respect to the accumulation of materials in excess of the reasonable demands of business, personal, or home consumption as he deems necessary to carry out the objectives of this Act. This section shall not be construed to limit the authority contained in sections 101 and 704 of this Act.

Sec. 103. (50 U.S.C. App. 2073) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by the provisions of this title or any rule, regulation, or order thereunder, shall, upon conviction, be fined not more than \$10,000 or imprisoned for not more than one year, or both.

Title VII—General Provisions

Sec. 701. (50 U.S.C. App. 2151) (a) It is the sense of the Congress that small-business enterprises be encouraged to make the greatest possible contribution toward achieving the objectives of this Act.

(b) In order to carry out this policy—

(i) the President shall provide small-business enterprises with full information concerning the provisions of this act relating to, or of benefit to, such enterprises and concerning the activities of the various departments and agencies under this Act;

(ii) such business advisory committees shall be appointed as shall be appropriate for purposes of consultation in the formulation of rules, regulations, or orders, or amendments thereto issued under authority of this Act, and in their formation there shall be fair representation for independent small, for medium, and for large business enterprises, for different geographical areas, for trade association members and nonmembers, and for different segments of the industry;

(iii) in administering this Act, such exemptions shall be provided for small-business enterprises as may be feasible without impeding the accomplishment of the objectives of this Act; and

(iv) in administering this Act, special provision shall be made for the expeditious handling of all requests, applications, or appeals from small-business enterprises.

(c) Whenever the President invokes the powers given him in this Act to allocate any

material in the civilian market, he shall do so in such a manner as to make available, so far as practicable, for business and various segments thereof in the normal channel of distribution of such material, a fair share of the available civilian supply based, so far as practicable, on the share received by such business under normal conditions during a representative period preceding any future allocation of materials: *Provided*, That the President shall, in the allocation of materials in the civilian market, give due consideration to the needs of new concerns and newly acquired operations, undue hardships of individual businesses, and the needs of smaller concerns in an industry.

Sec. 702. (50 U.S.C. App. 2152) As used in this Act—

(a) The word "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing: *Provided*, That no punishment provided by this Act shall apply to the United States, or to any such government, political subdivision, or government agency.

(b) The word "materials" shall include raw materials, articles, commodities, products, supplies, components, technical information, and processes.

(c) The word "facilities" shall not include farms, churches or other places of worship, or private dwelling houses.

(d) The term "national defense" means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, space, and directly related activity.

(e) The words "wages, salaries, and other compensation" shall include all forms of remuneration to employees by their employers for personal services including, but not limited to, vacation and holiday payments, night shift and other bonuses, incentive payments, year-end bonuses, employer contributions to or payments of insurance or welfare benefits, employer contributions to a pension fund or annuity, payments in kind, and premium overtime payments.

(f) The term "defense contractor" means any person who enters into a contract with the United States for the production of material or the performance of services for the national defense.

Sec. 704. (50 U.S.C. App. 2154) The President may make such rules, regulations, and orders as he deems necessary or appropriate to carry out the provisions of this Act. Any regulation or order under this Act may be established in such form and manner, may contain such classification and differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this Act, or to prevent circumvention or evasion, or to facilitate enforcement of this Act, or any rule, regulation, or order issued under this Act. No rule, regulation, or order issued under this Act which restricts the use of natural gas (either directly or by restricting the use of

facilities for the consumption of natural gas, or in any other manner) shall apply in any State in which a public regulatory agency has authority to restrict the use of natural gas and certifies to the President that it is exercising that authority to the extent necessary to accomplish the objectives of this Act.

Sec. 705. (50 U.S.C. App. 2155) (a) The President shall be entitled, while this Act is in effect and for a period of two years thereafter, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to any person as may be necessary or appropriate, in his discretion, to the enforcement of the administration of this Act and the regulations or orders issued thereunder. The President shall issue regulations insuring that the authority of this subsection will be utilized only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. In case of contumacy by, or refusal to obey a subpoena served upon, any person referred to in this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the President, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(c) The production of a person's books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpoena, or other document issued with respect thereto, such person furnishes the President with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the President as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(d) Any person who willfully performs any act prohibited or willfully fails to perform any act required by the above provisions of this section, or any rule, regulation, or order thereunder, shall upon conviction be fined not more than \$1,000 or imprisoned for not more than one year or both.

(e) Information obtained under this section which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President determines that the withholding thereof is contrary to the interest of the national defense, and any person willfully violating this provision shall, upon conviction, be fined

not more than \$10,000 or imprisoned for not more than one year, or both.

(f) Any person subpoenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

Sec. 706. (50 U.S.C. App. 2156) (a) Whenever in the judgment of the President any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this Act, he may make application to the appropriate court for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, and upon a showing by the President that such person has engaged or is about to engage in any such acts or practices a permanent or temporary injunction, restraining order, or other order, with or without such injunction or restraining order, shall be granted without bond.

(b) The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this Act or any rule, regulation, order, or subpoena thereunder, and of all civil actions under this Act to enforce any liability or duty created by, or to enjoin any violation of, this Act or any rule, regulation, order, or subpoena thereunder. Any criminal proceeding on account of any such violation may be brought in any district in which any act, failure to act, or transaction constituting the violation occurred. Any such civil action may be brought in any such district or in the district in which the defendant resides or transacts business. Process in such cases, criminal or civil, may be served in any district wherein the defendant resides or transacts business or wherever the defendant may be found; the subpoena for witnesses who are required to attend a court in any district in such case may run into any other district. The termination of the authority granted in any title or section of this Act, or of any rule, regulation, or order issued thereunder, shall not operate to defeat any suit, action, or prosecution, whether theretofore or thereafter commenced, with respect to any right, liability, or offense incurred or committed prior to the termination date of such title or of such rule, regulation, or order. No costs shall be assessed against the United States in any proceeding under this Act. All litigation arising under this Act or the regulations promulgated thereunder shall be under the supervision and control of the Attorney General.

Sec. 707. (50 U.S.C. App. 2157) No person shall be held liable for damages or penalties for any act or failure to act resulting directly or indirectly from compliance with a rule, regulation, or order issued pursuant to this Act notwithstanding that any such rule, regulation, or order shall thereafter be declared by judicial or other competent authority to be invalid. No person shall discriminate against orders or contracts to which priority is assigned or for which materials or facilities are allocated under title I of this Act or under any rule, regulation, or order issued thereunder, by charging higher prices or by imposing different terms and conditions for such orders or contracts than for other generally comparable orders or contracts, or in any other manner.

Sec. 709. (50 U.S.C. App. 2159) The functions exercised under this Act shall be excluded from the operation of the Administrative Procedure Act (60 Stat. 237) except as to the requirements of section 3 thereof. Any rule, regulation, or order, or amendment thereto, issued under authority of this Act shall be accompanied by a statement that in the formulation thereof there has been consultation with industry representatives, including trade association representatives, and that consideration has been given to their recommendations, or that special circumstances have rendered such consultation impracticable or contrary to the interest of the national defense, but no such rule, regulation, or order shall be invalid by reason of any subsequent finding by judicial or other authority that such a statement is inaccurate.

[FR Doc. 79-35942 Filed 11-20-79; 8:45 am]

BILLING CODE 3510-25-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[Docket No. 79-63; FRL 1362-7]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Order for Airco Alloys, Division of Airco, Inc., Calvert City, Ky.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing a Delayed Compliance Order for Airco Alloys, Division of Airco, Inc., at Calvert City, Kentucky. Since the Environmental Protection Agency proposed issuance of the Delayed Compliance Order, this plant has changed names to SKW Alloys, Inc. This action is being taken because SKW Alloys, Inc., did not achieve and demonstrate compliance with all of the terms of the Delayed Compliance Order by the final compliance date of July 1, 1979.

DATE: This withdrawal is effective November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at 44 FR 32716, June 7, 1979, solicited public comments and offered the opportunity to request a public hearing on a proposed

Delayed Compliance Order to be issued by EPA to Airco Alloys, Division of Airco, Inc., at Calvert City, Kentucky. No public comments were received and no requests for a public hearing were received by EPA regarding this proposed Delayed Compliance Order. Airco Alloys (now SKW Alloys, Inc.) did not achieve and demonstrate compliance with all of the terms of the Delayed Compliance Order by the final compliance date of July 1, 1979. This noncompliance with the DCO was documented by inspections conducted by Region IV, Air Enforcement Branch, and PEDCO Environmental, Inc., EPA's consultant.

In consideration of the foregoing, the proposal published in the Federal Register (44 FR 32716) on June 7, 1979, entitled "Proposed Delayed Compliance Order for Airco Alloys, Division of Airco, Inc., Calvert City, Kentucky" is hereby withdrawn.

Dated: October 31, 1979.

John C. White,

Regional Administrator, Region IV.

[FR Doc. 79-35914 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[Docket No. 79-8; FRL 1362-8]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Delayed Compliance Order for National Southwire Aluminum, Hawesville, Ky.

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this notice is to withdraw a prior Federal Register notice proposing a Delayed Compliance Order for National Southwire Aluminum at Hawesville, Kentucky. This action is being taken because National Southwire Aluminum did not achieve and demonstrate compliance with all the terms of the Delayed Compliance Order by the final compliance date of July 1, 1979.

DATE: This withdrawal is effective on November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia 30308. Telephone number: (404) 881-4298.

SUPPLEMENTARY INFORMATION: A Federal Register notice published at 44 FR 29934 (May 23, 1979), solicited public

comments and offered the opportunity to request a public hearing on a proposed Delayed Compliance Order to be issued by the Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection, to National Southwire Aluminum at Hawesville, Kentucky. No public comments or requests for a public hearing were received by EPA regarding this proposed delayed compliance order. National Southwire Aluminum did not achieve and demonstrate compliance with all of the terms of the Delayed Compliance Order by the final compliance date of July 1, 1979.

In consideration of the foregoing, the proposal published in the *Federal Register* (44 FR 29934) on May 23, 1979, entitled "Proposed Approval of an Administrative Order Issued by the Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection to National Southwire Aluminum" is hereby withdrawn.

Dated: October 31, 1979.

John C. White,

Regional Administrator, Region IV.

[FR Doc. 79-35886 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1363-5]

Commonwealth of Pennsylvania; Proposed Designations of Attainment Status

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Pennsylvania had requested, and EPA has proposed, that the borough of Lansdale (Montgomery County) be redesignated from nonattainment of secondary total suspended particulates (TSP) standards to attainment. The Commonwealth also requests that six municipalities located adjacent to Lansdale, and which are currently designated as "unclassified" with respect to TSP, be also redesignated as attainment areas. EPA proposes to approve these additional changes. The purpose of this notice is to solicit public comment on this proposed action.

DATE: All comments must be submitted on or before December 21, 1979.

ADDRESSES: Copies of the associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency—
Region III, Curtis Building, 6th & Walnut
Streets, Philadelphia, PA 19106.
Pennsylvania Department of Environmental
Resources, Bureau of Air Quality and Noise
Control, Fulton Building—18th floor, 200
North Third Street, Harrisburg, PA 17120,
ATTN: James Silvaggio.
Public Information Reference Unit, Room
2922—EPA Library, U.S. Environmental
Protection Agency, 401 M Street, S.W.,
Washington, DC 20460.

All comments should be addressed to:
Mr. Howard R. Heim, Jr., Chief (3AH10),
Air Programs Branch, U.S.
Environmental Protection Agency,
Region III, Curtis Building, 10th floor, 6th
& Walnut Streets, Philadelphia, PA
19106, ATTN: 107PA-2.

FOR FURTHER INFORMATION CONTACT:
Mr. Harold A. Frankford (3AH12), U.S.
Environmental Protection Agency,
Region III, Curtis Building, 10th floor, 6th
& Walnut Streets, Philadelphia, PA
19106, (phone) 215/597-8392.

SUPPLEMENTARY INFORMATION: On
December 29, 1978, the Commonwealth
of Pennsylvania submitted revised
designations of attainment status, along
with supporting information, for
promulgation under Section 107 of the
Clean Air Act. One of these
redesignations consisted of revising the
attainment status of Lansdale Borough
from nonattainment of secondary TSP
standards to attainment. With this
submission, the State submitted air
quality data indicating that no violations
of the secondary TSP standard have
occurred for eight consecutive quarters.
This redesignation was proposed for
comment by EPA on July 2, 1979 (44 FR
38585 (1979)).

On August 29, 1979, the
Commonwealth of Pennsylvania
requested that six municipalities located
adjacent to Lansdale, and currently
designated as "unclassified" with
respect to TSP, be redesignated to
attainment. These six areas, all of which
are located in Montgomery County, are
Montgomery Township, Upper
Gwynedd Township, North Wales
Borough, Towamencin Township,
Hatfield Township, and Hatfield
Borough.

Given the fact that the most recent air
quality data for TSP would support a
redesignation of attainment for these six
municipalities, EPA proposes to
redesignate these areas as such.
Because these areas are currently
designated as "unclassified", a Part D
(Clean Air Act) nonattainment plan is
presently not required.

The public is invited to comment on
these proposed designation changes.
Because the changes are associated with
a previously proposed change, and

because they would not affect the need
for submitting a nonattainment plan,
EPA considers a 30-day public comment
period to be sufficient for affording the
public and opportunity to comment.
Therefore, all comments must be
submitted on or before December 21,
1979.

All comments should be addressed to:
Mr. Howard Heim, Chief (3AH10), Air
Programs Branch, U.S. Environmental
Protection Agency—Region III, Curtis
Building, 10th floor, 6th & Walnut
Streets, Philadelphia, PA 19106, ATTN:
107PA-2.

Under Executive Order 12044, EPA is
required to judge whether a regulation is
"significant" and therefore subject to the
procedural requirements of the Order or
whether it may follow other specialized
development procedures. EPA labels
these other regulations "specialized". I
have reviewed this regulation and
determined that it is a specialized
regulation not subject to the procedural
requirements of Executive Order 12044.

Authority: Section 107(d), 171, (2), 301(a) of
the Clean Air Act, as amended (42 U.S.C.
7407(d), 7501(2), 7601(a)).

Dated: October 17, 1979.

Jack J. Schramm,

Regional Administrator.

[FR Doc. 79-35893 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 87

[Docket No. OMSAPC-78-1; FRL 1362-6]

Control of Air Pollution From Aircraft and Aircraft Engines; Proposed Amendments to Standards; Announcement of Availability of Economic Impact Assessment and Extension of Comment Period

AGENCY: Environmental Protection
Agency.

ACTION: Extension of comment period.

SUMMARY: On March 24, 1978, EPA
proposed a number of changes to
gaseous emissions regulations
applicable to several classes of newly
manufactured and newly certified
aircraft engines (43 FR 12615). It was
stated therein that an economic
assessment of the impact of NOx control
on the JT8D engine would be published
at a later date. The purpose of the
present notice is to announce the
availability of this economic impact
assessment and to invite public
comments. The comment period is being
reopened for 60 days to allow additional
time for review of this document.

DATE: All relevant comments received
on or before January 21, 1980 will be
considered.

ADDRESS: Interested persons may participate in this rulemaking by submitting written comments to the Administrator, Environmental Protection Agency, Attention: Central Docket Section, Room 2903 (A-130), 401 M Street, S.W., Washington, D.C. 20460. Ten copies are requested but not required.

FOR FURTHER INFORMATION CONTACT: George Kittredge, Senior Technical Advisor, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 426-2514.

SUPPLEMENTARY INFORMATION: On March 24, 1978, proposed amendments to the standards for newly manufactured and newly certified aircraft engines (40 CFR Part 87) and proposed standards for in-use aircraft engines were published (43 FR 12615). The closing date for comments on the proposed action was announced as July 24, 1978. The preamble to that action stated that the comment period would be extended if necessary to allow at least a 60-day comment period on the economic impact assessment. The first of the two reports which comprise that assessment was announced in the *Federal Register* on August 11, 1978 (43 FR 3678). The second report, which analyses the cost impact of nitrogen oxides (NOx) control on the JT8D engine, is now available for inspection and copying at the U.S. Environmental Protection Agency, Central Docket Section, Room 2903 B, 401 M Street, S.W., Washington, D.C. 20460 (Docket No. OMSPAC-78-1). As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. To permit the public the earliest possible opportunity to comment on the economic impact assessment, the Agency is making the document available at this time without waiting for the evaluation of its findings by EPA or for any revisions to the substance of the March 24, 1978, NPRM that may be appropriate as a result of these findings. Such action rather will proceed concurrently with the accumulation of public comments on the assessment and will culminate in either a revised proposal or final rulemaking action, as appropriate, at a late date.

The report concludes that the proposed 1984 NOx emission standards applied to the JT8D engine would eliminate this engine from production, causing severe economic impacts on the manufacturers of the engine itself and the aircraft on which it is used. The analysis contained in this report will be considered in the development of final rulemaking applied to the JT8D engine.

Dated: November 8, 1979.

David G. Hawkins,
Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-35887 Filed 11-20-79; 8:45 am]

BILLING CODE 6580-01-M

40 CFR Part 761

[OPTS-62004 (PCB/RR-4); FRL 1362-5]

Polychlorinated Biphenyls (PCBs); Proposed Amendment to the Disposal Requirements for Large PCB Capacitors in Chemical Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Amendment to Disposal Requirements for Large PCB Capacitors.

SUMMARY: The Disposal and Marking Rule that was promulgated February 17, 1978 (43 FR 7150; superseded by 44 FR 31514, May 31, 1979) permits large capacitors that contain PCBs to be disposed of in chemical waste landfills until January 1, 1980. After that date all large capacitors containing PCBs are to be disposed of in an incinerator complying with Annex I of the PCB regulation. As it is not expected that an Annex I incinerator will be approved by January 1, 1980, EPA is proposing to extend the date for disposal of large PCB capacitors in chemical waste landfills until thirty days after an approved Annex I incinerator capable of handling these capacitors is operational. The Environmental Protection Agency (EPA) will also consider in this rulemaking whether the amendment should permit continued disposal of leaking large PCB capacitors in chemical waste landfills.

DATES: Written comments and requests to participate in the hearing on this proposed amendment are requested and should be received no later than December 21, 1979. An informal hearing, if requested, will be held January 3, 1980 in Washington, DC. The exact time and location will be made available through the Industry Assistance Office which can be reached by calling the toll-free number (800) 424-9065 or 554-1404 for calls local to Washington, DC.

ADDRESSES: All comments and requests to participate in the informal hearing should be sent to: Ms. Linda Thomson, Hearing Clerk, TS-794, US Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and should bear the control number OPTS-62004 (PCB/RR-4). The hearing will be held in Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Mr. John Ritch, Director, Industry Assistance Office, TS-799, US Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, Phone toll free: 800-424-9065, (in Washington, DC, call 554-1404).

SUPPLEMENTARY INFORMATION:

On February 17, 1978, EPA Promulgated a rule (43 FR 7150; superseded by 44 FR 31514, May 31, 1979) which regulates the disposal of PCB materials such as liquid PCBs, nonliquid PCBs, transformers, capacitors, heat transfer systems, hydraulic machines and other articles and equipment that contain PCBs at concentrations greater than 50 ppm. In that rule, the Agency permitted disposal of large (three or more pounds of dielectric fluid) high voltage and low voltage PCB capacitors in chemical waste landfills that comply with Annex II until January 1, 1980. See § 761.10(c)(2)(iii)(B), 43 FR at 7158, February 17, 1978 and § 761.10(b)(2)(iii)(B), 44 FR at 31547, May 31, 1979. EPA provided this disposal option until January 1, 1980 to allow time for the design, construction and approval of adequate PCB incineration facilities. EPA realized that without the use of chemical waste landfills, substantial numbers of large PCB capacitors (greater than 3 pounds of dielectric fluid) would have to be stored until PCB incinerators capable of handling these capacitors had been approved.

Despite efforts by both EPA and individual incinerator operators, it is now unlikely that an incinerator capable of handling large PCB capacitors for general use will be approved by January 1, 1980. EPA is, therefore, proposing to extend the date that large PCB capacitors may be disposed of in chemical waste landfills to 30 days after EPA announces in the *Federal Register* that an Annex I incinerator is approved and operational for disposal of large PCB capacitors. The new date would avoid the necessity of storing substantial numbers of large PCB capacitors. EPA included an additional 30 days after EPA announces that an Annex I incinerator is approved and operational for disposal of PCB capacitors, to allow persons who generate large capacitors for disposal both to learn of the cut-off date and to begin sending large PCB capacitors to PCB incinerators.

Beginning January 1, 1980 and until the time when this proposed amendment becomes effective, large PCB capacitors awaiting disposal must be stored in accordance with the requirements of § 761.42 of the PCB rule.

EPA requests comments on this proposed amendment. Specifically, EPA would like persons to respond to the following questions. (1) How many large PCB capacitors does an owner or operator of a system or facility using large PCB capacitors generate for disposal on a monthly basis? (2) How many large PCB capacitors are expected to remain in use after January 1, 1980? (3) How long would it take industry to begin sending large PCB capacitors to incinerators? (4) What cost and space limitations, if any, would industry face if it were not able to dispose of large capacitors at all, for example, for six months?

EPA has not proposed exclusion of leaking PCB capacitors from the proposed amendment. However, as noted in the summary of this notice, the Agency requests comment on whether such leaking PCB capacitors should be stored rather than placed in an Annex II chemical waste landfill. The Agency wishes to address this issue in the context of this rulemaking. Specifically, EPA would like to know how many large PCB capacitors are leaking at the time of disposal. In responding to this question, please describe the nature of the leak, i.e., drip on side, ruptured seam, etc.

The record in this rulemaking includes the rulemaking record for the 1979 PCB regulation (44 FR 31514, May 31, 1979). EPA has also received a formal petition under section 21 of the Toxic Substances Control Act (TSCA) from the Utility Solid Waste Activities Group, the Edison Electric Institute and the National Rural Electric Cooperative Association, and other correspondence on this matter, which have been placed in the record.

EPA is shortening the time period required by the rulemaking procedural rules in 40 CFR 750.6 in order to make promulgation of this rule feasible as soon as possible after January 1, 1980, when § 761.10(b)(2)(iii)(B) is no longer applicable unless extended. This means that persons may notify EPA that they wish to appear at an informal hearing on this proposal until December 21, 1979.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA Labels these rules "specialized". This rule has been reviewed and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Statutory Authority: Section 6(e) of TSCA [15 U.S.C. 2605]. The preamble of the Manufacturing, Processing, Distribution in Commerce and Use

Prohibition Rule at 44 FR 31514 May 31, 1979 delegates authority to amend or modify this rule to the Assistant Administrator for Pesticide and Toxic Substances.

Dated: November 15, 1979.

Steven Jellinek,

Assistant Administrator for Pesticide and Toxic Substances.

It is proposed to amend § 761.10(b)(2)(iii)(B) of 40 CFR part 761 to read as follows:

§ 761.10 Disposal Requirements

* * * * *

(b) * * *

(2) PCB Capacitors. * * *

(iii) Any PCB Large High or Low Voltage Capacitor owned by any person shall be disposed of in accordance with either of the following:

* * * * *

(B) Until thirty days after EPA has announced that an approved Annex I incinerator is operational for general use for the disposal of large PCB capacitors, disposal in a chemical waste landfill that complies with Annex II.

[FR Doc. 79-35901 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

41 CFR Part 101-6

Federal Advisory Committee Management

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

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice requests public participation in the formulation of a proposed GSA Federal Property Management Regulation on Federal Advisory Committee Management. Current Federal advisory committee management regulations are contained in Office of Management and Budget (OMB) Circular A-63 (March 27, 1974) and related A-63 Transmittal Memoranda 1, 4, and 5; in 41 CFR 101-11.12; and in 41 CFR 101-11.4930-248 through 250. GSA proposes to rescind OMB Circular A-63 and A-63 Transmittal Memoranda 1, 4, and 5, and to revise and redesignate 41 CFR 101-11.12 and 41 CFR 101-11.4930-248 through 250 for inclusion in the proposed regulation.

EO 12024, dated December 1, 1977, transferred from the Office of

Management and Budget to GSA certain advisory committee functions under the Federal Advisory Committee Act (FACA), as amended (5 U.S.C., App. I). GSA now having the authority to administer the provisions of FACA, believes that revision and consolidation of the current regulations is necessary. The proposed regulation is intended to provide Federal agencies with additional guidance and instructions for implementation of the Federal Advisory Committee Act.

DATES: Written comments must be received on or before January 5, 1980.

ADDRESSES: Comments should be submitted to the Executive Director, National Archives and Records Service (mailing address: General Services Administration (NA), Washington, DC 20408). Comments will be available for examination at the Committee Management Secretariat (NAM), Room 9403, 1100 L Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: John F. Clancy, Jr., Director, Committee Management Secretariat, Room 9403, 1100 L Street NW., 202-357-0019. Mailing address: General Services Administration (NAM), Washington, DC 20408.

Dated: November 9, 1979.

James E. O'Neill,

Acting Archivist of the United States.

[FR Doc. 79-35836 Filed 11-20-79; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Parts 4, 59a, 63, and 64

National Library of Medicine

AGENCY: PHS, National Institutes of Health.

ACTION: Notice of decision to develop regulations.

SUMMARY: As part of the Department's regulations recodification efforts, the Assistant Secretary for Health plans to amend the regulations for the programs of the National Library of Medicine. The programs are authorized by the Public Health Service Act, as amended. The proposed amendments would (1) permit the Regional Medical Library Network to recover part or all of the costs for the provision of photocopies of biomedical materials, (2) improve readability by use of the HEW Operation Common Sense principles, and (3) allow for inclusion of updated nondiscrimination language.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Carney, Acting Executive Officer, National Library of Medicine, Bethesda, MD 20209, (301) 496-6491.

Dated: November 15, 1979.

Julius B. Richmond,
Assistant Secretary for Health.

[FR Doc. 79-35927 Filed 11-20-79; 8:45 am]

BILLING CODE 4110-08-M

Center for Disease Control

42 CFR Part 72

Interstate Shipment of Etiologic Agents; Proposed Rule

AGENCY: Center for Disease Control, PHS, HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Public Health Service proposes to revise its regulation relating to the interstate shipment of etiologic agents. The proposed revision would expand and clarify the packaging, labeling, and shipping requirements for materials such as cultures, diagnostic specimens, and biological products which contain etiologic agents. The revision would also correct the scientific nomenclature, update the list of infectious agents, and provide for future revisions of the list of agents by publication of a Notice in the Federal Register to identify additional agents which must be packaged and transported in accordance with the requirements of this part. Additional changes would be made to reflect HEW's commitment to revise and clarify its regulations to promote public understanding of its programs.

DATES: Written comments are invited and must be received on or before January 21, 1980.

ADDRESS: Written comments should be sent to: Dr. John H. Richardson, Director, Office of Biosafety, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Comments received will be available for public inspection during regular business hours in Building 4, Room 232, at the same address.

FOR FURTHER INFORMATION CONTACT: Dr. John H. Richardson, Director, Office of Biosafety, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, telephone (404) 329-3885 or FTS: 236-3885.

SUPPLEMENTARY INFORMATION: Materials such as cultures, diagnostic specimens, and biological products which contain etiologic agents are transported routinely in interstate traffic for diagnostic, therapeutic, research, and production purposes in accordance with individual and national health needs

and interests. Current procedures in Part 72 of the Code of Federal Regulations provide minimum packaging standards for such materials; a design for a hazard warning label; and a system for receiving and responding to notifications of evidence or reports of leakage or any other damage to shipments of regulated materials during transit.

The proposed revision would (1) update the scientific nomenclature of microorganisms previously listed; (2) add to the list of microorganisms those agents not recognized or considered when the list was initially compiled; (3) provide for future revisions of the list of etiologic agents from time to time by publication of a Notice in the Federal Register to identify additional agents which must be packaged and transported in accordance with the requirements in Part 72; (4) clarify the packaging descriptions; and (5) clarify the requirements for use of the hazard warning label.

Provisions in Part 72 relating to interstate quarantine generally have been transferred to Title 21 (Food and Drugs) of the Code of Federal Regulations. Provisions in Subpart J relating to drinking water standards are now set forth in Title 40 (Protection of Environment). Therefore, the proposed revision would also (1) amend the list of definitions in Subpart A of Part 72 primarily to delete the definitions which are no longer applicable; (2) rescind Subpart J of Part 72; and (3) change the title of Part 72 to Interstate Shipment of Etiologic Agents.

It is, therefore, proposed to revise Part 72 of Title 42, Code of Federal Regulations, as set forth below.

Dated: August 8, 1979.

Charles Miller,
Acting Assistant Secretary for Health.

Approved: November 6, 1979.

Patricia Roberts Harris,
Secretary.

PART 72—INTERSTATE SHIPMENT OF ETIOLOGIC AGENTS¹

Sec.

72.1 Definitions.

72.2 Transportation of diagnostic specimens, biological products, and other materials; minimum packaging requirements.

72.3 Transportation of materials containing certain etiologic agents; minimum packaging requirements.

¹ The requirements of this part are in addition to and not in lieu of any other packaging or other requirements for the transportation of etiologic agents in interstate traffic prescribed by the Department of Transportation and other agencies of the Federal Government.

Sec.

72.4 Notice of delivery; failure to receive.

72.5 Requirements; variations.

Authority: Sec. 215, 58 Stat. 690, as amended, 42 U.S.C. 216; sec. 361, 58 Stat. 703, 42 U.S.C. 264.

§ 72.1 Definitions.

As used in this part:

"Biological product" means a biological product prepared and manufactured in accordance with the provisions of 9 CFR Parts 102-104 and 21 CFR Parts 312 and 600-680 and which, in accordance with such provisions, may be shipped in interstate traffic.

"Diagnostic specimen" means any human or animal material including, but not limited to, excreta, secretions, blood and its components, tissue, and tissue fluids being shipped for purposes of diagnosis.

"Etiologic agent" means a viable microorganism or its toxin which causes, or may cause, human disease.

"Interstate traffic" means the movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (a) from a point of origin in any State or possession to a point of destination in any other State or possession, or (b) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

§ 72.2 Transportation of diagnostic specimens, biological products, and other materials; minimum packaging requirements.

No person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, any material including, but not limited to, diagnostic specimens and biological products which such person reasonable believes may contain an etiologic agent unless such material is packaged to withstand leakage of contents, shocks, pressure changes, and other conditions incident to ordinary handling in transportation.

§ 72.3 Transportation of materials containing certain etiologic agents; minimum packaging requirements.

Notwithstanding the provisions § 72.2, no person may knowingly transport or cause to be transported in interstate traffic, directly or indirectly, any material (other than biological products) known to contain, or reasonably believed by such person to contain, one or more of the following etiologic agents unless such material is packaged in accordance with the requirements specified in paragraphs (a)-(f) of this section:

Bacterial Agents

Acinetobacter calcoaceticus.
Actinobacillus—all species.
Actinomycetaceae—all members.
Arizona hinshawii—all serotypes.
Bacillus anthracis.
Bartonella—all species.
Bordetella—all species.
Borrelia recurrentis, *B. vincenti*.
Brucella—all species.
Campylobacter (Vibrio) fetus, *C. (Vibrio) jejuni*.
Chlamydia psittaci, *C. trachomatis*.
Clostridium botulinum, *Cl. chauvoei*, *Cl. haemolyticum*, *Cl. histolyticum*, *Cl. novyi*, *Cl. septicum*, *Cl. tetani*.
Corynebacterium diphtheriae *C. equi*, *C. haemolyticum*, *C. pseudotuberculosis*, *C. pyogenes*, *C. renale*.
Erysipelothrix insidiosa.
Escherichia coli, all enteropathogenic serotypes.
Francisella (Pasteurella) tularensis.
Haemophilus ducreyi, *H. influenzae*.
Klebsiella—all species and all serotypes.
Legionella pneumophila.
Leptospira interrogans—all serotypes.
Leptospira interrogans—all serovars.
Listeria—all species.
Moraxella—all species.
Mycobacterium—all species.
Mycoplasma—all species.
Neisseria gonorrhoeae, *N. meningitidis*.
Pasteurella—all species.
Pseudomonas mallei.
Pseudomonas pseudomallei.
Salmonella—all species and all serotypes.
Shigella—all species and all serotypes.
Sphaerophorus necrophorus.
Staphylococcus aureus.
Streptobacillus moniliformis.
Streptococcus pneumoniae.
Streptococcus pyogenes.
Treponema carereum, *T. pallidum*, and *T. pertenue*.
Vibrio cholerae, *V. parahemolyticus*.
Yersinia (Pasteurella) pestis, *Y. enterocolitica*.

Fungal Agents

Blastomyces dermatitidis.
Coccidioides immitis.
Cryptococcus neoformans.
Histoplasma capsulatum.
Paracoccidioides brasiliensis.

Viral and Rickettsial Agents

Adenoviruses—human—all types.
Arboviruses—all types.
Coxiella burnetii.
Coxsackie A and B viruses—all types.
Cytomegaloviruses.
Dengue viruses—all types.
Ebola virus.
Echoviruses—all types.
Encephalomyocarditis virus.
Hemorrhagic fever agents including, but not limited to, *Congo*, *Junin*, *Machupo* viruses, and *Korean hemorrhagic fever viruses*.
Hepatitis-antigen B.
Herpesvirus—all members.
Infectious bronchitis-like virus.
Influenza viruses—all types.
Lassa virus.
Lymphocytic choriomeningitis virus.

Marburg virus.
Measles virus.
Mumps virus.
Parainfluenza viruses—all types.
Polioviruses—all types.
Poxviruses—all members.
Rabies virus—all strains.
Reoviruses—all types.
Respiratory syncytial virus.
Rhinovirus—all types.
Rickettsia—all types.
Rotavirus—all types.
Rubella virus.
Simian virus 40.
Tick-borne encephalitis virus complex, including *Russian spring-summer encephalitis*, *Kyasanur forest disease*, *Omsk hemorrhagic fever*, and *Central European encephalitis viruses*.
Vaccinia virus.
Varicella virus.
Variola major and *Variola minor viruses*.
Vesicular stomatitis virus.
White pox viruses.
Yellow fever virus.²

(a) *Volume not exceeding 50 ml.*
 Material shall be placed in a securely closed, watertight container (primary container (test tube, vial, etc.)) which shall be enclosed in a second, durable watertight container (secondary container). Several primary containers may be enclosed in a single secondary container, if the total volume of all the primary containers so enclosed does not exceed 50 ml. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient nonparticulate absorbent material (e.g., paper towel) to absorb the entire contents of the primary container(s) in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiberboard, cardboard, wood, or other material of equivalent strength.

(b) *Volume greater than 50 ml.*
 Packaging of material in volumes of 50 ml. or more shall comply with requirements specified in paragraph (a) of this section. In addition, a shock absorbent material, in volume at least equal to that of the absorbent material between the primary and secondary containers, shall be placed at the top, bottom, and sides between the secondary container and the outer shipping container. Single primary containers shall not contain more than 500 ml. of material. However, two or more primary containers whose combined volumes do not exceed 500 ml. may be placed in a single, secondary container. The maximum amount of

²This list may be revised from time to time by Notice published in the *Federal Register* to identify additional agents which must be packaged in accordance with the requirements contained in this part.

etiologic agent which may be enclosed within a single outer shipping container shall not exceed 4,000 ml.

(c) *Dry ice.* If dry ice is used as a refrigerant, it must be placed outside the secondary container(s). If dry ice is used between the secondary container and the outer shipping container, the shock absorbent material shall be placed so that the secondary container does not become loose inside the outer shipping container as the dry ice sublimates.

(d) *Labels.* (1) The outer shipping container of all materials containing etiologic agents transported in interstate traffic must bear a label as illustrated and described below:



ETIOLOGIC AGENTS

BIOMEDICAL MATERIAL

IN CASE OF DAMAGE
 OR LEAKAGE
 NOTIFY DIRECTOR CDC
 ATLANTA, GEORGIA
 404-633-5313

(2) The color of material on which the label is printed must be white, the symbol red, and the printing in red or white as illustrated.

(3) The label must be a rectangle measuring 51 mm. (2 inches) high by 102.5 mm. (4 inches) long.

(4) The red symbol measuring 38 mm. (1½ inches) in diameter must be centered in a white square measuring 51 mm. (2 inches) on each side.

(5) Type size of the letters of label shall be as follows:

ETIOLOGIC AGENTS—10 pt. rev.
 BIOMEDICAL MATERIAL—14 pt.
 IN CASE OF DAMAGE OR LEAKAGE—10 pt. rev.
 NOTIFY DIRECTOR CDC ATLANTA,
 GEORGIA—8 pt. rev.
 404-633-5313—10 pt. rev.

(e) *Damaged packages.* The carrier shall promptly, upon discovery of evidence of leakage or any other damage to packages bearing an Etiologic Agents/Biomedical Material label, isolate the package and notify the Director, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333, by telephone: (404) 633-5314. The carrier shall also notify the sender.

(f) *Registered mail or equivalent system.* Transportation of the following etiologic agents shall be by registered mail or an equivalent system which requires or provides for sending notification to the sender immediately upon delivery:

Coccidioides immitis.
Ebola virus.
Francisella (Pasteurella) tularensis.

Hemorrhagic fever agents including, but not limited to, *Crimson hemorrhagic fever* (Congo), *Junin*, *Machupo* viruses, and *Korean hemorrhagic fever* viruses.
Herpesvirus simiae (B virus).
Histoplasma capsulatum.
Lassa virus.
Marburg virus.
Pseudomonas mallei.
Pseudomonas pseudomallei.
Tick-borne encephalitis virus complex including, but not limited to, *Russian spring-summer encephalitis*, *Kyasanur forest disease*, *Omsk hemorrhagic fever*, and *Central European encephalitis* viruses, *Variola minor*, and *Variola major*.
Variola major, *Variola minor* and *Whitepox* viruses.
Yersinia (Pasteurella) pestis.²

§ 72.4 Notice of delivery; failure to receive.

When notice of delivery of materials known to contain or reasonably believed to contain etiologic agents listed in § 72.3(f) is not received by the sender within 5 days following anticipated delivery of the package, the sender shall notify the Director, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, GA 30333 (telephone (404) 633-5313).

§ 72.5 Requirements; variations.

The Director, Center for Disease Control, may approve variations from the requirements of this section if, upon review and evaluation, it is found that such variations provide protection at least equivalent to that provided by compliance with the requirements specified in this section and such findings are made a matter of official record.

[FR Doc. 79-35937 Filed 11-20-79; 8:45 am]

BILLING CODE 4110-85-M

Health Care Financing Administration

42 CFR Parts 435 and 436

Medicaid Program; Deeming of Income Between Spouses

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed Rule.

SUMMARY: This proposal would revise current rules for determining Medicaid financial eligibility for the aged, blind, or disabled in States using more restrictive eligibility requirements than Supplemental Security Income (SSI)

requirements. The proposal would prohibit the current policy that permits these States and Guam, Puerto Rico and the Virgin Islands to automatically consider the income of a noninstitutionalized spouse as available for the care of his or her institutionalized spouse who is aged, blind or disabled. This practice is known as "deeming of income." The proposed regulation would implement a court order by the Federal District Court for the District of Columbia to require these States and the territories to cease the deeming of income between aged, blind, or disabled applicants (or recipients) and their spouses, when either the applicant (or recipient) or his or her spouse is institutionalized.

DATES: Closing date for receipt of comments is January 21, 1980.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 17076, Baltimore, Maryland 21235. In commenting please refer to File Code MMB-278-P. Comments will be available for public inspection beginning approximately two weeks after publication, in Room 5220 of the Department's office at 330 C Street, S.W., Washington, D.C., on Monday through Friday of each week, from 8:30 a.m. to 5:00 p.m. (202-245-0365).

FOR FURTHER INFORMATION, CONTACT: Michael Fiore (301) 594-9127.

SUPPLEMENTARY INFORMATION:

Background

Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) provides Medicaid eligibility for all SSI recipients. However, section 1902(f) of the Act (42 U.S.C. 1396a(f)) gives the States an option not to cover all SSI recipients. Instead, States may use any financial eligibility conditions for Medicaid which are no more restrictive than those in use under the State's Medicaid plan in effect on January 1, 1972. (In addition, the financial eligibility conditions used may be no more liberal than SSI criteria.) Among the more restrictive practices used in such States are the "deeming" rules which were in effect in 1972.

Deeming involves the process of including a certain amount of the income of a financially responsible relative in the calculation of the countable income of a Medicaid applicant or recipient for purposes of determining the applicant's or recipient's financial eligibility for benefits under the Medicaid program. When income is "deemed" from a responsible relative, such as a spouse or

a parent, to a Medicaid applicant or recipient, proof of actual contribution of that money by the relative to the applicant or recipient is not required. On the basis of a comparison of the financially responsible relative's income with an estimation of the amount of money that will be needed to provide for his own living needs, a certain amount of "left over" income is considered "available" to cover the costs of medical care for the Medicaid applicant or recipient.

By statute, if both spouses in a two-spouse family apply for SSI or are eligible as aged, blind, or disabled and cease to live together, the SSI program must consider the income and resources to be mutually available for purposes of determining SSI eligibility for the first six months after the month they cease to live together (see, 42 U.S.C. 1381a, 1382(a), 1383(c)(b) and 1382c(f)). If only one spouse applies and is eligible for SSI, the SSI program must deem the income and resources of the other spouse only until the month they cease to live together. States which provide Medicaid to all SSI recipients use these SSI deeming practices for Medicaid eligibility. However, States that have elected, under section 1902(f), to use 1972 Medicaid eligibility criteria may deem as they did under their January 1, 1972 Medicaid plan. Deeming could continue for an indefinite period if it was authorized under the 1972 plan.

Court Order

On December 8, 1978, the United States District Court for the District of Columbia, in *Gray Panthers v. Secretary, Department of Health, Education, and Welfare, et al.*, Civil Action No. 78-0661, ordered HEW to rescind regulations at 42 CFR 435.734, 436.602, 436.711 and 436.821, and to propose and publish regulations to "require all relevant jurisdictions to cease deeming of income for any length of time between institutionalized Medicaid recipients or applicants and their noninstitutionalized spouses". This order was amended by the Court on January 3, 1979, to specify that it applied only to Guam, Puerto Rico, the Virgin Islands and States which have elected to exercise their option under section 1902(f) of the Social Security Act to impose more restrictive requirements for Medicaid eligibility than receipt of SSI. (HEW is appealing this decision to the U.S. Court of Appeals.)

On May 30, 1979, we notified these States and jurisdictions of the Court order, directed them to cease deeming income, and informed them that we were revising the relevant regulations. This proposal contains revisions of the

² This list may be revised from time to time by Notice published in the Federal Register to identify additional agents which must be transported in accordance with requirements contained in section 72.3(f).

affected regulations concerning the financial responsibility of spouses in these States and jurisdictions. A similar order was entered against the Secretary on August 22, 1979 in *Allen v. Califano* (U.S.D.C. Utah), Civil Action No. 78-0212.

Regulatory Provisions

The Court ordered HEW to publish regulations to prohibit relevant jurisdictions from deeming income only (not resources, i.e., savings accounts, personal possessions, etc.). This regulation permits considering income, in 1902(f) States and Guam, Puerto Rico and the Virgin Islands, as available to an individual who is aged, blind or disabled only to the extent that the income is in fact contributed to the individual by his or her spouse, when either the individual or his or her spouse is institutionalized.

In addition to the sections the Court ordered HEW to amend, we have revised §§ 435.121 (Individuals in States using more restrictive requirements for Medicaid than the SSI requirements) and 435.602 (Limitation on the financial responsibility of relatives). Because we revised § 435.734, we revised § 435.121 to ensure that it remained accurate. We revised § 435.602 to preserve the parallelism with § 436.602 and to clarify the intent of the sections.

On June 12, 1979, plaintiffs asked the District Court to require the Secretary, in implementing the Court's order, to prohibit the deeming of resources as well as income. (Plaintiffs viewed the Court's reference to income as including resources.) On June 22, 1979, we responded to the Court that since the only issue litigated in the case was deeming of income, the order should not apply to resources. The District Court has not yet ruled on this issue. Should the Court decide that its order applies to resources, we will make appropriate changes in this proposed regulation. Without such a ruling, we do not believe that we have the authority to preclude States which exercise their option under section 1902(f) from deeming resources to the extent that they did under their Medicaid plans on January 1, 1972. We particularly invite comments on this issue.

42 CFR Chapter IV, Subchapter C, is amended as set forth below:

PART 435—ELIGIBILITY IN THE STATES AND DISTRICT OF COLUMBIA

A. Part 435 is amended as follows:

1. Section 435.121 is amended by revising paragraph (b)(1) as follows:

§ 435.121 Individuals in States using more restrictive requirements, for Medicaid than the SSI requirements.

(b) If an agency uses more restrictive requirements under this section—

(1) Except for the requirement concerning financial responsibility of spouses in § 435.734, each requirement may be no more restrictive than that in effect under the State's Medicaid plan on January 1, 1972, and nor more liberal than that applied under SSI or an optional State supplement program that meets the conditions of § 435.230; and

2. Section 435.602 is revised to read as follows:

§ 435.602 Limitation on the financial responsibility of relatives.

(a) Except for a spouse of an individual or a parent for a child who is under age 21 or blind or disabled, the agency must not—

(1) Consider income and resources of any relative available to an individual; nor

(2) Collect reimbursement from any relative for amounts paid by the agency for services provided to an individual.

(b) The income and resources of spouses and parents must be considered in determining financial eligibility as provided for the categorically needy in subpart H and the medically needy in subpart I.

3. Section 435.734 is revised to read as follows:

§ 435.734 Financial responsibility of spouses and parents.

(a) Except as provided in paragraph (b) of this section, in determining Medicaid eligibility of an aged, blind, or disabled individual under requirements more restrictive than those used under SSI, the agency must consider the income and resources of spouses and parents as available specified in §§ 435.723 and 435.724 or in a manner that is more extensive than those sections but not more extensive than the requirements in effect under the Medicaid plan on January 1, 1972.

(b) When considering the availability of the income of a spouse to the individual (when either the individual or his or her spouse is institutionalized), the agency must consider only the income in fact contributed by the spouse to the individual.

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

B. Part 436 is amended as set forth below:

1. Section 436.602 is revised to read as follows:

§ 436.602 Limitation on the financial responsibility of relatives.

(a) Except for a spouse of an individual or a parent for a child who is under 21 or blind or disabled, the agency must not—

(1) Consider income and resources of any relative available to an individual, nor

(2) Collect reimbursement from any relative for amounts paid by the agency for services provided to an individual.

(b) The income and resources of spouses and parents must be considered in determining financial eligibility as provided for the categorically needy in subpart H and the medically needy in subpart I.

2. Section 436.711 is revised to read as follows:

436.711 Determination of financial eligibility.

In determining eligibility of individuals specified in subparts B and C of this part who are not recipients of cash assistance, the agency must apply the financial eligibility requirements of the State plan for OAA, AFDC, AB, APTD, or AABD that would be used if the individual were applying for cash assistance. This includes requirements on financial responsibility of spouses and parents, except that—

(a) In determining eligibility of families and children, the agency must consider parental income and resources as available to a child who is living with the parents until he becomes 21, even if State law confers adult status below age 21; and

(b) When considering the availability of the income of a spouse to the individual (when either the individual or his or her spouse is institutionalized), the agency must consider only the income in fact contributed by the spouse to the individual.

3. Section 436.821 is revised to read as follows:

§ 436.821 Financial responsibility of spouses and parents.

In determining eligibility of medically needy individuals, the agency must use the rules for determining whether the income of a spouse or parent is available to the individual that would be used if he were applying for OAA, AFDC, AB, APTD or AABD. However,—

(a) For families and children, the agency must consider parental income and resources available to a child who is living with the parent until he becomes 21, even if State law confers adult status below age 21; and

(b) When considering the availability of the income of a spouse to the individual (when either the individual or his or her spouse is institutionalized), the agency must consider only the income in fact contributed by the spouse to the individual.

(Section 1102 of the Social Security Act (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: September 28, 1979.

Leonard D. Schaeffer,
Administrator, Health Care Financing
Administration.

Approved: November 7, 1979.

Patricia Roberts Harris,
Secretary.

[FR Doc. 79-35938 Filed 11-20-79; 8:45 am]

BILLING CODE 4110-35-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5737]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance
Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSEES: See table below.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line (800) 424-8872 (In Alaska and Hawaii call Toll Free Line (800) 424-9080), Room 5270, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of

base (100-year) flood elevations for selected locations in the nation, in accordance with section 110 and section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 60.3 (formerly § 1910.3) of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	Bunker Hill Village, City, Harris County.	Buffalo Bayou	Vanderpool Lane	*72
		Tributary No. 1 to Buffalo Bayou	South Corporate Limits to Chatam Lane (Extended)	*70

Maps available at: City Hall, 11977 Memorial Drive, Houston, Texas.

Send comments to: The Honorable Jo E. Shaw, Mayor of the City of Bunker Hill Village, P.O. Box 19404, Houston, Texas 77024.

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

Issued: November 7, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 79-35953 Filed 11-20-79; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 81

[PR Docket No. 79-300; FCC 79-724]

Permitting Public Coast Stations in the Great Lakes To Transmit Scheduled Weather Broadcasts on Channel 17 Utilizing Both F3 and F4 Emissions

AGENCY: Federal Communications
Commission.

ACTION: Notice of proposed rule
making.

SUMMARY: This action proposes to permit public coast stations on the Great Lakes to transmit weather broadcasts on Channel 17 (156.850 MHz) by both voice and facsimile. This action is being taken by the Commission in response to problems experienced by coast stations where the lengthy weather broadcasts interfere with the public correspondence service.

DATES: Comments must be filed on or before December 19, 1979, and Reply Comments must be received on or before December 28, 1979.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: November 6, 1979.
Released: November 15, 1979.

In the matter of amendment of §§ 81.132 and 81.304 to permit public coast stations on the Great Lakes to transmit scheduled weather broadcasts on Channel 17 utilizing both F3 and F4 emissions. (PR Docket No. 79-300).

1. In this Notice we are proposing to permit transmission of scheduled weather broadcasts on the Great Lakes to ship stations on Channel 17, designated for State Control in the Commission's rules.

Background

2. Public coast stations are permitted to broadcast weather information to ship stations with the approval of the Commission. The weather information is compiled by the National Weather Service (NWS) from reports received from weather reporting ship stations and land stations. This information is sent to the coast station via land lines and disseminated to ship stations by voice and facsimile. The broadcasts are made as a public service on a no charge basis.

3. Channel 17, State Control, has a limited number of assignments. There is one assignment in the Great Lakes area to the State of Indiana at Portage, Indiana. Coordination with the State of Indiana has been completed and they concur with the scheduled weather broadcasts on Channel 17. Any future requests for Channel 17 by State agencies will be coordinated and any sharing arrangements, if necessary, will be determined.

Problem

4. Lorain Electronics Corporation (LORAIN) has provided this service for the past 30 years. No problems were experienced prior to the introduction of the automated VHF system on the Great Lakes. The operator was able to control the passing of public correspondence calls during the weather broadcasts. With automation, the number of public correspondence calls has increased and dissemination of the scheduled weather broadcasts¹ has limited the ability of the subscribers to the automated system to make calls during these broadcast periods.

5. All of this weather information is transmitted over the public correspondence channels for a daily

average of 80 to 90 minutes. There is a planned increase in the number of vessels reporting weather to the NWS and this will, of necessity, increase the time required to broadcast this information to vessels on the Great Lakes.

Proposal

6. To alleviate this problem, we propose to amend §§ 81.132 and 81.304 of the rules to permit public coast stations on the Great Lakes to broadcast weather information on Channel 17 (156.850 MHz) utilizing both F3 and F4 emissions.²

7. These proposed amendments of the Commission's rules, as set forth in the attached Appendix, are issued pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

Comments

8. Pursuant to the applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 19, 1979, and reply comments on or before December 28, 1979. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

9. In accordance with the provisions of § 1.419 of the Rules and Regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours.

¹ These broadcasts are scheduled as follows: MAFOR—Coded Marine Weather Forecasts: Daily, at 6 and 12 AM; 6 and 12 PM. LAWEB—Great Lakes Weather Broadcasts: Daily at 8:30 and 2:30 AM; 8:30 and 2:30 PM. Notices to Mariners, Bulletins, etc. as received.

² F3—Telephony by frequency modulation of the main carrier. F4—Facsimile by direct frequency modulation of the carrier.

in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Questions

10. Regarding questions on matters covered in this document contact Nicholas G. Bagnato, (202) 632-7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 81.132 paragraph (a)(2)(iii) is amended as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) * * *

(iii) For frequencies in the band 156 to 162 MHz: 156.850, 161.825, 161.875, 161.925 and 161.975 MHz.

F3, and when assigned to stations in an automated multistation system, F2 and F4. The authorized bandwidth for F2 and F4 emissions will be the same as for F3 as specified in § 81.133.

All other frequencies..... F3.

* * *

2. In § 81.304 the table in paragraph (a) and footnote in paragraph (b) are amended as follows:

§ 81.304 Frequencies available.

a. * * *

Carrier frequency (kHz)	Conditions of use	
	Section	Limitation
MHz:		
156.800.....	81.304	25
156.850.....	81.185	7
161.800.....	81.304	6, 22, 24

* * *

b. * * *

(7) Available for assignment to coast stations on the Great Lakes for transmission of scheduled Coded Marine Weather Forecasts (MAFOR), Great Lakes Weather Broadcast (LAWEB) and unscheduled Notices to Mariners or Bulletins as received. Transmissions are permitted on F3 and F4 emissions.

* * *

[FR Doc. 79-35856 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric
Administration****50 CFR Part 676****North Pacific Fishery Management
Council; Partial Postponement of
Public Hearings**

AGENCY: North Pacific Fishery
Management Council.

ACTION: Partial postponement of public
hearings.

SUMMARY: The North Pacific Fishery
Management Council, established by
Section 302 of the Fishery Conservation
and Management Act of 1976 (Pub. L.
94-265), has postponed a portion of the
public hearings scheduled on the
Council's Herring of the Bering/Chukchi
Seas Fishery Management Plan.

DATES: The postponed hearings are
those announced for November 10, 1979
(44 FR 61983, October 29, 1979), in the
following Alaska cities and villages:
Bethel, Tooksook Bay, and Hooper Bay.
The hearings for those cities and
villages will be scheduled for a later
date, probably in January 1980. Local
television, radio stations and
newspapers have been informed of this
postponement. All other hearings on this
FMP will be held as scheduled.

FOR FURTHER INFORMATION CONTACT:

North Pacific Fishery Management
Council, P.O. Box 3136DT, Anchorage,
Alaska 99510, Telephone: (907) 274-4563.

Dated: November 15, 1979.

Winfred H. Meibohm,

*Executive Director, National Marine
Fisheries Service.*

[FR Doc. 79-35966 Filed 11-20-79; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 44, No. 226

Wednesday, November 21, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Protection of Historic and Cultural Properties; Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on Tuesday, December 11, 1979, at 7:30 PM, a public information meeting will be held at the Antioch Missionary Baptist Church, 525 N. Church Street, Decatur, Illinois.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed use of funds from the Department of Housing and Urban Development, authorized under Section 202 of the Housing Act of 1959, for construction of the Bethany Terrace housing project by the BCP Housing Corporation, an undertaking assisted by the Department of Housing and Urban Development that will adversely affect the Decatur Historic District, Decatur, Illinois, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the

property by the Department of Housing and Urban Development, or its representative.

III. A statement by the Illinois State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K St., NW., Washington, DC 20005, Attn: Patrick H. Steele, 202-254-3967.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 79-35834 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-10-M

CIVIL AERONAUTICS BOARD

[Order 79-11-112; Amdt. 1 to Order 79-10-51]

Adoption of Maximum Subsidy Rates Due and Payable to Six Local Service Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Summary of Order 79-11-112 Amendment One to order 79-10-51.

SUMMARY: The Board has adopted the maximum subsidy rates due and payable to the six local service carriers for the period from January 1, 1979, through June 30, 1979. Under the provisions of Class Rate IX, semi-annual reviews are conducted to determine adjustments to the base period subsidy rates as set in Order 79-10-51. The adjustments in this order are based on operating results from the year ended September 30, 1978. The annual subsidy level effective January 1, 1979, for the entire class, is \$78.4 million. Included in this figure is a upward median percentage change of 2.08 percent, which was applied to the base period net formula provisions and service incentive payments for Frontier, Hughes Airwest, Ozark, and Piedmont. (The median percentage change provisions of Class Rate IX do not apply to Republic's predecessors, North Central and Southern.) In addition, the industry's Federal tax allowance was reduced by

\$1.0 million. Due to service suspensions during the rate period, the maximum annual subsidy rate will decline to \$71.8 million by June 30, 1979.

DATES: Parties must file exceptions and supporting reasons by November 28, 1979.

FOR FURTHER INFORMATION CONTACT:

John R. Hokanson or James Craun, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, 202-673-5368.

The complete text of Order 79-11-112 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-11-112 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: November 15, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-35909 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37020]

Intra-Alaska Service Investigation; Assignment of Proceeding

This proceeding is hereby assigned to Administrative Law Judge Richard M. Hartsock. Future communications should be addressed to Judge Hartsock.

Dated at Washington, D.C., November 15, 1979.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 79-35905 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-11-91; Docket No. 37085]

Atlanta/Detroit-New York/Newark; Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 79-11-79. The Atlanta/Detroit-New York/Newark Show-Cause Proceeding, Docket 37085.

SUMMARY: The Board is proposing to grant unrestricted nonstop authority in the Atlanta/Detroit-New York/Newark markets to Republic Airlines, Piedmont Aviation and any other fit, willing and able applicant whose fitness can be

established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file by December 20, 1979, with the Board and serve upon Republic Airlines and Piedmont Aviation a statement of objections, together with a summary of testimony, statistical data and other material expected to be relied upon to support the stated objections.

Additional Data: Additional carriers desiring the authority in issue are directed to file in Docket 37085, by December 5, 1979, (a) illustrative service proposals, (b) environmental evaluations and (c) an estimate of fuel to be consumed in the first year. They are also directed to file applications and motions to consolidate at the same time.

ADDRESSES: Objections should be filed in Docket 37085, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Thomas G. Chew, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-6067.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-11-91 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-11-91 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Director, Bureau of Domestic Aviation: November 14, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-35906 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-11-102; Docket No. 37087]

Kansas City-Florida Points; Show-Cause Proceedings

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause 79-11-102, Kansas City-Florida Points Show-Cause Proceeding, Docket 37087.

SUMMARY: The Board is proposing to grant Kansas City-Miami nonstop authority to Trans World Airlines, Western Air Lines, Ozark Air Lines, Continental Air Lines, and Air Florida, and Kansas City-Miami, Ft. Lauderdale, West Palm Beach, Orlando, and Sarasota-Bradenton, Ft. Myers, and

Tampa-St. Petersburg-Clearwater Nonstop Authority to United and USAir (formerly Allegheny Airlines), and any other fit, willing and able applicant, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by December 21, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon parties listed below.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than December 6, 1979.

SUPPLEMENTARY INFORMATION:

Objections should be served upon: Air Florida, Continental Air Lines, Ozark Air Lines, Trans World Airlines, United Air Lines, USAir, Western Air Lines, Governors of the States of Florida, Missouri and Ohio, the Mayors of the Cities of Columbus, Ohio, Kansas City, Missouri, Miami, Florida, Ft. Lauderdale, Florida, West Palm Beach, Florida, Orlando, Florida, Sarasota, Florida, Ft. Myers, Florida, Tampa, Florida, Bradenton, Florida, St. Petersburg, Florida, and Clearwater, Florida, Florida Department of Transportation, Missouri Department of Transportation, Ohio Department of Transportation, Hillsborough County Aviation Authority (Tampa), Columbus Metropolitan Airport and Aviation Commission, Aviation Department, Kansas City and Dade County Aviation Department.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D. C. 20428, in Docket 37087, which we have entitled the *Kansas City-Florida Points Show-Cause Proceeding*.

FOR FURTHER INFORMATION CONTACT:

Julien R. Schrenk, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D. C. 20428, (202) 673-5149.

* * * * *

The complete text of Order 79-11-102 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D. C. Persons outside the metropolitan area may send a post-card request for Order 79-11-102 to the Distribution Section,

Civil Aeronautics Board, Washington, D. C., 20428.

By the Civil Aeronautics Board: November 15, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-35908 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-11-94; Docket No. 36062]

Walsten Air Service Ltd.; Foreign Air Carrier Permit Application

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-11-94, Application of Walsten Air Service Limited, Docket 36062.

SUMMARY: The Board proposes to approve the following application: Applicant: Walsten Air Service Limited. Application Date: July 5, 1979. Docket: 36062.

Authority Sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than December 11, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 36062, Docket Section, Civil Aeronautics Board, Washington, DC 20428. Mr. Neil C. Walsten, President, Walsten Air Service Limited, P.O. Box 706, Kenora, Ontario, Canada P9N 3X6.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Ave., NW, Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:

Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—(202) 673-5134.

By the Civil Aeronautics Board: November 15, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-35907 Filed 11-20-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Idaho Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 5:00 p.m., on December 8, 1979, at the Blue Lakes Inn, 1357 Blue Lakes Boulevard North, Twin Falls, Idaho 83301.

Previous wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is to discuss the decision in Census activities; approval of followup activity proposal, farmworker housing; report by AOJ subcommittee; and community forum.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 16, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-35863 Filed 11-20-79; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provision of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 6:00 p.m., on December 18, 1979, at the Lincoln Plaza, 4545 Lincoln Boulevard, Oklahoma City, Oklahoma.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this meeting is planning and preparation meeting for the affirmative action project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 16, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-35864 Filed 11-20-79; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Neighborhood Statistics Program; Determination

The Director of the Bureau of the Census is issuing below a statement on the Neighborhood Statistics Program which includes the final criteria for program participation. The preliminary guidelines were presented for comment in the April 17 issue of the *Federal Register* (Volume 44, Number 75, pages 22796 and 22797). Expressions of interest in this program or requests for further information should be sent to the Director, Bureau of the Census, Washington, D.C. 20233.

1980 Census Neighborhood Statistics Program

In recent years, there has evolved a new type of officially recognized area, frequently called a "neighborhood," which provides concerned citizens a means of communicating with local officials. The Bureau of the Census has developed the Neighborhood Statistics Program to assist jurisdictions that have such subareas by providing to local officials and neighborhood representatives basic demographic, social, and economic data by neighborhoods. These statistics are needed to determine the socioeconomic characteristics of the population residing in each area, to gauge the possible qualification of the area for participation in Federal and other programs (e.g., Community Development Block grants), and to formulate programs needed by neighborhood residents.

As the program evolved, the Bureau obtained comments and advice from many sources including extensive contacts with local officials and neighborhood leaders, as well as national neighborhood organizations and Federal agencies. Based on this input, the Bureau is designating the following three characteristics of neighborhoods as criteria for a locality to participate in the program:

1. *Official recognition.*—All neighborhoods for which data are to be provided must be officially recognized through: A municipal law or similar legal or administrative action; a letter from the locality's highest elected official to the Director of the Bureau of

the Census; or written certification from a central neighborhood council or coalition representing all of the neighborhoods in the locality.

2. *Nonoverlapping boundaries.*—All the area within any given neighborhood must be considered part of that neighborhood only; no portion of the locality may be included in more than one neighborhood.

3. *Advisory representation.*—A mechanism must exist whereby concerned residents within a neighborhood are assured the opportunity to present their views on municipal matters to city officials. Examples of such mechanisms are: Elected or appointed representatives, neighborhood councils, citizen associations, and neighborhood liaisons to city hall.

As proposed in the April *Federal Register* article, the Bureau has eliminated preliminary criterion 2, "complete citywide coverage." Therefore, a city with neighborhoods that meet all three of the final criteria, noted above, but which do not cover the entire municipal area, would be able to participate. In such situations, summary data would be produced for a "balance of city" which would include all areas within the municipality that are not part of a recognized neighborhood.

As indicated earlier, this program is directed specifically to the type of neighborhood which not only is identified as a subcommunity of the locality (because of traditional recognition, socioeconomic homogeneity, or other common interests of its residents), but also has established a means to express the concerns of its residents to the locality's officials and, thereby plays a role in the local government process. The final criteria have been selected with this purpose in mind. The neighborhoods need to be officially recognized as part of a citizen participation system since cities may have more than one neighborhood program, and it is not possible for the Census Bureau to produce these special data for more than one set of neighborhoods within a municipality. Furthermore, since the data for neighborhoods will not be available until the period of fall 1981 to spring 1982, the program is designed for neighborhoods with broad organizational bases that are expected still to be in existence at that time and beyond. The Bureau is interpreting the expression "official recognition" in a broad manner and, to date, most interested localities seem to meet this guideline.

The nonoverlapping boundaries requirement is necessary because each

housing unit and each person must be assigned to one and only one neighborhood for tabulation purposes. In addition, overlapping boundaries would cause duplications in the statistics which would make them difficult to interpret.

The criterion regarding representation is a key factor in distinguishing advisory neighborhoods from statistical areas, wards, transportation zones, and other subareas of localities which have been designated for specific purposes other than citizen participation. Some cities that have neighborhoods which are presently involved in citizen participation also have "inactive" neighborhoods affiliated with the same system. In such situations, it may be possible to produce data for the inactive as well as the active neighborhoods as long as all the neighborhoods in the system are officially recognized and have nonoverlapping boundaries.

While the focus of this program is on incorporated places, it is recognized that neighborhoods of the type described here also exist in unincorporated places and counties. However, the production of neighborhood tabulations for such localities presents some technical and cost considerations that do not exist with cities. Decisions regarding participation by areas other than municipalities will not be made until the Bureau has been able to explore further both these considerations and the possibility of serving the statistical needs of the areas through other types of small-area data to be produced from the 1980 census.

Participation in the Neighborhood Statistics Program can be initiated by a written request from either the chief elected official of the municipality or an appropriate representative of the neighborhood system (e.g., central neighborhood council). The request should include a description of the neighborhoods in relation to each of the final criteria, appropriate documentation, and, if available, a map showing the boundaries of the neighborhoods. Such requests will be accepted through December 31, 1980; however, for budgetary and planning purposes, the Bureau would appreciate receiving at an early date letters of intent from those localities prepared to send them. Likewise, for localities which plan to apply closer to the deadline, an early expression of interest is desired. If a locality has formally requested participation previously or has sent to the Bureau information regarding its neighborhoods, there is no need to duplicate that correspondence unless

the locality's interest or neighborhood system has changed.

Following this Federal Register announcement, an informational mailing of the final program criteria will be sent to the highest elected official of cities with 10,000 or more population and to persons who previously have written to the Bureau regarding this program. Over the next few months, the Bureau will contact again those cities which have expressed interest in participating and analyze individually each situation.

Beginning in the spring of 1981, for areas whose compliance with the program criteria has been determined, the Bureau will provide to each requester the appropriate 1980 census maps and other geographic information along with instructions for preparing a "neighborhood block equivalency list." In that operation, the requester will "define" each neighborhood in terms of census geographic areas which, for the most part, will be census blocks. For blocks cut by neighborhood boundaries, the requester will determine the neighborhood to which the entire block will be allocated since individual blocks cannot be split. The Bureau will review the block equivalency list; however, the local requester will be responsible for its accuracy, for the resolution of any omissions or duplications that it may contain, and for any statistical inaccuracies that may result from undiscovered errors.

The cost of the work performed by the Bureau of the Census in connection with this program will be borne by the Bureau with no charge to the participants. The expense of program participation to the municipality or central neighborhood council will be minimal, i.e., making the written request, preparing the neighborhood block equivalency list, and providing for such local dissemination of the statistics as the requester deems desirable.

At the completion of the tabulation process, a full set of tables containing the statistics for all recognized neighborhoods within the locality—and, where applicable, for a balance of the city—will be provided without charge to the requester. In terms of content, the data for neighborhoods will parallel the statistics published for census tracts and will include such subjects as age, employment, income, shelter costs, and persons per room. The tables will be accompanied by an appropriate text defining the subject terminology and the statistical limitations of the data. Potential methods for further dissemination of the data by the Bureau of the Census are under review. In any event, the neighborhood statistics will be publicly available at reasonable cost.

Maps showing neighborhood boundaries will *not* be available from the Bureau of the Census; any map preparation or dissemination in relation to this program will be a local responsibility. The Bureau, however, will prepare guides on the use of these data, develop case studies to illustrate various ways of applying them to neighborhood problems, and include sessions in data user workshops to familiarize potential users of the neighborhood statistics with the data.

Dated: November 16, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-35951 Filed 11-20-79; 8:45 am]

BILLING CODE 3510-07-M

Special Censuses

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. However, because of the need to avoid conflicts with activities involving the conduct of the 1980 census, no additional special censuses will be conducted during the period from August 1, 1979 to January 1, 1981. The Bureau is, therefore, not accepting requests for cost estimates for special censuses at this time. Beginning in the fall of 1980 the Bureau will resume accepting such requests.

The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports—Series P-28*, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since October 31, 1978, for which tabulations were completed between October 1, 1979 and October 31, 1979.

State/place, special area	County	Date of census	Population
Illinois: El Paso city.	Woodford.....	June 4	2,649

State/place, special area	County	Date of census	Population
Mt. Prospect (annexed areas).	Cook.....	Aug. 16.....	1,917
Minnesota: Apple Valley city.	Dakota.....	June 26.....	20,330
Nevada: Esmeralda county.		June 11.....	705

Dated: November 26, 1979.

Vincent P. Barabba,
Director, Bureau of the Census.

[FR Doc. 79-35950 Filed 11-20-79; 8:45 am]

BILLING CODE 3510-07-M

Office of the Secretary

Advisory Panel for Western Pacific Fishery Management Council; Renewal

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., (1976) and Office of Management and Budget Circular A-63 (as revised), and after consultation with GSA, the Secretary of Commerce has determined that the renewal of the Advisory Panel (AP) for the Western Pacific Fishery Management Council is in the public interest in connection with the performance of duties imposed on the Department by law.

The President signed the Fishery Conservation and Management Act (FCMA) into law on April 13, 1976. The Act mandated the establishment of eight Regional Fishery Management Councils to serve as the instruments of Federal-State-private interaction in the conduct of fishery management in the U.S. Fishery Conservation Zone (FCZ). The Act also authorized the establishment of such advisory panels as are deemed necessary in assisting the Councils in carrying out their functions.

The Advisory Panel for the Western Pacific Fishery Management Council was initially established on October 26, 1977 and its present charter was renewed on November 14, 1979. It is believed that the Panel will continue with a balanced representation of members, which are appointed by the Council. The purpose of the Panel has been to advise the Council in the assessments and specifications contained in the fishery management plans (FMP) for fisheries within the Council's geographic area of concern, with particular regard to (1) the capacity and the extent to which the fishing vessels of the United States will harvest the resources considered in FMPs, (2) the effect of such FMPs on local economies and social structures, (3)

potential conflicts between user groups of a given fishery resource, and (4) enforcement problems peculiar to each fishery with emphasis on the expected need for enforcement resources. Research indicates that this Panel's functions cannot be accomplished by any organizational element or other committee of the Department.

Since its inception, the Panel's activities have resulted in several oral and written reports relative to carrying out the functions outlined above. The Panel is currently addressing five fishery management units selected by the Council for management plan development. Three of these management plans are in the developmental stage.

The Western Pacific Advisory Panel will continue to operate in compliance with the provisions of the Federal Advisory Committee Act. Copies of the Advisory Panel's charter will be filed with the appropriate committees of the Congress and with the Library of Congress. Inquiries regarding this notice may be addressed to the Committee Liaison Officer, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, or Mrs. Yvonne Barnes, Committee Staff Contact Person, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: November 14, 1979.

Guy W. Chamberlin, Jr.,
Assistant Secretary for Administration.

[FR Doc. 79-35913 Filed 11-20-79; 8:45 am]

BILLING CODE 3510-17-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1979; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1979 commodities to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: November 21, 1979.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July 20, 1979 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (44 FR

42755) of proposed addition to Procurement List 1979, November 15, 1978 (43 FR 53151).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby added to Procurement List 1979:

Class 5440

Stepladder, Wood
5440-00-171-9836
5440-00-227-1592
5440-00-227-1593
5440-00-227-1594
5440-00-227-1595
5440-00-227-1596
5440-00-531-2589

C. W. Fletcher,
Executive Director.

[FR Doc. 79-35932 Filed 11-20-79; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Oil Supply, Demand and Logistics Task Group and Refinery Capability Task Group of the National Petroleum Council's Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Oil Supply, Demand and Logistics Task Group and the Refinery Capability Task Group of the National Petroleum Council's (NPC) Committee on Refinery Flexibility will meet on Thursday, November 29, 1979, and Tuesday, December 4, 1979 respectively. The Supply and Demand Task Group will meet in the 20th floor Conference Room of the Gulf Building, 712 Main Street, Houston, Texas. The Capability Task Group will meet in the NPC Headquarters, Suite 601, 1625 K Street, N.W., Washington, D.C.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agendas of both Task Group Meetings follow:

Agenda for the meeting of the Oil, Supply, Demand and Logistics Task Group, November 29, 1979, beginning at 10:00 a.m.:

1. Discuss the results of the October 22 meeting of the Coordinating Subcommittee and the November 21 meeting of the Main Committee.
2. Discuss the supply/demand data requirements of the Refinery Capability Task Group.
3. Discuss any other matters pertinent to the overall assignment of the Task Group.

Agenda for the Refinery Capability Task Group meeting, December 4, 1979, beginning at 9:00 a.m.:

1. Review and approve the summary minutes of the October 30, 1979, meeting of the Task Group.
2. Report on the meeting of the Committee on Refinery Flexibility of November 21, 1979.
3. Report on the Oil Supply, Demand and Logistics Task Group meeting of November 29, 1979.
4. Discuss plans for the final phase of the Refinery Flexibility study.
5. Discuss any other matters pertinent to the overall assignment of the Task Group.

All meetings are open to the public. The Chairmen of the Task Groups are empowered to conduct the meetings in a fashion that will, in their judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with either Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Mr. Marshall Nichols, National Petroleum Council, (202) 393-6100, prior to the meeting, and provision will be made for their appearance on the respective agendas.

Issued at Washington, D.C., on November 15, 1979.

C. William Fischer,

Acting Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-35929 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case No. 51252-3470-06-41]

Acceptance of Exemption Petition Pursuant to Interim Rules Implementing the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy Department.

ACTION: Notice of Acceptance of Exemption Petition Pursuant to Interim Rules Implementing the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On September 17, 1979, the Houston Lighting and Power Company (HL&P or the Petitioner) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy for an order exempting its Parish No. 6 powerplant from the provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) which prohibit natural gas use in certain existing electric powerplants. ERA's interim rules implementing FUA including criteria to be used in petitioning for exemptions from the prohibitions of the Act were published at 44 FR 28530 (May 15, 1979), 44 FR 28950 (May 17, 1979) and 44 FR 43176 (July 23, 1979). HL&P has requested a temporary environmental exemption and asserts that Parish No. 6 is unable to burn coal as its primary energy source while at full capacity and comply with applicable environmental requirements using existing emission control equipment. HL&P proposes to burn a mixture of natural gas and coal in the powerplant until certain modifications to the emission control equipment have been completed.

Section 301(a)(2) of FUA imposes prohibitions against natural gas use in existing electric powerplants unless such powerplants used natural gas as a primary energy source during calendar year 1977. HL&P's Parish No. 6 powerplant did not use natural gas as a primary energy source in 1977. ERA's decision in this matter will determine whether HL&P's Parish No. 6 powerplant will be granted an exemption. Pursuant to § 501.67 of the interim rules, ERA has, with the Petitioner's approval, redesignated the HL&P petition as a petition for a temporary public interest exemption under § 504.26 of the interim rules and waived the requirement of a demonstration concerning fuel mixtures as well as the requirement for a Fuels Decision Report. In accordance with the provisions of Sections 701(c) and (d) of FUA and §§ 501.31 and 501.33 of the interim rules, interested persons are invited to submit written comments in regard to this matter. Any interested person may also submit a written request that ERA convene a public hearing.

DATES: Written comments and requests for a public hearing are due on or before January 5, 1980.

ADDRESSES: Fifteen copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-79-009 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 634-2170.

Elmer Lee, Chief, Existing Utilities Branch, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 7219, Washington, D.C. 20461, Phone (202) 254-5436.

G. Randolph Comstock, Acting Assistant General Counsel for Coal Regulations, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 8G-087, Washington, D.C. 20585, Phone (202) 252-2967.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3218, Washington, D.C. 20461, Phone (202) 634-6557.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published interim rules on May 15 and 17, 1979 and July 23, 1979, implementing provisions of Title III of the Powerplant and Industrial Fuel Use Act of 1978, (FUA or the Act). Title III of the Act prohibits the use of natural gas in existing electric powerplants that did not use natural gas as a primary energy source in the calendar year 1977 unless an exemption to do so has been granted by ERA. Parish No. 6 is a 660 MW, coal-fired, electric powerplant located in Fort Bend County, Texas which did not use natural gas as a primary energy source in 1977.

ERA, at the request of HL&P, conducted a prepetition conference to discuss the filing of a petition for a temporary exemption. In its petition HL&P has asserted that in order to comply with the FUA prohibitions against natural gas use and to meet applicable environmental requirements it has been necessary to operate Parish No. 6 on coal at 40-50 percent of the unit's actual capacity. HL&P further asserted that in order to make up the 350-400 MW of capacity lost by operating Parish No. 6 at the reduced capacity factor it has been forced to operate less efficient units which burn oil and natural gas, to purchase power and to curtail its interruptible load customers.

HL&P has stated that if a temporary exemption is granted, it will be able to burn a mixture of natural gas and coal in Parish No. 6 and operate the unit at full capacity while modifying the existing emission control equipment so as to meet particulate emission standards by January 31, 1980. Petitioner further asserts that this will result in the HL&P

system using less natural gas and oil than if Parish No. 6 burns only coal at reduced capacity and the lost capacity is made up by less efficient oil and gas burning units.

ERA hereby accepts HL&P's petition as adequate for filing. Based upon ERA's preliminary analysis of the information contained in the petition there appears to be a reasonable likelihood that a temporary public interest exemption should be granted which would allow HL&P to burn a mixture of natural gas and coal in Parish No. 6 until January 31, 1980. ERA retains the right to request additional relevant information from HL&P at any time during the pendency of these proceedings where circumstances or procedural requirements may require.

The public file, containing documents on these proceedings and supporting material, is available for inspection upon request at: ERA, Room B-110, 2000 M Street, N.W., Washington, D.C. Monday-Friday, 8:00 A.M.-4:30 p.m.

Issued in Washington, D.C. on November 14, 1979.

Robert L. Davies,

Acting Assistant Administrator, Office of
Fuels Conversion, Economic Regulatory
Administration.

[FR Doc. 79-35930 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. EL79-32]

Brazos River Authority; Petition Recommending Establishment of Minimum Flows

November 13, 1979.

On April 25, 1979, the Fish and Wildlife Service (FWS) of the U.S. Department of the Interior recommended that the operation of the Morris Sheppard Hydroelectric Project No. 1490 (Possum Kingdom), licensed to the Brazos River Authority, be modified to provide minimum stream flows to enhance the fishery and recreational resources of the Brazos River in Palo Pinto County, Texas. Currently, there is no minimum flow being released at the Morris Sheppard Dam, but normal average reservoir leakage amounts to approximately 20 cfs. FWS's recommendation was submitted pursuant to Article 30 of the project license and specifies the following flows:

(1) During March through October, a minimum flow of 90 cfs from 10:00 a.m. Sunday until 4:00 p.m. Friday, and a minimum flow of 200 cfs from 4:00 p.m. Friday until 10:00 a.m. Sunday.

(2) During November through February, a minimum flow of 100 cfs.

Anyone desiring to be heard or to make any protest about this recommendation should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before December 24, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The recommendation is on file with the Commission and is available for public inspection.

Letters commenting on FWS's recommendation that have been received prior to issuance of this notice will also be included in the record and considered by the Commission before it acts.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35916 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2448]

Consumer Power Co.; Application for Approval of Conveyance of Project Lands

November 13, 1979.

Take notice that an application was filed on July 30, 1979, under the Federal Power Act (16 U.S.C. § 791(a)-825(r)), by the Consumer Power Company (Applicant) for approval of conveyance of project lands. Correspondence concerning the application should be addressed to: P. A. Perry, Secretary, Consumer Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

According to the application, Consumer Power Company requests Commission approval to convey to the Michigan State Transportation Commission by quit claim deed certain project lands, which Licensee owns in fee, and are situated in the Townships of Big Creek and Mentor, Oscoda County,

Michigan. Flowage rights over the lands to be conveyed are reserved by the Licensee.

The proposed conveyance is necessary for a project of the Michigan State Transportation Commission which will replace the deteriorating existing Route M-33 bridge over the Au Sable River and will realign the bridge approaches as necessary to conform to the new bridge location. The new bridge location is east of the old bridge.

Approximately 11 acres of land are involved in the conveyance.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest, petition to intervene or agency comments must be filed on or before December 28, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35917 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP80-4]

Locust Ridge Gas Co.; Order Accepting for Filing and Suspending Rate Increase Subject to Conditions and Establishing Procedures

November 2, 1979.

On October 4, 1979, Locust Ridge Gas Company tendered for filing proposed changes¹ to its FERC Gas Tariff, Original Volume No. 3 to be effective November 5, 1979. In general, this filing provides for an increase in the cost of service component charged to Michigan Wisconsin Pipe Line Company from 9.73 cents per MMBtu to 16.9 cents per

¹ First Revised Sheet Nos. 1-A, 10, 21A, 21B, 21C, 22 and Second Revised Sheet No. 21 to FERC Gas Tariff, Original Volume No. 3.

MMBtu, resulting in additional annual revenues of \$108,730. Locust Ridge claims that the increase is necessary to recover revenue deficiencies attributable to increased operating expenses. Locust Ridge proposes an overall rate of return of 13% which includes a 14.83% return on common equity which comprises 51.55% of the capitalization.

On March 7, 1977, the Commission in Docket No. CP77-84 authorized Locust Ridge Gas Company to acquire and operate the pipeline facilities of Horner and Smith, Inc., in Tensas Parish, Louisiana and Jefferson County, Mississippi used for the gathering of gas purchased in those states, and for the transportation of gas to the Locust Ridge processing plant in Tensas Parish, Louisiana and the pipeline facilities used for the transportation of residue gas from the plant to Michigan Wisconsin Pipe Line Company and Mid Louisiana Gas Company. Locust Ridge has a long term gas agreement (dated May 1, 1961) with Michigan Wisconsin, that provides for a fixed rate of 24.50 cents/Mcf. An amended agreement dated February 16, 1979, between Locust Ridge and Michigan Wisconsin provided for the sale of certain gas at 24.50 cents/Mcf, with the remainder to be priced at NGPA rates resulting in a rate of 81.84 cents/MMBtu. This rate included an average cost of gathering and transporting gas of 9.73 cents/MMBtu. Locust Ridge indicates under this contract it has experienced an operating loss of \$178,454 for the twelve months ending May 31, 1979. Locust Ridge and Michigan Wisconsin have executed an amendatory agreement dated August 3, 1979, in which Michigan Wisconsin has agreed to pay Locust Ridge's cost of service for each billing month during the remaining term of the agreement for all gas delivered. This cost of service component amounts to 16.96 cents/MMBtu of the 89.07 cents/MMBtu price to be charged to Michigan Wisconsin in the instant rate application. The rate filing reflects gas sales to Mid Louisiana of 829,676 Mcf and 1,503,857 Mcf to Michigan Wisconsin. This represents increases of 147,109 Mcf and 612,062 Mcf, respectively from the last rate case in Docket No. RP79-58.

Public notice of this filing issued on October 9, 1979, providing for comments, protests, or petitions to intervene to be filed on or before October 27, 1979. No protests or petitions to intervene have been filed.

Based upon a review of Locust Ridge's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable, and

may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Locust Ridge's tariff sheets for filing, suspend their effectiveness for one day until November 6, 1979, when they may become effective subject to refund, and set the matter for hearing.

The Commission Orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Locust Ridge.

(B) Pending hearing and decision, the tariff sheets listed in footnote 1 to this order are accepted for filing and suspended for one day until November 6, 1979, when they may become effective subject to refund, in the manner prescribed by the Natural Gas Act and the Commission's regulations.

(C) The Commission Staff shall prepare and serve top sheets on all parties on or before February 1, 1980.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motions (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35921 Filed 11-20-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP80-3]

**Michigan Wisconsin Pipe Line Co.;
Order Accepting for Filing and
Suspended Proposed Rate Increase
and Establishing Procedures**

Issued: October 31, 1979.

On October 1, 1979, Michigan Wisconsin Pipe Line Company (Mich Wisc) filed pursuant to Section 4(e) of the Natural Gas Act a revised tariff sheet¹ designed to increase its revenues under its Rate Schedule X-64. The

¹ Second Revised Sheet No. 667 to FERC Gas Tariff, First Revised Volume No. 2.

increase would raise rates and the cost of service by \$1.8 million over the \$5.5 million cost of service reflected in current rates. Mich Wisc states that its filing is made pursuant to the redetermination clause of its service agreement with High Island Offshore System (HIOS) dated August 4, 1977 and approved by the Commission by order issued July 6, 1978, in Docket No. CP78-134. The proposed effective date is November 1, 1979.

Public notice of the filing was issued on October 10, 1979, providing for protests or petitions to intervene to be filed on or before October 25, 1979. No timely petitions to intervene or protests have been filed.

In support of its increased rates, Mich Wisc filed cost of service data reflecting a \$1.3 million increase in plant investment, a small reduction in operation and maintenance expense and a \$0.3 million increase in return. The proposed depreciation rate of 15.8% commencing January 1, 1980 (up from 7.14%) is identical to that recently claimed by HIOS.² The overall rate of return claimed is the same rate, 11.5 percent overall, proposed by Mich Wisc in its general rate increase filing in Docket No. RP79-39.

Based on a review of Mich Wisc's filing, the Commission finds that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept the tariff sheet for filing, grant waiver of the 30 day notice requirements, suspend it and allow it to become effective on November 1, 1979, subject to refund.

The Commission Orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 8 and 15 thereof, and the Commission's regulations, a public hearing shall be held concerning the lawfulness of the rates proposed by Mich Wisc.

(B) Pending hearing and decision, Mich Wisc's revised tariff sheet is accepted for filing, waiver of the 30 day notice requirement is granted, and the sheet suspended such that the proposed rates shall be permitted to become effective, subject to refund, on November 1, 1979.

(C) Staff shall serve top sheets on or before February 29, 1980.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (18 C.F.R. 3.5(d)) shall convene

² August 21, 1979, petition to amend certificate in Docket No. CP75-104.

a settlement conference in this proceeding to be held within 10 days after the service of Staff's top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate or dismiss) as provided for in the rules of practice and procedure.

By the Commission.
Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35922 Filed 11-20-79; 8:45 am]
BILLING CODE 6450-01-M

[Dockets Nos. RP73-14 (PGA79-2) and RP79-39]

**Michigan-Wisconsin Pipe Line Co.;
Order Accepting for Filing and
Suspending Proposed PGA Rate
Increase and Consolidated
Proceedings**

Issued: October 31, 1979.

On September 14, 1979, Michigan-Wisconsin Pipe Line Company (Mich-Wisc) filed a revised tariff sheet¹ reflecting a proposed PGA surcharge adjustment, to be effective November 1, 1979. Mich-Wisc proposes a commodity rate increase of 21.05¢/dth and a 1.1¢/dth decrease in the demand charge. The primary reasons advanced by Mich-Wisc for the proposed adjustment are (1) an increase in the rates charged by its pipeline suppliers to reflect an increase in the Canadian border price of gas, (2) the increased purchased gas costs due to the NGPA, and (3) a decrease in the surcharge to recover the balance in the deferred account.

The revisions proposed by Mich-Wisc include a commodity rate increase of 24.23¢/dth, which represents \$177,808,645 annually in increased purchased gas costs, of which approximately \$91 million results from producer rate increases and approximately \$86 million results from pipeline supplier rate increases. The producer rate increases are pursuant to Sections 102, 103, 104, and 107 of the NGPA, and some of these increases are the result of area rate clauses in gas purchase contracts. Due to the difficulty in immediately determining the rates properly charged by producers under the NGPA, the Commission's acceptance of Mich-Wisc's filing is subject to a revision of the filed rates to eliminate

costs from producer suppliers which are not authorized under the NGPA. Also the Commission will require Mich-Wisc to submit the information in Appendix A attached hereto. Acceptance of Mich-Wisc's filing does not constitute a final determination as to whether any area rate clauses permit the collection of NGPA prices. That determination shall be made in accordance with the procedure, set forth in Order 23, issued March 13, 1979, as amended by subsequent orders in Docket No. RM79-22.

In addition to the commodity rate increase, the filing also reflects commodity rate decreases. The decreases consist of a 2.41¢/dth decrease in the surcharge to recover the balance of \$39,266,074 in the deferred account, and a 0.77¢/dth decrease as a result of the expiration of the HIOS transportation adjustment contained in article V of the Stipulation and Agreement approved in Docket No. RP77-60. The filing also shows a 1.1¢/dth decrease in the demand charge which reflects the impact of increased purchased gas costs due to the NGPA, rate changes by pipeline suppliers, and the replacement of old sources of gas supply with higher priced new gas sources.

Public notice of Mich-Wisc's filing was issued on October 4, 1979, requiring protests or petitions to intervene to be filed by October 18, 1979. No protests or petitions to intervene have been filed.

Based upon a review of Mich-Wisc's filing, the Commission finds that the proposed increase has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall grant waiver of the notice requirements and accept the filing subject to refund and the conditions set forth below.

Mich-Wisc's tariff filing presents questions about the deferred account methodology used by Mich-Wisc in pricing its storage gas volumes. Mich-Wisc's method of pricing storage gas is an issue currently under consideration in Docket No. RP79-39. Accordingly, the Commission will consolidate this PGA filing with the proceeding in Docket No. RP79-39 to allow for the consideration of the storage gas pricing issue in one proceeding.

The issue of the proper method of valuing Michigan Wisconsin's own pipeline production for rate purposes is currently an issue in Michigan Wisconsin's latest general rate case proceeding in Docket No. RP79-39. Accordingly, the costs associated with Michigan Wisconsin's own production in the instant filing shall be collected

subject to refund subject to the resolution of this issue in Docket No. RP79-39.

The Commission orders:

(A) The tariff sheet at issue, filed by Mich-Wisc on September 14, 1979, is accepted for filing and suspended, and waiver of the notice requirements is granted such that the filing shall become effective November 1, 1979, subject to refund.

(B) The acceptance stated in paragraph (A) above is subject to the filing of revised rates within 30 days of the date of this order to reflect the elimination of costs charged by suppliers, which those suppliers are not authorized to charge as of November 1, 1979, pursuant to the Natural Gas Policy Act of 1978, and the Commission's Regulations thereunder; provided, however, that the elimination of such costs will not result in rate levels higher than those contained in the filing of September 14, 1979.

(C) Mich-Wisc shall submit the information set forth in Appendix A attached hereto.

(D) The question as to the appropriate pricing of storage gas in this docket is hereby consolidated with the proceeding in Docket No. RP79-39 for purposes of hearing and decision.

(E) The costs associated with Michigan Wisconsin's own production shall be collected subject to refund and subject to the resolution of the pipeline production costing issue in Docket No. RP79-39.

By the Commission.

Kenneth F. Plumb,
Secretary.

Appendix A

The revised filing should clearly indicate the adjustments to the original submittal and for those sources of supply covered by maximum lawful prices prescribed under Sections 102, 103, 107 and 108 of NGPA and included in the revised rates, the following information should be provided for both the current adjustment and for amounts to be recouped through the surcharge:

(1) identification of each source of supply, including the well identification number or other information sufficient to identify the well and the contract date or rate schedule number where the gas was committed or dedicated to interstate commerce on November 8, 1978;

(2) where multiple wells are metered through a common delivery point or where production from multiple wells is sold under single contract, identify each well where the gas is priced as new natural gas and certain OCS natural gas,

¹Third Revised Sheet No. 7 to FERC Gas Tariff, Original Volume No. 1.

natural gas from onshore production wells, high-cost natural gas or stripper well natural gas;

(3) identify each source of supply being priced under the Commission's transitional rule and include statement, under oath, that to the best of pipeline purchaser's knowledge the filing requirements for collection of the price have been met;

(4) identify each source of supply where a maximum lawful price is being paid pending determination of eligibility by the jurisdictional agency and provide date of receipt of producer filing under the interim collection procedure;

(5) identify each source of supply where a jurisdictional agency determination has been made and provide date of receipt of notice from producer of election to collect the applicable price;

(6) describe basis for payment of the above prices and show for each source of supply whether payment is in response to area rate clause, clause related to Congressional action, contract amendment or other (explain).

For those prices escalated under Sections 104 and 106(a) of NGPA and included in the revised rates, the pipeline should provide explanation for the payment of those escalated prices. Where payment is in response to area rate clauses, clauses related to Congressional action, contract amendments or other agreements the explanation should so indicate.

[FR Doc. 79-35923 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP80-48]

State of Mississippi, Callon Petroleum Co., § 103, § 107 NGPA Determinations, Miller, et al., Gas Unit No. 1, Mauldin et al., Gas Unit No. 1, JD Nos. 79-20793 and 79-20794, State Dockets Nos. 82-79-352 and 81-79-352; Preliminary Finding

Issued: November 1, 1979.

On September 17, 1979, the State Oil and Gas Board of Mississippi (Mississippi) filed with the Commission notice of its determinations that the Miller et al., Gas Unit No. 1 and the Mauldin et al., Gas Unit No. 1 both qualify as new, onshore production wells pursuant to section 103(c) of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. 95-621 and as high cost natural gas wells pursuant to section 107(c)(1) of the NGPA. The Commission published notice of Mississippi's determination in the *Federal Register* on October 5, 1979.

The subject wells both qualify as new, onshore production wells as defined in section 103 of the NGPA, as they were

spudded after February 19, 1977, and satisfy the applicable well-spacing and proration unit requirements. The determinations made by Mississippi that the subject wells qualify as new, onshore production wells under section 103 is therefore supported by substantial evidence on the record.

Section 107(c)(1) of the NGPA provides that natural gas produced from any well the surface drilling of which began on or after February 19, 1977, and which production is from a completion location which is located at a depth of more than 15,000 feet, shall be high-cost natural gas eligible for the section 107(a) incentive price. The subject wells are both completed into the Hosston-Sligo Reservoir which extends from above the 15,000 foot level to below that depth. According to the application both wells are single completions and are drilled to depths in excess of 16,000 feet, and are producing from intervals above 15,000 feet in the Sligo Formation, and below 15,000 feet in the Hosston Formation.

The NGPA defines completion location, in section 2(7)(A), as any subsurface location from which natural gas is being or has been produced in commercial quantities. The Commission issued a special rule, § 271.704, (18 C.F.R. § 271.704) to implement section 107(c)(1). This rule provides that to determine the depth of a well under section 107(c)(1), the measurement shall be the true vertical depth from the surface location to the highest perforation point in the completion location. Although the application states that these wells are singularly completed, we believe that each producing interval in these wells is a separate and distinguishable completion location as defined in the NGPA. Accordingly, certain completion locations in the subject wells, if measured according to § 271.704, would be above 15,000 feet, and would be disqualified under section 107(c)(1). Therefore, the Commission will permit the section 107(c)(1) incentive price to be applied only to natural gas produced from the intervals whose highest perforation point is below 15,000 feet.

To determine which production intervals are below 15,000 feet, reference will be made to § 271.704. The electric logs submitted to Mississippi as part of the applications for well determinations indicate that the measurements of the wells' depth were taken from the Kelly Bushing elevation, rather than from the actual surface location. Measuring the depth according to § 271.704 would move one of the producing intervals from below to above 15,000 foot depth, and thus also disqualify gas from that

producing interval the high cost natural gas status under section 107(c)(1).

Since production from the separate completion locations is being comingled prior to metering, the applicants should be prepared to allocate volumes attributable to the section 103 and section 107 prices.

Thus it appears that there is not substantial evidence to support the determinations made by Mississippi that total production from both subject wells qualifies for high cost natural gas treatment because some of the production of the wells is from depths below 15,000 feet. Accordingly, the Commission hereby makes a preliminary finding that the determinations made by Mississippi that the subject wells qualify under section 107(c)(1) insofar as the determinations apply to natural gas produced from intervals above 15,000 feet, as measured from ground level pursuant to § 271.704, are not supported by substantial evidence in the record, and are hereby reversed. The determinations that natural gas produced from intervals below 15,000 feet from the subject wells qualifies for section 107(c)(1) are not disturbed. The reversal of the 107(c)(1) determinations do not affect the determinations that the subject wells qualify for section 103(c) incentive price.

By Direction of the Commission.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35924 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 105]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 30, 1979.

The Federal Energy Regulatory Commission received notices from the Jurisdictional Agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Arkansas Oil and Gas Commission

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS are a name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02485
2. 03-033-10057
3. 103 000 000
4. SEECO Inc

5. Chitwood No 1-4
6. Dyer
7. Crawford AR
8. .0 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

1. 80-02486
2. 03-033-10057
3. 103 000 000
4. SEECO Inc
5. Chitwood No 1-4
6. Dyer
7. Crawford AR
8. .0 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

1. 80-02487
2. 03-047-00000
3. 108 000 000
4. SEECO Inc
5. Patrick Est No 2
6. Rock Creek
7. Franklin AR
8. 4.2 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

1. 80-02488
2. 03-033-00000
3. 108 000 000
4. SEECO Inc
5. Alexander No 1
6. Cecil
7. Crawford AR
8. 13.0 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

1. 80-02489
2. 03-143-00000
3. 108 000 000
4. SEECO Inc
5. Latham No 1
6. West Fork
7. Washington AR
8. 8.0 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

1. 80-02490
2. 03-143-00000
3. 108 000 000
4. SEECO Inc
5. Threlkeld No. 1
6. West Fork
7. Washington AR
8. 13.0 million cubic feet
9. October 15, 1979
10. Arkansas Western Gas Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS are a name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02407
2. 30-015-22299
3. 103 000 000
4. Amoco Production Company
5. State/EP/Com No 1
6. Burton Flat Strawn

7. Eddy NM
8. 708.0 million cubic feet
9. October 15, 1979
10. El Paso Natural Gas Co
1. 80-02408
2. 30-025-00000
3. 102 000 000
4. Getty Oil Company
5. Getty "36" State Com No 1
6. Grama Ridge-Wolfcamp
7. Lea NM
8. 1586.6 million cubic feet
9. October 15, 1979
10. Tuco Inc

1. 80-02409
2. 30-005-00000
3. 102 000 000
4. Yates Petroleum Corporation
5. McConkey No 1
6. Wildcat ABO
7. Chaves NM
8. .0 million cubic feet
9. October 15, 1979
- 10.

1. 80-02410
2. 30-025-00000
3. 102 000 000
4. Getty Oil Company
5. Two State Com Well No 1
6. East Grama Ridge Morrow
7. Lea NM
8. 800.0 million cubic feet
9. October 15, 1979
10. Tuco Inc Llana Inc

North Dakota Geological Survey

1. Control Number (FERC/State)
2. API Well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS are a name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02404/143-NGPA
2. 33-007-00268
3. 102 000 000
4. William Herbert Hunt Trust Estate
5. Kordon No 1 6579
6. Four Eyes
7. Billings ND
8. 145.0 million cubic feet
9. October 12, 1979
10. Western Gas Processors Ltd

1. 80-02405/144-NGPA
2. 33-007-00303
3. 102 000 000
4. William Herbert Hunt Trust Estate
5. Kordon No 2 6830
6. Four Eyes
7. Billings ND
8. 100.0 million cubic feet
9. October 12, 1979
10. Western Gas Processors Ltd

1. 80-02406/145-NGPA
2. 33-007-00324
3. 102 000 000
4. William Herbert Hunt Trust Estate
5. Fritz No 1 6914
6. Tree Top
7. Billings ND
8. 50.0 million cubic feet
9. October 12, 1979

10. Western Gas Processors Ltd

1. 80-02494/146-NGPA
2. 33-007-00339
3. 102 000 000
4. Gulf Oil Corporation
5. John Hurineno No 1-1-1A
6. Little Knife
7. Billings ND
8. 217.0 million cubic feet
9. October 15, 1979
10. Montana-Dakota Utilities

1. 80-02495/147-NGPA
2. 33-007-00338
3. 102 000 000
4. Gulf Oil Corporation
5. Radloff No 2-21-1B
6. Little Knife
7. Billings ND
8. 36.0 million cubic feet
9. October 15, 1979
10. Montana-Dakota Utilities

Utah Division of Oil, Gas and Mining

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02491/K-115(C)
2. 43-043-30076
3. 102 000 000
4. The Anschutz Corporation
5. Anschutz Ranch 34-1
6. Anschutz Ranch
7. Summit UT
8. 1800.0 million cubic feet
9. October 15, 1979
10. Mountain Fuel Supply Colorado Interstate Gas Natural Gas P/L Co of AM

1. 80-02492/K-115(B)
2. 43-043-30084
3. 102 000 000
4. The Anschutz Corporation
5. Anschutz Ranch 3-2
6. Anschutz Ranch
7. Summit UT
8. 328.0 million cubic feet
9. October 15, 1979
10. Mountain Fuel Supply Colorado Interstate Gas Natural Gas P/L Co of AM

1. 80-02493/K-115(A)
2. 43-043-30058
3. 102 000 000
4. The Anschutz Corporation
5. Anschutz Ranch 3-1
6. Anschutz Ranch
7. Summit UT
8. 300.0 million cubic feet
9. October 15, 1979
10. Mountain Fuel Supply Colorado Interstate Gas Natural Gas P/L Co of AM

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name

7. County, State or Block No
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02294
2. 47-085-02534
3. 108 000 000
4. Ball Oil Company
5. Ball No 1
6. W C Ball Heirs
7. Ritchie WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02295
2. 47-013-01550
3. 108 000 000
4. Pennzoil Company
5. McIntyre-Rafferty No 4
6. Sherman
7. Calhoun WV
8. .7 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02296
2. 47-013-01549
3. 108 000 000
4. Pennzoil Company
5. S C B Rice No 5
6. Sherman
7. Calhoun WV
8. 3.3 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02297
2. 47-013-01512
3. 108 000 000
4. Pennzoil Company
5. S C B Rice No 4
6. Sherman
7. Calhoun WV
8. 3.3 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02298
2. 47-013-00910-DFR
3. 108 000 000
4. Pennzoil Company
5. McIntyre-Rafferty No 2
6. Sherman
7. Calhoun WV
8. .7 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02299
2. 47-013-00740
3. 108 000 000
4. Pennzoil Company
5. Henry Brannon No 13
6. Sherman
7. Calhoun WV
8. 4.4 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02300
2. 47-013-00737
3. 108 000 000
4. Pennzoil Company
5. Sharp J S No 15
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02301

2. 47-013-00733
3. 108 000 000
4. Pennzoil Company
5. Sharp J S No 14
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02302
2. 47-013-00714
3. 108 000 000
4. Pennzoil Company
5. Sharp J S No 13
6. Sherman
7. Calhoun WV
8. .8 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02303
2. 47-013-02928-FRAC
3. 108 000 000
4. Pennzoil Company
5. McIntyre-Rafferty No 1
6. Sherman
7. Calhoun WV
8. .7 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02304
2. 47-013-02200
3. 108 000 000
4. Pennzoil Company
5. Brake T J No 7
6. Sherman
7. Calhoun WV
8. .1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02305
2. 47-013-02040
3. 108 000 000
4. Pennzoil Company
5. N I McConaughy No 1
6. Center district
7. Calhoun WV
8. 2.2 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02306
2. 47-013-01843
3. 108 000 000
4. Pennzoil Company
5. Rice Granville No 9
6. Sherman
7. Calhoun WV
8. 1.2 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02307
2. 47-013-01781
3. 108 000 000
4. Pennzoil Company
5. S C B Rice No 9
6. Sherman
7. Calhoun WV
8. 4.2 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02308
2. 47-013-01642
3. 108 000 000
4. Pennzoil Company
5. S C B Rice No 6
6. Sherman

7. Calhoun WV
8. 3.3 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02309
2. 47-013-01609
3. 108 000 000
4. Pennzoil Company
5. McIntyre-Rafferty No 5
6. Sherman
7. Calhoun WV
8. .7 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02310
2. 47-017-02272
3. 108 000 000
4. Pennzoil Company
5. W M Stout No 15
6. South West
7. Doddridge WV
8. 1.1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02311
2. 47-085-02556
3. 108 000 000
4. Pennzoil Company
5. Wass William No 3
6. Murphy
7. Ritchie WV
8. 1.2 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02312
2. 47-017-02270
3. 108 000 000
4. Pennzoil Company
5. W M Stout No 6
6. South West
7. Doddridge WV
8. 1.1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02313
2. 47-017-02269
3. 108 000 000
4. Pennzoil Company
5. W M Stout #3
6. Southwest
7. Doddridge WV
8. 1.1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02314
2. 47-017-02259
3. 108 000 000
4. Pennzoil Company
5. D P Stout #10
6. Southwest
7. Doddridge WV
8. 4.2 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02315
2. 47-017-02234
3. 108 000 000
4. Pennzoil Company
5. W B Maxwell No 16
6. Southwest
7. Doddridge WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02316

2. 47-017-02233
3. 108 000 000
4. Pennzoil Company
5. W B Maxwell #15
6. Southwest
7. Doddridge WV
8. 4.3 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02317
2. 47-017-02232
3. 108 000 000
4. Pennzoil Company
5. W B Maxwell #4
6. Southwest
7. Doddridge WV
8. 4.3 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02318
2. 47-017-01155
3. 108 000 000
4. Pennzoil Company
5. W M Stout #18
6. New Milton
7. Doddridge WV
8. 1.1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02319
2. 47-017-01154
3. 108 000 000
4. Pennzoil Company
5. W M Stout #16
6. New Milton
7. Doddridge WV
8. 1.1 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02320
2. 47-041-27130
3. 108 000 000
4. Dennis D Blauser
5. Effie Linger #1
6. Skin Creek
7. Lewis WV
8. 3.5 million cubic feet
9. October 15, 1979
10. Equitable Gas Company
1. 80-02321
2. 47-017-00451-REV
3. 108 000 000
4. Clarence Powell
5. W Underwood #1
6. Grant Dist
7. Doddridge WV
8. 1.4 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02322
2. 47-041-27160
3. 108 000 000
4. Dennis D Blauser
5. Winnie Williams #2
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Company
1. 80-02323
2. 47-041-27650
3. 108 000 000
4. Dennis D Blauser
5. Ruth Elmer #1
6. Skin Creek

7. Lewis WV
8. .5 million cubic feet
9. October 15, 1979
10. Equitable Gas Company
1. 80-02324
2. 47-041-27810
3. 108 000 000
4. Dennis D Blauser
5. Joseph B Stalmaker #1
6. Skin Creek
7. Lewis WV
8. .5 million cubic feet
9. October 15, 1979
10. Equitable Gas Company
1. 80-02325
2. 47-021-02732
3. 108 000 000
4. Reserve Oil Inc
5. Markley #1
6. Glenville South
7. Gilmer WV
8. 19.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02326
2. 47-021-02733
3. 108 000 000
4. Reserve Oil Inc
5. Markley #2
6. Glenville South
7. Gilmer WV
8. 1.9 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02327
2. 47-017-00496
3. 108 000 000
4. W W Wright Oil Co
5. W W Wright Well #3
6. 4-H Grounds
7. Doddridge County WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02328
2. 47-017-00454
3. 108 000 000
4. Bagwell Oil Company
5. Bagwell #1
6. 4-H Grounds
7. Doddridge County WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02329
2. 47-017-00563
3. 108 000 000
4. Clarence Powell
5. Ash Swiger Well #2
6. Central Dist
7. Doddridge WV
8. .0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02330
2. 47-017-02264
3. 108 000 000
4. Clarence Powell
5. Williams Oil and Gas Co
6. Grant District
7. Dodd WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02331

2. 47-017-00478
3. 108 000 000
4. Clarence Powell
5. U N K Well #1
6. New Milton Dist
7. Doddridge WV
8. 10.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02332
2. 47-017-22820
3. 108 000 000
4. Clarence Powell
5. Underwood Oil Gas Co
6. Grant Dist
7. Doddridge WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02333
2. 47-017-01183
3. 108 000 000
4. Clarence Powell
5. Krenn Oil & Gas Co #1
6. New Milton Dist
7. Doddridge Co WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02334
2. 47-017-21295
3. 108 000 000
4. Clarence Powell
5. Market Oil & Gas Co
6. New Milton Dist
7. Doddridge WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02335
2. 47-021-02425
3. 108 000 000
4. Reserve Oil Inc
5. Waco #1
6. Glenville South
7. Gilmer WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Carnegie Natural Gas Co
1. 80-02336
2. 47-021-02286
3. 108 000 000
4. Reserve Oil Inc
5. Hayes #2
6. Glenville South
7. Gilmer WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02337
2. 47-007-01024
3. 108 000 000
4. Reserve Oil Inc
5. Jack #2
6. Otter
7. Braxton WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Corp
1. 80-02338
2. 47-007-01023
3. 108 000 000
4. Reserve Oil Inc
5. Jack #1
6. Otter

7. Braxton WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Corp
1. 80-02339
2. 47-021-02415
3. 108 000 000
4. Reserve Oil Inc
5. Bright #2
6. Glenville South
7. Gilmer WV
8. 21.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02340
2. 47-021-02461
3. 108 000 000
4. Reserve Oil Inc
5. Bright #1
6. Glenville South
7. Gilmer WV
8. 20.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02341
2. 47-021-02292
3. 108 000 000
4. Reserve Oil Inc
5. Goff #2
6. Glenville South
7. Gilmer WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02342
2. 47-021-02291
3. 108 000 000
4. Reserve Oil Inc
5. Goff #1
6. Glenville South
7. Gilmer WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02343
2. 47-021-02468
3. 108 000 000
4. Reserve Oil Inc
5. Allman-Burk #1
6. Glenville South
7. Gilmer WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02344
2. 47-021-02469
3. 108 000 000
4. Reserve Oil Inc
5. Allman-Burk #2
6. Glenville South
7. Gilmer WV
8. 3.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02345
2. 47-021-02462
3. 108 000 000
4. Reserve Oil Inc
5. Rogers #2
6. Glenville South
7. Gilmer WV
8. 19.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02346
2. 47-021-02421
3. 108 000 000
4. Reserve Oil Inc
5. Rogers #1
6. Glenville South
7. Gilmer WV
8. 19.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02347
2. 47-021-02460
3. 108 000 000
4. Reserve Oil Inc
5. Hinkle #1
6. Glenville South
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02348
2. 47-021-02429
3. 108 000 000
4. Reserve Oil Inc
5. Hinkle #2
6. Glenville South
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02349
2. 47-021-02393
3. 108 000 000
4. Reserve Oil Inc
5. Haney #1
6. Glenville South
7. Gilmer WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02350
2. 47-021-02407
3. 108 000 000
4. Reserve Oil Inc
5. Haney #2
6. Glenville South
7. Gilmer WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02351
2. 47-021-02287
3. 108 000 000 Denied
4. Reserve Oil Inc
5. Garrett #1
6. Glenville South
7. Gilmer WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02352
2. 47-021-02288
3. 108 000 000
4. Reserve Oil Inc
5. Garrett #2
6. Glenville Sand
7. Gilmer WV
8. 8.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02353
2. 47-021-02289
3. 108 000 000
4. Reserve Oil Inc
5. Collins #1
6. Glenville South
7. Gilmer WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02354
2. 47-021-02295
3. 108 000 000
4. Reserve Oil Inc
5. Marks #1
6. Glenville South
7. Gilmer WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02355
2. 47-021-02424
3. 108 000 000
4. Reserve Oil Inc
5. Lowther #1
6. Glenville South
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Carnegie Natural Gas Co
1. 80-02356
2. 47-021-02416
3. 108 000 000
4. Reserve Oil Inc
5. Moore #1
6. Glenville South
7. Gilmer WV
8. 10.0 million cubic feet
9. October 15, 1979
10. Carnegie Natural Gas Co
1. 80-02357
2. 47-021-02290
3. 108 000 000
4. Reserve Oil Inc
5. Flint #1
6. Glenville South
7. Gilmer WV
8. .0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02358
2. 47-021-02420
3. 108 000 000
4. Reserve Oil Inc
5. Tomey #1
6. Glenville South
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02359
2. 47-021-02423
3. 108 000 000
4. Reserve Oil Inc
5. Trembley #1
6. Glenville South
7. Gilmer WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02360
2. 47-021-02472
3. 108 000 000
4. Reserve Oil Inc
5. Probst #1
6. Glenville South
7. Gilmer WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02361

2. 47-021-02519
3. 108 000 000
4. Reserve Oil Inc
5. McHenry A #1
6. Glenville South
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02362
2. 47-079-20611
3. 108 000 000
4. Adkins Drilling Co
5. Fravel et al
6. Scott
7. Putnam WV
8. 8.5 million cubic feet
9. October 15, 1979
10. Devon Corp
1. 80-02363
2. 47-099-20902
3. 108 000 000
4. Adkins Drilling Co
5. Rard #3
6. Stonewall
7. Wayne WV
8. .0 million cubic feet
9. October 15, 1979
10. Devon Corporation
1. 80-02364
2. 47-099-20917
3. 108 000 000
4. Adkins Drilling Co
5. Carson #4
6. Stonewall
7. Wayne WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Devon Corporation
1. 80-02365
2. 47-099-20967
3. 108 000 000
4. Adkins Drilling Co
5. Eris #7
6. Stonewall
7. Wayne WV
8. .0 million cubic feet
9. October 15, 1979
10. Devon Corp
1. 80-02366
2. 47-085-23196
3. 108 000 000
4. Huntington Oil & Gas
5. Hoover Well #2
6. Murphy
7. Ritchie WV
8. 5.8 million cubic feet
9. October 15, 1979
10. Pennzoil Co
1. 80-02367
2. 47-097-21669
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #19
6. Banks
7. Upshur WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02368
2. 47-097-21662
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #23
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02369
2. 47-097-21661
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #18
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02370
2. 47-097-21652
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Earl Vangilder #1
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02371
2. 47-097-21651
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #17
6. Banks
7. Upshur WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02372
2. 47-097-21650
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #16
6. Banks
7. Upshur WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02373
2. 47-097-21648
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Carola B Lewis #1
6. Banks
7. Upshur WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02374
2. 47-097-21647
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J A Coe #1
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02375
2. 47-097-21641
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. H H Golden #1
6. Banks
7. Upshur WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02376
2. 47-097-21640
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. O J Curry #1
6. Banks
7. Upshur WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02377
2. 47-097-21639
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. L T Curry #1
6. Banks
7. Upshur WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02378
2. 47-097-21638
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. F G Curry #1
6. Banks
7. Upshur WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02379
2. 47-097-21636
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. O C Rifle #1-B
6. Banks
7. Upshur WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02380
2. 47-055-00046
3. 103 000 000
4. Conpetro Inc
5. CP-10
- 6.
7. Mercer, WV
8. 17.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02381
2. 47-043-01828
3. 103 000 000
4. J Scott Talbott
5. Wm Stakepole #1
- 6.
7. Lincoln, WV
8. 5.4 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission Corp
1. 80-02382
2. 47-007-01030
3. 108 000 000
4. Pilot Oil & Gas Corporation
5. Gerwig & Karickhoff K-4
6. Glenville South
7. Braxton, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply
1. 80-02383
2. 47-007-00668

3. 108 000 000
4. Pilot Oil & Gas Corporation
5. Gerwig & Karickhoff #K-2
6. Glenville South
7. Braxton, WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply
1. 80-02384
2. 47-081-00416
3. 102 000 000
4. Pilot Oil & Gas Corporation
5. Western Pocahontas #8
6. Pax (New Field)
7. Raleigh, WV
8. 64.0 million cubic feet
9. October 15, 1979
10. Cabot Corporation
1. 80-02385
2. 47-019-00312
3. 102 000 000
4. Pilot Oil & Gas Corporation
5. Western Pocahontas #4
6. Pax (New Field)
7. Fayette, WV
8. 64.0 million cubic feet
9. October 15, 1979
10. Cabot Corporation
1. 80-02387
2. 47-055-00051
3. 103 000 000
4. Conpetro Inc
5. CP-5
- 6.
7. Mercer, WV
8. 6.5 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02388
2. 47-055-00050
3. 103 000 000
4. Conpetro Inc
5. CP-4
- 6.
7. Mercer, WV
8. 6.5 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02389
2. 47-055-00049
3. 103 000 000
4. Conpetro Inc
5. CP-2
- 6.
7. Mercer, WV
8. 6.5 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02390
2. 47-085-23155
3. 108 000 000
4. Huntington Oil & Gas Co
5. Hoover #1 Well
6. Murphy
7. Ritchie, WV
8. 5.8 million cubic feet
9. October 15, 1979
10. Pennzoil Company
1. 80-02391
2. 47-098-21570
3. 108 000 000
4. Dessil Adkins Drilling Co
5. Leland Well
6. Stonewall
7. Wayne, WV
8. 5.9 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02392
2. 47-097-01617
3. 108 000 000
4. Booth Coal Company
5. Maxine Bennett Unit #1
6. Overhill
7. Buckhannon, WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply
1. 80-02393
2. 47-097-01590
3. 108 000 000
4. Booth Coal Company
5. Ada Brake #2
6. Overhill
7. Upshur, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply
1. 80-02394
2. 47-097-01579
3. 108 000 000
4. Booth Coal Company
5. Ada Brake #1
6. Overhill
7. Upshur, WV
8. 8.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply
1. 80-02395
2. 47-079-00819
3. 108 000 000
4. D C Malcolm Inc
5. H E Womack #2
6. Burdette-St Albans
7. Putnam, WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02396
2. 47-079-00818
3. 108 000 000
4. D C Malcolm Inc
5. Nichols #1
6. Burdette-St Albans
7. Putnam, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02397
2. 47-079-00817
3. 108 000 000
4. D C Malcolm Inc
5. H E Womack #1
6. Burdette-St Albans
7. Putnam, WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02398
2. 47-039-02343
3. 108 000 000
4. D C Malcolm Inc
5. Black Band Fuel #1
6. Kanawha Forest
7. Kanawha, WV
8. .0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02399
2. 47-079-00924
3. 103 000 000
4. D C Malcolm Inc
5. A A Joyce #1
6. Burdette-St Albans
7. Putnam, WV
8. 12.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission Corp
1. 80-02400
2. 47-039-03358
3. 103 000 000
4. D C Malcolm Inc
5. Orlandi #2
6. Campbells Creek-Malden
7. Kanawha, WV
8. 72.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02401
2. 47-039-03357
3. 103 000 000
4. D C Malcolm Inc
5. Orlandi #1
6. Campbells Creek-Malden
7. Kanawha, WV
8. 36.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02402
2. 47-109-00775
3. 103 000 000
4. Conpetro Inc
5. Daubenspeck #5
- 6.
7. Wyoming, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. Cabot Corporation
1. 80-02403
2. 47-055-00052
3. 103 000 000
4. Conpetro Inc
5. CP-7
- 6.
7. Mercer, WV
8. 6.5 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02411
2. 47-045-00311
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Boone Co Coal Corp 9754
6. Pineville Field Area A-59442
7. Logan, WV
8. 1.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02412
2. 47-045-00368
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. W W McDonald Land Co 9848
6. Pineville Field Area A-59442
7. Logan, WV
8. 0.7 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02413
2. 47-045-00384
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Triadelphia Land Co 9862
6. Pineville Field Area A-59442

7. Logan, WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02414
2. 47-045-00428
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Triadelphia Land Co 9908
6. Pineville Field Area A-59442
7. Logan, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02415
2. 47-045-00502
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Altizer Coal Land Co 9970
6. Pineville Field Area A-59442
7. Logan, WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02416
2. 47-045-00451
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Browning Heirs 9934
6. Pineville Field Area A-59442
7. Logan, WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02417
2. 47-109-00377
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Wyoming Mining Corp 9761
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 21.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02418
2. 47-055-00020
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Pocahontas Land Corp 11513
6. Pineville Field Area A-59442
7. Mercer, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02419
2. 47-059-00444
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Bruce McDonald Holding Co 9911
6. Pineville Field Area A-59442
7. Mingo, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02420
2. 47-047-00177
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Perry C Cook et al 9111
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 4.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02421
2. 47-109-00163
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loup Creek Colliery Co 9058
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 5.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02422
2. 47-109-00732
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 11515
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 7.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02423
2. 47-109-00306
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Ida Skaggs 9324
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02424
2. 47-109-00305
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 9312
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02425
2. 47-109-00280
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 9206
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02426
2. 47-109-00228
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. East Gas & Fuel Assoc 9183
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02427
2. 47-109-00212
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. M D Cook 9156
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02428
2. 47-109-00107-R
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. N River Poca Consol Coal 9004
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02429
2. 47-109-00083
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. N River Poca Coal Co 8959
6. Pineville Field Area A-59442
7. Wyoming, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02430
2. 47-043-00452
3. 108 000 000
4. Spartan Gas Company
5. Louise Hager 1-S-53
6. Jefferson
7. Lincoln, WV
8. 7.4 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission
1. 80-02431
2. 47-021-00376
3. 108 000 000
4. Gilco Gas Inc
5. Cordelia Collins #1
6. Center District
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-02432
2. 47-021-00326
3. 108 000 000
4. Gilco Gas Inc
5. Iva Gerwig #2
6. Center District
7. Gilmer, WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02433
2. 47-021-00161
3. 108 000 000
4. Gilco Gas Inc
5. J J & O W Gerwig #8
6. Center District
7. Gilmer, WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02434
2. 47-021-00238
3. 108 000 000
4. Gilco Gas Inc
5. Iva Gerwig #1
6. Center District
7. Gilmer, WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02435
2. 47-021-00110
3. 108 000 000
4. Gilco Gas Inc
5. J J & O W Gerwig #5
6. Center District
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02436

2. 47-099-21561
3. 108 000 000
4. Adkins Drilling Co
5. UFG Mineral Milt I
6. Stonewall
7. Wayne, WV
8. 18.6 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02437
2. 47-099-21563
3. 108 000 000
4. Adkins Drilling Co
5. UFG Mineral Elbert II
6. Stonewall
7. Wayne, WV
8. 3.8 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02438
2. 47-099-21564
3. 108 000 000
4. Adkins Drilling Co
5. UFG Mineral MC Comias III
6. Stonewall
7. Wayne, WV
8. 16.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02439
2. 47-099-21566
3. 108 000 000
4. Adkin Drilling Co
5. UFG Mineral Simpson IV
6. Stonewall
7. Wayne, WV
8. 1.6 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02440
2. 47-099-21568
3. 108 000 000
4. Adkins Drilling Co
5. UFG Mineral Walker V
6. Stonewall
7. Wayne, WV
8. 14.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02441
2. 47-099-21574
3. 108 000 000
4. Adkins Drilling Co
5. UFG Mineral Tabor VI
6. Stonewall
7. Wayne WV
8. 11.2 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02442
2. 47-021-00919
3. 108 000 000
4. Gilco Gas Inc
5. JJ & OW Gerwig #1
6. Center District
7. Gilmer WV
8. 5.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02443
2. 47-021-00087
3. 108 000 000
4. Glico Gas Inc
5. JJ & OW Gerwig #4
6. Center District
7. Gilmer WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corporation
1. 80-02444
2. 47-099-0021591
3. 108 000 000
4. Adkins Drilling Co
5. CGT Mineral Simpkins VII
6. Stonewall
7. Wayne WV
8. 8.6 million cubic feet
9. October 15, 1979
10. Columbia Gas Co
1. 80-02445
2. 47-047-00375
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. McDowell Pocahontas Coal Co
6. Pineville Field Area A-59442
7. McDowell WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02446
2. 47-005-0620
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. A C Canterberry 8865
6. Pineville Field Area A-59442
7. Boone WV
8. 7.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02447
2. 47-005-00666
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 8912
6. Pineville Field Area A-59442
7. Boone WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02448
2. 47-005-00802
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Loop Creek Colliery Co 9177
6. Pineville Field Area A-59442
7. Boone WV
8. 2.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02449
2. 47-045-00216
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. M D Cook 9321
6. Pineville Field Area A-59442
7. Logan WV
8. 18.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02450
2. 47-045-00221
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. M D Cook 9372
6. Pineville Field Area A-59442
7. Logan WV
8. 9.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02451
2. 47-045-00233
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Ed Cook 9411
6. Pineville Field Area A-59442
7. Logan WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02452
2. 47-045-00250
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Ed Cook 9447
6. Pineville Field Area A-59442
7. Logan WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02453
2. 47-045-00253
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Bruce McDonald Holding Co 9493
6. Pineville Field Area A-59442
7. Logan WV
8. 15.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02454
2. 47-045-00265
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Neaman Jackson 9654
6. Pineville Field Area A-59442
7. Logan WV
8. 3.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02455
2. 47-047-00229
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Peoples First Nat Bank 10368
6. Pineville Field Area A-59442
7. McDowell WV
8. 9.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-024456
2. 47-047-00186
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10178
6. Pineville Field Area A-59442
7. McDowell WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-024457
2. 47-047-00192
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Vera Pocahontas Coal Co 10217
6. Pineville Field Area A-59442
7. McDowell WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02458
2. 47-047-00186
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10325
6. Pineville Field Area A-59442

7. McDowell WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02459
2. 47-047-00178
3. 108 000 000
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10144
6. Pineville Field Area A-59442
7. McDowell WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-024460
2. 47-047-00163
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Vera Pocahontas Coal Co 10008
6. Pineville Field Area A-59442
7. McDowell WV
8. 14.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02461
2. 47-047-00106
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 9662
6. Pineville Field Area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02462
2. 47-047-00096
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 9659
6. Pineville Field Area A-59442
7. McDowell WV
8. 18.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02463
2. 47-047-00097
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 9653
6. Pineville Field Area A-59442
7. McDowell WV
8. 14.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02464
2. 47-045-00755
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Amherst Land Co 10243
6. Pineville Field Area A-59442
7. Logan WV
8. 3.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02465
2. 47-045-00645
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Triadelphia Land Co 10046
6. Pineville Field Area A-59442
7. Logan WV
8. 9.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02466
2. 47-045-00665
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Triad Co 10110
6. Pineville Field Area A-59442
7. Logan WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02467
2. 47-047-00257
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Peoples First Nat Bank 10486
6. Pineville Field Area A-59442
7. McDowell WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02468
2. 47-047-00317
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 10660
6. Pineville Field Area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02469
2. 47-047-00326
3. 108 000 000
4. Consolidated Gas Supply Corp
5. McDowell Pocahontas Coal Co 10806
6. Pineville Field Area A-59442
7. McDowell WV
8. 21.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02470
2. 47-047-00303
3. 108 000 000
4. Consolidated Gas Supply Corp
5. IRA J. Powell 10748
6. Pineville Field Area A-59442
7. McDowell WV
8. 12.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02471
2. 47-047-00360
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 10815
6. Pineville Field Area A-59442
7. McDowell, WV
8. 15.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02472
2. 47-047-00222
3. 108 000 000
4. Consolidated Gas Supply Corp
5. Olga Coal Co 10326
6. Pineville Field Area A-59442
7. McDowell, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-02473
2. 47-097-21635
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. O C Riffe #1-A
6. Banks
7. Upshur, WV
8. 3.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02474
2. 47-097-21634
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #15
6. Banks
7. Upshur, WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02475
2. 47-097-21633
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #14
6. Banks
7. Upshur, WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02476
2. 47-097-21631
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. French W Armstrong #1
6. Banks
7. Upshur, WV
8. 7.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02477
2. 47-097-21626
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #12
6. Washington
7. Upshur, WV
8. 2.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02478
2. 47-097-21671
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #20
6. Washington
7. Upshur, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02479
2. 47-097-21672
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J M Huber #21
6. Washington
7. Upshur, WV
8. 9.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co
1. 80-02480
2. 47-097-21689
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. Susan K Beer #1
6. Banks
7. Upshur, WV
8. 4.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co

1. 80-02481
2. 47-097-21693
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J P Morgan Heirs #2
6. Banks
7. Upshur, WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co

1. 80-02482
2. 47-097-21694
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J P Morgan Heirs #3
6. Banks
7. Upshur, WV
8. 1.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co

1. 80-02483
2. 47-097-21701
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J H Hinkle #2
6. Meade
7. Upshur, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co

1. 80-02484
2. 47-097-21756
3. 108 000 000
4. Seneca-Upshur Petroleum Co
5. J H Hinkle #3
6. Meade
7. Upshur, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. Equitable Gas Co

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NCPA
4. Operator
5. Well name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-02496/G9-403
2. 17-715-40207-00D1-0
3. 102 000 000
4. Gulf Oil Corporation
5. OCS G-2625 S Timb Blk 37 #A-9
6. South Timbalier
7. 37
8. 190.0 million cubic feet
9. October 15, 1979

10. Texas Eastern Transmission Corp
Southern Natural Gas Co, Tennessee Gas
Pipeline Co

1. 80-02497/G 8-72
2. 17-700-40314-00000-0
3. 102 000 000
4. Texas Gas Exploration Corp
5. Union Oil Co of Calif #A-4
6. West Cameron
7. 237
8. 1300.0 million cubic feet
9. October 15, 1979
10. Texas Gas Transmission Corp

2. 17-710-40654-00D1-0
3. 102 000 000
4. Forest Oil Corporation
5. Eugene Island Block 292 B-10
6. Eugene Island
7. 292
8. 2000.0 million cubic feet
9. October 15, 1979
10. Columbia Gas Transmission Corp, Texas
Gas Transmission Corp

1. 80-02499/G9-689
2. 17-725-40177-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-3197 #3
6. Main Pass
7. 120
8. 1489.0 million cubic feet
9. October 15, 1979
10. Southern Natural Gas Co

1. 80-02500/G9-705
2. 17-707-40192-00S1-0
3. 102 000 000
4. Placid Oil Company
5. B-16
6. South Marsh Island
7. 269
8. 40.7 million cubic feet
9. October 15, 1979
10. Trunkline Gas Company

1. 80-02501/G9-687
2. 17-707-40277-00D1-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-2316 #3
6. South Marsh Island
7. 288
8. 51.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America

1. 80-02504/G9-706
2. 17-707-40283-00S1-0
3. 102 000 000
4. Placid Oil Company
5. C-15
6. South Marsh Island
7. 281
8. 36.5 million cubic feet
9. October 15, 1979
10. Trunkline Gas Company

1. 90-02505/G9-691
2. 17-710-40604-00S1-0
3. 102 000 000
4. Chevron USA Inc.
5. OCS-G-2108 #B-4
6. Eugene Island
7. 305
8. 2010.0 million cubic feet
9. October 15, 1979
- 10.

1. 80-02506/G8-118
2. 17-703-40135-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 4D
6. East Cameron
7. 34
8. 462.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America
Northern Natural Gas Co Columbia Gas
Transmission Corp Southern Natural Gas
Co.

1. 80-02507/G8-121
2. 17-703-40124-0000-0

3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 2
6. East Cameron
7. 34
8. 511.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America
Northern Natural Gas Co Columbia Gas
Transmission Corp Southern Natural Gas
Co.

1. 80-02508/G8-123
2. 17-703-40091-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 1D
6. East Cameron
7. 34
8. 483.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America
Northern Natural Gas Co Columbia Gas
Transmission Corp Southern Natural Gas
Co.

1. 80-02509/G8-120
2. 17-703-40132-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 3D
6. East Cameron
7. 34
8. 462.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America
Northern Natural Gas Co Columbia Gas
Transmission Corp Southern Natural Gas
Co.

1. 80-02510/G8-119
2. 17-703-40132-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 3
6. East Cameron
7. 34
8. 436.0 million cubic feet
9. October 15, 1979
10. Natural Gas Pipeline Co of America
Northern Natural Gas Co Columbia Gas
Transmission Corp Southern Natural Gas
Co.

1. 80-02511/G8-126
2. 17-711-40372-0000-0
3. 107 000 000
4. Kerr-McGee Corporation
5. OCS 0346 Well No 33
6. Ship Shoal
7. 28
8. 447.0 million cubic feet
9. October 15, 1979
10. Transcontinental Gas Pipeline Corp

1. 80-02502/G8-267
2. 42-711-40174-00D1-0
3. 102 000 000
4. Sun Oil Company
5. OCS G-2418 A-5
6. East High Island
7. A-327
8. 100.0 million cubic feet
9. October 15, 1979
10. Trunkline Gas Company Michigan-
Wisconsin P/L Co Panhandle Eastern P/L
Co Natural Gas P/L; United Gas P/L

1. 80-02503/G8-268
2. 42-711-40172-00D1-0
3. 102 000 000

4. Sun Oil Company
5. OCS G-2418 A-8
6. East High Island
7. A-327
8. 10.0 million cubic feet
9. October 15, 1979
10. Trunkline Gas Company Michigan-Wisconsin P/L Co Panhandle Eastern P/L Co Natural Gas P/L; United Gas P/L

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80-025112/NM-3027-79-2

2. 30-015-22133-0000-0

3. 102 000 000

4. Perry R. Bass

5. Big Eddy Unit No 54

6. Bass Morrow

7. Eddy NM

8. 80.0 million cubic feet

9. October 16, 1979

10. Natural Gas Pipeline Co of America

1. 80-02513/NM-3027-79-3

2. 30-015-22133-0000-0

3. 103 000 000

4. Perry R. Bass

5. Big Eddy Unit No 54

6. Bass Morrow

7. Eddy NM

8. 80.0 million cubic feet

9. October 16, 1979

10. Natural Gas Pipeline Co of America

1. 80-02514/NM-3028-79-2

2. 30-015-22075-0000-0

3. 102 000 000

4. Perry R. Bass

5. Big Eddy Unit No 53

6. Undesignated

7. Eddy NM

8. 192.0 million cubic feet

9. October 16, 1979

10. Natural Gas Pipeline Co of America

1. 80-02515/NM-3028-79-3

2. 30-015-22075-0000-0

3. 103 000 000

4. Perry R. Bass

5. Big Eddy Unit No 53

6. Undesignated

7. Eddy NM

8. 192.0 million cubic feet

9. October 16, 1979

10. Natural Gas Pipeline Co of America

1. 80-02516/NM-3069-79

2. 30-039-21296-0000-0

3. 103 000 000

4. Northwest Production Corp

5. Jicarilla 123C #23

6. South Blanco

7. Rio Arriba NM

8. 57.0 million cubic feet

9. October 16, 1979

10. Northwest Pipeline Corp

1. 80-02517/NM-2984-79

2. 30-039-21605-0000-0

3. 103 000 000

4. Continental Oil Company
5. Jicarilla 22 #9
6. West Lindrith
7. Rio Arriba NM
8. 13.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas (C-4409)

1. 80-02518/NM-2947-79

2. 30-039-21542-0000-0

3. 103 000 000

4. Continental Oil Company

5. Axi Apache J No 31

6. Axi Apache area

7. Rio Arriba NM

8. 14.0 million cubic feet

9. October 16, 1979

10. Gas Company of New Mexico

1. 80-02519/NM-2722-79

2. 30-015-21030-0000-0

3. 108 000 000

4. Phillips Petroleum Company

5. Drag-A No 1

6. Carlsbad South (Morrow)

7. Eddy NM

8. 10.2 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02520/NM-1-79-ER

2. 30-045-07342-0000-0

3. 108 000 000

4. El Paso Natural Gas Company

5. Florance C 1

6. Blanco-Mesaverde Gas

7. San Juan NM

8. 14.0 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02521

2. 30-005-60267-0000-0

3. 102 000 000

4. R. L. Foree

5. McClellan No. 1

6. Sams Ranch Grayburg

7. Chaves, NM

8. 122.0 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02522/NM-3101-79

2. 30-005-60281-0000-0

3. 102 000 000

4. R. L. Foree

5. McClellan No. 2

6. Sam's Ranch Grayburg

7. Chaves, NM

8. 204.0 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02523/NM-3100-79-3

2. 30-005-60453-0000-0

3. 103 000 000

4. R. L. Foree

5. Midwest-Federal No. 4

6. Sam's Ranch Grayburg

7. Chaves, NM

8. 45.0 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02524/NM-3100-79-2

2. 30-005-60453-0000-0

3. 102 000 000

4. R. L. Foree

5. Midwest-Federal No. 4

6. Sam's Ranch Grayburg

7. Chaves, NM

8. 45.0 million cubic feet

9. October 16, 1979
10. El Paso Natural Gas Company

1. 80-02525/NM-3094-79

2. 30-025-25980-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Brothers No. 25

6. Leonard Queen South

7. Lea NM

8. 24.8 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02526/NM-3095-79

2. 30-025-25983-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Brothers No. 28

6. Leonard Queen South

7. Lea NM

8. 13.1 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02527/NM-3096-79

2. 30-025-25561-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Brothers No. 4

6. Leonard Queen South

7. Lea, NM

8. 17.0 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02528/NM-3097-79

2. 30-025-25858-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Brothers No. 19

6. Leonard Queen South

7. Lea, NM

8. 6.6 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02529/NM-3098-79

2. 30-025-25856-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Brothers No. 15

6. Leonard Queen South

7. Lea, NM

8. 106.2 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02530/NM-3099-79

2. 30-045-13143-0000-0

3. 108 000 000

4. Consolidated Oil & Gas Inc.

5. Government-Langendorf No. 1-34

6. Basin Dakota

7. San Juan, NM

8. 18.3 million cubic feet

9. October 16, 1979

10. Southern Union Gas Company

1. 80-02531/NM-3093-79

2. 30-025-25855-0000-0

3. 103 000 000

4. Tenneco Oil Company

5. Leonard Federal No. 13

6. Leonard Queen South

7. Lea, NM

8. 26.3 million cubic feet

9. October 16, 1979

10. El Paso Natural Gas Company

1. 80-02532/NM-3046-79-1

2. 30-039-05475-0000-0

3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 13
6. Escrito Gallup
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02533/NM-3045-79
2. 30-039-05423-0000-0
3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 18
6. Escrito Gallup
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02534/NM-3044-79
2. 30-039-05424-0000-0
3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 15
6. Escrito Gallup
7. Rio Arriba, NM
8. 1.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02535/NM-3043-79
2. 30-043-05051-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal A No. 1
6. Lybrook Gallup
7. Sandoval, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02536/NM-3042-79
2. 30-043-20061-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal B No. 1
6. Lybrook Gallup
7. Sandoval, NM
8. 6.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02537/NM-3041-79
2. 30-043-51645-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal C No. 1
6. Alamito Gallup Oil Pool
7. Sandoval, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02538/NM-3040-79
2. 30-043-20081-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal, C No. 2
6. Alamito Gallup
7. Sandoval, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02539/NM-3039-79
2. 30-039-05478-0000-0
3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 11
6. Escrito Gallup
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02540/NM-3038-79
2. 30-039-05384-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal 6-22 No. 1
6. Escrito Gallup
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02541/NM-3037-79
2. 30-0039-05333-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal 2-26 No. 1
6. Escrito Gallup
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02542/NM-3036-79
2. 30-039-05304-0000-0
3. 108 000 000
4. BCO, Inc.
5. Federal 4-26 No. 1
6. Escrito Gallup
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02543/NM-3035-79
2. 30-045-05118-0000-0
3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 1
6. Escrito Gallup
7. Rio Arriba, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02544/NM-3034-79
2. 30-039-05515-0000-0
3. 108 000 000
4. BCO, Inc.
5. Escrito Gallup Unit No. 6
6. Escrito Gallup
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02545/NM-3033-79
2. 30-005-20593-0000-0
3. 103 000 000
4. Shell Oil Company
5. Amco Federal A 6
6. Cato San Andres
7. Chaves, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. Cities Service Oil Co.
1. 80-02546/NM-3032-79
2. 30-005-20594-0000-0
3. 103 000 000
4. Shell Oil Company
5. Amco Federal A 7
6. Cato San Andres
7. Chaves, NM
8. 7.3 million cubic feet
9. October 16, 1979
10. Cities Service Oil Co.
1. 80-02547/NM-3031-79
2. 30-005-20990-0000-0
3. 103 000 000
4. Shell Oil Company
5. Corder Federal 5
6. Cato San Andres
7. Chaves, NM
8. 7.3 million cubic feet
9. October 16, 1979
10. Cities Service Oil Co.
1. 80-02548/NM-3030-79
2. 30-025-25701-0000-0
3. 103 000 000
4. Shell Oil Company
5. Federal 3-2
6. Lusk Morrow (North)
7. Lea, NM
8. 127.7 million cubic feet
9. October 16, 1979
10. Phillips Petroleum Co.
1. 80-02549/NM-3029-79
2. 30-005-20596-0000-0
3. 103 000 000
4. Shell Oil Company
5. Corder Federal 4
6. Cato San Andres
7. Chaves, NM
8. 7.3 million cubic feet
9. October 16, 1979
10. Cities Service Oil Co.
1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80-02386/W103-9
2. 49-037-21223-0000-0
3. 107 000 000
4. Texaco Inc.
5. Table Rock Unit Well No. 38
6. Table Rock
7. Sweetwater, WY
8. 1500.0 Million Cubic Feet
9. October 16, 1979
10. Colorado Interstate Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before December 6, 1979.

Please reference the FERC Control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35915 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 106]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date received at FERC
10. Purchaser(s)

1. 80-02652/574
2. 16-195-02319-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #34 022100
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02653/575
2. 16-195-02320-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #35 022230
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02654/576
2. 16-195-02926-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #39-024080
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02655/577
2. 16-195-03057-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #42-024700
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02656/578
2. 16-195-03530-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #44-025450
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet

9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02657/579
2. 16-195-03965-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #46-026000
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02658/580
2. 16-195-03967-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #47 026010
6. Eastern Kentucky Gas
7. Pike, KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02659/581
2. 16-195-03171-EFI253. 108 000 000
4. Ashland Exploration Inc.
5. Kentucky-West Virginia Gas Co #1
6. Eastern Kentucky Gas
7. Pike, KY
8. 12.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02660/582
2. 16-195-0300392-W
3. 108 000 000
4. Ashland Exploration Inc.
5. Kentucky-West Virginia Gas Co #2-01147
6. Eastern Kentucky Gas
7. Pike, KY
8. 5.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02661/583
2. 16-195-02510-EL
3. 108 000 000
4. Ashland Exploration Inc.
5. Ratliff Silas W #1-023430
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02662/584
2. 16-195-03745-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Sparks Siddie C #1-025760
6. Eastern Kentucky Gas
7. Pike, KY
8. 5.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02663/585
2. 16-195-000769E
3. 108 000 000
4. Ashland Exploration Inc.
5. Polley DC #1-008100
6. Eastern Kentucky Gas
7. Pike, KY
8. 21.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02664/586
2. 16-195-00853-E
3. 108 000 000

4. Ashland Exploration Inc.
5. Wells WS #1-008650
6. Eastern Kentucky Gas
7. Pike, KY
8. 13.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02665/587
2. 16-195-00816-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Ford John Heirs #1-301250
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02666/588
2. 16-195-03048-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Ford John Heirs #3-010420
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02667/589
2. 16-195-03243-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Ford John Heirs #4-010950
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02668/590
2. 16-195-02020-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Harper John H #1-009700
6. Eastern Kentucky Gas
7. Pike, KY
8. 17.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02669/591
2. 16-195-02018-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Auxier Ben H #1-009710
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02670/592
2. 16-195-03178-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Mason Coal & Coke #3-010900
6. Eastern Kentucky Gas
7. Pike, KY
8. 19.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02671/593
2. 16-195-00426-E
3. 108 000 000
4. Ashland Exploration Inc.
5. So Shelby Land Co #1-006570
6. Eastern Kentucky Gas
7. Pike, KY
8. 2.3 million cubic feet

9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02872/594
 2. 16-195-00502-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. So Shelby Land Co #2-006740
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 2.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02873/595
 2. 16-195-00750-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. So Shelby Land Co #3-007970
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 2.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02874/596
 2. 16-195-00855-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. So Shelby Land Co #4-008680
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 2.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02875/597
 2. 16-195-03131-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. So Shelby Land Co #5-010290
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 2.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02876/598
 2. 16-195-00927-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Campbell A D #1-008940
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.9 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02877/599
 2. 16-195-00899-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Bevins Edward No 1-008880
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 12.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02878/600
 2. 16-195-03725-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Mason Coal and Coke No 5-012910
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02879/601
 2. 16-195-03795-E

3. 108 000 000
 4. Ashland Exploration Inc.
 5. Mason Coal and Coke No 6-013090
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02880/602
 2. 16-195-03949-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Mason Coal and Coke No 7-013590
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02881/603
 2. 16-195-03950-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Mason Coal and Coke No 8-013650
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02882/604
 2. 16-195-05027-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Justice Zach No 1-011770
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 9.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02883/605
 2. 16-195-03597-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Justice Zach No 2-012200
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 9.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02884/606
 2. 16-071-00000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Webb T J No 2-002800
 6. Eastern Kentucky Gas
 7. Floyd, KY
 8. 7.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02885/607
 2. 16-071-00000
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Webb T J No 4-002950
 6. Eastern Kentucky Gas
 7. Floyd, KY
 8. 7.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02886/608
 2. 16-119-03953-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 3-013660
 6. Eastern Kentucky Gas
 7. Knott, KY

8. 5.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02887/609
 2. 16-119-03931-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 4-014010
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 5.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02888/610
 2. 16-119-04039-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 7-014250
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 5.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02889/611
 2. 16-119-04049-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 8-014300
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 5.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02890/612
 2. 16-119-04134-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 11-014480
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 5.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02891/613
 2. 16-119-00065-EF
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 20-016320
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 1.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02892/614
 2. 16-025-00136-EF
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Evans E J No 21-016520
 6. Eastern Kentucky Gas
 7. Breathitt, KY
 8. 1.1 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02893/615
 2. 16-195-03353-E
 3. 108 000 000
 4. Ashland Exploration Inc.
 5. Scott Roscoe No 2-011390
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 3.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc.
 1. 80-02894/616

2. 16-195-00338-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Cassady Edith No 1-017210
6. Eastern Kentucky Gas
7. Pike, KY
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02695/617
2. 16-195-00631-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Cassady Edith No 2-018200
6. Eastern Kentucky Gas
7. Pike, KY
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02696/618
2. 16-195-00777-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Cassady Edith No 3-018850
6. Eastern Kentucky Gas
7. Pike, KY
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02697/619
2. 16-195-00331-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cline J O No 1-006010
6. Eastern Kentucky Gas
7. Pike, KY
8. 10.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02698/500
2. 16-195-00283-E
3. 108 000 000
4. Ashland Exploration Inc
5. Fannin David No 1-005620
6. Eastern Kentucky Gas
7. Martin, KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02699/501
2. 16-195-00312-E
3. 108 000 000
4. Ashland Exploration Inc
5. Fannin David No 2-005940
6. Eastern Kentucky Gas
7. Martin, KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02700/502
2. 16-195-00347-E
3. 108 000 000
4. Ashland Exploration Inc
5. Fannin David No 3-006140
6. Eastern Kentucky Gas
7. Martin, KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02701/503
2. 16-195-00494-E
3. 108 000 000
4. Ashland Exploration Inc
5. Fannin David No 4-006770
6. Eastern Kentucky Gas
7. Martin, KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02702/504
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kirk & Maynard No 1-007000
6. Eastern Kentucky Gas
7. Martin, KY
8. 11.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02703/505
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Simpson Edith S No 1-006330
6. Eastern Kentucky Gas
7. Martin, KY
8. 1.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02704/506
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Simpson Edith S No 2-006340
6. Eastern Kentucky Gas
7. Martin, KY
8. 1.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02705/507
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Simpson Edith S No 3-006330
6. Eastern Kentucky Gas
7. Martin, KY
8. 1.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02706/508
2. 16-195-00000-E
3. 108 000 000
4. Ashland Exploration Inc
5. Simpson Edith S No 4-006360
6. Eastern Kentucky Gas
7. Martin, KY
8. 1.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02707/509
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Simpson Edith S #5 006370
6. Eastern Kentucky Gas
7. Martin, KY
8. 1.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02708/466
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #8 003830
6. Eastern Kentucky Gas
7. Pike, KY
8. 7.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02709/467
2. 16-195-00146-E
3. 108 000 000
4. Ashland Exploration Inc
5. Sword L B #1 005080
6. Eastern Kentucky Gas
7. Pike, KY
8. 5.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02710/468
2. 16-195-00183
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #19 004650
6. Eastern Kentucky Gas
7. Pike, KY
8. 12.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02711/469
2. 16-195-01015-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #29 009510
6. Eastern Kentucky Gas
7. Pike, KY
8. 12.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02712/470
2. 16-195-00585-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #26 007090
6. Eastern Kentucky Gas
7. Pike, KY
8. 9.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02713/471
2. 16-195-00890-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #27 008860
6. Eastern Kentucky Gas
7. Pike, KY
8. 9.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02714/472
2. 16-195-00492-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cassady J W #4 006900
6. Eastern Kentucky Gas
7. Pike, KY
8. 21.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02715/473
2. 16-195-00504-E
3. 108 000 000
4. Ashland Exploration Inc
5. Adkins L G #1 006890
6. Eastern Kentucky Gas
7. Pike, KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02716/474
2. 16-195-00787-E
3. 108 000 000
4. Ashland Exploration Inc
5. Ford Charles Heirs #1 008230
6. Eastern Kentucky Gas

7. Pike, KY
 8. 6.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02717/475
 2. 16-195-03049-E
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Ford Charles Heirs #2 010460
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 6.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02718/478
 2. 16-195-02019-E
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Steele WM #1 009720
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 22.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02719/477
 2. 16-195-03719-E
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #47 012790
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 6.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02720/478
 2. 16-195-03952-E
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #48 013600
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 6.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02721/479
 2. 16-195-00336-EF
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #49 017170
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 6.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02722/480
 2. 16-195-00000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Republic Steel Corp #54 050330
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 11.4 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02723/481
 2. 16-195-00608-EF
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Romans Carrie #1 027050
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 14.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02724/482

2. 16-195-00918-EF
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #57 026790
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 10.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02725/483
 2. 16-195-00095-EF
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #58 027740
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 8.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02726/484
 2. 16-195-13454
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #59 040530
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 15.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02727/485
 2. 16-195-19112
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #61 048410
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 15.0 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02728/486
 2. 16-119-31655
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Kyooga Land Co 20 074971
 6. Eastern Kentucky Gas
 7. Knott, KY
 8. 2.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02729/487
 2. 16-071-00000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Sexton D M #1 002370
 6. Eastern Kentucky Gas
 7. Floyd, KY
 8. 12.4 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02730/488
 2. 16-071-00000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Allen M V #1 002560
 6. Eastern Kentucky Gas
 7. Floyd, KY
 8. 8.8 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02731/489
 2. 16-071-00000
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Osborne E B #1 002460
 6. Eastern Kentucky Gas

7. Floyd, KY
 8. 13.9 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02732/490
 2. 16-195-21392
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #62 049650
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 8.0 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02733/491
 2. 16-195-22530
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #63 050040
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 5.2 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02734/492
 2. 16-195-24975
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #64 050270
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 11.6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02735/493
 2. 16-195-24999
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #65 050280
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 4.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02736/494
 2. 16-195-25129
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #66 050300
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 7.5 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02737/495
 2. 16-195-25640
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #67-050390
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 13.9 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02738/496
 2. 16-195-25641
 3. 108 000 000
 4. Ashland Exploration Inc
 5. Colony Coal & Coke #68-050400
 6. Eastern Kentucky Gas
 7. Pike, KY
 8. 13.9 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Inc
 1. 80-02739/497

2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc.
5. Martin Essie #1-002690
6. Eastern Kentucky Gas
7. Floyd KY
8. 1.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02740/498
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc.
5. Allen Susan #1-003220
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02741/499
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc.
5. Allen J. H. #1-002730
6. Eastern Kentucky Gas
7. Floyd KY
8. 11.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02742/510
2. 16-159-000371-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Kirk Authur #1-006200
6. Eastern Kentucky Gas
7. Martin KY
8. 2.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02743/511
2. 16-159-00381-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Stafford Etta #1-006250
6. Eastern Kentucky Gas
7. Martin KY
8. 4.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02744/512
2. 16-159-00411-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Cassell J. M. #1-006510
6. Eastern Kentucky Gas
7. Martin KY
8. 2.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02745/513
2. 16-159-00493-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Stewart J. W. M. #2-006720
6. Eastern Kentucky Gas
7. Martin KY
8. 8.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02746/514
2. 16-071-00211-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Williamson Thurza B. #1-005370
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02747/515
2. 16-071-00262-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Williamson Thurza B. #2-005470
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02748/516
2. 16-071-00617-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Williamson Thurza B. #4-007320
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02749/517
2. 16-119-00000-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Kycoga Land Co. #1-003210
6. Eastern Kentucky Gas
7. Knott KY
8. 3.7 million cubic feet
9. October 11, 1979
10. Inland Gas Co Inc
1. 80-02750/518
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc.
5. Boes Branch Unit-155590
6. Eastern Kentucky Gas
7. Pike KY
8. 22.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02751/5739
2. 16-119-00324-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Cornett John #2-006020
6. Eastern Kentucky Gas
7. Knott KY
8. 5.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02752/740
2. 16-119-00302-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Cornett John #1-005920
6. Eastern Kentucky Gas
7. Knott KY
8. 5.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02753/741
2. 16-119-03190-E
3. 108 000 000
4. Ashland Exploration Inc.
5. East KY Realty #9-010930
6. Eastern Kentucky Gas
7. Knott KY
8. 6.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02754/742
2. 16-119-03123-E
3. 108 000 000
4. Ashland Exploration Inc.
5. East KY Realty #8-010630
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02755/743
2. 16-071-00179-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #3-005280
6. Eastern Kentucky Gas
7. Floyd KY
8. 25.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02756/465
2. 16-195-01786-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #32-021270
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02757/408
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #1-002920
6. Eastern Kentucky Gas
7. Pike KY
8. 15.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02758/409
2. 16-195-00313-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #4-005900
6. Eastern Kentucky Gas
7. Pike KY
8. 15.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02759/410
2. 16-071-00314-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #5-005910
6. Eastern Kentucky Gas
7. Floyd KY
8. 15.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02760/461
2. 16-195-01606-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #28-020940
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02761/462
2. 16-195-01607-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #29-020950
6. Eastern Kentucky Gas

7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02762/463
2. 16-195-01608-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #30-020960
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02763/464
2. 16-195-01785-AEF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #31-021220
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02764/460
2. 16-195-01255-EF
3. 108 000 000
4. Ashland Exploration Inc.
5. Republic Steel Corp. #27-020500
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02765/411
2. 16-195-00323-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #6-006080
6. Eastern Kentucky Gas
7. Pike KY
8. 15.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-02766/412
2. 16-071-00355-E
3. 108 000 000
4. Ashland Exploration Inc.
5. Hatcher Land Co. #7-006090
6. Eastern Kentucky Gas
7. Floyd KY
8. 15.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc.
1. 80-01629
2. 47-097-01420
3. 108
4. Allegheny Land & Mineral Co
5. A-445
6. Washington District
7. Upshur, WV
8. 5.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01630
2. 47-097-01421
3. 108
4. Allegheny Land & Mineral Co
5. A-452
6. Washington District
7. Upshur, WV
8. 10.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01631

2. 47-033-00910
3. 108
4. Allegheny Land & Mineral Co
5. A-530
6. Union District
7. Harrison, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01632
2. 47-041-01626
3. 108
4. Allegheny Land & Mineral Co
5. A-362
6. Hackers Creek District
7. Lewis, WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01633
2. 47-033-00914
3. 108
4. Allegheny Land & Mineral Co
5. A-531
6. Union District
7. Harrison, WV
8. 12.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01634
2. 47-033-00918
3. 108
4. Allegheny Land & Mineral Co
5. A-540
6. Grant District
7. Harrison, WV
8. 12.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01635
2. 47-033-00927
3. 108
4. Allegheny Land & Mineral Co
5. A-555
6. Union District
7. Harrison, WV
8. 15.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01636
2. 47-041-01854
3. 108
4. Allegheny Land & Mineral Co
5. A-453
6. Freemans Creek Dist
7. Lewis, WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01637
2. 47-041-01820
3. 108
4. Allegheny Land & Mineral Co
5. A-438
6. Freemans Creek Dist
7. Lewis, WV
8. 9.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01638
2. 47-041-01711
3. 108
4. Allegheny Land & Mineral Co
5. A-390
6. Hackers Creek District

7. Lewis, WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01639
2. 47-041-01710
3. 108
4. Allegheny Land & Mineral Co
5. A-389
6. Hackers Creek District
7. Lewis, WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01640
2. 47-041-01692
3. 108
4. Allegheny Land & Mineral Co
5. A-382
6.
7. Lewis, WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01641
2. 47-041-01691
3. 108
4. Allegheny Land & Mineral Co
5. A-381
6. Freemans Creek Dist
7. Lewis, WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01642
2. 47-041-01690
3. 108
4. Allegheny Land & Mineral Co
5. A-380
6. Freemans Creek Dist
7. Lewis, WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01643
2. 47-015-00722
3. 108 denied
4. W Howard Taylor Agent
5. Eakle #3 47-015-0722
6. Maysel
7. Clay, WV
8. 23.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01644
2. 47-041-02033
3. 108
4. Allegheny Land & Mineral Co
5. A-566
6. Collins Settlement
7. Lewis, WV
8. 2.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01645
2. 47-041-01999
3. 108
4. Allegheny Land & Mineral Co
5. A-541
6. Freemans Creek Dist
7. Lewis, WV
8. 4.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01646

2. 47-041-01982
3. 108
4. Allegheny Land & Mineral Co
5. A-528
6. Hackers Creek District
7. Lewis, WV
8. 7.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01647
2. 47-041-01981
3. 108
4. Allegheny Land & Mineral Co
5. A-524
6. Hackers Creek District
7. Lewis, WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01648
2. 47-041-01980
3. 108
4. Allegheny Land & Mineral Co
5. A-525
6. Hackers Creek District
7. Lewis, WV
8. 10.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01649
2. 47-041-01979
3. 108
4. Allegheny Land & Mineral Co
5. A-527
6. Hackers Creek District
7. Lewis, WV
8. 11.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01650
2. 47-041-01978
3. 108
4. Allegheny Land & Mineral Co
5. A-523
6. Court House District
7. Lewis, WV
8. 5.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01651
2. 47-041-01889
3. 108
4. Allegheny Land & Mineral Co
5. A-457
6. Freemans Creek District
7. Lewis, WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01652
2. 47-041-01866
3. 108
4. Allegheny Land & Mineral Co
5. A-456
6. Freemans Creek Dist
7. Lewis, WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01653
2. 47-015-00573
3. 108
4. W Howard Taylor Agent
5. Gorrell 47-015-0573
6. Maysel
7. Clay, WV
8. 2.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01654
2. 47-015-00567
3. 108
4. W Howard Taylor
5. Reed #2 47-015-0567
6. Maysel
7. Clay, WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01655
2. 47-015-00561
3. 108
4. W Howard Taylor
5. Reed #3 47-015-0561
6. Maysel
7. Clay, WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01656
2. 47-015-00558
3. 108
4. W Howard Taylor Agent
5. Reed #1 47-015-0558
6. Maysel
7. Clay, WV
8. 1.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01657
2. 47-015-00718
3. 108 Denied
4. W Howard Taylor Agent
5. King #2 47-015-0718
6. Maysel
7. Clay, WV
8. 50.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01658
2. 47-017-01612
3. 108
4. Allegheny Land & Mineral Co
5. A-424
6. Southwest
7. Doddridge, WV
8. 6.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01659
2. 47-017-01610
3. 108
4. Allegheny Land & Mineral Co
5. A-422
6. McClellan District
7. Doddridge WV
8. 5.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01660
2. 47-017-01609
3. 108
4. Allegheny Land & Mineral Co
5. A-420
6. Grant District
7. Doddridge WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01661
2. 47-013-02547
3. 108
4. Allegheny Land & Mineral Co
5. A-59
6. Washington District
7. Calhoun WV
8. 7.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01662
2. 47-013-02555
3. 108
4. Allegheny Land & Mineral Co
5. A-570
6. Washington District
7. Calhoun WV
8. 8.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01663
2. 47-0113-02496
3. 108
4. Allegheny Land & Mineral Co
5. A-461
6. Washington District
7. Calhoun WV
8. 10.264 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01664
2. 47-015-00599
3. 108
4. W Howard Taylor Agent
5. Eakle No 1 47-015-0599
6. Maysel
7. Clay WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01665
2. 47-087-00949
3. 108
4. VA Roy Hildreth
5. Lydia Newlon Well No 2 55-6031283
6. Little Creek
7. Roane
8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01666
2. 47-087-01012
3. 108
4. Va Roy Hildreth
5. Deweese Well No 1 55-6031017
6. Little Creek
7. Roane WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01667
2. 47-087-01045
3. 108
4. Va Roy Hildreth
5. M F Tyson Well No 2 55-6031274
6. Little Creek
7. Roane WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01668
2. 47-013-01453
3. 108
4. W H Hildreth
5. Cogar Oil & Gas 55-6031780
6. Arnoldsburg

7. Calhoun WV
8. 1.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp

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1. 80-02807/453
2. 16-195-03653-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #18-012510
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02808/454
2. 16-195-03951-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #20-013640
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02809/455
2. 16-195-00951-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #21-019210
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02810/456
2. 16-195-00978-E
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #22-019460
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02811/457
2. 16-195-01084-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #2-019750
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02812/458
2. 16-195-01221-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #25-019880
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02813/459
2. 16-195-01315-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #26-020220
6. Eastern Kentucky Gas
7. Pike KY
8. 6.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02814/666
2. 16-195-03346-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #42-011660
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02815/667
2. 16-195-03465-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #43-011670
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02816/668
2. 16-195-03466-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #44-011740
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02817/669
2. 16-195-03559-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #45-011750
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02818/670
2. 16-195-00240-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #5-005440
6. Eastern Kentucky Gas
7. Pike KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02819/671
2. 16-195-00386-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #7-006270
6. Eastern Kentucky Gas
7. Pike KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02820/672
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #1-003560
6. Eastern Kentucky Gas
7. Pike KY
8. 9.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02821/674
2. 16-195-00291-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #8-005810
6. Eastern Kentucky Gas
7. Pike KY
8. 4.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02822/674
2. 16-119-01024-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #15-009520
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02823/675
2. 16-119-02071-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #16-010270
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02824/676
2. 16-119-00229
3. 108 000 000
4. Ashland Exploration Inc
5. Leslie Rosalie #1-005450
6. Eastern Kentucky Gas
7. Knott KY
8. 2.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02825/677
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #4-003670
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02826/678
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #7-003820
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02827/679
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #9-003920
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02828/680
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #11-004250
6. Eastern Kentucky Gas
7. Pike KY

8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02829/681
2. 16-195-00007-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #12-004250
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02830/682
2. 16-195-00020
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02831/683
2. 16-195-00020-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02832/684
2. 16-195-00425-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #21-006540
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02833/685
2. 16-195-00424-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #22-006550
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02834/686
2. 16-195-03198-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #36-010940
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02835/687
2. 16-195-03320-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #39-011260
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02836/688
2. 16-071-00026-E
3. 108 000 000
4. Ashland Exploration Inc
5. Steele Letha C #1-004380
6. Eastern Kentucky Gas
7. Floyd KY
8. 11.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02837/689
2. 16-071-0038-E
3. 108 000 000
4. Ashland Exploration Inc
5. Steele Letha C #2-004590
6. Eastern Kentucky Gas
7. Floyd KY
8. 11.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02838/690
2. 16-071-00047-E
3. 108 000 000
4. Ashland Exploration Inc
5. Layne Tom #1-004720
6. Eastern Kentucky Gas
7. Floyd KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02839/691
2. 16-071-00112-E
3. 108 000 000
4. Ashland Exploration Inc
5. Layne Dallas #1-004920
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02840/692
2. 16-071-00039-E
3. 108 000 000
4. Ashland Exploration Inc
5. Clark G W #1-004700
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02841/693
2. 16-071-00131-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hamblen Octavia #1-005000
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02842/694
2. 16-071-00132-E
3. 108 000 000
4. Ashland Exploration Inc
5. Utilities Elkhorn Coal Co #1-00501
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02843/695
2. 16-195-00370-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #1-004280
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02844/696
2. 16-195-00051-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #2-004610
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02845/697
2. 16-195-00320-E
3. 108 000 000
4. Ashland Exploration Inc
5. Elliott W K #3-005970
6. Eastern Kentucky Gas
7. Pike KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02846/698
2. 16-119-00182-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hicks Elijah #1-005130
6. Eastern Kentucky Gas
7. Knott KY
8. 8.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02847/699
2. 16-119-02924-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Campbell Grace Combs #1-024050
6. Eastern Kentucky Gas
7. Knott KY
8. 5.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02848/700
2. 16-195-00092-E
3. 108 000 000
4. Ashland Exploration Inc
5. Damron Logan #1-004810
6. Eastern Kentucky Gas
7. Pike KY
8. 23.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02849/701
2. 16-071-00045-E
3. 108 000 000
4. Ashland Exploration Inc
5. Gibson Martha #2-004520
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02850/702
2. 16-071-00093-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #1-004820
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02851/703

2. 16-119-00186-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hicks Elijah #2-005270
6. Eastern Kentucky Gas
7. Knott KY
8. 8.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02852/704
2. 16-071-00124-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #2 004970
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02853/705
2. 16-119-00215-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #6 005350
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02854/706
2. 16-119-00083-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #5 004780
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02855/707
2. 16-119-00066-E
3. 108 000 000
4. Ashland Exploration Inc
5. East Ky Realty #4 004750
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02856/708
2. 16-119-00298-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #19 026810
6. Eastern Kentucky Gas
7. Knott KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02857/620
2. 16-195-00354-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #8 006170
6. Eastern Kentucky Gas
7. Pike KY
8. 1.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02858/621
2. 16-195-00482-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky Stone #1 006670
6. Eastern Kentucky Gas

7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02859/622
2. 16-195-00316-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cline J S #1 005930
6. Eastern Kentucky Gas
7. Pike KY
8. 14.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02860/623
2. 16-195-00380-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cline J S #2 006260
6. Eastern Kentucky Gas
7. Pike KY
8. 14.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02861/624
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #1 002290
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02862/625
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #2 002360
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02863/626
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #3 002550
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02864/627
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #5 002780
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02865/628
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #7 003030
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02866/629

2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #6 002870
6. Eastern Kentucky Gas
7. Floyd KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02867/630
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Bull Ed #8-003040
6. Eastern Kentucky Gas
7. Floyd KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02868/630
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #1-003420
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02869/632
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #2-003650
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02870/633
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Newsom Dakota #3-003700
6. Eastern Kentucky Gas
7. Floyd KY
8. 16.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02871/634
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Turner W J #2-003340
6. Eastern Kentucky Gas
7. Floyd KY
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02872/635
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #2-003600
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02873/636
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #3-003710
6. Eastern Kentucky Gas

7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02874
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #3-04530
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02875/638
2. 16-119-00080-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #5-004690
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02876/639
2. 16-119-00173-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #6-005150
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02877/640
2. 16-119-00213-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #7-005320
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02878/641
2. 16-119-00218-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #8-005330
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02879/642
2. 16-119-00241-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #9-005430
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02880/643
2. 16-119-00481-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #10-006680
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02881/644

2. 16-119-00856-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #12-008640
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02882/645
2. 16-195-00020-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #14-004350
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02883/646
2. 16-195-00148-E
3. 108 000 000
4. Ashland Exploration Inc
5. Lowe John S #2 005070
6. Eastern Kentucky Gas
7. Pike KY
8. 2.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02884/647
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Mullins Noah #3 003980
6. Eastern Kentucky Gas
7. Pike KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02885/648
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Wagner Roma #1 003990
6. Eastern Kentucky Gas
7. Pike KY
8. 12.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02886/649
2. 16-195-00319-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky West VA Gas Co #1 005980
6. Eastern Kentucky Gas
7. Pike KY
8. 7.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02887/650
2. 16-119-00565-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #11 006980
6. Eastern Kentucky Gas
7. Knott KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02888/651
2. 16-195-00360-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kentucky West Va. Gas Co #2 006210
6. Eastern Kentucky Gas

7. Pike KY
8. 7.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02889/652
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Setser Henry #1 003480
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02890/653
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Setser Henry #2 003660
6. Eastern Kentucky Gas
7. Floyd KY
8. 2.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02891/654
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Nunnery George #1 003380
6. Eastern Kentucky Gas
7. Pike KY
8. 14.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02892/655
2. 16-195-00150-E
3. 108 000 000
4. Ashland Exploration Inc
5. Beury WM J #2 005090
6. Eastern Kentucky Gas
7. Pike KY
8. 3.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02893/656
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Susan C Evans #1-005060
6. Eastern Kentucky Gas
7. Pike KY
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02894/657
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Greer Ethel #1 003620
6. Eastern Kentucky Gas
7. Pike KY
8. 9.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02895/658
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Marrs Jennie #2 003760
6. Eastern Kentucky Gas
7. Pike KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02896/659

2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Marrs Jennie #3 003770
6. Eastern Kentucky Gas
7. Pike KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02897/660
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Coleman John #1 003840
6. Eastern Kentucky Gas
7. Pike KY
8. 13.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02898/661
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Smith Lillie #1-003790
6. Eastern Kentucky Gas
7. Knott KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02899/662
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Lowe O R #1-003850
6. Eastern Kentucky Gas
7. Pike KY
8. 18.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02900/663
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Lowe John S #1-003910
6. Eastern Kentucky Gas
7. Pike KY
8. 2.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02901/664
2. 16-195-03363-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #40-011360
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02902/665
2. 16-195-03351-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #41-011370
6. Eastern Kentucky Gas
7. Pike KY
8. 6.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02903/519
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Slater Unit-155620
6. Eastern Kentucky Gas

7. Pike KY
8. 5.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02904/520
2. 16-195-012136-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #53-021980
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02905/521
2. 16-195-02375-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #54-022280
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02906/522
2. 16-195-02430-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #55-022950
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02907/523
2. 16-195-01787-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #52-021280
6. Eastern Kentucky Gas
7. Pike KY
8. 9.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02908/524
2. 16-195-02511-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #56-023440
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02909/525
2. 16-195-02007-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #33-021710
6. Eastern Kentucky Gas
7. Pike KY
8. 3.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02910/526
2. 16-195-02704-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #37-023830
6. Eastern Kentucky Gas
7. Pike KY
8. 3.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02911/527

2. 16-195-02804
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #52-026960
6. Eastern Kentucky Gas
7. Pike KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02912/528
2. 16-195-00208-E8
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #50-026730
6. Eastern Kentucky Gas
7. Pike KY
8. 4.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02913/529
2. 16-195-03259-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #43-025000
6. Eastern Kentucky Gas
7. Pike KY
8. 10.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02914/530
2. 16-195-04017-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #48-026150
6. Eastern Kentucky Gas
7. Pike KY
8. 4.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02915/531
2. 16-195-00370-E8
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #51-026830
6. Eastern Kentucky Gas
7. Pike KY
8. 21.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02916/532
2. 16-195-00038-E8
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #49-026600
6. Eastern Kentucky Gas
7. Pike KY
8. 15.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02917/533
2. 16-195-03612-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #45-025580
6. Eastern Kentucky Gas
7. Pike KY
8. 14.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02918/534
2. 16-195-03056-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #41-024690
6. Eastern Kentucky Gas

7. Pike KY
8. 18.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02919/535
2. 16-195-01768
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #53-032130
6. Eastern Kentucky Gas
7. Pike KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02920/536
2. 16-195-02925-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Republic Steel Corp #38-024070
6. Eastern Kentucky Gas
7. Pike KY
8. 10.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02921/537
2. 16-195-01678-EF
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #51-021110
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02922/538
2. 16-195-00286-E
3. 108 000 000
4. Ashland Exploration Inc
5. Mason Coal & Coke #10-026650
6. Eastern Kentucky Gas
7. Pike KY
8. 14.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02923/539
2. 16-195-00950-E8
3. 108 000 000
4. Ashland Exploration Inc
5. Mason Coal & Coke #11-027590
6. Eastern Kentucky Gas
7. Pike KY
8. 8.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02924/540
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #5-003740
6. Eastern Kentucky Gas
7. Pike KY
8. 23.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02925/541
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #4-003870
6. Eastern Kentucky Gas
7. Pike KY
8. 24.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02926/542

2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #2-003880
6. Eastern Kentucky Gas
7. Pike KY
8. 8.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02927/543
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Myers Angie #1-003590
6. Eastern Kentucky Gas
7. Pike KY
8. 13.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02928/544
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Mullins Noah #1-003610
6. Eastern Kentucky Gas
7. Pike KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02929/545
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Mullins Noah #2-003900
6. Eastern Kentucky Gas
7. Pike KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02930/546
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Mullins Creed #1-003780
6. Eastern Kentucky Gas
7. Pike KY
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02931/547
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #3-003940
6. Eastern Kentucky Gas
7. Pike KY
8. 9.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02932/548
2. 16-171-00037-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #2-004430
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02933/549
2. 16-171-00046-E
3. 108 000 000
4. Ashland Exploration Inc
5. Boyd Don-004660
6. Eastern Kentucky Gas

7. Floyd KY
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02934/550
2. 16-195-00084-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #4-004940
6. Eastern Kentucky Gas
7. Pike KY
8. 2.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02935/551
2. 16-195-00130-E
3. 108 000 000
4. Ashland Exploration Inc
5. Ratliff James #1-004990
6. Eastern Kentucky Gas
7. Pike KY
8. 6.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02936/552
2. 16-195-00219-E
3. 108 000 000
4. Ashland Exploration Inc
5. Ratliff James #2-005360
6. Eastern Kentucky Gas
7. Pike KY
8. 6.6 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02937/553
2. 16-195-00152-E
3. 108 000 000
4. Ashland Exploration Inc
5. Tackett Preston #1-005110
6. Eastern Kentucky Gas
7. Pike KY
8. 5.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02938/554
2. 16-071-00163-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #5-005120
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02939/555
2. 16-071-00187-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #8-005300
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02940/556
2. 16-195-000228-E
3. 108 000 000
4. Ashland Exploration Inc
5. Ratliff Donna #1-005410
6. Eastern Kentucky Gas
7. Pike KY
8. 3.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02941/557

2. 16-195-03242-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #9-010340
6. Eastern Kentucky Gas
7. Pike KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02942/558
2. 16-195-03669-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #10-012620
6. Eastern Kentucky Gas
7. Pike KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02943/559
2. 16-195-00348-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington B & J #6-006130
6. Eastern Kentucky Gas
7. Pike KY
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02944/560
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Cassady J W #1-002990
6. Eastern Kentucky Gas
7. Pike KY
8. 21.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02945/561
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher Land Co #2-003330
6. Eastern Kentucky Gas
7. Pike KY
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02946/562
2. 16-195-003352-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher Land Co #8-011380
6. Eastern Kentucky Gas
7. Pike KY
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02947/563
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #6-003750
6. Eastern Kentucky Gas
7. Pike KY
8. 7.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02948/564
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #10-003930
6. Eastern Kentucky Gas

7. Pike KY
8. 7.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02949/565
2. 16-195-03109-E
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #34-010620
6. Eastern Kentucky Gas
7. Pike KY
8. 7.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02950/566
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Colony Coal & Coke #3-003580
6. Eastern Kentucky Gas
7. Pike KY
8. 7.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02951/567
2. 16-195-00282
3. 108 000 000
4. Ashland Exploration Inc
5. Emma Leslie #1-005600
6. Eastern Kentucky Gas Field
7. Pike KY
8. 7.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02952/568
2. 16-195-00234-E
3. 108 000 000
4. Ashland Exploration Inc
5. Mims Martin #1-005420
6. Eastern Kentucky Gas Field
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02953/569
2. 16-195-00254-E
3. 108 000 000
4. Ashland Exploration Inc
5. Mims Martin #2-005460
6. Eastern Kentucky Gas
7. Pike KY
8. 8.7 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02954/570
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #1-002930
6. Eastern Kentucky Gas
7. Pike KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02955/571
2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #2-002940
6. Eastern Kentucky Gas
7. Pike KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02956/572

2. 16-195-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #5-004270
6. Eastern Kentucky Gas
7. Pike KY
8. 24.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02957/573
2. 16-195-00349-E
3. 108 000 000
4. Ashland Exploration Inc
5. Weddington Ballard #7-006100
6. Eastern Kentucky Gas
7. Pike KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02958/709
2. 16-119-03947-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #18-025960
6. Eastern Kentucky Gas
7. Knott KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02959/710
2. 16-119-0365-E
3. 108 000 000
4. Ashland Exploration Inc
5. Kycoga Land Co #17-025640
6. Eastern Kentucky Gas
7. Knott KY
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02960/711
2. 16-119-03460-E
3. 108 000 000
4. Ashland Exploration Inc
5. Martin Ben J #1-025340
6. Eastern Kentucky Gas
7. Knott KY
8. 19.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02961/712
2. 16-119-00688-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cornett George W #1-007440
6. Eastern Kentucky Gas
7. Knott KY
8. 9.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02962/713
2. 16-119-00184
3. 108 000 000
4. Ashland Exploration Inc
5. Childers Mary #1-005260
6. Eastern Kentucky Gas
7. Knott KY
8. 5.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02963/714
2. 16-119-00846-EF
3. 108 000 000
4. Ashland Exploration Inc
5. East KY Realty #10-019040
6. Eastern Kentucky Gas

7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02964/715
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. East KY realty #3-002850
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02965/716
2. 16-119-00000
3. 108 000 000
4. Ashland Exploration Inc
5. East KY realty #2-002580
6. Eastern Kentucky Gas
7. Knott KY
8. 6.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02966/717
2. 16-119-00106-E
3. 108 000 000
4. Ashland Exploration Inc
5. Damron Auxier #1-004850
6. Eastern Kentucky Gas
7. Pike KY
8. 6.8 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02967/718
2. 16-071-00124-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #3-004980
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02968/719
2. 16-071-00149-E
3. 108 000 000
4. Ashland Exploration Inc
5. Jester Laura M #5-005050
6. Eastern Kentucky Gas
7. Floyd KY
8. 10.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02969/720
2. 16-071-00058-E
3. 108 000 000
4. Ashland Exploration Inc
5. Brown Nancy J #3-004600
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02970/721
2. 16-071-00022-E
3. 108 000 000
4. Ashland Exploration Inc
5. Brown Nancy J #2-004400
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02971/722

2. 16-071-00022-E
3. 108 000 000
4. Ashland Exploration Inc
5. Brown Nancy J #1-004390
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02972/723
2. 16-071-00097-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #4-004680
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02973/724
2. 16-071-00061-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #3-004620
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02974/725
2. 16-071-00028-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hatcher James #1-004420
6. Eastern Kentucky Gas
7. Floyd KY
8. 8.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02975/726
2. 16-071-00018-E
3. 108 000 000
4. Ashland Exploration Inc
5. Clark Dewey #1-004340
6. Eastern Kentucky Gas
7. Floyd KY
8. 1.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02976/727
2. 16-071-00010-E
3. 108 000 000
4. Ashland Exploration Inc
5. Clark Nora E #2-004300
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02977/728
2. 16-071-00000
3. 108 000 000
4. Ashland Exploration Inc
5. Clark Nora E #1-004260
6. Eastern Kentucky Gas
7. Floyd KY
8. 9.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02978/729
2. 16-071-00023-E
3. 108 000 000
4. Ashland Exploration Inc
5. Clark Dewey #2-004370
6. Eastern Kentucky Gas

7. Floyd KY
8. 1.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02979/730
2. 16-119-00172-E
3. 108 000 000
4. Ashland Exploration Inc
5. Childers G W #1-005160
6. Eastern Kentucky Gas
7. Knott KY
8. 5.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02980/733
2. 16-119-00171-E
3. 108 000 000
4. Ashland Exploration Inc
5. Smith Mary B #1-005250
6. Eastern Kentucky Gas
7. Knott KY
8. 4.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02981/732
2. 16-119-00169-E
3. 108 000 000
4. Ashland Exploration Inc
5. Leete Claudia #1-005140
6. Eastern Kentucky Gas
7. Knott KY
8. 4.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02982/733
2. 16-119-00135-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hale Lula M #1-005020
6. Eastern Kentucky Gas
7. Knott KY
8. 5.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02983/734
2. 16-119-00117-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hays Liberty #2-004930
6. Eastern Kentucky Gas
7. Knott KY
8. 12.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02984/735
2. 16-119-00082-E
3. 108 000 000
4. Ashland Exploration Inc
5. Hays Liberty #1-004790
6. Eastern Kentucky Gas
7. Knott KY
8. 12.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02985/736
2. 16-119-00361-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cornett Henderson #1-006230
6. Eastern Kentucky Gas
7. Knott KY
8. 7.2 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02986/737

2. 16-119-00118-E
3. 108 000 000
4. Ashland Exploration Inc
5. Cornett Samuel #2-005170
6. Eastern Kentucky Gas
7. Knott KY
8. 18.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc
1. 80-02987/738
2. 16-119-00600
3. 108 000 000
4. Ashland Exploration Inc
5. Cornett Samuel #1-004770
6. Eastern Kentucky Gas
7. Knott KY
8. 18.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Inc

Louisiana Office of Conservation

1. Control Number (F.E.R.C./STATE)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80-02991/79-962
2. 17-101-21032
3. 102 000 000
4. McMoran Exploration Co
5. State Lease 5706 #5
6. South Myette Point
7. St Mary LA
8. 20.0 million cubic feet
9. October 17, 1979
10. Transcontinental Gas Pipeline Corp Sugar Bowl Gas
1. 80-02992/79-2308
2. 17-075-22489
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #12
6. Lake Washington
7. Plaquemines LA
8. 1460.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company
1. 80-02993/79-2309
2. 17-075-22453
3. 102 000 000
4. Signal Petroleum
5. S/L 2028 #13
6. Lake Washington
7. Plaquemines LA
8. 2190.0 million cubic feet
9. October 17, 1979
10. United Gas Pipeline Company
1. 80-02994/79-950
2. 17-075-22521-0000-1
3. 102 000 000
4. Gulf Oil Corporation
5. SL 195 QQ #292
6. Quarantine Bay
7. Plaquemines LA
8. 190.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company
1. 80-02995/79-951
2. 17-075-22521-0000-2
3. 102 000 000

4. Gulf Oil Corporation
5. SL 195 QQ #292-D
6. Quarantine Bay
7. Plaquemines LA
8. 43.0 million cubic feet
9. October 17, 1979
10. United Gas Pipeline Company
1. 80-02996/79-1672
2. 17-031-20730
3. 102 000 000
4. Phillips Petroleum Company
5. Lord A No 1
6. Grogan
7. De Soto Parish LA
8. 75.0 million cubic feet
9. October 17, 1979
- 10.
1. 80-02997/79-2298
2. 17-075-22545
3. 102 000 000
4. Gulf Oil Corporation
5. VU 1 J G Timolat B #137 West Bay
6. West Bay
7. Plaquemines Parish LA
8. 420.0 million cubic feet
9. October 17, 1979
10. Texas Eastern Transmission Corp United Gas Pipeline Co
1. 80-02998/79-1687
2. 17-075-22410
3. 102 000 000
4. Gulf Oil Corporation
5. VU 68 S L 192 PP #137
6. West Bay
7. Plaquemines LA
8. 300.0 million cubic feet
9. October 17, 1979
10. Texas Eastern Gas Transmission United Gas Pipeline Co
1. 80-02999/79-1680
2. 17-057-20776
3. 102 000 000
4. Mullins & Prichard
5. Mabel G Myers #1
6. Delta Farms West
7. Lafourche LA
8. 175.0 million cubic feet
9. October 17, 1979
10. Tennessee Gas Pipeline Co
1. 80-03000/79-2498
2. 17-075-22453
3. 102 000 000
4. Signal petroleum
5. S/L 2028 #13D
6. Lake Washington
7. Plaquemines, LA
8. 365.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company
1. 80-03001/79-2500
2. 17-023-21325
3. 102 000 000
4. North American Royalties Inc
5. J A Davis #1 180322
6. Black Ridge
7. Cameron PH, LA
8. 1000.0 million cubic feet
9. October 17, 1979
10. Energy Development Corporation, Louisiana Resources Co
1. 80-03002/79-2305
2. 17-007-20220
3. 102 000 000
4. Borden Inc
5. Jrg Vua Evan Belle Corp No. 2

6. Lapice Field
7. Assumption Parish, LA
8. 1200.0 million cubic feet
9. October 17, 1979
10. United Gas Pipeline Company, Louisiana Resources Co
1. 80-03003/79-2307
2. 17-075-22379
3. 102 103 000
4. Signal Petroleum
5. LW 26 RA NVU S/L 2028 #11
6. Lake Washington
7. Plaquemines, LA
8. 220.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company
1. 80-03004/79-2300
2. 17-113-20826
3. 102 000 000
4. McAlester Fuel Company
5. VU A Bonin #1 160454
6. Southwest Gueydan
7. Vermilion Parish, LA
8. 500.0 million cubic feet
9. October 17, 1979
10. Continental Oil Company
1. 80-03005/79-2299
2. 17-075-22502
3. 102 000 000
4. Hilliard Oil & Gas Inc
5. I R Price et al #1
6. Coquille Bay
7. Plaquemines, LA
8. 365.0 million cubic feet
9. October 17, 1979
10. Southern Natural Gas Company
1. 80-03006/79-2312
2. 17-023-21251
3. 102 000 000
4. Goldking Production Company
5. Miami Corporation L No. 1
6. Twin Island
7. Cameron Parish, LA
8. 547.5 million cubic feet
9. October 17, 1979
10. Transcontinental Pipe Line
1. 80-03007/79-2313
2. 17-023-21349
3. 102 000 000
4. Goldking Production Company
5. Miami Corp L No. 2
6. Twin Island
7. Cameron Parish, LA
8. 547.5 million cubic feet
9. October 17, 1979
10. Transcontinental Pipe Line

South Dakota Department of Natural Resource Development

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02988/878
2. 40-063-20194
3. 102 000 000
4. Alma McCuthin
5. #1-19 Olsen
6. West Short Pine Hills

7. Harding, SD
8. 150.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co
1. 80-02989/839
2. 40-163-20167
3. 102 000 000
4. Alma McCuthin
5. #1-8 State
6. West Short Pine Hills
7. Harding, SD
8. 80.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co
1. 80-02990/836
2. 40-063-20165
3. 102 000 000
4. Alma McCuthin
5. 5-1 State
6. West Short Pine Hills
7. Harding, SD
8. 180.0 million cubic feet
9. October 17, 1979
10. Montana Dakota Utilities Co

Texas Railroad Commission, Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02583/00556
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No. 12
6. Armer (Clearfork)
7. Crane, TX
8. 36.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation
1. 80-02584/00558
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No. 14
6. Armer (Glorieta)
7. Crane, TX
8. 62.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation
1. 80-02585/00559
2. 42-103-00000
3. 103 000 000
4. W M & A P Fuller
5. Ewell McKnight No. 13
6. Armer (Clearfork)
7. Crane, TX
8. 58.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corporation
1. 80-02586/03894
2. 42-203-00000
3. 103 000 000 Denied
4. Dyco Petroleum Corporation
5. I L Hutchinson No. 1
6. Woodlawn South (Hill)
7. Harrison, TX
8. 100.0 million cubic feet

9. October 16, 1979
10. Mississippi River Transmission Co

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number [F.E.R.C./State]
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02609/COA-2592-79
2. 05-067-05056-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 15 #1-16
6. Ignacio-Blanco
7. La Plata County CO
8. 3.4 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02610/COA-2591-79
2. 05-067-05072-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 15 #2-16
6. Ignacio-Blanco
7. La Plata CO
8. 6.2 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02611/COA-2590-79
2. 05-067-05092-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 13 #5-18
6. Ignacio-Blanco
7. La Plata CO
8. 12.5 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02612/COA-2589-79
2. 05-067-05074-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 3 #1-17
6. Ignacio-Blanco
7. La Plata CO
8. 10.1 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02613/COA-2588-79
2. 05-067-05014-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 4 #1-24
6. Ignacio-Blanco
7. La Plata CO
8. 15.7 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corporation
1. 80-02614/COA-2587-79
2. 05-067-05183-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 11 #1-1
6. Ignacio-Blanco
7. La Plata CO
8. 6.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company

1. 80-02615/COA-2586-79
2. 05-067-05096-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 12 #1-16
6. Ignacio-Blanco
7. La Plata CO
8. 12.7 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02616/COA-2585-79
2. 05-067-05141-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 13 #1-8
6. Ignacio-Blanco
7. La Plata CO
8. 8.2 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02617/COA-2584-79
2. 05-067-05270-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 6 #2-29
6. Ignacio-Blanco
7. La Plata CO
8. 20.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02618/COA-2583-79
2. 05-067-05124-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 13 #2-8
6. Ignacio-Blanco
7. La Plata CO
8. 10.2 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02619/COA-2582-79
2. 05-067-05582-0000-0
3. 108 000 000
4. Murchison Trusts
5. Southern UTE block 8 #3-22
6. Ignacio-Blanco
7. La Plata CO
8. 12.0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02621/COA-2597-79
2. 05-067-05053-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 3 #4-18
6. Ignacio-Blanco
7. La Plata CO
8. 8.5 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02622/COA-2596-79
2. 05-067-05574-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 9 #2-30
6. Ignacio-Blanco
7. La Plata CO
8. 5.0 million cubic feet
9. October 16, 1979
10. Western Slope Gas Company
1. 80-02623/COA-2595-79
2. 05-067-05246-0000-0
3. 108 000 000
4. Murchison Brothers
5. Southern UTE block 10 #3-31

6. Ignacio-Blanco
 7. La Plata CO
 8. 8.9 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02624/COA-2594-79
 2. 05-067-05067-0000-0
 3. 108 000 000
 4. Murchison Brothers
 5. Southern UTE block 12 #2-16
 6. Ignacio-Blanco
 7. La Plata CO
 8. 10.2 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02625/COA-2593-79
 2. 05-067-05093-0000-0
 3. 108 000 000
 4. Murchison Brothers
 5. Southern UTE block 13 #3-17
 6. Ignacio-Blanco
 7. La Plata CO
 8. 12.2 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02626/COA-2599-79
 2. 05-067-05575-0000-0
 3. 108 000 000
 4. Murchison Trusts
 5. Southern UTE block 9 #1-29
 6. Ignacio-Blanco
 7. La Plata CO
 8. 8.3 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corp
 1. 80-02627/COA-2598-79
 2. 05-067-05074-0000-0
 3. 108 000 000
 4. Murchison Brothers
 5. Southern UTE block 3 #2-17
 6. Ignacio-Blanco
 7. La Plata CO
 8. 6.5 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02628/COA-2601-79
 2. 05-067-05114-0000-0
 3. 108 000 000
 4. Murchison Trusts
 5. Southern UTE block 14 #1-11
 6. Ignacio-Blanco
 7. La Plata CO
 8. 4.6 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corp
 1. 80-02629/COA-2602-79
 2. 05-067-05084-0000-0
 3. 108 000 000
 4. Murchison Trusts
 5. Southern UTE block 18 #1-13
 6. Ignacio-Blanco
 7. La Plata CO
 8. 8.7 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02630/COA-2600-79
 2. 05-067-05578-0000-0
 3. 108 000 000
 4. Murchison Trusts
 5. Southern UTE block 8 #2-27
 6. Ignacio-Blanco
 7. La Plata CO
 8. 7.9 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corp

1. 80-02631/COA-2603-79
 2. 05-067-05006-0000-0
 3. 108 000 000
 4. Murchison Trusts
 5. Southern UTE block 17 #1-20
 6. Ignacio-Blanco
 7. La Plata CO
 8. 15.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02632/COA-2604-79
 2. 05-067-05029-0000-0
 3. 108 000 000
 4. Murchison Brothers
 5. Southern UTE block 3 #5-19-X
 6. Ignacio-Blanco
 7. La Plata CO
 8. 6.9 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02637/COA-2605-79
 2. 05-067-05757-0000-0
 3. 108 000 000
 4. Murchison Brothers
 5. Southern UTE block 5 #3-32
 6. Ignacio-Blanco
 7. La Plata CO
 8. 6.4 million cubic feet
 9. October 16, 1979
 10. Western Slope Gas Company
 1. 80-02550/NM-82-78
 2. 30-045-22957-0000-0
 3. 108 000 000 denied
 4. Dugan Production Corp
 5. Hard Deal #2B
 6. WAW Fruitland PC
 7. San Juan NM
 8. 9.0 million cubic feet
 9. October 22, 1979
 10. El Paso Natural Gas Company
 1. 80-02551/NM-2952-79B
 2. 30-025-25871-0000-0
 3. 103 000 000 denied
 4. Continental Oil Company
 5. Jack B-30 No 2
 6. Jalmat Yates Gas
 7. Lea NM
 8. 3.8 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02552/NM-3082-79
 2. 30-025-25162-0000-0
 3. 103 000 000 denied
 4. Tenneco Oil Company
 5. Leonard Federal #8
 6. Leonard Queen South
 7. Lea NM
 8. 15.3 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02553/NM-3091-79
 2. 30-025-11983-0000-0
 3. 103 000 000 denied
 4. Tenneco Oil Company
 5. Leonard Federal #5
 6. Leonard Queen South
 7. Lea NM
 8. 10.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02554/NM 2452-79 A
 2. 30-025-25871-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Jack B-30 #2

6. Langlie Mattix Seven Rivers Queen
 7. Lea NM
 8. 4.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas
 1. 80-02555/NM-3067-79-B
 2. 30-039-21727-0000-2
 3. 103 000 000
 4. Northwest Production Corporation
 5. Jicarilla 152W #4 (Pictured Cliffs)
 6. South Blanco
 7. Rio Arriba, NM
 8. 100.0 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corporation
 1. 80-02556/NM-3067-79-A
 2. 30-039-21727-0000-1
 3. 103 000 000
 4. Northwest Production Corporation
 5. Jicarilla 152W #4 (Mesaverde)
 6. Blanco
 7. Rio Arriba, NM
 8. 150.0 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corporation
 1. 80-02557/NM-3065-79
 2. 30-045-21569-0000-0
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. NYE 14 FT & CH
 6. Aztec-Fruitland & Bloomfield-Chacra
 7. San Juan, NM
 8. 16.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02558/NM-3064-79
 2. 30-045-21677-0000-0
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. Lloyd A 3 CH & PC
 6. Bloomfield-Chacra & Aztec-Pictured
 7. San Juan, NM
 8. 8.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02559/NM-3063-79
 2. 30-015-20780-0013-0
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. Patterson #1
 6. Rocky Arroyo-Atoka Gas
 7. Eddy, NM
 8. 1.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02560/NM-3051-79
 2. 30-039-21820-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. San Juan 28-5 Unit #98
 6. Basin
 7. Rio Arriba, NM
 8. 54.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02561/NM-3050-79
 2. 30-039-21804-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. San Juan 28-5 Unit #101
 6. Basin
 7. Rio Arriba, NM
 8. 91.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company

1. 80-02562/NM-3048-79
 2. 30-039-21809-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. Lindrith Unit COM #93
 6. South Blanco
 7. Rio Arriba, NM
 8. 30.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02563/NM-3047-79-2
 2. 30-039-20884-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. San Juan 27-4 Unit #99
 6. Blanco
 7. Rio Arriba, NM
 8. 55.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02564/NM-3092-79
 2. 30-025-11972-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #3
 6. Leonard Queen South
 7. Lea, NM
 8. 10.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02565/NM-3090-79
 2. 30-025-25860-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #21
 6. Leonard Queen South
 7. Lea, NM
 8. 7.3 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02566/NM-3089-79
 2. 30-025-25859-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #20
 6. Leonard Queen South
 7. Lea, NM
 8. 10.2 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02567/NM-3088-79
 2. 30-025-25837-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #12
 6. Leonard Queen South
 7. Lea, NM
 8. 10.9 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02568/NM-3087-79
 2. 30-025-25560-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers A #1
 6. Leonard Queen South
 7. Lea, NM
 8. 14.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02569/NM-3086-79
 2. 30-025-25578-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #6

6. Leonard Queen South
 7. Lea, NM
 8. 8.4 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02570/NM-3085-79
 2. 30-025-25833-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #11
 6. Leonard Queen South
 7. Lea, NM
 8. 20.8 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02571/NM-3084-79
 2. 30-025-25581-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #10
 6. Leonard Queen South
 7. Lea, NM
 8. 40.8 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02572/NM-3083-79
 2. 30-025-25579-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Federal #9
 6. Leonard Queen South
 7. Lea, NM
 8. 15.3 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02573/NM-3081-79
 2. 30-025-25861-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #22
 6. Leonard Queen South
 7. Lea, NM
 8. 5.1 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02574/NM-3080-79
 2. 30-025-25981-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #26
 6. Leonard Queen South
 7. Lea, NM
 8. 27.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02575/NM-3079-79
 2. 30-025-11981-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #3
 6. Leonard Queen South
 7. Lea, NM
 8. 49.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02576/NM-3078-79
 2. 30-025-25572-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #5
 6. Leonard Queen South
 7. Lea, NM
 8. 13.1 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company

1. 80-02577/NM-3077-79
 2. 30-025-25574-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #7
 6. Leonard Queen South
 7. Lea, NM
 8. 1.1 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02578/NM-3076-79
 2. 30-025-25982-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #27
 6. Leonard Queen South
 7. Lea, NM
 8. 22.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02579/NM-3075-79
 2. 30-025-25960-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #24
 6. Leonard Queen South
 7. Lea, NM
 8. 14.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02580/NM-3074-79
 2. 30-025-25576-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #11
 6. Leonard Queen South
 7. Lea, NM
 8. 57.6 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02581/NM-3073-79
 2. 30-025-25857-0000-0
 3. 103 000 000
 4. Tenneco Oil Company
 5. Leonard Brothers #16
 6. Leonard Queen South
 7. Lea, NM
 8. 7.3 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02582/NM-3070-79
 2. 30-039-21297-0000-0
 3. 103 000 000
 4. Northwest Production Corporation
 5. Jicarilla 123C #22
 6. South Blanco
 7. Rio Arriba, NM
 8. 61.0 million cubic feet
 9. October 16, 1979
 10. Northwest Pipeline Corporation
 1. 80-02587/NM-2144-79
 2. 30-039-07828-0000-0
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. SJ 30-4 Unit NP #9
 6. Blanco East-Pictured Cliffs Gas
 7. Rio Arriba, NM
 8. 20.0 million cubic feet
 9. October 16, 1979
 10. El Paso Natural Gas Company
 1. 80-02588/NM-2986-79
 2. 30-025-25511-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Pearl B #5

6. Maljamar (GSA)
7. Lea, NM
8. 4.0 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline
1. 80-02589/NM-2895-79
2. 30-039-21524-0000-0
3. 103 000 000
4. Continental Oil Company
5. Conoco 29-4 #6
6. East San Juan
7. Rio Arriba, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Company
1. 80-02590/NM-2983-79-3
2. 30-025-25606-0000-0
3. 103 000 000
4. Continental Oil Company
5. Pearl B #7
6. Maljamar (G-S-A)
7. Lea, NM
8. 2.0 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline Company
1. 80-02591/NM-2983-79-8
2. 30-025-25606-0000-0
3. 108 000 000
4. Continental Oil Company
5. Pearl B #7
6. Baish-Maljamar-Pearsall
7. Lea, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline Company
1. 80-02592/NM-2545-79
2. 30-039-20072-0000-0
3. 108 000 000
4. Minel Incorporated
5. PPC #2
6. Ojito Sec 6 T25N R3W N M P M
7. Rio Arriba, NM
8. 4.3 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Co.
1. 80-02593/NM-2982-79
2. 30-039-21545-0000-0
3. 103 000 000
4. Continental Oil Company
5. AXI Apache J No. 29
6. AXI Apache Area
7. Rio Arriba, NM
8. 37.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02594/NM-2740-79
2. 30-039-06547-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins No. 4
6. South Blanco (Picture Cliffs)
7. Rio Arriba, NM
8. 16.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02595/NM-2739-79
2. 30-039-06454-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins 2-X
6. South Blanco (Picture Cliffs)
7. Rio Arriba, NM
8. 5.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02596/NM-2737-79
2. 30-045-06895-0000-0
3. 108 000 000
4. Depco Inc
5. Hancock No. 11
6. West Kutz (Picture Cliffs)
7. San Juan, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02597/NM-2738-79
2. 30-039-06474-0000-0
3. 108 000 000
4. Depco Inc
5. Jenkins No. 3
6. South Blanco (Picture Cliffs)
7. Rio Arriba, NM
8. 10.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02598/NM-2736-79
2. 30-039-06674-0000-0
3. 108 000 000
4. Depco Inc
5. MKL No. 2
6. South Blanco (Picture Cliffs)
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02599/NM-2735-79
2. 30-045-06931-0000-0
3. 108 000 000
4. Depco Inc
5. Mudge A No. 9
6. West Kutz (Picture Cliffs)
7. San Juan, NM
8. 1.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02600/NM-2734-79
2. 30-039-06632-0000-0
3. 108 000 000
4. Depco Inc
5. MKL No. 10
6. South Blanco (Picture Cliffs)
7. Rio Arriba, NM
8. 18.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas Company
1. 80-02601/NM-3007-79
2. 30-041-20178-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache J #15
6. AXI Apache Area
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico C-4787
1. 80-02602/NM-3006-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #7
6. AXI Apache Area
7. Rio Arriba, NM
8. 2.3 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02603/NM-3005-79
2. 30-039-21541-0000-0
3. 103 000 000
4. Continental Oil Company
5. AXI Apache "J" #30
6. AXI Apache Area
7. Rio Arriba, NM
8. 19.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02604/NM-3003-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #15
6. AXI Apache Area
7. Rio Arriba, NM
8. 13.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02605/NM-3011-79
2. 30-039-05649-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No. 5
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02606/NM-3010-79
2. 30-039-05618-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No. 4
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02607/NM-3009-79
2. 30-039-05648-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No. 3
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02608/NM-3008-79
2. 30-039-60020-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No. 2
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02620/NM-3012-79
2. 30-039-05645-0000-0
3. 108 000 000
4. J Felix Hickman
5. Clark No. 6
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. .0 million cubic feet
9. October 16, 1979
10. Northwest Pipeline Corp
1. 80-02633/NM-2901-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache M #1
6. AXI Apache Area
7. Rio Arriba, NM
8. 2.9 million cubic feet
9. October 16, 1979
10. Gas Co of NM (C-4787)

1. 80-02634/NM-2899-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #8
6. AXI Apache Area
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. October 16, 1979
10. Gas Co of New Mexico (C-4787)
1. 80-02635/NM-2897-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache O #1
6. AXI Apache Area
7. Rio Arriba, NM
8. 14.2 million cubic feet
9. October 16, 1979
10. Gas Co of New Mexico (C-4787)
1. 80-02636/NM-2898-79
2. 30-039-20179-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache J #14
6. AXI Apache Area
7. Rio Arriba, NM
8. 18.4 million cubic feet
9. October 16, 1979
10. Gas Co of New Mexico (C-4787)
1. 80-02638/NM-2894-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sholes A #3
6. New Mexico Federal Unit
7. Lea, NM
8. 2.0 million cubic feet
9. October 16, 1979
10. El Paso Natural Gas (C-26)
1. 80-02639/NM-2903-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Meyer B-31A #3
6. New Mexico Federal Unit
7. Lea, NM
8. 3.0 million cubic feet
9. October 16, 1979
10. Phillips Petroleum Co (C-257)
1. 80-02640/NM-2987-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Elliott B-15 #1
6. New Mexico Federal Unit
7. Lea, NM
8. 16.0 million cubic feet
9. October 16, 1979
10. Getty Oil Co (C-112)
1. 80-02641/NM-2988-79
2. 30-039-21543-0000-0
3. 103 000 000
4. Continental Oil Company
5. AXI Apache J #32
6. AXI Apache Area
7. Rio Arriba, NM
8. 2.0 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico
1. 80-02642/NM-2990-79
2. 30-025-25562-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinbry-BTY 1 No. 46

6. Blinbry Oil and Gas
7. Lea, NM
8. 37.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Company
1. 80-02643/NM-2991-79
2. 30-039-20362-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache J #16
6. AXI Apache Area
7. Rio Arriba, NM
8. 16.3 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02644/NM-2992-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Sanderson B-14 #2
6. New Mexico Federal Unit
7. Lea, NM
8. 10.4 million cubic feet
9. October 16, 1979
10. Warren Petroleum (C-139)
1. 80-02645/NM-2993-79
2. 30-025-25854-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb #51
6. Warren Tubb (oil)
7. Lea, NM
8. 1.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum Corp
1. 80-02646/NM-2994-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. MCA Unit No 77
6. Baish-Maljammar-Pearsall
7. Lea, NM
8. .9 million cubic feet
9. October 16, 1979
10. Transwestern Pipeline Co (C-4497) Gas Co of New Mexico Mescalero Ridge Coop
1. 80-02647/NM-2927-79B
2. 30-025-25828-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 47
6. Warren Tubb (oil)
7. Lea, NM
8. 8.0 million cubic feet
9. October 16, 1979
10. Warren Petroleum
1. 80-02648/NM-2999-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache H #10
6. AXI Apache Area
7. Rio Arriba, NM
8. 5.5 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02649/NM-3002-79
2. 30-034-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache J No 12
6. AXI Apache Area
7. Rio Arriba, NM
8. 7.5 million cubic feet
9. October 16, 1979

10. Gas Company of New Mexico
1. 80-02650/NM-3000-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. AXI Apache K #3
6. AXI Apache Area
7. Rio Arriba, NM
8. 10.5 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02651/NM-3002-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. AXI Apache J #12
6. AXI Apache Area
7. Rio Arriba, NM
8. 5.5 million cubic feet
9. October 16, 1979
10. Gas Company of New Mexico

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.207, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the commission on or before December 6, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35920 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 103]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC

10. Purchaser(s)

1. 80-01523
2. 30-015-22886
3. 102
4. Cities Service Co
5. Villa A Com #1
6. UNDES N Loving-Morrow Gas
7. Eddy, NM
8. 550.0 million cubic feet
9. October 9, 1979
10. El Paso Natural Gas Co
1. 80-01524
2. 30-005-00000
3. 103
4. El Ran Inc
5. Roberts #4 NM Prod Unit #17163
6. Chaveroo (San Andres)
7. Chaves, NM
8. 16.0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01525
2. 30-015-22272
3. 103
4. Yates Petroleum Corporation
5. Yates As Fee No 5-Y
6. Penasco Draw (Yeso-Sa)
7. Eddy, NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01526
2. 30-015-22174
3. 103
4. Yates Petroleum Corporation
5. Penasco Iw No 1
6. Penasco Draw Sa-Yeso
7. Eddy, NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01527
2. 30-015-22306
3. 103
4. Yates Petroleum Corporation
5. Yates Iq No 1
6. UND YESO
7. Eddy, NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01528
2. 30-015-22322
3. 103
4. Yates Petroleum Corporation
5. White Iu No 1
6. UND YESO
7. Eddy, NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co
1. 80-01529
2. 30-015-22278
3. 103
4. Yates Petroleum Corporation
5. Wilkinson, Az No 4
6. Penasco Draw (YESO-SA)
7. Eddy, NM
8. .0 million cubic feet
9. October 9, 1979
10. Transwestern Pipeline Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)

2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01530
2. 47-087-00903
3. 108
4. Roy G Hildreth
5. Burley Carpenter #2 55-6031264
6. Triplett
7. Roane, WV
8. .3 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01531
2. 47-087-00939
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #4 55-6031288
6. Triplett
7. Roane, WV
8. 4.7 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01532
2. 47-087-00956
3. 108
4. Roy G Hildreth
5. Robert Short Well #1 55-6031281
6. Triplett
7. Roane, WV
8. .4 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01533
2. 47-087-00964
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #3 55-6030992
6. Triplett
7. Roane, WV
8. 1.5 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01534
2. 47-087-00990
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #5 55-06030994
6. Triplett
7. Roane, WV
8. 2.8 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01535
2. 47-087-01065
3. 108
4. Roy G Hildreth
5. J L Pursley Well #1 55-6031059
6. Triplett
7. Roane, WV
8. 1.5 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01536
2. 47-087-01066
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #7 55-6031287
6. Triplett

7. Roane, WV
8. 2.8 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01537
2. 47-087-01209
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #8 55-6031286
6. Triplett
7. Roane, WV
8. 2.8 million cubic feet
9. October 9, 1979
10. Consolidated Gas Supply Corp
1. 80-01538
2. 47-087-00943
3. 108
4. Sinstar Development Co (R C Starr)
5. King Well #1 55-6037486
6. Left Hand
7. Roane, WV
8. 4.3 million cubic feet
9. October 9, 1979
10. Columbia Gas Supply Corp
1. 80-01539
2. 47-087-00950
3. 108
4. Sinstar Development Co (R C Starr)
5. Helmick Well #1 55-6037492
6. Left Hand
7. Roane, WV
8. 4.2 million cubic feet
9. October 9, 1979
10. Columbia Gas Transmission Corp
1. 80-01540
2. 47-109-00117
3. 108
4. Consolidated Gas Supply Corp
5. Newriver & Poca Coal Co 9019
6. Pineville Field Area A-59442
7. Wyoming WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01541
2. 47-109-00373
3. 108
4. Consolidated Gas Supply Corp
5. Conrad B Litz 9714
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01542
2. 47-109-00367
3. 108
4. Consolidated Gas Supply Corp
5. Loup CRK Colliery Co 9681
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01543
2. 47-109-00364
3. 108
4. Consolidated Gas Supply Corp
5. Agnes Newman Wittenburg 9655
6. Pineville Field Area A-59442
7. Wyoming WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01544

2. 47-109-00328
3. 108
4. Consolidated Gas Supply Corp
5. Poca Land Corp 9364
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01545
2. 47-109-00303
3. 108
4. Consolidated Gas Supply Corp
5. Loup CRK Colliery Co 9288
6. Pineville Field Area A-59442
7. Wyoming WV
8. 1.5 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01546
2. 47-109-00275
3. 108
4. Consolidated Gas Supply Corp
5. A R Wittenberg 9245
6. Pineville Field Area A-59442
7. Wyoming WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01547
2. 47-109-00269
3. 108
4. Consolidated Gas Supply Corp
5. C C Hedrick 9239
6. Pineville Field Area A-59442
7. Wyoming WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01548
2. 47-109-00165
3. 108
4. Consolidated Gas Supply Corp
5. Agnes N Wittenberg 9092
6. Pineville Field Area A-59442
7. Wyoming WV
8. 1.5 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01549
2. 47-109-00163
3. 108
4. Consolidated Gas Supply Corp
5. Loup CRK Colliery Co 9058
6. Pineville Field Area A-59442
7. Wyoming WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01550
2. 47-109-00181
3. 108
4. Consolidated Gas Supply Corp
5. Julia W Jennings 9113
6. Pineville Field Area A-59442
7. Wyoming WV
8. 4 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01551
2. 47-081-00175
3. 108
4. Consolidated Gas Supply Corp
5. James R Trump 9426
6. Pineville Field Area A-59442

7. Raleigh WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01552
2. 47-081-00174-D
3. 108
4. Consolidated Gas Supply Corp
5. Mary E Gray 9424
6. Pineville Field Area A-59442
7. Raleigh WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01553
2. 47-081-00172-D
3. 108
4. Consolidated Gas Supply Corp
5. Guy Bolt 9405
6. Pineville Field Area A-59442
7. Raleigh WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01554
2. 47-081-00164-D
3. 108
4. Consolidated Gas Supply Corp
5. Francis W File 9395
6. Pineville Field Area A-59442
7. Raleigh WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01555
2. 47-081-00160
3. 108
4. Consolidated Gas Supply Corp
5. Douglas Bowers 9376
6. Pineville Field Area A-59442
7. Raleigh WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01556
2. 47-081-00158
3. 108
4. Consolidated Gas Supply Corp
5. Thurman Daniel 9373
6. Pineville Field Area A-59442
7. Raleigh WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01557
2. 47-081-00155
3. 108
4. Consolidated Gas Supply Corp
5. O J Harvey 9369
6. Pineville Field Area A-59442
7. Raleigh WV
8. 1.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01558
2. 47-081-00154
3. 108
4. Consolidated Gas Supply Corp
5. Lucinda E Walker 9361
6. Pineville Field Area A-59442
7. Raleigh WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01559

2. 47-081-00103
3. 108
4. Consolidated Gas Supply Corp
5. H G Farmer 9164
6. Pineville Field Area A-59442
7. Raleigh WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01560
2. 47-081-00105
3. 108
4. Consolidated Gas Supply Corp
5. Thomas Farmer 9165
6. Pineville Field Area A-59442
7. Raleigh WV
8. 12.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01561
2. 47-047-00223
3. 108
4. Consolidated Gas Supply Corp
5. Peoples First Nat Bank 10327
6. Pineville Field Area A-59442
7. McDowell WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01562
2. 47-047-00394
3. 108 denied
4. Consolidated Gas Supply Corp
5. Olga Coal Co 10955
6. Pineville Field Area A-59442
7. McDowell WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01563
2. 47-047-00300
3. 108 denied
4. Consolidated Gas Supply Corp
5. Olga Coal Co 10738
6. Pineville Field Area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01564
2. 47-047-00567
3. 108 denied
4. Consolidated Gas Supply Corp
5. Poca Land Corp 11507
6. Pineville Field Area A-59442
7. McDowell WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01565
2. 47-047-00513
3. 108 denied
4. Consolidated Gas Supply Corp
5. Olga Coal Co 11396
6. Pineville Field Area A-59442
7. McDowell WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01566
2. 47-047-00143
3. 108 denied
4. Consolidated Gas Supply Corp
5. Crozer Land Assn 9800
6. Pineville Field Area A-59442

7. McDowell WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01567
2. 47-045-00652
3. 108
4. Consolidated Gas Supply Corp
5. W W McDonald Land Co 10048
6. Pineville Field Area A-59442
7. Logan WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01568
2. 47-045-00561
3. 108
4. Consolidated Gas Supply Corp
5. S E McDonald 10005
6. Pineville Field Area A-59442
7. Logan WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01569
2. 47-045-00556
3. 108
4. Consolidated Gas Supply Corp
5. Pattie H Feamster 9997
6. Pineville Field Area A-59442
7. Logan WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01570
2. 47-021-01755
3. 108
4. Consolidated Gas Supply Corp
5. Helmick-Moore 10773
6. West Virginia other A-85772
7. Gilmer WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01571
2. 47-021-01940
3. 108
4. Consolidated Gas Supply Corp
5. Okey Stalnaker 10983
6. West Virginia other A-85772
7. Gilmer WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01572
2. 47-041-01374
3. 108
4. Consolidated Gas Supply Corp
5. Guy Bush 10687
6. West Virginia other A-85772
7. Lewis WV
8. 2.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01573
2. 47-041-01377
3. 108
4. Consolidated Gas Supply Corp
5. J C Allman 10678
6. West Virginia other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01574

2. 47-041-01391
3. 108
4. Consolidated Gas Supply Corp
5. Leland L Gould 10683
6. West Virginia other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01575
2. 47-001-00189
3. 108
4. Consolidated Gas Supply Corp
5. W Corder Teter 10688
6. West Virginia other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01576
2. 47-001-00262
3. 108
4. Consolidated Gas Supply Corp
5. George S White 10766
6. West Virginia other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. October 5, 1979
10. General system purchasers
1. 80-01577
2. 47-001-00233
3. 108
4. Consolidated Gas Supply Corp
5. Samuel Miner 10742
6. West Virginia other A-85772
7. Barbour WV
8. 12.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01578
2. 47-001-00214
3. 108
4. Consolidated Gas Supply Corp
5. I H McDaniel 10714
6. West Virginia other A-85772
7. Barbour WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01579
2. 47-033-00092
3. 108
4. Consolidated Gas Supply Corp
5. James A Griffin 2301
6. West Virginia other A-85772
7. Harrison WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01580
2. 47-001-00327
3. 108
4. Consolidated Gas Supply Corp
5. G Baucham 10869
6. West Virginia other A-85772
7. Barbour WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01581
2. 47-001-00340
3. 108
4. Consolidated Gas Supply Corp
5. H A McCoy 10881
6. West Virginia other A-85772

7. Barbour WV
8. 8.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01582
2. 47-001-00355
3. 108
4. Consolidated Gas Supply Corp
5. Edna McCauley 10917
6. West Virginia other A-85772
7. Barbour WV
8. 12.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01583
2. 47-033-00554
3. 108
4. Consolidated Gas Supply Corporation
5. A S Stout 11318
6. West Virginia other A-85772
7. Harrison WV
8. 13.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01584
2. 47-109-00185
3. 108
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 9121
6. Pineville Field Area A-59442
7. Wyoming WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01585
2. 47-109-00184-R
3. 108
4. Consolidated Gas Supply Corporation
5. Agnes N Wittenberg 9118
6. Pineville Field Area A-59442
7. Wyoming WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01586
2. 47-109-00702
3. 108
4. Consolidated Gas Supply Corporation
5. Leola S Damron 11323
6. Pineville Field Area A-59442
7. Wyoming WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01587
2. 47-109-00612
3. 108
4. Consolidated Gas Supply Corporation
5. Loup Cr Colliery Co 10339
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01588
2. 47-109-00609
3. 108
4. Consolidated Gas Supply Corporation
5. Leola S Damron 10335
6. Pineville Field Area A-59442
7. Wyoming WV
8. 6.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01589

2. 47-109-00596
3. 108
4. Consolidated Gas Supply Corporation
5. Leola S Damron 10302
6. Pineville Field Area A-59442
7. Wyoming WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01590
2. 47-109-00532
3. 108
4. Consolidated Gas Supply Corporation
5. Loup Crk Colliery Co 10219
6. Pineville Field Area A-59442
7. Wyoming WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01591
2. 47-109-00490
3. 108
4. Consolidated Gas Supply Corporation
5. Leola S Damron 10052
6. Pineville Field Area A-59442
7. Wyoming WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01592
2. 47-045-00312
3. 108
4. Consolidated Gas Supply Corporation
5. B McDonald Holding Co 9758
6. Pineville Field Area A-59442
7. Logan WV
8. 2.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01593
2. 47-045-00301
3. 108
4. Consolidated Gas Supply Corporation
5. Mary C Porter 9724
6. Pineville Field Area A-59442
7. Logan WV
8. 2.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01594
2. 47-045-00280
3. 108
4. Consolidated Gas Supply Corporation
5. Naaman Jacobs 9701
6. Pineville Field Area A-59442
7. Logan WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01595
2. 47-045-00247
3. 108
4. Consolidated Gas Supply Corporation
5. Naaman Jackson 9491
6. Pineville Field Area A-59442
7. Logan WV
8. 1.5 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01596
2. 47-045-00239
3. 108
4. Consolidated Gas Supply Corporation
5. B McDonald Holding Co 9448
6. Pineville Field Area A-59442
7. Logan WV
8. 7.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01598
2. 47-045-00235-R
3. 108
4. Consolidated Gas Supply Corporation
5. B McDonald Holding Co 9421
6. Pineville Field Area A-59442
7. Logan WV
8. 5.0 million cubic feet
9. October 9, 1979
10. General system purchasers
1. 80-01600
2. 47-045-00202
3. 108
4. Consolidated Gas Supply Corporation
5. Mercedes Lusk 9233
6. Pineville Field Area A-59442
7. Logan WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01601
2. 47-013-00586
3. 108
4. Consolidated Gas Supply Corporation
5. Cora Stump 8539
6. West Virginia Other A-85772
7. Calhoun WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01602
2. 47-001-00353
3. 108
4. Consolidated Gas Supply Corporation
5. W Casto 10913
6. West Virginia Other A-85772
7. Barbour WV
8. 15.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01603
2. 47-041-01378
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Edward O Taylor 10681
6. West Virginia Other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01604
2. 47-001-00232
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Lonnie E Wolfe 10741
6. West Virginia Other A-85772
7. Barbour WV
8. 19.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01605
2. 47-041-00456
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Mintie Jones 10256
6. West Virginia Other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01606
2. 47-041-01858
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Ira P Simmons 11444
6. West Virginia Other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01607
2. 47-097-007722
3. 108 Denied
4. Consolidated Gas Supply Corporation
5. Herbert N Swecker 10495
6. West Virginia Other A-85772
7. Upshur WV
8. 4.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01608
2. 47-021-00969
3. 108
4. Consolidated Gas Supply Corporation
5. Louis Bennett 9839
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01609
2. 47-021-01072
3. 108
4. Consolidated Gas Supply Corporation
5. Hunter M Bennett 10028
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01610
2. 47-021-01086
3. 108
4. Consolidated Gas Supply Corporation
5. Burr Furr 10104
6. West Virginia Other A-85772
7. Gilmer WV
8. 3.0 million cubic feet
9. October 9, 1979
10. General System Purchasers
1. 80-01611
2. 47-013-02007
3. 108
4. Mrs O D Smith
5. Ralph Lane Well #2 55-6032170
6. Nicut

7. Calhoun WV
8. 8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01612
2. 47-087-01679
3. 108
4. William Dye Riddle
5. Garretson-Riddle #2 55-6040432
6. Richardson
7. Roane WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Columbia Gas & Transmission Corp
1. 80-01613
2. 47-021-01310
3. 108
4. William Sheppard
5. Allman Well #1 55-6617823
6. Letter Gap
7. Gilmer WV
8. 3.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01614
2. 47-087-00979
3. 108
4. William Shepard
5. Hess Well #1 34-6629588
6. Linden
7. Roane WV
8. 2.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01615
2. 47-015-00742
3. 108
4. Roy G Hildreth
5. Mary D Hanshaw #3
6. Walback
7. Clay WV
8. .0 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01616
2. 47-087-00883
3. 108
4. Roy G Hildreth
5. Burley Carpenter #1 55-6031264
6. Triplett
7. Roane WV
8. .3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corporation
1. 80-01617
2. 47-013-01467
3. 108
4. W H Hildreth
5. W H Brannon Well #1 55-6033494
6. Orma
7. Calhoun WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01618
2. 47-013-01508
3. 108
4. W H Hildreth
5. Parsons Heirs #1 55-6033494
6. Orma
7. Calhoun WV
8. 2.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01619
2. 47-015-00762
3. 108
4. William Shepard
5. Mary D Hanshaw #4 55-6030402
6. Wallback
7. Clay WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01620
2. 47-013-02479
3. 108
4. William Dye Riddle
5. Russell K Slider #2
6. Pine Creek
7. Calhoun WV
8. 1.8 million cubic feet
9. October 10, 1979
10. Cabot Corporation
1. 80-01621
2. 47-087-01670
3. 108
4. William Dye Riddle
5. Garretson-Riddle #1
6. Richardson
7. Roane WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01622
2. 47-097-01370
3. 108
4. Allegheny Land & Mineral Co
5. A-400
6. Washington District
7. Upshur WV
8. 14.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01623
2. 47-097-01371
3. 108
4. Allegheny Land & Mineral Co
5. A-431
6. Union District
7. Upshur WV
8. 6.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01624
2. 47-097-01373
3. 108
4. Allegheny Land & Mineral Co
5. A-427
6. Union District
7. Upshur WV
8. .9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01625
2. 47-097-01376
3. 108
4. Allegheny Land & Mineral Co
5. A-430
6. Washington District
7. Upshur WV
8. 4.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01626
2. 47-097-01378
3. 108
4. Allegheny Land & Mineral Co
5. A-432
6. Union District
7. Upshur WV
8. 5.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01627
2. 47-097-01396
3. 108
4. Allegheny Land & Mineral Co
5. A-375
6. Union District
7. Upshur WV
8. 8.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01628
2. 47-097-01400
3. 108
4. Allegheny Land & Mineral Co
5. A-442
6. Washington District
7. Upshur WV
8. 7.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01629
2. 47-097-01420
3. 108
4. Allegheny Land & Mineral Co
5. A-445
6. Washington District
7. Upshur WV
8. 5.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01630
2. 47-097-01421
3. 108
4. Allegheny Land & Mineral Co
5. A-452
6. Washington District
7. Upshur WV
8. 10.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01631
2. 47-033-00910
3. 108
4. Allegheny Land & Mineral Co
5. A-530
6. Union District
7. Harrison WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01632
2. 47-041-01626
3. 108
4. Allegheny Land & Mineral Co
5. A-362
6. Hackers Creek District
7. Lewis WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01633
2. 47-033-00914
3. 108
4. Allegheny Land & Mineral Co
5. A-531
6. Union District
7. Harrison WV
8. 12.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01634

2. 47-033-00918
3. 108
4. Allegheny Land & Mineral Co
5. A-540
6. Grant District
7. Harrison WV
8. 12.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01635
2. 47-033-00927
3. 108
4. Allegheny Land & Mineral Co
5. A-555
6. Union District
7. Harrison WV
8. 15.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01636
2. 47-041-01854
3. 108
4. Allegheny Land & Mineral Co
5. A-453
6. Freemans Creek Dist
7. Lewis WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01637
2. 47-041-01820
3. 108
4. Allegheny Land & Mineral Co
5. A-438
6. Freemans Creek Dist
7. Lewis WV
8. 9.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01638
2. 47-041-01711
3. 108
4. Allegheny Land & Mineral Co
5. A-390
6. Hackers Creek District
7. Lewis WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01639
2. 47-041-01710
3. 108
4. Allegheny Land & Mineral Co
5. A-389
6. Hackers Creek District
7. Lewis WV
8. .2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01640
2. 47-041-01692
3. 108
4. Allegheny Land & Mineral Co
5. A-382
- 6.
7. Lewis WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01641
2. 47-041-01691
3. 108
4. Allegheny Land & Mineral Co
5. A-381
6. Freemans Creek District
7. Lewis WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01642
2. 47-041-01690
3. 108
4. Allegheny Land & Mineral Co
5. A-380
6. Freemans Creek District
7. Lewis WV
8. 20.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01643
2. 47-015-00722
3. 108 Denied
4. W Howard Taylor Agent
5. Eakle #3 47-015-0722
6. Maysel
7. Clay WV
8. 23.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01644
2. 47-041-02033
3. 108
4. Allegheny Land & Mineral Co
5. A-566
6. Collins Settlement
7. Lewis WV
8. 2.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01645
2. 47-041-01999
3. 108
4. Allegheny Land & Mineral Co
5. A-541
6. Freemans Creek District
7. Lewis WV
8. 4.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01646
2. 47-041-01982
3. 108
4. Allegheny Land & Mineral Co
5. A-526
6. Hackers Creek District
7. Lewis WV
8. 7.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01647
2. 47-041-01981
3. 108
4. Allegheny Land & Mineral Co
5. A-524
6. Hackers Creek District
7. Lewis WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01648
2. 47-041-01980
3. 108
4. Allegheny Land & Mineral Co
5. A-525
6. Hackers Creek District
7. Lewis WV
8. 10.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01649
2. 47-041-01979
3. 108
4. Allegheny Land & Mineral Co
5. A-527
6. Hackers Creek District
7. Lewis WV
8. 11.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01650
2. 47-041-01978
3. 108
4. Allegheny Land & Mineral Co
5. A-523
6. Court House District
7. Lewis WV
8. 5.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01651
2. 47-041-01889
3. 108
4. Allegheny Land & Mineral Co
5. A-457
6. Freemans Creek District
7. Lewis WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01652
2. 47-041-01886
3. 108
4. Allegheny Land & Mineral Co
5. A-456
6. Freemans Creek Dist
7. Lewis WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01653
2. 47-015-00573
3. 108
4. W Howard Taylor Agent
5. Gorrell 47-015-0573
6. Maysel
7. Clay WV
8. 2.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01654
2. 47-015-00567
3. 108
4. W Howard Taylor
5. Reed #2 47-015-0567
6. Maysel
7. Clay WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01655
2. 47-015-00561
3. 108
4. W Howard Taylor
5. Reed #3 47-015-0561
6. Maysel
7. Clay WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01656
2. 47-015-00558
3. 108
4. W Howard Taylor Agent
5. Reed #1 47-015-0558
6. Maysel

7. Clay WV
8. 1.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01657
2. 47-015-00718
3. 108 Denied
4. W Howard Taylor Agent
5. King #2 47-015-0718
6. Maysel
7. Clay WV
8. 50.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01658
2. 47-017-01612
3. 108
4. Allegheny Land & Mineral Co
5. A-424
6. Southwest
7. Doddridge WV
8. 6.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01659
2. 47-017-01610
3. 108
4. Allegheny Land & Mineral Co
5. A-422
6. McClellan District
7. Doddridge WV
8. 5.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01660
2. 47-017-01609
3. 108
4. Allegheny Land & Mineral Co
5. A-420
6. Grant District
7. Doddridge WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01661
2. 47-013-02547
3. 108
4. Allegheny Land & Mineral Co
5. A-549
6. Washington District
7. Calhoun WV
8. 7.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01662
2. 47-013-02555
3. 108
4. Allegheny Land & Mineral Co
5. A-570
6. Washington District
7. Calhoun WV
8. 8.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01663
2. 47-013-02496
3. 108
4. Allegheny Land & Mineral Co
5. A-461
6. Washington District
7. Calhoun WV
8. 10.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01664

2. 47-015-00599
3. 108
4. W Howard Taylor Agent
5. Eakle #1 47-015-0599
6. Maysel
7. Clay WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Transmission Corp
1. 80-01665
2. 47-087-00949
3. 108
4. Va Roy Hildreth
5. Lydia Newlon Well #2 55-6031283
6. Little Creek
7. Roane WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01666
2. 47-087-01012
3. 108
4. Va Roy Hildreth
5. Deweese Well #1 55-6031017
6. Little Creek
7. Roane WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corporation
1. 80-01667
2. 47-087-01045
3. 108
4. Va Roy Hildreth
5. F Tyson Well # 55-6031274
6. Little Creek
7. Roane WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corporation
1. 80-01668
2. 47-013-01453
3. 108
4. W H Hildreth
5. Cogar Oil & Gas 55-6031780
6. Arnoldsburg
7. Calhoun WV
8. 1.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01669
2. 47-087-00924
3. 108
4. Roy G Hildreth
5. Carl J Nutter Well #1 55-6031299
6. Triplett
7. Roane WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01670
2. 47-087-00951
3. 108
4. Sinstar Development Co (R C Starr)
5. King Well #2 55-6037484
6. Left Hand
7. Roane WV
8. 3.9 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01671
2. 47-087-01014
3. 108
4. Sinstar Development Co (R C Starr)
5. Trout Well #1 55-6037465
6. Left Hand

7. Roane WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01672
2. 47-087-01085
3. 108
4. Sinstar Development Co R C Starr
5. McCully Well #1 55-6037468
6. Newton
7. Roane WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01673
2. 47-013-00866
3. 108
4. Va Roy Hildreth
5. Adams & Deel
6. Mt Zion
7. Calhoun WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01674
2. 47-087-00926
3. 108
4. Va Roy Hildreth
5. Lydia Newlon Well #1 55-6031283
6. Little Creek
7. Roane WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01675
2. 47-015-00763
3. 108
4. William Shepard
5. Mary D Hanshaw #5 34-6617881
6. Wallback
7. Clay WV
8. 3 million cubic feet
9. October 10, 1979
10. Pennzoil Co
1. 80-01676
2. 47-015-00776
3. 108
4. D C Sutton
5. W M Smith Well #1 55-6031011
6.
7. Clay WV
8. 0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Co
1. 80-01677
2. 47-087-00029
3. 108
4. M & R Producing Co
5. G R Riddle #2 55-6031021
6. Little Creek
7. Roane WV
8. 3.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01678
2. 47-087-01011
3. 108
4. M & R Producing Co
5. G R Riddle #1 55-6040561
6. Little Creek
7. Roane WV
8. 3.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01679

2. 47-087-01058
3. 108
4. M & R Producing Co
5. R L McCully #1
6. Little Creek
7. Roane WV
8. 4.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01690
2. 47-021-00754
3. 108
4. Bruce Foster
5. Goff Summers #2
6. Duck Run
7. Gilmer WV
8. 9.3 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01681
2. 47-013-01997
3. 108
4. Mrs O D Smith
5. Ralph Lane Well #1 55-6030998
6. Nicut
7. Calhoun WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01682
2. 47-021-02047
3. 108
4. Gene Stalnaker
5. Drexell Frame Well #1 55-6045319
6. Letter Gap
7. Gilmer WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01693
2. 47-041-20782
3. 108
4. Dennis D Blauser
5. Worth Linger #1
6. Skin Creek
7. Lewis WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01694
2. 47-041-20784
3. 108
4. Dennis D Blauser
5. J B Stalnaker #1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01695
2. 47-041-20813
3. 108
4. Dennis D Blauser
5. J A Linger #1
6. Skin Creek
7. Lewis WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01696
2. 47-041-20835
3. 108
4. Dennis D Blauser
5. Howard McWhorter #1
6. Skin Creek
7. Lewis WV
8. .5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01697
2. 47-041-20839
3. 108
4. Dennis D Blauser
5. Dalton Snow #1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01698
2. 47-041-20901
3. 108
4. Dennis D Blauser
5. E B Linger #2
6. Skin Creek
7. Lewis WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01699
2. 47-041-20896
3. 108
4. Dennis D Blauser
5. Laura F Stalnaker #1
6. Skin Creek
7. Lewis WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01700
2. 47-041-20894
3. 108
4. Dennis D Blauser
5. Della Snow #1
6. Skin Creek
7. Lewis WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01701
2. 47-041-20869
3. 108
4. Dennis D Blauser
5. Agnes L Stalnaker #2
6. Skin Creek
7. Lewis WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01702
2. 47-041-20840
3. 108
4. Dennis D Blauser
5. Ruth Casto #1
6. Skin Creek
7. Lewis WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01703
2. 47-039-21090
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 8-S-62
6. Malden
7. Kanawha WV
8. 5.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01704
2. 47-097-20673
3. 108
4. Dennis D Blauser
5. Madge Smith #1
6. Buckhannon
7. Upshur WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01705
2. 47-041-20926
3. 108
4. Dennis D Blauser
5. W G Taylor #1
6. Skin Creek
7. Lewis WV
8. 6.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01706
2. 47-041-20925
3. 108
4. Dennis D Blauser
5. Glenn Rohr #1
6. Hackers Creek
7. Lewis WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01707
2. 47-041-20902
3. 108
4. Dennis D Blauser
5. Ruth Elmer #2
6. Skin Creek
7. Lewis WV
8. .5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01708
2. 47-013-00054
3. 108
4. Pennzoil Company
5. McIntyre-Rafferty #3
6. Sherman
7. Calhoun WV
8. .7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01709
2. 47-085-20377
3. 108
4. Dennis D Blauser
5. Harry Shatter #2
6. Clay
7. Ritchie WV
8. 2.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01710
2. 47-085-23655
3. 108
4. Dennis D Blauser
5. Virginia Bailey #1
6. Union
7. Ritchie WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01711
2. 47-085-23651
3. 108
4. Dennis D Blauser
5. E S Taylor #2
6. Clay

7. Ritchie WV
8. 8.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01712
2. 47-085-23652
3. 108
4. Dennis D Blauser
5. R R Taylor #3
6. Clay
7. Ritchie WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01713
2. 47-085-23547
3. 108
4. Dennis D Blauser
5. A H McGill #1
6. Union
7. Ritchie WV
8. 2.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01714
2. 47-085-23548
3. 108
4. Dennis D Blauser
5. E M Smith #1
6. Union
7. Ritchie WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01715
2. 47-085-23549
3. 108
4. Dennis D Blauser
5. R J Taylor #1
6. Clay
7. Ritchie WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01716
2. 47-085-23566
3. 108
4. Dennis D Blauser
5. E R Taylor #2
6. Clay
7. Ritchie WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01717
2. 47-021-22514
3. 108
4. Dennis D Blauser
5. R E Davis #1
6. Dekalb
7. Gilmer WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01718
2. 47-021-22516
3. 108
4. Dennis D Blauser
5. Haney Hickman #1
6. Dekalb
7. Gilmer WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01719
2. 47-021-22517
3. 108
4. Dennis D Blauser
5. Davidson Hardman #2
6. Dekalb
7. Gilmer WV
8. 2.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01720
2. 47-021-22548
3. 108
4. Dennis D Blauser
5. Dottie Gainer #1
6. Dekalb
7. Gilmer WV
8. 2.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01721
2. 47-021-22549
3. 108
4. Dennis D Blauser
5. M E Gainer #2
6. Dekalb
7. Gilmer WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01722
2. 47-021-22734
3. 108
4. Dennis D Blauser
5. O C Davis #2
6. Dekalb
7. Gilmer WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01723
2. 47-067-20365
3. 108
4. Dennis D Blauser
5. Erc & L #5
6. Summersville
7. Nicholas WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01724
2. 47-039-22488
3. 108
4. Spartan Gas Company
5. Kanawha & Hocking Coal & Coke 2-S-15
6. Cabin Creek
7. Kanawha WV
8. 9.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01725
2. 47-039-02522
3. 108
4. Spartan Gas Company
5. Kanawha & Hocking Coal & Coke 5-S-1
6. Cabin Creek
7. Kanawha WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01726
2. 47-043-20479
3. 108
4. Spartan Gas Company
5. Huntington Development & Gas Co 1-S
6. Jefferson
7. Lincoln WV
8. .5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01727
2. 47-043-20540
3. 108
4. Spartan Gas Company
5. Huntington Development and Gas Co
6. Jefferson
7. Lincoln WV
8. 7.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01728
2. 47-043-20577
3. 108
4. Spartan Gas Company
5. Huntington Development and Gas Co 3
6. Jefferson
7. Lincoln WV
8. 1.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01729
2. 47-043-21425
3. 108
4. Spartan Gas Company
5. H Sansom 1-S-129
6. Ranger
7. Lincoln, WV
8. 8.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01730
2. 47-039-21157
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 14-S-73
6. Malden
7. Kanawha, WV
8. 7.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01731
2. 47-039-21158
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 15-S-74
6. Malden
7. Kanawha, WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01732
2. 47-039-01731
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 16-S-109
6. Malden
7. Kanawha, WV
8. 6.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01733
2. 47-039-21887
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 18-S-11
6. Malden
7. Kanawha, WV
8. 11.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01734

2. 47-039-01906
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 19-S-114
6. Malden
7. Kanawha, WV
8. 6.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01735
2. 47-039-01928
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 20-S-11
6. Malden
7. Kanawha, WV
8. 7.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01736
2. 47-039-01938
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 21-S-116
6. Malden
7. Kanawha, WV
8. 6.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01737
2. 47-035-00421
3. 108
4. Spartan Gas Company
5. B F Rader 2-S-46
6. Ripley
7. Jackson, WV
8. 9.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01738
2. 47-039-20251
3. 108
4. Spartan Gas Company
5. Griffith-Dixon 1-S-1
6. Kenna
7. Kanawha, WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01739
2. 47-039-01039
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 1-S-51
6. Malden
7. Kanawha, WV
8. 8.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01740
2. 47-039-01040
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land Co No 2-S-5
6. Malden
7. Kanawha, WV
8. 7.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01741
2. 47-039-01064
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 3-S-56
6. Malden

7. Kanawha, WV
8. 8.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01742
2. 47-035-20405
3. 108
4. Spartan Gas Company
5. W E Walker 4-S-42
6. Ripley
7. Jackson, WV
8. 11.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01743
2. 47-087-00104
3. 108
4. Pennzoil Company
5. Cynthia Douglas #2
6. Smithfield
7. Roane, WV
8. .0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01744
2. 47-043-01848
3. 103
4. Pennzoil Company
5. E S Alford #1
6. Duval
7. Lincoln, WV
8. .0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01745
2. 47-043-01777
3. 103
4. Pennzoil Company
5. Byrd-Dunlap-Hamlin Unit #1
6. Duval
7. Lincoln, WV
8. .0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01746
2. 47-043-01771
3. 103 Denied
4. Pennzoil Company
5. Carl W Neal #1
6. Duval
7. Lincoln, WV
8. .0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01747
2. 47-087-03024-F
3. 108
4. Pennzoil Company
5. B E Rogers #3
6. Spencer
7. Roane, WV
8. .0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01748
2. 47-079-00828
3. 108
4. Spartan Gas Company
5. The Putnam Company 3-S-180
6. Midway-Extra
7. Putnam, WV
8. 16.5 million cubic feet
9. October 10, 1979
10. Cabot Corp
1. 80-01749

2. 47-0350-00346
3. 108
4. Spartan Gas Company
5. W E Walker 1-S-32
6. Ripley
7. Jackson, WV
8. 11.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01750
2. 47-035-00379
3. 108
4. Spartan Gas Company
5. W E Walker 2-S-37
6. Ripley
7. Jackson, WV
8. 11.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01751
2. 47-039-01065
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 4-S-57
6. Malden
7. Kanawha, WV
8. 6.9 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01752
2. 47-039-21060
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 5-S-59
6. Malden
7. Kanawha, WV
8. 1.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01753
2. 47-039-21081
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 6-S-60
6. Malden
7. Kanawha, WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01754
2. 47-039-21089
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 7-S-61
6. Malden
7. Kanawha, WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01755
2. 47-039-21105
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 9-S-65
6. Malden
7. Kanawha, WV
8. 11.9 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01756
2. 47-039-21112
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 10-S-67
6. Malden

7. Kanawha, WV
8. 4.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01757
2. 47-039-21136
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 12-S-70
6. Malden
7. Kanawha, WV
8. 7.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01758
2. 47-039-21139
3. 108
4. Spartan Gas Company
5. Blue Creek Coal and Land No 11-S-89
6. Malden
7. Kanawha, WV
8. 4.4 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01759
2. 47-109-00787
3. 103
4. Ravenscliffs Development Co.
5. Y & O Coal Co.—78
6. Ravenscliff
7. Wyoming, WV
8. 68.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01760
2. 47-017-21811
3. 108
4. Dennis D Blauser
5. J L Carr #1
6. Grant
7. Doddridge, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01761
2. 47-017-21812
3. 108
4. Dennis D Blauser
5. D L Dotson #1
6. West Union
7. Doddridge, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01762
2. 47-017-21813
3. 108
4. Dennis D Blauser
5. H T Davis #2
6. West Union
7. Doddridge, WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01763
2. 47-017-21816
3. 108
4. Dennis D Blauser
5. J B Smith #1
6. West Union
7. Doddridge, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01764
2. 47-021-22364
3. 108
4. Dennis D Blauser
5. Q K Kelley #2
6. Dekalb
7. Gilmer, WV
8. 8.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01765
2. 47-017-21774
3. 108
4. Dennis D Blauser
5. W Brent Maxwell #2
6. Southwest
7. Doddridge, WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01766
2. 47-017-21774
3. 108
4. Dennis D Blauser
5. W Brent Maxwell #3
6. Southwest
7. Doddridge, WV
8. 4.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01767
2. 47-017-21780
3. 108
4. Dennis D Blauser
5. Fannic Coulehan #1
6. Westunion
7. Doddridge, WV
8. 9.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01768
2. 47-17-21783
3. 108
4. Dennis D Blauser
5. J D McReynolds #1
6. Grant
7. Doddridge, WV
8. 2.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01769
2. 47-007-20930
3. 108
4. Dennis D Blauser
5. Archie Bull #1
6. Saltlick
7. Braxton, WV
8. 8.0 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01770
2. 47-015-21057
3. 108
4. Dennis D Blauser
5. E R C & L—#1
6. Henry
7. Clay, WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01771
2. 47-015-21058
3. 108
4. Dennis D Blauser
5. ERC & L #2
6. Henry
7. Clay, WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01772
2. 47-015-21089
3. 108
4. Dennis D Blauser
5. ERC & L#3
6. Henry
7. Clay, WV
8. 1.5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01773
2. 47-017-21770
3. 108
4. Dennis D Blauser
5. W Brent Maxwell #1
6. Southwest
7. Doddridge, WV
8. 4.5 million cubic feet
9. October 10, 1979
10. Equitable Gas Company
1. 80-01774
2. 47-005-01092
3. 108
4. Pennzoil Company
5. Yawkey-Freeman #114
6. Boone, WV
8. 15.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-01775
2. 47-047-00249
3. 108
4. Consolidated Gas Supply Corporation
5. Peoples First Nat Bank 10476
6. Pineville Field Area A-59442
7. McDowell, WV
8. 11.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-01776
2. 47-047-00254
3. 108
4. Consolidated Gas Supply Corporation
5. Olga Coal Co 10475
6. Pineville Field Area A-59442
7. McDowell, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. General System Purchasers
1. 80-01777
2. 47-047-00653
3. 108
4. Energy Development Corporation
5. EDC No 1-MCD-653
6. Big Sandy
7. McDowell, WV
8. 10.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-01778
2. 47-047-00692
3. 108
4. Energy Development Corporation
5. EDC No 3-MCD-692
6. Big Sandy
7. McDowell, WV
8. 3.0 million cubic feet
9. October 15, 1979
10. Consolidated Gas Supply Corp
1. 80-01779

2. 47-085-03543
 3. 108
 4. Williams Well Surveys Inc.
 5. Glen W Roberts (McCosh) No. 1 W
 6. Murphy Dist (Crab Run)
 7. Ritchie, WV
 8. 20.0 million cubic feet
 9. October 15, 1979
 10. Consolidated Gas Supply Corp
 1. Control number (F.E.R.C./STATE)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS Area name
 7. County, State or block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-01684/G9-601
 2. 17-708-40198-0000-0
 3. 102
 4. Shell Oil Company
 5. B-7
 6. South Marsh Island
 7. 130
 8. 100.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipe Line Corp
 1. 80-01685/G9-609
 2. 17-708-40256-0000-0
 3. 102
 4. Shell Oil Company
 5. C-24
 6. South Marsh Island
 7. 130
 8. .0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipe Line Corp
 1. 80-01686/G9-585
 2. 17-709-40343-0000-0
 3. 102
 4. Gulf Oil Corporation
 5. Eugene is BLK 252 G-8 OCS G-0983
 6. Eugene Island
 7. 252
 8. 3280.0 million cubic feet
 9. October 10, 1979
 10. Sea Robin Pipeline Company Texas Eastern Transmission Corp
 1. 80-01687/G9-686
 2. 17-705-40295-0001-0
 3. 102
 4. Tenneco Oil Company
 5. Vermilion BLK 218 No B-2 S/T
 6. Vermilion BLK 218 No B-2 S/T
 7. 218
 8. 269.7 million cubic feet
 9. October 10, 1979
 10. Tennessee Gas Pipeline Corp
 1. 80-01688/G9-610
 2. 17-708-40284-0000-0
 3. 102 denied
 4. Shell Oil Company
 5. B-25
 6. South Marsh Island
 7. 130
 8. 112.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipe Line Corp
 1. 80-01689/G9-603
 2. 17-708-40175-0000-0
 3. 102
 4. Shell Oil Company
 5. A-20

6. South Marsh Island
 7. 130
 8. 160.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipe Line Corp
 1. 80-01690/G9-748
 2. 17-715-40281-00S1-0
 3. 102
 4. Exxon Corporation
 5. OCS-G 1250 NO C-4
 6. South Timbalier
 7. 164
 8. 1350.0 million cubic feet
 9. October 10, 1979
 10. Trunkline Gas Company
 1. 80-01691/G9-611
 2. 17-708-40245-0000-0
 3. 102
 4. Shell Oil Company
 5. B-16
 6. South Marsh Island
 7. 131
 8. 66.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipeline Corp
 1. 80-01692/G9-602
 2. 17-708-40194-0000-0
 3. 102
 4. Shell Oil Company
 5. B-5
 6. South Marsh Island
 7. 130
 8. 100.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas Pipe Line Corp
 1. 80-01780/G9-810
 2. 17-700-40346-00D1-0
 3. 102
 4. Union Oil Company of California
 5. OCS-0911 #C-6
 6. West Cameron
 7. 280
 8. 1825.0 million cubic feet
 9. October 10, 1979
 10. Texas Eastern Transmission Corp
 1. 80-01781/G9-809
 2. 17-700-40345-00D2-0
 3. 102
 4. Union Oil Company of California
 5. OCS-0911 #C-5D
 6. West Cameron
 7. 280
 8. 2190.0 million cubic feet
 9. October 10, 1979
 10. Texas Eastern Transmission Corp
 1. 80-01782/G9-808
 2. 17-700-40345-00D1-0
 3. 102
 4. Union Oil Company of California
 5. OCS-0911 #C-5
 6. West Cameron
 7. 280
 8. 2190.0 million cubic feet
 9. October 10, 1979
 10. Texas Eastern Transmission Corp
 1. 80-01783/G9-789
 2. 17-709-40360-0000-0
 3. 102
 4. Exxon Corporation
 5. OCS-G 3331 No A-1
 6. Eugene Island
 7. 251
 8. 4000.0 million cubic feet
 9. October 10, 1979
 10. Columbia Gas Trans Corp

1. 80-01784/G9-816
 2. 17-715-40286-01S1-0
 3. 102
 4. Exxon Corporation
 5. OCS-G 1250 No C-15
 6. South Timbalier
 7. 164
 8. 2900.0 million cubic feet
 9. October 10, 1979
 10. Trunkline Gas Co
 1. 80-01785/G9-811
 2. 17-700-40346-00D2-0
 3. 102
 4. Union Oil Company of California
 5. OCS-0911 #C-60
 6. West Cameron
 7. 280
 8. 1460.0 million cubic feet
 9. October 10, 1979
 10. Texas Eastern Transmission Corp
 1. 80-01786/G9-841
 2. 17-700-40228-0000-0
 3. 102
 4. The Superior Oil Company
 5. OCS-G 3381 A No 1
 6. West Cameron
 7. 264
 8. 1203.0 million cubic feet
 9. October 10, 1979
 10.
 1. 80-01787/G9-807
 2. 17-700-40342-00D2-0
 3. 102
 4. Union Oil Company of California
 5. OCS-0911 #C-4D
 6. West Cameron
 7. 280
 8. 2190.0 million cubic feet
 9. October 10, 1979
 10. Texas Eastern Transmission Corp
 1. 80-01788/G9-182
 2. 17-711-40365-00D1-0
 3. 102
 4. Ocean Production Company
 5. OCS-G 1023 No B-14 A
 6. Ship Shoal 222
 7. 224
 8. 1100.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas PL Corp
 1. 80-01789/G9-850
 2. 17-711-40454-00D2-0
 3. 102
 4. Ocean Production Company
 5. OCS-G 1023 No E7B
 6. Ship Shoal 222
 7. 224
 8. 110.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas PL Corp
 1. 80-01790/G9-849
 2. 17-711-40454-00D1-0
 3. 102
 4. Ocean Production Company
 5. OCS-G 1023 No E7A
 6. Ship Shoal 222
 7. 224
 8. 1825.0 million cubic feet
 9. October 10, 1979
 10. Transcontinental Gas PL Corp
 1. Control number (F.E.R.C./STATE)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name

6. Field or OCS Area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 80-01683/NM-2785-79
2. 30-039-06470-0000-0
3. 108 denied
4. Caulkins Oil Company
5. Breech 283
6. South Blanco Pictured Cliffs
7. RIO Arriba, NM
8. 10.9 million cubic feet
9. October 10, 1979
10. Gas Company of New Mexico

The Applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before December 6, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35825 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 104]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

October 29, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Illinois Department of Mines and Minerals, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02099
2. 12-163-00000
3. 102 000 000
4. James H Donnewald
5. Waller-Wennemann No 1

6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company
1. 80-02100
2. 12-163-00000
3. 102 000 000
4. James H. Donnewald
5. John Wennemann No 1
6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company

1. 80-02101
2. 12-163-00000
3. 102 000 000
4. James H Donnewald
5. Lickenbrock-Bertke No 1
6. St Libory North Field
7. St Clair IL
8. 60.0 million cubic feet
9. October 5, 1979
10. Illinois Power Company

1. 80-02102
2. 12-193-28592
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Cain No 1
6. New Harmony
7. White IL
8. 11.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp
1. 80-02103
2. 12-193-28571
3. 103 000 000
4. Sun Oil Company (Delaware)
5. Greathouse A No 1
6. New Harmony
7. White IL
8. 39.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02104
2. 12-193-28721
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 2
6. New Harmony
7. White IL
8. 18.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02105
2. 12-193-28737
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 3
6. New Harmony
7. White IL
8. 24.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02106
2. 12-193-28747
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 4
6. New Harmony
7. White IL
8. 37.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02107
2. 12-193-28750
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 6
6. New Harmony
7. White IL
8. 20.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp
1. 80-02108
2. 12-193-28816
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 7
6. New Harmony
7. White IL
8. 25.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. 80-02109
2. 12-193-28817
3. 103 000 000
4. Sun Oil Company (Delaware)
5. E R Greathouse A No 8
6. New Harmony
7. White IL
8. 25.0 million cubic feet
9. October 5, 1979
10. Texas Eastern Transmission Corp

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01907
2. 21-055-32774
3. 102 000 000
4. Michigan Oilwell Investors Ltd
5. Everett & Merry Youker #1-34
6. Grant 34-A 25N-12W
7. Grand Traverse MI
8. 57.6 million cubic feet
9. October 10, 1979
10. Consumers Power Company

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (F.E.R.C./state)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-01953
2. 30-015-0000
3. 103 000 000
4. Wayman W Buchanan
5. Osage Comm No 1
6. Undesignated North Cemetery (Wolfca)
7. Eddy NM
8. 109.5 million cubic feet
9. October 9, 1979
10. Natural Gas Pipeline Co of America
1. 80-01954
2. 30-015-21055

3. 108 000 000
 4. Western Oil Producers Inc
 5. Flint #1
 6. Wildcat
 7. Eddy NM
 8. .0 million cubic feet
 9. October 9, 1979
 10. Transwestern Pipeline Co
 1. 80-01955
 2. 30-039-20488
 3. 108 000 000
 4. El Paso Natural Gas Company
 5. San Juan 27-5 Unit #136
 6. Tapacito-Pictured Cliffs Gas
 7. Rio Arriba NM
 8. 22.0 million cubic feet
 9. October 9, 1979
 10. El Paso Natural Gas Company, Northwest
 P/L Corp
 1. 80-01956
 2. 30-045-23017
 3. 103 000 000
 4. Southland Royalty Co
 5. Day State #2
 6. Basin Dakota
 7. San Juan NM
 8. 75.0 million cubic feet
 9. October 9, 1979
 10. Southern Union Gathering Co
 1. 80-01957
 2. 30-045-22563
 3. 103 000 000
 4. Southland Royalty Co
 5. Greenbrier #1
 6. Blanco Pictured Cliffs
 7. San Juan NM
 8. 50.0 million cubic feet
 9. October 9, 1979
 10. Southern Union Gathering Co
 1. 80-01958
 2. 30-045-0000
 3. 103 000 000
 4. Southland Royalty Co
 5. Culpepper Martin #17
 6. Basin Dakota
 7. San Juan NM
 8. 75.0 million cubic feet
 9. October 9, 1979
 10. Southern Union Gathering Co
 1. 80-01959
 2. 30-045-23049
 3. 103 000 000
 4. Southland Royalty Co
 5. Maddox Waller #2
 6. Blanco Pictured Cliffs
 7. San Juan NM
 8. .0 million cubic feet
 9. October 9, 1979
 10. El Paso Natural Gas Co
 1. 80-01960
 2. 30-045-22648
 3. 103 000 000
 4. Southland Royalty Co
 5. Lawson #3
 6. Blanco Pictured Cliffs
 7. San Juan NM
 8. 50.0 million cubic feet
 9. October 9, 1979
 10. Southern Union Gathering Co
 1. 80-02110
 2. 30-015-00000
 3. 103 000 000
 4. Dorchester Exploration Inc
 5. Morrison Com No 1
 6. W Four Mile Draw (Morrow)

7. Eddy NM
 8. .0 million cubic feet
 9. October 11, 1979
 10. Gas Company of New Mexico
 1. 80-02283
 2. 30-025-10847
 3. 108 000 000
 4. Arco Oil & Gas Company
 5. Melba Goins No 2-Y
 6. Langlie Mattix
 7. Lea NM
 8. 7.0 million cubic feet
 9. October 15, 1979
 10. El Paso Natural Gas Co
 1. 80-02284
 2. 30-025-11018
 3. 108 000 000
 4. Arco Oil & Gas Company
 5. Jim Camp WN #1
 6. Langlie Mattix
 7. Lea NM
 8. 14.0 million cubic feet
 9. October 15, 1979
 10. El Paso Natural Gas Co
 1. 80-02285
 2. 30-025-0000
 3. 108 000 000
 4. Campbell & Hedrick
 5. Campbell & Hedrick Curry #1
 6. Eumont Yates-Seven Rivers Queen
 7. Lea NM
 8. 11.0 million cubic feet
 9. October 15, 1979
 10. Phillips Petroleum Company
 1. 80-02286
 2. 30-025-26169
 3. 103 000 000
 4. Amerada Hess Corporation
 5. State U Gas Com #2
 6. Eumont Queen
 7. Lea NM
 8. 276.0 million cubic feet
 9. October 15, 1979
 10. Northern Natural Gas Company
 1. 80-02287
 2. 30-045-23367
 3. 103 000 000
 4. Southland Royalty Company
 5. Hedges #3
 6. Aztec Pictured Cliffs
 7. San Juan NM
 8. 50.0 million cubic feet
 9. October 15, 1979
 10. El Paso Natural Gas Company
 1. 80-02288
 2. 30-015-22724
 3. 103 000 000
 4. Hondo Oil & Gas Company
 5. State CB Com #1
 6. Undesignated Winchester
 7. Eddy NM
 8. 400.0 million cubic feet
 9. October 15, 1979
 10. Natural Gas Pipeline Co of America

**Ohio Department of Natural Resources,
 Division of Oil and Gas**

1. Control Number (F.E.R.C./state)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or block No.
 8. Estimated annual volume

9. Date received at FERC
 10. Purchaser(s)
 1. 80-01816/04008
 2. 34-103-24429-0014
 3. 108 000 000
 4. Cora B Hoey
 5. Fisher #1
 6.
 7. Medina OH
 8. .9 million cubic feet
 9. October 5, 1979
 10. Columbia Gas Trans Corp
 1. 80-01962/02222
 2. 34-155-20505-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2024) V Bacon Unit #2
 6.
 7. Trumbull OH
 8. 1.8 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01963/02235
 2. 34-155-20496-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2012) M & L Haines Unit #1
 6.
 7. Trumbull OH
 8. 8.0 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01964/02237
 2. 34-155-20479-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2010) W & E Downs Unit #2
 6.
 7. Trumbull OH
 8. 10.0 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01965/02246
 2. 34-155-20690-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2046) M Owen Unit #1
 6.
 7. Trumbull OH
 8. 5.7 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01966/02247
 2. 34-155-20675-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2045) J & J Cicchillo #3
 6.
 7. Trumbull OH
 8. 5.6 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01967/02248
 2. 34-155-20676-0014
 3. 108 000 000
 4. Flint Oil & Gas Inc
 5. (2044) J & J Cicchillo #2
 6.
 7. Trumbull OH
 8. 5.6 million cubic feet
 9. October 11, 1979
 10. East Ohio Gas Company
 1. 80-01968/02252
 2. 34-155-20677-0014

3. 108 000 000
4. Flint Oil & Gas Inc
5. (2043) J & J Cicchillo #1
- 6.
7. Trumbull Oh
8. 5.6 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01969/02257
2. 34-155-20669-0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2039) J & L Shaffer #1
- 6.
7. Trumbull Oh
8. 5.2 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01970/02263
2. 34-155-20748-0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. (2098) M Van Slyke #2
- 6.
7. Trumbull OH
8. 10.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01971/04622
2. 34-073-21909-0014
3. 108 000 000
4. Wilson Petroleum Corporation
5. Tracy W-3
- 6.
7. Hocking OH
8. 4.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01972/06836
2. 34-127-24380-0014
3. 103 000 000
4. Don McKee Drilling Co Inc
5. T A & Opal Wiseman #1
- 6.
7. Perry OH
8. 5.0 million cubic feet
9. October 11, 1979
10. Columbia Gas
1. 80-01973/02221
2. 34-155-20558-0014
3. 108 000 000
4. Flint Oil & Gas Inc
5. 2033) Wilcox Unit #1
- 6.
7. Trumbull OH
8. 4.9 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-1974/06837
2. 34-155-21115-0014
3. 103 000 000
4. Berea Oil and Gas Corporation
5. M Burin Unit #1
- 6.
7. Trumbull OH
8. 27.4 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-01975/06838
2. 34-155-21253-0014
3. 103 000 000
4. Berea Oil & Gas Corporation
5. McElrath #1
- 6.
7. Trumbull OH
8. 18.3 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-01976/06839
2. 34-155-21233-0014
3. 103 000 000
4. Berea Oil and Gas Corporation
5. Burdman #1
- 6.
7. Trumbull OH
8. 43.8 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-01977/06840
2. 34-075-02187-0014
3. 103 000 000
4. M C F Oil Company Inc
5. The Graven Farm A Partnership #1
- 6.
7. Holmes OH
8. 5.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01978/06841
2. 34-169-22188-0014
3. 103 000 000
4. Royal Petroleum III Ltd
5. Neuenschwander #1
- 6.
7. Wayne County OH
8. 4.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01979/06843
2. 34-133-21999-0014
3. 103 000 000
4. Orion Energy Corp
5. Charles Chance #2
- 6.
7. Portage OH
8. 10.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01980/06844
2. 34-157-23038-0014
3. 103 000 000
4. Leslie Oil & Gas Co Inc
5. Border/Doney Unit #1
- 6.
7. Tuscarawas County oh
8. 20.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Corporation
1. 80-01981/06848
2. 34-169-22120-0014
3. 103 000 000
4. Paul J Obermiller
5. Joseph McWlwee #1
- 6.
7. Wayne OH
8. 20.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Grans Corp
1. 80-01982/06849
2. 34-029-20756-0014
3. 103 000 000
4. Bill Blair Incorporated
5. Olin Conrad #2
6. Homeworth Field
7. Columbiana oh
8. 36.0 million cubic feet
9. October 11, 1979
10. East Ohio Company
1. 80-01983/06850
2. 34-029-20755-0014
3. 103 000 000
4. Bill Blair Incorporated
5. Olin Conrad #1
6. Homeworth Field
7. Columbiana OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01984/06851
2. 34-089-23640-0014
3. 103 000 000
4. American Well Management Company
5. Crowley #1
- 6.
7. Licking OH
8. 16.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01985/06852
2. 34-115-21822-0014
3. 103 000 000
4. Oneal Production Inc
5. McKown #1
- 6.
7. Morgan OH
8. .0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01986/06853
2. 34-075-22203-0014
3. 103 000 000
4. B T Simpson Jr
5. R & Janet Nemeth #1 2203
6. Nashville
7. Holmes OH
8. 115.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01987/06854
2. 34-075-22208-0014
3. 103 000 000
4. B T Simpson Jr
5. Curtis Martin #2 2208
6. Nashville
7. Holmes OH
8. 85.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01988/06855
2. 34-133-21345-0014
3. 103 000 000
4. R J S Properties Production
5. K S S Associates Well #3
- 6.
7. Portage OH
8. 40.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01989/06856
2. 34-133-21338-0014
3. 103 000 000
4. R J S Properties Production
5. K S S Associates Well #1
- 6.
7. Portage OH
8. 40.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01990/06857
2. 34-031-23211-0014
3. 103 000 000
4. Oxford Oil Co
5. Loren Helser #1
- 6.

7. Coshocton OH
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans
1. 80-01991/06859
2. 34-115/21822-0014
3. 103 000 000
4. O'Neal Productions Inc
5. McKown #1
- 6.
7. Morgan OH
8. 8.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-01992/06865
2. 34-119/24448-0014
3. 103 000 000
4. Benatty Corporation
5. Crawford Unit #1
- 6.
7. Muskingum OH
8. 25.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-01993/06866
2. 34-155-20757-0014
3. 103 000 000
4. Flint Oil & Gas Inc
5. (2108) John & Margaret Panyko #1
- 6.
7. Trumbull OH
8. 10.0 million cubic feet
9. October 11, 1979
10. The East Ohio Gas Company
1. 80-01994/06867
2. 34-133-21655-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Peter Zahirsky #1
- 6.
7. Portage OH
8. 1.5 million cubic feet
9. October 11, 1979
- 10.
1. 80-01995/06869
2. 34-133-21669-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Matthew S Pochedly #6
- 6.
7. Portage OH
8. 1.2 million cubic feet
9. October 11, 1979
- 10.
1. 80-01996/06869
2. 34-133-21786-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Strausser #4
- 6.
7. Portage OH
8. 1.5 million cubic feet
9. October 11, 1979
- 10.
1. 80-01997/06870
2. 34-133-21670-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. Matthew S Pochedly #7
- 6.
7. Portage OH
8. 1.2 million cubic feet
9. October 11, 1979
- 10.
1. 80-01998/06871
2. 34-133-21888-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. D Dorson #1
- 6.
7. Portage OH
8. 5.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-01999/06872
2. 34-133-21887-0014
3. 103 000 000
4. Inland Drilling Co Inc
5. D Dorson #2
- 6.
7. Portage OH
8. 5.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02000/06873
2. 34-031-23150-0014
3. 103 000 000
4. Jadoil Inc
5. Lewis S & Bernice L Knox #1
- 6.
7. Coshocton OH
8. .0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02001/06874
2. 34-075-22027-0014
3. 103 000 000
4. Jadoil Inc
5. Ammon H & Freda Miller No 1
- 6.
7. Holmes OH
8. .0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-02002/06875
2. 34-075-22017-0014
3. 103 000 000
4. Jadoil Inc
5. Moses L & Dena Troyer #1
- 6.
7. Holmes OH
8. .0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-02003/06876
2. 34-099-21143-0014
3. 103 000 000
4. Integrated Petroleum Co Inc
5. St John/Kobylanski Unit #1
- 6.
7. Mahoning OH
8. 50.0 million cubic feet
9. October 11, 1979
10. American Energy Service Inc
1. 80-02004/06877
2. 34-099-21112-0014
3. 103 000 000
4. Integrated Petroleum Company Inc
5. Dilisio #1
- 6.
7. Mahoning OH
8. 35.0 million cubic feet
9. October 11, 1979
10. American Energy Service
1. 80-02005/06878
2. 34-099-21142-0014
3. 103 000 000
4. Integrated Petroleum Co Inc
5. Dogwood/Steck Unit #1
- 6.
7. Mahoning OH
8. 30.0 million cubic feet
9. October 11, 1979
10. American Energy Service Inc
1. 80-02006/06890
2. 34-089-23581-0014
3. 103 000 000
4. Petro Oil Co
5. McKee Well #1
- 6.
7. Licking OH
8. .0 million cubic feet
9. October 11, 1979
10. Newzane Gas Company
1. 80-02007/06891
2. 34-127-24285-0014
3. 103 000 000
4. Petro Oil Co
5. Van Horn Well #2
- 6.
7. Perry OH
8. .0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02008/06892
2. 34-119-24268-0014
3. 103 000 000
4. Petro Oil Co
5. Niebarger Well #1
- 6.
7. Muskingum OH
8. .0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02009/06893
2. 34-127-24288-0014
3. 103 000 000
4. Petro Oil Co
5. Howdyshell Lumber Company #1
- 6.
7. Perry OH
8. .0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02010/06894
2. 34-075-22173-0014
3. 103 000 000
4. Berwell Energy Inc
5. Raymond Kyser No 1
- 6.
7. Holmes OH
8. 54.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02011/06896
2. 34-127-24250-0014
3. 103 000 000
4. Jadoil Inc
5. Busse-Peterfish Unit #1
- 6.
7. Perry OH
8. 6.0 million cubic feet
9. October 11, 1979
10. National Gas and Oil Corp
1. 80-02012/06897
2. 34-089-23552-0014
3. 103 000 000
4. Jadoil Inc
5. Jeffries Bros #4
- 6.
7. Licking OH
8. 10.0 million cubic feet
9. October 11, 1979
10. Newzane Gas Company
1. 80-02013/06898

2. 34-157-23366-0014
3. 103 000 000
4. Superior Petroleum Services Inc
5. J R Spring #1
- 6.
7. Tuscarawas OH
8. 52.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-02014/06899
2. 34-133-20889-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Peck #3
- 6.
7. Portage OH
8. 5.4 million cubic feet
9. October 11, 1979
10. East Oil Gas Co
1. 80-02015/06900
2. 34-029-20748-0014
3. 103 000 000
4. Bill Blair Incorporated
5. Edward Kibler #4
6. Homeworth Field
7. Columbiana OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-02016/06901
2. 34-029-20749-0014
3. 103 000 000
4. Bill Blair Incorporated
5. Edward Kibler #2
6. Homeworth Field
7. Columbiana OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Company
1. 80-02017/06902
2. 34-045-20611-0014
3. 103 000 000
4. Reliance Management Co
5. G Oren & J Young #1
- 6.
7. Fairfield OH
8. 10.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission
1. 80-02018/06904
2. 34-127-24339-0014
3. 103 000 000
4. Reliance Management Co
5. James Wallace #1
- 6.
7. Perry OH
8. 10.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission
1. 80-02019/06917
2. 34-169-22108-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Hofsteter #1
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02020/06918
2. 34-169-22107-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Rollason Unit 1
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02021/06919
2. 34-075-22143-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Troyer
- 6.
7. Holmes OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02022/06920
2. 34-075-22145-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1C Miller
- 6.
7. Holmes OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02023/06921
2. 34-075-22140-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Weaver
- 6.
7. Holmes OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02024/06922
2. 34-133-21881-0014
3. 103 000 000
4. Viking Resources Corporation
5. East Manufacturing #2
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02025/06923
2. 34-133-21903-0014
3. 103 000 000
4. Viking Resources Corporation
5. East Manufacturing-Frame #1
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02026/06924
2. 34-133-21998-0014
3. 103 000 000
4. Orion Energy Corp
5. T Chance Unit #3
- 6.
7. Portage OH
8. 12.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02027/06925
2. 34-133-22006-0014
3. 103 000 000
4. Orion Energy Corp
5. Cramner Unit #2
- 6.
7. Portage OH
8. 12.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02028/06926
2. 34-089-23652-0014
3. 103 000 000
4. American Well Management Company
5. Crowley No 1A
- 6.
7. Licking OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02029/06928
2. 34-119-24786-0014
3. 103 000 000
4. Bates Oil & Gas Inc
5. Lantz #2
- 6.
7. Muskingum OH
8. 38.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02030/06929
2. 34-083-22605-0014
3. 103 000 000
4. Bates Oil & Gas Inc
5. Jones #1
- 6.
7. Knox OH
8. 3.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02031/06930
2. 34-169-22110-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Gerber
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02032/06931
2. 34-169-22109-0014
3. 103 000 000
4. Edco Drilling & Producing Inc
5. MO-1A Geiser
- 6.
7. Wayne OH
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02033/06932
2. 34-133-21880-0014
3. 103 000 000
4. Viking Resources Corporation
5. East Manufacturing #3
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02034/06933
2. 34-133-21879-0014
3. 103 000 000
4. Viking Resources Corporation
5. Frame-East Manufacturing #4
- 6.
7. Portage OH
8. 30.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02035/06934
2. 34-089-23558-0014
3. 103 000 000
4. Jonsu Corp
5. Hornyak #2
- 6.

7. Licking OH
8. 5.0 million cubic feet
9. October 11, 1979
10.
1. 80-02036/06940
2. 34-127-24283-0014
3. 103 000 000
4. The Clinton Oil Company
5. Shiplett #7
6.
7. Perry OH
8. 20.0 million cubic feet
9. October 11, 1979
10.
1. 80-02037/06941
2. 34-127-24281-0014
3. 103 000 000
4. The Clinton Oil Company
5. Shiplett #8
6.
7. Perry OH
8. 25.0 million cubic feet
9. October 11, 1979
10.
1. 80-02038/06943
2. 34-157-23355-0014
3. 103 000 000
4. William N Tipka
5. Liggett-Berkshire #1
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. October 11, 1979
10.
1. 80-02039/06944
2. 34-157-23368-0014
3. 103 000 000
4. William N Tipka
5. Lucy W Proctor #1A
6.
7. Tuscarawas OH
8. 30.0 million cubic feet
9. October 11, 1979
10. East Ohio Gas Co
1. 80-02040/06945
2. 34-169-22163-0014
3. 103 000 000
4. Ohio Natural Fuel Co
5. Redick #3
6.
7. Wayne OH
8. 22.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02041/06946
2. 34-031-23305-0014
3. 103 000 000
4. Jerry Moore Inc
5. Dale Schlarb No 1
6. Keene
7. Coshocton OH
8. 14.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission
1. 80-02042/06947
2. 34-103-21981-0014
3. 103 000 000
4. Leslie Oil & Gas Co Inc
5. Frank Simmerman #1
6.
7. Medina OH
8. 3.5 million cubic feet
9. October 11, 1979
10. Columbia Gas Transmission Corp
1. 80-02043/06964

2. 34-127-24282-0014
3. 103 000 000
4. The Clinton Oil Company
5. Dixon #1
6.
7. Perry OH
8. 30.0 million cubic feet
9. October 11, 1979
10.
1. 80-02044/06965
2. 34-127-24280-0014
3. 103 000 000
4. The Clinton Oil Company
5. J Wilson #1
6.
7. Perry OH
8. 30.0 million cubic feet
9. October 11, 1979
10.

Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 80-01793/00726
2. 35-139-00000
3. 108 000 000
4. Kaiser Frances Oil Company
5. J S Ingle #1
6. Guymon Hugoton
7. Texas OK
8. 10.0 million cubic feet
9. October 10, 1979
10. Cities Service Gas Company
1. 80-01794/00604
2. 35-137-00000
3. 108 000 000
4. Getty Oil Company
5. Crosbie-Mudge No 4
6. Sho-Vel-Tum
7. Stephens OK
8. 19.0 million cubic feet
9. October 10, 1979
10. Getty Oil Co Natural Gas Plant
1. 80-01795/00610
2. 35-137-20146
3. 108 000 000
4. Getty Oil Company
5. Buck A No 1
6. Sho-Vel-Tum
7. Stephens OK
8. 13.0 million cubic feet
9. October 10, 1979
10. Lone Star Gas Company
1. 80-01796/00727
2. 35-139-00000
3. 108 000 000
4. Kansas Nebraska Natural Gas Co Inc
5. Prewett B #1
6. Guymon Hugoton
7. Texas OK
8. 14.0 million cubic feet
9. October 10, 1979
10.
1. 80-01797/00735
2. 35-139-00000
3. 108 000 000
4. Kansas Nebraska Natural Gas Co Inc

5. Randles #1
6. Guymon Hugoton
7. Texas OK
8. 9.0 million cubic feet
9. October 10, 1979
10.
1. 80-01798/00740
2. 35-007-00000
3. 108 000 000
4. Cimarron Petroleum Corporation
5. Elston No CPC 13
6. Mocane-Laverne
7. Beaver OK
8. 8.5 million cubic feet
9. October 10, 1979
10. Michigan Wisconsin Pipe Line Co
1. 80-01799/00299
2. 35-139-20968
3. 103 000 000
4. Anadarko Production Co
5. Pollock A No 2
6. North Richland Center
7. Texas OK
8. 320.0 million cubic feet
9. October 10, 1979
10. Panhandle Eastern Pipeline Co
1. 80-01800/00600
2. 35-019-00000
3. 108 000 000
4. Roy W Roring
5. Blum No 1
6. Ceddo
7. Carter OK
8. 8.9 million cubic feet
9. October 10, 1979
10. Union Oil Co of California
1. 80-01801/00728
2. 35-139-00000
3. 108 000 000
4. Kan Neb Nat Gas Co Inc
5. Shorb #1
6. Camrick
7. Texas OK
8. 12.0 million cubic feet
9. October 10, 1979
10.
1. 80-01802/00729
2. 35-139-00000
3. 108 000 000
4. Kan Neb Nat Gas Co Inc
5. Stinson D #1
6. Guymon Hugoton
7. Texas OK
8. 4.0 million cubic feet
9. October 10, 1979
10.
1. 80-01803/00730
2. 35-139-00000
3. 108 000 000
4. Kan Neb Nat Gas Co Inc
5. Westmoreland A #1
6. Guymon Hugoton
7. Texas OK
8. 17.0 million cubic feet
9. October 10, 1979
10.
1. 80-01804/00762
2. 35-139-00000
3. 108 000 000
4. Kan Neb Nat Gas Co Inc
5. J Friesen #1
6. Guymon Hugoton
7. Texas OK
8. 11.0 million cubic feet
9. October 10, 1979

- 10.
 1. 80-01805/00749
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. Pauls #1
 6. Guymon Hugoton
 7. Texas OK
 8. 10.0 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01806/00750
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. F Pauls #1
 6. Guymon Hugoton
 7. Texas OK
 8. 12.0 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01807/00760
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. Hamm #1
 6. Guymon Hugoton
 7. Texas OK
 8. 14.0 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01808/00228
 2. 35-011-20914
 3. 103 000 000
 4. Mich Wisc Pipe Line Co
 5. Helm #2
 6. Squaw Creek
 7. Blaine OK
 8. 365.0 million cubic feet
 9. October 10, 1979
 10. Michigan Wisconsin Pipe Line Co
 1. 80-01809/00625
 2. 35-007-00000
 3. 108 000 000
 4. Patrick & Vaughn
 5. Miles A 1-3
 6. Mocane Morrow (Pool No 96)
 7. Beaver OK
 8. 12.0 million cubic feet
 9. October 10, 1979
 10. Colorado Interstate Gas Co
 1. 80-01810/00289
 2. 35-139-00000
 3. 108 000 000
 4. E Lyle Johnson
 5. Fankhouser ID#11876
 6. Mouser
 7. Texas OK
 8. 8.3 million cubic feet
 9. October 10, 1979
 10. Cities Service
 1. 80-01811/00628
 2. 35-007-21288
 3. 108 000 000
 4. Elder & Vaughn
 5. Miller #1
 6. Mocane Chester (Pool No 95)
 7. Beaver County OK
 8. 15.0 million cubic feet
 9. October 10, 1979
 10. Colorado Interstate Gas Co
 1. 80-01812/00737
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. Tharp A #1
 6. Guymon Hugoton
 7. Texas OK
 8. 1 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01813/00736
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. State B #1
 6. Guymon Hugoton
 7. Texas OK
 8. 6.0 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01814/00738
 2. 35-139-00000
 3. 108 000 000
 4. Kan Neb Nat Gas Co Inc
 5. Grice #1
 6. Camrick
 7. Texas OK
 8. 12.0 million cubic feet
 9. October 10, 1979
 - 10.
 1. 80-01815/00032
 2. 35-009-20236
 3. 107 000 000
 4. The GHK Company
 5. Watkins 1-21
 6. Carpenter
 7. Beckham OK
 8. 3600.0 million cubic feet
 9. October 11, 1979
 10. Michigan Wisconsin Pipelines Oklahoma Natural Gas-Western
- West Virginia Department of Mines, Oil and Gas Division**
1. Control Number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well Name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Date Received at FERC
 10. Purchaser(s)
 1. 80-01817
 2. 47-097-01293
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-406
 6. Union District
 7. Upshur WV
 8. .8 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01818
 2. 47-097-01167
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-336
 6. Union District
 7. Upshur WV
 8. 7.0 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01820
 2. 47-097-01241
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-368
 6. Washington District
 7. Upshur WV
 8. 13.7 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01821
 2. 47-097-01245
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-393
 6. Washington District
 7. Upshur WV
 8. 4.1 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01822
 2. 47-097-01253
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-394
 6. Washington District
 7. Upshur WV
 8. 13.5 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01823
 2. 47-097-01256
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-391
 6. Union District
 7. Upshur WV
 8. 3.6 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01824
 2. 47-097-01259
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-392
 6. Union District
 7. Upshur WV
 8. 2.0 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01825
 2. 47-097-01281
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-395
 6. Union District
 7. Upshur WV
 8. 4.6 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01826
 2. 47-097-01291
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-404
 6. Union District
 7. Upshur WV
 8. 15.2 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply Corp
 1. 80-01827
 2. 47-097-01289
 3. 108 000 000
 4. Allegheny Land & Mineral Co
 5. A-401
 6. Washington District
 7. Upshur WV
 8. 7.9 million cubic feet
 9. October 10, 1979

10. Consolidated Gas Supply Corp
1. 80-01828
2. 47-097-01292
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-405
6. Union District
7. Upshur WV
8. 5.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01829
2. 47-097-01508
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-479
6. Union District
7. Upshur WV
8. 17.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01830
2. 47-097-01510
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-503
6. Union District
7. Upshur WV
8. 19.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01831
2. 47-097-01521
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-481
6. Union District
7. Upshur WV
8. 12.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01832
2. 47-097-01529
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-477
6. Union District
7. Upshur WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01833
2. 47-097-01570
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-513
6. Union District
7. Upshur WV
8. 11.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01834
2. 47-097-01572
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-474
6. Union District
7. Upshur WV
8. 16.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01835
2. 47-097-01578
3. 108 000 000

4. Allegheny Land & Mineral Co
5. A-522
6. Washington District
7. Upshur WV
8. 10.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01836
2. 47-097-01645
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-567
6. Banks District
7. Upshur WV
8. 5.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01837
2. 47-097-01422
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-443
6. Union District
7. Upshur WV
8. 9.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01838
2. 47-097-01425
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-451
6. Union District
7. Upshur WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01839
2. 47-097-01443
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-449
6. Union District
7. Upshur WV
8. 1.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01840
2. 47-097-01496
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-447
6. Washington District
7. Upshur WV
8. 14.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01841
2. 47-097-01497
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-448
6. Washington District
7. Upshur WV
8. 14.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01842
2. 47-097-01498
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-465
6. Washington District
7. Upshur WV
8. 21.1 million cubic feet

9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01843
2. 47-097-01503
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-502
6. Washington District
7. Upshur WV
8. 3.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01844
2. 47-097-01506
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-497
6. Washington District
7. Upshur WV
8. 12.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01845
2. 47-041-01312
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Jo L Connally #1 (40)
6. Freemans CK
7. Lewis WV
8. 1.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas
1. 80-01846
2. 47-105-00419
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Roberts-Nutter #867
6. Burning Springs
7. Wirt WV
8. 5.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01847
2. 47-105-00506
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Roberts #865
6. Burning Springs
7. Wirt WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas
1. 80-01848
2. 47-059-00725
3. 108 000 000
4. Gilbert Creek Gas Co
5. H C Cline #1
6. Stafford
7. Mingo WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans
1. 80-01849
2. 47-059-00734
3. 108 000 000
4. Gilbert Creek Gas Co
5. Scott Ellis #1
6. Stafford
7. Mingo WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans
1. 80-01850
2. 47-059-00747

3. 108 000 000
4. Gilbert Creek Gas Co
5. M V Bobo #1
6. Stafford
7. Mingo WV
8. 7.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans
1. 80-01851
2. 47-099-01061
3. 108 000 000
4. Deephole Gas Co
5. Tom Hill #1
6. Butler
7. Wayne WV
8. 2.8 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans
1. 80-01852
2. 47-059-00769
3. 108 000 000
4. Fort Collins Consol Roy Inc
5. B McDonald Hrs #1
6. Stafford
7. Mingo WV
8. 7.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01853
2. 47-007-00642
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Effie Nicholas #139
6. Birch
7. Brayton WV
8. .9 million cubic feet
9. October 10, 1979
10. Equitable Gas Co
1. 80-01854
2. 47-007-00700
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. A B Campell #1
6. Salt Lick
7. Braxton WV
8. 7.7 million cubic feet
9. October 10, 1979
10. J C Baker & Sons Inc
1. 80-01855
2. 47-007-00713
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. H Cunningham #48
6. Salt Lick
7. Braxton WV
8. 1.9 million cubic feet
9. October 10, 1979
10. J C Baker & Sons Inc
1. 80-01856
2. 47-007-00710
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Hugh Cunningham #1
6. Salt Lick
7. Braxton WV
8. 1.9 million cubic feet
9. October 10, 1979
10. J C Baker & Sons Inc
1. 80-01857
2. 47-013-02160
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. H G Isenhart #1(56)
6. Washington
7. Calhoun, WV
8. .5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01858
2. 47-013-02187
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. L L Knotts #2 (58)
6. Lee
7. Calhoun, WV
8. 4.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01859
2. 47-017-01333
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Ralph Leggett #2 (59)
6. Central
7. Doddridge, WV
8. 5.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01860
2. 47-021-01662
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. M Stump #2 (#111)
6. Dekalb
7. Gilmer, WV
8. 3.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply
1. 80-01861
2. 47-013-00708
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #10
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01862
2. 47-013-00712
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #11
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01863
2. 47-013-00713
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #12
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01864
2. 47-013-00536
3. 108 000 000
4. Pennzoil Company
5. Henry Brannon #5
6. Sherman District
7. Calhoun, WV
8. 2.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01865
2. 47-013-00537
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #4
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01866
2. 47-013-00577
3. 108 000 000
4. Pennzoil Company
5. Henry Brannon #6
6. Sherman District
7. Calhoun, WV
8. 1.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01867
2. 47-013-00599
3. 108 000 000
4. Pennzoil Company
5. Henry Brannon #7
6. Sherman District
7. Calhoun, WV
8. 2.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01868
2. 47-013-00641
3. 108 000 000
4. Pennzoil Company
5. Henry Brannon #8
6. Sherman District
7. Calhoun, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01869
2. 47-013-00642
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #8
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01870
2. 47-013-00672
3. 108 000 000
4. Pennzoil Company
5. Sharp J S #9
6. Sherman
7. Calhoun, WV
8. .8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01871
2. 47-039-02625
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #12A
6. Elk
7. Kanawha, WV
8. 14.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01872
2. 47-039-02028
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #10A
6. Elk

7. Kanawha, WV
8. 15.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01873
2. 47-039-02185
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #11A
6. Elk
7. Kanawha, WV
8. 17.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01874
2. 47-039-02017
3. 108 000 000
4. Blue Creek Gas Co
5. Moubrey #1
6. Elk
7. Kanawha, WV
8. 7.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01875
2. 47-039-02004
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #9A
6. Elk
7. Kanawha, WV
8. 11.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01876
2. 47-039-01991
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #7A
6. Elk
7. Kanawha, WV
8. 12.2 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01877
2. 47-039-02000
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #8A
6. Elk
7. Kanawha, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01878
2. 47-039-01983
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #6A
6. Elk
7. Kanawha, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01879
2. 47-039-01974
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #5A
6. Malden
7. Kanawha, WV
8. 8.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01880

2. 47-039-01942
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #4A
6. Elk
7. Kanawha, WV
8. 11.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01881
2. 47-039-01935
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #3A
6. Elk
7. Kanawha, WV
8. 11.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01882
2. 47-085-23627
3. 108 000 000
4. Dennis D Blauser
5. Alvin Tharp #2
6. Union
7. Ritchie, WV
8. 18.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01883
2. 47-085-23626
3. 108 000 000
4. Dennis D Blauser
5. Hubert Rose #1
6. Union
7. Ritchie, WV
8. 8.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01884
2. 47-085-23625
3. 108 000 000
4. Dennis D Blauser
5. Paul Baker #1
6. Union
7. Ritchie, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01885
2. 47-021-22404
3. 108 000 000
4. Dennis D Blauser
5. Rex Southall #1
6. Troy
7. Gilmer, WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01886
2. 47-039-02620
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #16
6. Elk
7. Kanawha, WV
8. 15.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01887
2. 47-039-01945
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #14
6. Malden

7. Kanawha WV
8. 18.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01888
2. 47-021-02749
3. 108 000 000
4. Trio Petroleum Corp
5. Adams No 1
6. Glenville North
7. Gilmer WV
8. 3.6 million cubic feet
9. October 10, 1979
10. Columbus Gas Trans Corp
1. 80-01889
2. 47-047-20415
3. 108 000 000 Denied
4. Worldwide Oil & Gas Co
5. Elizabeth Evans No 1
6. Sandy River District
7. McDowell WV
8. .1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01890
2. 47-021-02603
3. 108 000 000
4. Trio petroleum Corp
5. Morris No 2A
6. Glenville South
7. Gilmer WV
8. 6.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01891
2. 47-021-02526
3. 108 000 000
4. Trio Petroleum Corp
5. Morris No 1-A
6. Glenville South
7. Gilmer WV
8. 6.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01892
2. 47-085-02695
3. 108 000 000
4. Trio Petroleum Corp
5. Freshour No 3
6. Auburn
7. Ritchie WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01893
2. 47-085-02777
3. 108 000 000
4. Trio Petroleum Corp
5. Freshour No 2
6. Auburn
7. Ritchie WV
8. 1.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01894
2. 47-039-01891
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #13
6. Malden
7. Kanawha WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01895

2. 47-041-01678
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-361
6. Hackers Creek District
7. Lewis WV
8. 2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01896
2. 47-041-00862
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-159
6. Freemans Creek District
7. Lewis WV
8. 4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01897
2. 47-041-01012
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-179
6. Freemans Creek District
7. Lewis WV
8. 1.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01898
2. 47-033-00928
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-564
6. Union District
7. Harrison WV
8. 4.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01899
2. 47-033-00929
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-548
6. Union District
7. Harrison WV
8. 8.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01900
2. 47-033-00933
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-547
6. Grant District
7. Harrison WV
8. 6.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01901
2. 47-033-00934
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-556
6. Union District
7. Harrison WV
8. 3.4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01902
2. 47-033-00936
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-575
6. Sardis District

7. Harrison WV
8. 9.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01903
2. 47-033-00947
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-572
6. Union District
7. Harrison WV
8. 3.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01904
2. 47-041-00506
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-73
6. Courthouse District
7. Lewis WV
8. 4.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01905
2. 47-041-00545
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-85
6. Freemans Creek District
7. Lewis WV
8. 1.1 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01906
2. 47-041-00596
3. 108 000 000
4. Allegheny Land & Mineral Co
5. A-67
6. Freemans Creek District
7. Lewis WV
8. 1.6 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01908
2. 47-021-01881
3. 108 000 000
4. Trio Petroleum Corp
5. Craddock No 1
6. Chaple-German
7. Gilmer WV
8. 6.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01909
2. 47-021-01905
3. 108 000 000
4. Trio Petroleum Corp
5. Post No 2
6. Glenville South
7. Gilmer WV
8. 3.7 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01910
2. 47-021-01930
3. 108 000 000
4. Trio Petroleum Corp
5. Helmick No 1
6. Glenville South
7. Gilmer WV
8. 1.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01911

2. 47-021-02449
3. 108 000 000
4. Trio Petroleum Corp
5. Boyles No 1A
6. Glenville South
7. Gilmer WV
8. 14.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01912
2. 47-041-02081
3. 108 000 000
4. Trio Petroleum Corp
5. A B College No 1
6. Glenville North
7. Lewis WV
8. 2.8 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas
1. 80-01913
2. 47-021-02752
3. 108 000 000
4. Trio Petroleum Corp
5. Simmons No 1
6. Glenville North
7. Gilmer WV
8. 8.3 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01914
2. 47-021-02761
3. 108 000 000
4. Trio Petroleum Corp
5. Frymyer No 1
6. Glenville North
7. Gilmer WV
8. 5.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01915
2. 47-021-02760
3. 108 000 000
4. Trio Petroleum Corp
5. Welch A No 1
6. Glenville North
7. Gilmer WV
8. 5.1 million cubic feet
9. October 10, 1979
10. Columbia Gas Trans Corp
1. 80-01916
2. 47-021-01010
3. 108 000 000
4. Trio Petroleum Corp
5. Luzader No 1
6. Glenville South
7. Gilmer WV
8. 2.8 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01917
2. 47-021-01020
3. 108 000 000
4. Trio Petroleum Corp
5. Groves No 1
6. Glenville South
7. Gilmer WV
8. 4 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01918
2. 47-021-01202
3. 108 000 000
4. Trio Petroleum Corp
5. Goff No 1
6. Revel

7. Gilmer, WV
8. 3.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01919
2. 47-021-01741
3. 108 000 000
4. Trio Petroleum Corp
5. Morris No 3
6. Glenville South
7. Gilmer, WV
8. 19.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01920
2. 47-021-01721
3. 108 000 000
4. Trio Petroleum Corp
5. Morris No 2
6. Glenville South
7. Gilmer, WV
8. 1.9 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01921
2. 47-085-23704
3. 108 000 000
4. Dennis D Blauser
5. Hubert Rose #2
6. Union
7. Ritchie, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01922
2. 47-085-23705
3. 108 000 000
4. Dennis D Blauser
5. Paul Baker #2
6. Union
7. Ritchie, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01923
2. 47-085-23710
3. 108 000 000
4. Dennis D Blauser
5. Paul Baker #3
6. Union
7. Ritchie, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01924
2. 47-039-01809
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #12
6. Malden
7. Kanawha, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01925
2. 47-039-01796
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #11
6. Malden
7. Kanawha, WV
8. 14.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01926
2. 47-039-01717
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #8
6. Elk
7. Kanawha, WV
8. 18.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01927
2. 47-039-01709
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #7
6. Elk
7. Kanawha, WV
8. 13.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01928
2. 47-039-01699
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #6Elk
6. Elk
7. Kanawha, WV
8. 18.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01929
2. 47-039-01697
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #5
6. Elk
7. Kanawha, WV
8. 18.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01930
2. 47-039-01680
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #3
6. Malden
7. Kanawha, WV
8. 10.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01931
2. 47-039-01679
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #2
6. Malden
7. Kanawha, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01932
2. 47-039-01742
3. 108 000 000
4. Blue Creek Gas Co
5. Naylor #1
6. Elk
7. Kanawha, WV
8. 10.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01933
2. 47-039-01726
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #9
6. Elk
7. Kanawha, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01934
2. 47-039-01764
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #10
6. Elk
7. Kanawha, WV
8. 14.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01935
2. 47-039-01839
3. 108 000 000
4. Blue Creek Gas Co
5. Blue Creek Coal & Land #1A
6. Elk
7. Kanawha, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01936
2. 47-039-01860
3. 108 000 000
4. Blue Creek Gas Co
5. Workman #1
6. Elk
7. Kanawha, WV
8. 3.5 million cubic feet
9. October 10, 1979
10. Columbia Gas Transmission Corp
1. 80-01937
2. 47-021-01840
3. 108 000 000
4. Trio Petroleum Corp
5. Groves No 3
6. Glenville South
7. Gilmer, WV
8. 5.3 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01938
2. 47-021-01821
3. 108 000 000
4. Trio Petroleum Corp
5. Cottrill No 2
6. Glenville South
7. Gilmer S, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01939
2. 47-021-01806
3. 108 000 000
4. Trio Petroleum Corp
5. Cottrill No 1
6. Glenville South
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01940
2. 47-021-01804
3. 108 000 000
4. Trio Petroleum Corp
5. Groves No 2
6. Glenville South
7. Gilmer, WV
8. 3.2 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01941

2. 47-021-02740
3. 108 000 000
4. Pace Pipe Line Company
5. Shiflett #1
6. Glenville
7. Gilmer, WV
8. 8.7 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01942
2. 47-021-02772
3. 108 000 000
4. Pace Pipe Line Company
5. Collins #3
6. Glenville
7. Gilmer, WV
8. 9.5 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01943
2. 47-021-02773
3. 108 000 000
4. Pace Pipe Line Company
5. Wiant #1
6. Glenville
7. Gilmer, WV
8. 3.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Company
1. 80-01944
2. 47-047-20564
3. 108 000 000
4. Worldwide Oil & Gas Co
5. Lizzie Evans No 1
6. Sandy River District
7. McDowell, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01945
2. 47-047-20574
3. 108 000 000
4. Worldwide Oil & Gas Co
5. Lizzie Evans No 3
6. Sandy River District
7. McDowell, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01946
2. 47-047-20576
3. 108 000 000
4. Worldwide Oil & Gas Co
5. Lizzie Evans No 2
6. Sandy River District
7. McDowell, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01947
2. 47-047-20580
3. 108 000 000
4. Worldwide Oil & Gas Co
5. Lizzie Evans No 4
6. Sandy River District
7. McDowell, WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01948
2. 47-085-21977
3. 108 000 000
4. Edith Swadley et al
5. A W Goff #2
6. Union
7. Ritchie WV
8. 1.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01949
2. 47-047-20584
3. 108 000 000
4. Worldwide Oil & Gas Co
5. Lizzie Evans No 5
6. Sandy River District
7. McDowell WV
8. 12.0 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01950
2. 47-021-02826
3. 108 000 000
4. Trio Petroleum Corp
5. McQuain No 1
6. Glenville North
7. Gilmer WV
8. 8.0 million cubic feet
9. October 10, 1979
10. Carnegie Natural Gas Co
1. 80-01951
2. 47-085-02939
3. 108 000 000
4. C G G Oil Company
5. Conaway #2 Rit 2939
6. Conaway
7. Ritchie WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-01952
2. 47-085-03505
3. 108 000 000
4. C G G Oil Company
5. Conaway #3 Rit 3505
6. Conaway
7. Ritchie WV
8. 2.5 million cubic feet
9. October 10, 1979
10. Consolidated Gas Supply Corp
1. 80-02045
2. 47-047-00387
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Litwar Red Ash #1
6. Sandy River
7. McDowell WV
8. 4.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply Corp
1. 80-02046
2. 47-047-00418
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Vera Pora #4
6. Sandy River
7. McDowell WV
8. 11.3 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02047
2. 47-047-00473
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. George King #1 (18)
6. Sandy River
7. McDowell WV
8. 3.8 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02048
2. 47-047-00661
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Litwar Red Ash #700
6. Sandy River
7. McDowell WV
8. 12.9 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02049
2. 47-059-00765
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. H Arnold #1
6. Stafford
7. Mingo WV
8. 6.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02050
2. 47-011-00601
3. 103 000 000
4. Spartan Gas Company
5. Clyde Davis #1-S-201
6. Grant District
7. Cabell County, WV
8. 18.0 million cubic feet
9. October 11, 1979
- 10.
1. 80-02051
2. 47-047-00307
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Joe Roberts #1
6. Sandy River
7. McDowell WV
8. 10.3 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02052
2. 47-047-00352
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Jaeger Drilling #1
6. Sandy River
7. McDowell WV
8. 5.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02053
2. 47-047-00358
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Rose Morgan #1
6. Sandy River
7. McDowell WV
8. 10.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02054
2. 47-047-00365
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Vera Poca #1
6. Sandy River
7. McDowell WV
8. 14.3 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply
1. 80-02055
2. 47-047-00369
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Lick Branch #1
6. Sandy River

7. McDowell WV
8. 2.7 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply

1. 80-02056
2. 47-047-00378
3. 108 000 000
4. Fort Collins Consolidated Royalties
5. Vera Poca #2

6. Sandy River
7. McDowell WV
8. 4.0 million cubic feet
9. October 11, 1979
10. Consolidated Gas Supply

1. 80-02057
2. 47-011-00607
3. 103 000 000
4. Spartan Gas Company
5. Carl Davis #1-S-202
6. Grant District

7. Cabell WV
8. 11.0 million cubic feet
9. October 11, 1979
10.

1. 80-02058
2. 47-105-00744
3. 103 000 000
4. Ray Resources Div of Flying Diamond
5. Hutchison Hrs #795

6. Reedy
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02059
2. 47-007-00742
3. 108 000 000
4. Apollo Petroleum Corp
5. Eva Barrett #2 (WX 20)

6. Salt Lick
7. Braxton WV
8. 14.3 million cubic feet
9. October 11, 1979
10. J C Baker & Sons Inc

1. 80-02060
2. 47-039-02521
3. 108 000 000
4. Apollo Petroleum Corp
5. James F Brown #331

6. Elk
7. Kanawha WV
8. 6.5 million cubic feet
9. October 11, 1979
10. Pennzoil United Inc

1. 80-02061
2. 47-097-01145
3. 108 000 000
4. Apollo Petroleum Corp
5. Wm Radabaugh #1

6. Union
7. Upshur WV
8. 2.7 million cubic feet
9. October 11, 1979
10. Petro-Lewis Corp

1. 80-02062
2. 47-097-01213
3. 108 000 000
4. Apollo Petroleum Corp
5. Radabaugh #184 (#2)

6. Union
7. Upshur WV
8. 3.0 million cubic feet
9. October 11, 1979
10. Petr-Lewis corp

1. 80-02063

2. 47-017-01667
3. 108 000 000
4. Apollo Petroleum Corp
5. W A David #391
6. McClellan
7. Doddridge WV
8. 4.1 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02064
2. 47-105-00607
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Joe Parsons #658

6. Burning Springs
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02065
2. 47-105-00615
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. D P Ferree #643

6. Burning Springs
7. Wirt WV
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02066
2. 47-105-00620
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Denzil Ferree #654

6. Burning Springs
7. Wirt WV
8. 2.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02067
2. 47-105-00622
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. D P Ferree #644

6. Burning Springs
7. Wirt WV
8. 1.0 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02068
2. 47-105-00624
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. Westvaco #659

6. Burning Springs
7. Wirt WV
8. 1.4 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02069
2. 47-105-00637
3. 108 000 000
4. Ray Resources Div of Flying Diamond
5. McConaughy #662

6. Burning Springs
7. Wirt WV
8. 12.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02070
2. 47-105-00646
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. Diken #663

6. Burning Springs

7. Wirt WV
8. 12.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02071
2. 47-105-00664
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. Diken #664

6. Burning Springs
7. Wirt WV
8. 12.3 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02072
2. 47-105-00666
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. J W McCoy #619

6. Reedy
7. Wirt WV
8. .5 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02073
2. 47-087-00607
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. G B Bullington #611

6. Reedy
7. Roane WV
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02074
2. 47-087-00617
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. E R Seaman #612

6. Reedy
7. Roane WV
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02075
2. 47-087-00627
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. E R Seaman #614

6. Reedy
7. Roane WV
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02076
2. 47-087-00693
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. T A Leadsome #613

6. Reedy
7. Roane WV
8. .6 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02077
2. 47-087-01461
3. 108-000-000
4. Ray Resources Div of Flying Diamond
5. A Clayton Moore #1 (135)

6. Walton
7. Roane WV
8. 1.9 million cubic feet
9. October 11, 1979
10. Columbia Gas Trans

1. 80-02078

2. 47-105-00601
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. Joe Parsons #660
 6. Burning Springs
 7. Wirt WV
 8. 1.4 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02079
 2. 47-015-00706
 3. 108-000-000 Denied
 4. W Howard Taylor Agent
 5. Eakle #2 47-015-0706
 6. Maysel
 7. Clay WV
 8. 23.3 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Transmission Corp
 1. 80-02080
 2. 47-081-00241
 3. 108-000-000
 4. Peake Operating Company
 5. Oglebay Norton No 94 RAL-241
 6. Marsh Fork District
 7. Raleigh WV
 8. .2 million cubic feet
 9. October 11, 1979
 10. Consolidated Gas Supply Corporation
 1. 80-02081
 2. 47-087-00634
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. H A Price #615
 6. Reedy
 7. Roane WV
 8. .6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02082
 2. 47-087-00525
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. C L Carson #609
 6. Reedy
 7. Roane WV
 8. .6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02083
 2. 47-087-00519
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. Sam (Brook) Sheppard #608
 6. Reedy
 7. Roane WV
 8. .6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02084
 2. 47-087-00531
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. T J Brown
 6. Reedy
 7. Roane WV
 8. .6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02085
 2. 47-087-00518
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. T J Brown #607
 6. Reedy
 7. Roane WV

8. .6 million cubic feet
 9. October 11, 1979
 10. Columbia Gas Trans
 1. 80-02086
 2. 47-105-00542
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. M L Woburton #613
 6. Burning Springs
 7. Wirt WV
 8. 5.1 million cubic feet
 9. October 11, 1979
 10. Consolidated Gas Supply
 1. 80-02087
 2. 47-105-00510
 3. 108-000-000
 4. Ray Resources Div of Flying Diamond
 5. Roberts D #666
 6. Burning Springs
 7. Wirt WV
 8. 4.7 million cubic feet
 9. October 11, 1979
 10. Consolidated Gas Supply
 1. 80-02088
 2. 47-085-21916
 3. 108-000-000
 4. Edith Swadley et al.
 5. A J Snyder #2
 6. Union
 7. Ritchie WV
 8. 2.5 million cubic feet
 9. October 11, 1979
 10. Consolidated Gas Supply
 1. 80-01819
 2. 47-097-01185
 3. 108
 4. Allegheny Land & Mineral Co.
 5. A-379
 6. Washington District
 7. Upshur, WV
 8. 7.1 million cubic feet
 9. October 10, 1979
 10. Consolidated Gas Supply

Wyoming Oil and Gas Conservation Commission

1. Control Number (F.E.R.C./State)
 2. API Well Number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS Area Name
 7. County, State or Block No.
 8. Estimated Annual Volume
 9. Dated Received at FERC
 10. Purchaser(s)
 1. 80-01961/NC42-79
 2. 49-009-21439
 3. 103-000-000
 4. Exeter Exploration Company
 5. Lebar #3
 6. Mike's Draw
 7. Converse WY
 8. 36.0 million cubic feet
 9. October 5, 1979
 10. Phillips Petroleum Company

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
 2. API well number
 3. Section NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume

9. Date received at FERC
 10. Purchaser(s)
 1. 80-02268/G9-528
 2. 17-710-40482-00S1-0
 3. 102 000 000 denied
 4. Forest Oil Corporation
 5. Eugene Island Block 314 G-3
 6. Eugene Island
 7. 314
 8. 33.0 million cubic feet
 9. October 12, 1979
 10. Columbia Gas Transmission Corp, Texas
 Gas Transmission Corp, Consolidated Gas
 Supply Corp
 1. 80-02270/G8-117
 2. 17-703-40135-0000-0
 3. 102 000 000
 4. Kerr-McGee Corporation
 5. OSC G-2855 No 4
 6. East Cameron
 7. 34
 8. 513.0 million cubic feet
 9. October 12, 1979
 10. Natural Gas Pipeline Co of America,
 Northern Natural Gas Co, Columbia Gas
 Transmission, Southern Natural Gas Co
 1. 80-02271/G8-122
 2. 17-703-40091-0000-0
 3. 102 000 000
 4. Kerr-McGee Corporation
 5. OCS G-2855 No 1
 6. East Cameron
 7. 34
 8. 513.0 million cubic feet
 9. October 12, 1979
 10. Natural Gas Pipeline Co of America,
 Northern Natural Gas Co, Columbia Gas
 Trans, Southern Natural Gas Co
 1. 80-02272/G9-690
 2. 17-725-40164-0000-0
 3. 102 000 000
 4. Chevron USA Inc
 5. OCS-G-3197 #2
 6. Main Pass
 7. 120
 8. 1862.0 million cubic feet
 9. October 12, 1979
 10. Southern Natural Gas Company
 1. 80-02273/G9-578
 2. 17-705-40290-01D-0
 3. 102 000 000
 4. Felmont Oil Corporation
 5. OCS-0172 B-2-D (Form #12-D)
 6. Vermilion
 7. 86
 8. 1600.0 million cubic feet
 9. October 12, 1979
 10. Transcontinental Gas Pipe Line
 1. 80-02274/G9-347
 2. 17-711-20046-01D2-0
 3. 102 000 000
 4. Placid Oil Company
 5. A-32-D
 6. Ship Shoal
 7. 204
 8. 25.0 million cubic feet
 9. October 12, 1979
 10. Michigan Wisconsin Pipe Line Co
 1. 80-02276/G9-700
 2. 17-707-40191-00S1-0
 3. 102 000 000
 4. Placid Oil Company
 5. B-15
 6. South Marsh Island
 7. 269
 8. 1642.5 million cubic feet

9. October 12, 1979
10. Trunkline Gas Company
1. 80-02277/G9-719
2. 17-706-40319-00D1-0
3. 102 000 000
4. CNG Producing Company
5. B-6-D1
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-02278/G9-720
2. 17-706-40319-00D2-0
3. 102 000 000
4. CNG Producing Company
5. B-6D2
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-02279/G9-717
2. 17-706-40301-00D1-0
3. 102 000 000
4. CNG Producing Company
5. B-3-D-1
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979
10. Consolidated Gas Supply Corp, Columbia Gas Transmission Corp
1. 80-02280/G9-718
2. 17-706-40301-00D2-0
3. 102 000 000
4. CNG Producing Company
5. B-3-D2
6. Vermilion
7. 313
8. 285.0 million cubic feet
9. October 12, 1979
10. Consolidated Gas Supply Corp, Consolidated Gas Supply Corp
1. 80-02281/G9-693
2. 17-707-40277-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-2316 #3-D
6. South Marsh Island
7. 288
8. 71.0 million cubic feet
9. October 12, 1979
10. Natural Gas Pipeline Co of Amer
1. 80-02282/G9-688
2. 17-725-40132-0000-0
3. 102 000 000
4. Chevron USA Inc
5. OCS-G-3197 #1
6. Main Pass
7. 120
8. 1117.0 million cubic feet
9. October 12, 1979
10. Southern Natural Gas Co
1. 80-02269/G9-406
2. 17-711-40181-0000-0
3. 102 000 000 denied
4. Cities Service Co
5. High Is SA Blk A-332 #A-6
6. High Island So Addn
7. A-332
8. 25.0 million cubic feet
9. October 12, 1979
10. Michigan Wiconsin Pipe Line Co, Panhandle Eastern Pipeline Co, Natural Gas Pipeline Co of Amer, Trunkline Gas Co; United Gas P/L
1. 80-02275/G8-271
2. 42-711-40290-00D1-0
3. 102 000 000
4. Sun Oil Company
5. OCS-G 2418 #A-18
6. East High Island
7. A-327
8. 600.0 million cubic feet
9. October 12, 1979
10. Trunkline Gas Company, Michigan-Wiconsin Pipeline Co, Natural Gas Pipeline Co of Amer, Panhandle Eastern P/L; United Gas P/L
- U.S. Geological Survey, Albuquerque, N. Mex.
1. Control Number (F.E.R.C./State)
2. API well number
3. Section NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-02236/COA-2835-79
2. 05-067-05140-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 5
6. Ignacio Blanco Mesaverde
7. Laplata CO
8. 12.7 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02262/COA 2856-79
2. 05-067-05170-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 2
6. Ignacio-Blanco Mesaverde
7. Laplata CO
8. 19.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02263/COA-2855-79
2. 05-067-05739-0000-0
3. 108 000 000
4. Getty Oil Company
5. Sam Burch No 3
6. Ignacio Blanco Mesaverde
7. La Plata CO
8. 10.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02089/NM-2755-79
2. 30-039-06176-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech E 49
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 10.7 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02090/NM-2756-79
2. 30-039-06697-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech E 81
6. South Blanco PC
7. Rio Arriba NM
8. 18.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02091/NM-2757-79
2. 30-039-06695-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech E 87
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 21.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02092/NM-2759-79
2. 30-039-06637-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech B 123
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 14.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02093/NM-2760-79
2. 30-039-06616-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech A 125
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 16.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02094/NM-2761-79
2. 30-039-06613-0000-0
3. 108 000 000 denied
4. Caulkins Oil Company
5. Breech A 129
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 17.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02095/NM-2768-79
2. 30-039-06510-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech 221
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 12.1 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02096/NM-2792-79
2. 30-039-20912-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech 382
6. South Blanco PC—Otero Chacra
7. Rio Arriba, NM
8. 18.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02097/NM-2793-79
2. 30-039-20913-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech 368
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 21.7 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico

1. 80-02098/NM-2796-79
2. 30-039-06428-0000-0
3. 108 000 000 Denied
4. Caulkins Oil Company
5. Breech D 345
6. South Blanco Pictured Cliffs
7. Rio Arriba, NM
8. 15.3 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02111/NM2958-79
2. 30-025-25851-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinbry No 48
6. Blinbry Oil & Gas
7. Lea, NM
8. 14.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Company
1. 80-02112/NM2959-79
2. 30-039-21795-0000-0
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 30 #11
6. West Lindrith
7. Rio Arriba, NM
8. 55.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02113/NM2960-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Stevens B #2
6. New Mexico Federal Unit
7. Lea, NM
8. 18.1 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas (C-4037)
1. 80-02114/NM2961-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache L #4
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02115/NM2963-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #6
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.8 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02116/NM2965-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #12
6. Axi Apache Area
7. Rio Arriba, NM
8. 3.9 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02117/NM2966-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache A #7
6. Axi Apache Area
7. Rio Arriba, NM
8. 2.2 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02118/NM2967-79A
2. 30-025-25854-0000-1
3. 108 000 000
4. Continental Oil Company
5. Warren Unit Blinbry Bty 1 #51
6. Blinbry Oil & Gas
7. Lea, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Corp
1. 80-02119/NM2967-79B
2. 30-025-25854-0000-2
3. 108 000 000
4. Continental Oil Company
5. Warren Unit Blinbry Bty 1 #51
6. Warren Tubb
7. Lea, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Corp
1. 80-02120/NM2968-79
2. 30-039-20667-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache N #9
6. Axi Apache Area
7. Rio Arriba, NM
8. 15.9 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02121/NM2969-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache N #8
6. Axi Apache Area
7. Rio Arriba, NM
8. 13.6 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02122/NM2970-79
2. 30-039-21431-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache O No 12
6. Axi Apache Area
7. Rio Arriba, NM
8. 162.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02123/NM2971-79
2. 30-039-21428-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache "O" #13
6. Axi Apache Area
7. Rio Arriba, NM
8. 29.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02124/NM2973-79
2. 30-025-25571-0000-0
3. 103 000 000
4. Continental Oil Company
5. Vaughan B-1 #7
6. Langlie Mattix Seven Rivers Queen
7. Lea, NM
8. 20.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02125/NM2974-79A
2. 30-039-21590-0000-1
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #16 (Gallup)
6. West Lindrith
7. Rio Arriba, NM
8. 107.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02126/NM2974-79B
2. 30-039-21590-0000-2
3. 103 000 000
4. Continental Oil Company
5. Jicarilla 28 #16 (Dakota)
6. West Lindrith
7. Rio Arriba, NM
8. 107.0 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas
1. 80-02127/NM2975-79
2. 30-039-20177-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #13
6. Axi Apache Area
7. Rio Arriba, NM
8. 13.4 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02128/NM2977-79-3
2. 30-039-21430-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache "O" #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 15.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02129/NM2977-79-8
2. 30-039-21430-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache O #11
6. Axi Apache Area
7. Rio Arriba, NM
8. 11.5 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02130/NM2978-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache A #2
6. Axi Apache Area
7. Rio Arriba, NM
8. 16.5 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02131/NM2979-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 5.1 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02132/NM2980-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Eaves A #11

6. New Mexico Federal Unit

7. Lea, NM

8. 6.4 million cubic feet

9. October 11, 1979

10. El Paso Natural Gas (C-26)

1. 80-02133/NM2981-79

2. 30-039-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Axi Apache H #11

6. Axi Apache Area

7. Rio Arriba, NM

8. 8.3 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico

1. 80-02134/NM 2934-79

2. 30-025-0000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Sholes A #2

6. New Mexico Federal Unit

7. Lea, NM

8. 1.5 million cubic feet

9. October 11, 1979

10. El Paso Natural Gas (C-26)

1. 80-02135/NM-2936-79

2. 30-025-25642-0000-0

3. 103 000 000

4. Continental Oil Company

5. Marshall #8

6. Cruz

7. Lea, NM

8. 14.0 million cubic feet

9. October 11, 1979

10. Phillips Petroleum (C-511)

1. 80-02136/NM-2937-79

2. 30-039-21503-0000-0

3. 103 000 000

4. Continental Oil Company

5. Axi Apache D #5

6. Axi Apache Area

7. Rio Arriba, NM

8. 35.0 million cubic feet

9. October 11, 1979

10. Southern Union Gathering Company

1. 80-02137/NM 2882-79B

2. 30-025-25852-0000-0

3. 103 000 000

4. Continental Oil Company

5. Warren Unit-Blinebry No 49

6. Blinebry Oil and Gas

7. Lea, NM

8. 50.0 million cubic feet

9. October 11, 1979

10. Warren Petroleum Co

1. 80-02138/NM-2940-79

2. 30-039-21506-0000-0

3. 103 000 000

4. Continental Oil Company

5. Axi Apache K #5A

6. Axi Apache Area

7. Rio Arriba, NM

8. 74.0 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico

1. 80-02139/NM-2941-79

2. 30-039-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Axi Apache H #9

6. Axi Apache Area

7. Rio Arriba, NM

8. 6.6 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02140/NM-2942-79

2. 30-039-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Axi Apache C #1

6. Axi Apache Area

7. Rio Arriba, NM

8. 2.0 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02141/NM-2943-79

2. 30-025-25587-0000-0

3. 103 000 000

4. Continental Oil Company

5. Vaughan B-1 #8

6. Langlie Mattix Seven Rivers Queen

7. Lea, NM

8. 12.0 million cubic feet

9. October 11, 1979

10. El Paso Natural Gas

1. 80-02142/NM-2944-79

2. 30-025-26032-0000-0

3. 103 000 000

4. Continental Oil Company

5. Semu Warren No 99

6. Warren Blinebry West

7. Lea, NM

8. 1.0 million cubic feet

9. October 11, 1979

10. Warren Petroleum (131)

1. 80-02143/NM-2945-79

2. 30-039-21217-0000-0

3. 108 000 000

4. Continental Oil Company

5. Axi Apache O #9

6. Axi Apache Area

7. Rio Arriba, NM

8. 15.9 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02144/NM-2946-79

2. 30-039-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Axi Apache A No 1

6. Axi Apache Area

7. Rio Arriba, NM

8. .0 million cubic feet

9. October 11, 1979

10. Gas Company of New Mexico

1. 80-02145/NM-2951-79

2. 30-039-21589-0000-0

3. 103 000 000

4. Continental Oil Company

5. Jicarilla 30 #7

6. West Lindrith

7. Rio Arriba, NM

8. 165.0 million cubic feet

9. October 11, 1979

10. El Paso Natural Gas

1. 80-02146/NM-2953-79

2. 30-025-25488-0000-0

3. 103 000 000

4. Continental Oil Company

5. Warren Unit Tubb #45

6. Warren Tubb (Oil)

7. Lea, NM

8. 113.0 million cubic feet

9. October 11, 1979

10. Warren Petroleum

1. 80-02147/NM 2955-79

2. 30-025-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Sholes B-25 #2

6. New Mexico Federal Unit

7. Lea, NM

8. .9 million cubic feet

9. October 11, 1979

10. El Paso Natural Gas (C-26)

1. 80-02148/NM 2956-79

2. 30-025-00000-0000-0

3. 108 000 000

4. Continental Oil Company

5. Warren Unit Blinebry #10

6. New Mexico Federal Unit

7. Lea, NM

8. 8.6 million cubic feet

9. October 11, 1979

10. Getty Oil Co (C-112)

1. 80-02149/NM 2763-79A

2. 30-039-21528-0000-1

3. 103 000 000

4. Caulkins Oil Company

5. Breech A 675 (S Blanco PC)

6. South Blanco Pictured Cliffs

7. Rio Arriba, NM

8. 99.5 million cubic feet

9. October 12, 1979

10. Gas Company of New Mexico

1. 80-02150/NM 2763-79B

2. 30-039-21528-0000-2

3. 103 000 000

4. Caulkins Oil Company

5. Breech A 675 (Otero Chacra)

6. Otero Chacra

7. Rio Arriba, NM

8. 99.5 million cubic feet

9. October 12, 1979

10. Gas Company of New Mexico

1. 80-02151/NM-2884-79A

2. 30-039-21335-0000-1

3. 103 000 000

4. Continental Oil Company

5. Jicarilla 28 #15 (Gallup)

6. West Lindrith Gallup

7. Rio Arriba, NM

8. 69.0 million cubic feet

9. October 12, 1979

10. El Paso Natural Gas

1. 80-02152/NM 2884-79B

2. 30-039-21335-0000-2

3. 103 000 000

4. Continental Oil Company

5. Jicarilla 28 #15 (Dakota)

6. West Lindrith Dakota

7. Rio Arriba, NM

8. 69.0 million cubic feet

9. October 12, 1979

10. El Paso Natural Gas

1. 80-02153/NM 2888-79A

2. 30-039-21428-0000-1

3. 103 000 000

4. Continental Oil Company

5. Axi Apache N #13 (PC)

6. Axi Apache Area

7. Rio Arriba, NM

8. 32.0 million cubic feet

9. October 12, 1979

10. Gas Company of New Mexico (C-4787)

1. 80-02154/NM 2888-79B

2. 30-039-21428-0000-2

3. 103 000 000

4. Continental Oil Company

5. Axi Apache N #13 (MV)

6. Axi Apache Area

7. Rio Arriba, NM

8. 12.0 million cubic feet

9. October 12, 1979

10. Gas Company of New Mexico

1. 80-02155/NM-2908-79
2. 30-025-25562-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Tubb No 46
6. Warren Tubb Oil
7. Lea, NM
8. 62.0 million cubic feet
9. October 12, 1979
10. Warren Petroleum
1. 80-02156/NM-2910-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Hawk B-10 #7
6. New Mexico Federal Unit
7. Lea, NM
8. 13.0 million cubic feet
9. October 12, 1979
10. Getty Oil Co (C-112)
1. 80-02157/NM-2911-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache J #8
6. Axi Apache Area
7. Rio Arriba, NM
8. 4.2 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02158/NM-2912-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. N El Mar Unit #23
6. El Mar
7. Lea, NM
8. 1 million cubic feet
9. October 12, 1979
10. Phillips Petroleum (C-638)
1. 80-02159/NM-2914-89
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache C No 7
6. Axi Apache Field
7. Rio Arriba, NM
8. 5.4 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02160/NM-2915-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache M #3
6. Axi Apache Area
7. Rio Arriba, NM
8. 4.2 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02161/NM-2916-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache P #1
6. Axi Apache Area
7. Rio Arriba, NM
8. 11.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02162/NM-2917-79
2. 30-025-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. North El Mar #40
6. El Mar
7. Lea, NM
8. 1.9 million cubic feet
9. October 12, 1979
10. Phillips Petroleum Co (C-638)
1. 80-02163/NM-2918-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache N #5
6. Axi Apache Area
7. Rio Arriba, NM
8. 4.7 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02164/NM-2919-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache D #2
6. Axi Apache Area
7. Rio Arriba, NM
8. 13.7 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02165/NM-2921-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache L #2
6. Axi Apache Area
7. Rio Arriba, NM
8. 7.2 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02166/NM-2923-79
2. 30-039-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Axi Apache H #8
6. Axi Apache Area
7. Rio Arriba, NM
8. 6.7 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico (C-4787)
1. 80-02167/NM-2924-79
2. 30-039-21347-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache D #4
6. Axi Apache Area
7. Rio Arriba, NM
8. 35.0 million cubic feet
9. October 11, 1979
10. Southern Union Gathering Company
1. 80-02168/NM-2925-79A
2. 30-039-21436-0000-1
3. 103 000 000
4. Continental Oil Company
5. Axi Apache N #12 (MV)
6. Axi Apache Area
7. Rio Arriba, NM
8. 65.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02169/NM-2925-79B
2. 30-039-21436-0000-2
3. 103 000 000
4. Continental Oil Company
5. Axi Apache N #12 (PC)
6. Axi Apache Area
7. Rio Arriba, NM
8. 44.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02170/NM-2926-79
2. 30-039-21586-0000-0
3. 103 000 000
4. Continental Oil Company
5. Conoco 29-4 #10
6. East San Juan
7. Rio Arriba, NM
8. 37.0 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Company
1. 80-02171/NM-2927-79A
2. 30-025-25828-0000-1
3. 103 000 000
4. Continental Oil Company
5. Warren Unit-Blinebry No 47
6. Blinebry Oil & Gas
7. Lea, NM
8. 16.0 million cubic feet
9. October 12, 1979
10. Warren Petroleum Company
1. 80-02172/NM-2928-79
2. 30-025-25511-0000-0
3. 103 000 000
4. Continental Oil Company
5. Wells B-1 #4
6. Jalmat Yates Gas
7. Lea, NM
8. 133.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02173/NM-2930-79
2. 30-025-25849-0000-0
3. 103 000 000
4. Continental Oil Company
5. MCA Unit #357
6. Baish-Maljammar-Pearsall
7. Lea, NM
8. 3.0 million cubic feet
9. October 11, 1979
10. Transwestern (C-7759)
1. 80-02174/NM-2932-79
2. 30-025-25488-0000-0
3. 103 000 000
4. Continental Oil Company
5. Warren Unit Blinebry Bty 1 No 45
6. Blinebry Oil and Gas
7. Lea, NM
8. 42.0 million cubic feet
9. October 11, 1979
10. Warren Petroleum Company (131)
1. 80-02175/NM-2933-79
2. 30-039-21544-0000-0
3. 103 000 000
4. Continental Oil Company
5. Axi Apache J No 28
6. Axi Apache Area
7. Rio Arriba, NM
8. 47.0 million cubic feet
9. October 11, 1979
10. Gas Company of New Mexico
1. 80-02176/NM-2840-79
2. 30-045-05956-0000-0
3. 108 000 000
4. Getty Oil Company
5. J W Goddard No 9
6. South Gallegos
7. San Juan, NM
8. 2.3 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas
1. 80-02177/NM-2851-79
2. 30-039-05818-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 25

6. Otero Gallup
 7. Rio Arriba, NM
 8. 6.9 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas
 1. 80-02178/NM-2850-79
 2. 30-039-21068-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Jaicarilla C No 27
 6. Basin Dakota
 7. Rio Arriba, NM
 8. 15.0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Company
 1. 80-02179/NM-2844-79
 2. 30-045-06452-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. John Charles No 4
 6. Blanco P Cliffs S
 7. San Juan, NM
 8. 16.3 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Co
 1. 80-02180/NM-2802-79
 2. 30-039-05825-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. L L McConnell No 10
 6. Blanco P Cliffs S
 7. Rio Arriba, NM
 8. 4.2 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp
 1. 80-02181/NM-2839-79
 2. 30-045-6608-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Nellie Platero No 2
 6. Blanco P Cliffs S
 7. San Juan, NM
 8. 10.8 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Co
 1. 80-02182/NM-2881-79
 2. 30-045-10368-0000-0
 3. 108 000 000
 4. Consolidated Oil & Gas Inc
 5. Hale-Adobe #1-28
 6. Basin Dakota
 7. San Juan, NM
 8. 14.6 million cubic feet
 9. October 12, 1979
 10. Southern Union Gas Company
 1. 80-02183/NM-2801-79
 2. 30-039-05774-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. L L McConnell No 11
 6. Blanco P Cliffs S
 7. Rio Arriba, NM
 8. 4.8 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp
 1. 80-02184/NM-2800-79
 2. 30-039-05830-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. L L McConnell No 11
 6. Blanco P Cliffs S
 7. Rio Arriba, NM
 8. 3.1 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp

1. 80-02185/NM-2799-79
 2. 30-039-05745-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. L L McConnell No 5
 6. Blanco P Cliffs S
 7. Rio Arriba, NM
 8. 11.4 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp
 1. 80-02186/NM-2890-79
 2. 30-039-21349-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Axi Apache J #27
 6. Axi Apache Area
 7. Rio Arriba, NM
 8. 26.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02187/NM-2797-79
 2. 30-039-06442-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech 310
 6. South Blanco Pictured Cliffs
 7. Rio Arriba, NM
 8. 16.9 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02188/NM-2795-79
 2. 30-039-06465-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech C 328
 6. South Blanco Pictured Cliffs
 7. Rio Arriba, NM
 8. 16.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02189/NM-2794-79
 2. 30-039-06443-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech 312
 6. South Blanco Pictured Cliffs
 7. Rio Arriba, NM
 8. 13.1 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02190/NM-2791-79
 2. 30-039-06697-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech E 581
 6. Otero Chacra
 7. Rio Arriba, NM
 8. 6.3 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02191/NM-2790-79
 2. 30-039-06636-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech A 629
 6. Undesignated Gallup
 7. Rio Arriba, NM
 8. 15.2 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02192/NM-2789-79
 2. 30-039-06505-0000-0
 3. 108 000 000
 4. Caulkins Oil Company
 5. Breech B 220

6. South Blanco Pictured Cliffs
 7. Rio Arriba, NM
 8. 5.6 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02193/NM-2769-79
 2. 30-039-21534-0000-0
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech D 346
 6. Basin Dakota
 7. Rio Arriba, NM
 8. 112.1 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02194/NM 2768-79A
 2. 30-039-21362-0000-1
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech D 358 (S Blanco PC)
 6. South Blanco Pictured Cliffs
 7. Rio Arriba, NM
 8. 44.7 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02195/NM 2768-79B
 2. 30-039-21362-0000-2
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech D 358 (Otero Chacra)
 6. Otero Chacra
 7. Rio Arriba, NM
 8. 44.7 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02196/NM2798-79A
 2. 30-039-21533-0000-1
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech 228 (Blanco MV)
 6. Blanco Mesa Verde
 7. Rio Arriba, NM
 8. 15.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02197/NM2798-79B
 2. 30-039-21533-0000-2
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech 228 (Otero Chacra)
 6. Otero Chacra
 7. Rio Arriba NM
 8. 12.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02198/NM2798-79C
 2. 30-039-21533-0000-3
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech 228 (5 Blanco PC)
 6. South Blanco Pictured Cliffs
 7. Rio Arriba NM
 8. 25.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02199/NM2798-79D
 2. 30-039-21533-0000-4
 3. 103 000 000
 4. Caulkins Oil Company
 5. Breech 228 (Basin Dakota)
 6. Basin Dakota
 7. Rio Arriba NM
 8. 84.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico

1. 80-02200/NM2893-79A
 2. 30-039-21427-0000-1
 3. 103 000 000
 4. Continental Oil Company
 5. Axi Apache N #14 (PC)
 6. Axi Apache Area
 7. Rio Arriba NM
 8. 3.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico (C-4787)
 1. 80-02201/NM2893-79B
 2. 30-039-21427-0000-2
 3. 103 000 000
 4. Continental Oil Company
 5. Axi Apache N #14 (MV)
 6. Axi Apache Area
 7. Rio Arriba NM
 8. 83.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico
 1. 80-02202/NM-2891-79
 2. 30-025-00000-0000-0
 3. 108 000 000
 4. Continental Oil Company
 5. Eaves A #4
 6. New Mexico Federal Unit
 7. Lea NM
 8. 1.1 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas (C-26)
 1. 80-02203/NM-2889-79
 2. 30-025-23811-0000-0
 3. 108 000 000
 4. Continental Oil Company
 5. Eaves B-1 #13
 6. New Mexico Federal Unit
 7. Lea NM
 8. 1.3 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas (C-26)
 1. 80-02204/NM-2887-79
 2. 30-039-00000-0000-0
 3. 108 000 000
 4. Continental Oil Company
 5. Axi Apache M #4
 6. Axi Apache Area
 7. Rio Arriba NM
 8. 3.0 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico (C-4787)
 1. 80-02205/NM-2886-79
 2. 30-015-22738-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Federal 34 #1
 6. Spring
 7. Eddy NM
 8. 720.0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas
 1. 80-02206/NM-2883-79
 2. 30-039-21669-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Jicarilla 20 #6
 6. West Lindrith
 7. Rio Arriba NM
 8. 34.0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas
 1. 80-02207/NM-2882-79
 2. 30-025-25852-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Warren Unit Tubb #49

6. Warren Tubb (Oil)
 7. Lea NM
 8. 9.0 million cubic feet
 9. October 12, 1979
 10. Warren Petroleum
 1. 80-02208/NM-2881-79
 2. 30-025-25586-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Vaughan A-12 #2
 6. Langlie Mattix Seven Rivers Queen
 7. Lea NM
 8. .0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas
 1. 80-02209/NM-2880-79
 2. 30-025-25851-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Warren Unit Tubb #48
 6. Warren Tubb Oil
 7. Lea NM
 8. 15.0 million cubic feet
 9. October 12, 1979
 10. Warren Petroleum Company
 1. 80-02210/NM-2878-79
 2. 30-039-21607-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Jicarilla 30 #8
 6. West Lindrith
 7. Rio Arriba NM
 8. 16.0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas (C-8285)
 1. 80-02211/NM-2875-79
 2. 30-039-21606-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Jicarilla 30 #9
 6. West Lindrith
 7. Rio Arriba NM
 8. 14.0 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas (C-8285)
 1. 80-02212/NM-2873-79
 2. 30-039-00000-0000-0
 3. 108 000 000
 4. Continental Oil Company
 5. Axi Apache A #9
 6. Axi Apache Area
 7. Rio Arriba NM
 8. 9.3 million cubic feet
 9. October 12, 1979
 10. Gas Company of New Mexico (C-4787)
 1. 80-02213/NM-2871-79
 2. 30-025-25850-0000-0
 3. 103 000 000
 4. Continental Oil Company
 5. Warren Unit Blinbry Battery 1 #50
 6. Blinbry Oil & Gas
 7. Lea NM
 8. 5.0 million cubic feet
 9. October 12, 1979
 10. Warren Petroleum
 1. 80-02214/NM-2870-79
 2. 30-025-00000-0000-0
 3. 108 000 000
 4. Continental Oil Company
 5. Hawk B-3 #19
 6. New Mexico Federal Unit
 7. Lea NM
 8. 12.9 million cubic feet
 9. October 12, 1979
 10. Getty Oil Co (C-112)

1. 80-02215/NM-2838-79
 2. 30-045-06550-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Marshall A No 1
 6. Blanco P Cliffs S
 7. San Juan NM
 8. 6.1 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Company
 1. 80-02216/NM-2843-79
 2. 30-039-05987-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. C W Roberts No 2
 6. Blanco P Cliffs S
 7. Rio Arriba NM
 8. 7.6 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp
 1. 80-02217/NM-2842-79
 2. 30-045-05937-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. J W Goddard No 3
 6. South Gallegos
 7. San Juan NM
 8. 5.9 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Co
 1. 80-02218/NM-2841-79
 2. 30-045-05930-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Navajo L No 1
 6. South Gallegos
 7. San Juan NM
 8. 11.7 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Co
 1. 80-02219/NM-2824-79
 2. 30-039-05291-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Anderson A No 3
 6. Blanco P Cliffs S
 7. Rio Arriba NM
 8. 5.1 million cubic feet
 9. October 12, 1979
 10. Northwest Pipeline Corp
 1. 80-02220/NM-2810-79
 2. 30-039-05815-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Jicarilla C No 5
 6. Blanco P Cliffs S
 7. Rio Arriba NM
 8. 3.7 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Co
 1. 80-02221/NM-2809-79
 2. 30-039-05683-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Jicarilla B No 3
 6. Basin Dakota
 7. Rio Arriba NM
 8. 6.5 million cubic feet
 9. October 12, 1979
 10. El Paso Natural Gas Company
 1. 80-02222/NM-2808-79
 2. 30-039-05635-0000-0
 3. 108 000 000
 4. Getty Oil Company
 5. Jicarilla B No 1

6. Ballard Pictured Cliffs
7. Rio Arriba County NM
8. 9.2 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02223/NM-2807-79
2. 30-039-05786-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 6
6. Blanco P Cliffs S
7. Rio Arriba NM
8. .3 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp
1. 80-02224/NM-2806-79
2. 30-039-05776-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 1
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 4.1 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02225/NM-2805-79
2. 30-039-05829-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 7
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 5.1 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02226/NM-2803-79
2. 30-039-05887-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 2
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 12.1 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02227/NM-2804-79
2. 30-039-05775-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 9
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 4.4 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02228/NM-2829-79
2. 30-039-06024-0000-0
3. 108 000 000
4. Getty Oil Company
5. C W Roberts No 1
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 9.0 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02229/NM-2828-79
2. 30-045-06538-0000-0
3. 108 000 000
4. Getty Oil Company
5. Marshall A No 4
6. Blanco P Cliffs S
7. San Juan NM
8. 6.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02230/NM-2827-79
2. 30-039-05961-0000-0
3. 108 000 000
4. Getty Oil Company
5. V R Nordhaus No 1
6. Ballard PC
7. Rio Arriba NM
8. 12.6 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02231/NM-2826-79
2. 30-045-06577-0000-0
3. 108 000 000
4. Getty Oil Company
5. Campbell Com #1 No 1
6. Basin Dakota
7. San Juan NM
8. 9.8 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02232/NM-2833-79
2. 30-039-05741-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 8
6. Otero Gallup
7. Rio Arriba NM
8. 7.2 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02233/NM-2825-79
2. 30-039-05324-0000-0
3. 108 000 000
4. Getty Oil Company
5. Anderson A No 1
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 9.8 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02234/NM-2837-79
2. 30-039-05879-0000-0
3. 108 000 000
4. Getty Oil Company
5. Lydia Rentz No 5
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 9.3 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02235/NM-2836-79
2. 30-039-05688-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 3
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 18.5 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02237/NM-2834-79
2. 30-039-05725-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 2
6. Otero Gallup
7. Rio Arriba NM
8. 6.7 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02238/NM-2832-79
2. 30-039-05707-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 2

6. Otero Gallup
7. Rio Arriba NM
8. 10.7 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02239/NM-2831-79
2. 30-039-05682-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 2
6. Otero Gallup
7. Rio Arriba NM
8. 2.1 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02240/NM-2830-79
2. 30-039-05739-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 4
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 11.4 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02241/NM-2765-79
2. 30-039-21539-0000-0
3. 108 000 000
4. Caulkins Oil Company
5. Breech D 640
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 96.9 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico

1. 80-02242/NM-2764-79
2. 30-039-21530-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech C 644
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 74.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico

1. 80-02243/NM-2758-79
2. 30-039-60010-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech E 102
6. Undesignated Gallup
7. Rio Arriba NM
8. 5.9 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico

1. 80-02244/NM-2819-79
2. 30-045-06554-0000-0
3. 108 000 000
4. Getty Oil Company
5. Marshall A No 2
6. Blanco P Cliffs S
7. San Juan
8. 14.3 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02245/NM-2869-79
2. 30-039-05765-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 21
6. Basin Dakota
7. Rio Arriba NM
8. 7.8 million cubic feet
9. October 11, 1979
10. El Paso Natural Gas Company

1. 80-02246/NM-2557-79
2. 30-039-21713-0000-0
3. 103 000 000
4. Odessa Natural Corporation
5. Jicarilla JV PC 109
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 32.9 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02247/NM-2555-79
2. 30-039-21536-0000-0
3. 103 000 000
4. Odessa Natural Corporation
5. Little Federal No 32-2
6. Chacon Dakota
7. Rio Arriba NM
8. 377.8 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02248/NM-2766-79
2. 30-039-21352-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech E 558
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 27.9 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico

1. 80-02249/NM-2846-79
2. 30-039-05857-0000-0
3. 103 000 000
4. Getty Oil Company
5. Jicarilla C No 14
6. Otero Chacra
7. Rio Arriba NM
8. 17.1 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02250/NM-2849-79
2. 30-039-05740-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 12
6. Otero Gallup
7. Rio Arriba NM
8. 8.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02251/NM-2848-79
2. 30-039-05762-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 12
6. Blanco P Cliffs S & Otero Chacra
7. Rio Arriba NM
8. 2.5 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02252/NM-2847-79
2. 30-039-05767-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 13
6. Blanco P Cliffs S & Otero Chacra
7. Rio Arriba NM
8. 6.6 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02253/NM-2852-79
2. 30-045-06637-0000-0
3. 108 000 000
4. Getty Oil Company
5. Nellie Platero No 3

6. Blanco P Cliffs S
7. San Juan NM
8. 3.9 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02254/NM-2854-79
2. 30-039-05820-0000-0
3. 108 000 000
4. Getty Oil Company
5. L L McConnell No 12
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 5.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02255/NM-2867-79-A
2. 30-045-23116-0000-1
3. 103 000 000
4. Getty Oil Company
5. B M Houck No 1-L
6. Undesignated MV
7. San Juan NM
8. 60.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02256/NM-2867-79-B
2. 30-045-23116-0000-2
3. 103 000 000
4. Getty Oil Company
5. B M Houck No 1-L
6. Bloomfield Chacra
7. San Juan NM
8. 36.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02257/NM-2859-79
2. 30-045-22673-0000-0
3. 103 000 000
4. Getty Oil Company
5. John Charles No 7-A
6. Blanco Mesaverde
7. San Juan NM
8. 85.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Company

1. 80-02258/NM-2860-79
2. 30-045-22672-0000-0
3. 103 000 000
4. Getty Oil Company
5. Nellie Platero No 5-A
6. Blanco Mesaverde
7. San Juan NM
8. 71.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02259/NM-2861-79
2. 30-045-22678-0000-0
3. 103 000 000
4. Getty Oil Company
5. Marshall A No 6-A
6. Blanco Mesaverde
7. San Juan NM
8. 67.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02260/NM-1,LI-M.
2. 30-045-22660-0000-0
3. 103 000 000
4. Getty Oil Company
5. John Charles No 6-A
6. Blanco Mesaverde
7. San Juan NM
8. 71.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02261/NM-2863-79
2. 30-045-22679-0000-0
3. 103 000 000
4. Getty Oil Company
5. Marshall-Gentle No 1-A
6. Blanco Mesaverde
7. San Juan NM
8. 81.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02264/NM-2853-79
2. 30-039-05876-0000-0
3. 108 000 000
4. Getty Oil Company
5. Lydia Rentz No 1
6. Blanco P Cliffs S
7. Rio Arriba NM
8. 7.4 million cubic feet
9. October 12, 1979
10. Northwest Pipeline Corp

1. 80-02265/NM-2865-79-A
2. 30-045-23130-0000-1
3. 103 000 000
4. Getty Oil Company
5. Bunce A No 1-L
6. Undesignated Mv
7. San Juan NM
8. 60.0 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02266/NM-2865-79-B
2. 30-045-23130-0000-2
3. 103 000 000
4. Getty Oil Company
5. Bunce A No 1 U
6. Bloomfield Chacra
7. San Juan NM
8. 3.6 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02267/NM-2857-79
2. 30-039-21111-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla B No 24
6. Basin Dakota
7. Rio Arriba NM
8. 16.3 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02289/NM-2762-79
2. 30-039-21531-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech C 744
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 105.8 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico

1. 80-02290/NM-2892-79
2. 30-25-00000-0000-0
3. 108 000 000
4. Continental Oil Company
5. Eaves B-1 #12
6. New Mexico Federal Unit
7. Lea NM
8. 1.4 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co

1. 80-02291/NM-2767-79
2. 30-039-21365-0000-0
3. 103 000 000
4. Caulkins Oil Company
5. Breech F 545

6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 47.0 million cubic feet
9. October 12, 1979
10. Gas Company of New Mexico
1. 80-02292/NM-2858-79
2. 30-039-05806-0000-0
3. 108 000 000
4. Getty Oil Company
5. Jicarilla C No 11
6. Blanco P Cliffs S & Otero Chacra
7. Rio Arriba NM
8. 13.2 million cubic feet
9. October 12, 1979
10. El Paso Natural Gas Co
1. 80-02293/NM-2864-79
2. 30-045-22574-0000-0
3. 103
4. Getty Oil Company
5. Mexico—Federal B #1-AU
6. Aztec—Fruitland
7. San Juan NM
8. 30.0 million cubic feet
9. October 12, 1979
10. Southern Union Gathering Co.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before December 6, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35918 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 111]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

November 9, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Kansas Corporation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NPGA
4. Operator
5. Well Name
6. Field or OCS area name

7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 80-03984/K-79-445
2. 15-093-00000-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Company
5. Widner #1
6. Hugoton
7. Kearny, KS
8. 18.0 million cubic feet
9. October 25, 1979
- 10.
1. 80-03985/K-79-0427
2. 15-145-20536-0000
3. 103 000 000
4. Halliburton Oil Producing Company
5. Scharzt 1-B
6. Zook (Pennsylvanian-Mississippian C
7. Pawnee, KS
8. 100.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Company
1. 80-03986/K-79-426
2. 15-145-20538-0000
3. 103 000 000
4. Halliburton Oil Producing Company
5. Scharzt 1-C
6. Zook (Pennsylvanian-Mississippian C
7. Pawnee, KS
8. 100.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natural Gas Company
1. 80-03987/K-79-431
2. 15-007-00000-0000
3. 108 000 000
4. John O Farmer Inc
5. Ohlson #1
6. Hardtner
7. Barber, KS
8. .0 million cubic feet
9. October 25, 1979
10. Cities Service Gas Company
1. 80-03988/K-79-429
2. 15-007-00000-0000
3. 108 000 000
4. John O Farmer Inc
5. Schiff #1
6. Rhodes Northeast
7. Barber, KS
8. .0 million cubic feet
9. October 25, 1979
10. Cities Service Gas Company
1. 80-03989/K-79-0388
2. 15-055-20297-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Moody #2
6. Panoma
7. Finney, KS
8. 122.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Co
1. 80-03990/K-79-389
2. 15-055-20298-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Hatfield Gas Unit #2
6. Panoma Council Grove
7. Finney, KS
8. 114.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-03991/K-79-0390

2. 15-055-20268-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Nolan Gas Unit #2
6. Panoma Council Grove
7. Finney, KS
8. 89.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-03992/K-79-0391
2. 15-093-20384-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Heintz Gas Unit #2
6. Panoma Council Grove
7. Finney, KS
8. 122.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-03993/K-79-0392
2. 15-093-20382-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Loucks A Gas Unit
6. Panoma Council Grove
7. Kearny, KS
8. 117.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-03994/K-79-0393
2. 15-093-20381-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Loucks Petroleum Company
6. Panoma Council Grove
7. Kearny, KS
8. 100.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-03995/K-79-394
2. 15-055-20277-0000
3. 103 000 000
4. Champlin Petroleum Company
5. McGonigal Gas Unit #2
6. Panoma Council Grove
7. Finney, KS
8. 82.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Natl Gas Co Inc
1. 80-03996/K-79-553
2. 15-055-00000-0000
3. 108 000 000
4. Kansas-Nebraska Natural Gas Company
5. P Shell #1
6. Hugoton
7. Finney, KS
8. 18.0 million cubic feet
9. October 25, 1979
- 10.
1. 80-03997/K-79-555
2. 15-175-20334-0000
3. 103 000 000
4. Burnett Corporation
5. Kane-Baughman #1
6. Unnamed Field Lansing Formation
7. Seward
8. 200.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-03998/K-79-556
2. 15-189-20423-0000
3. 103 000 000
4. Mobil Oil Corporation
5. I G Ellis Unit Well #1
6. Gentzler

7. Stevens, KS
8. 200.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-03999/K-79-557
2. 15-189-20404-0000
3. 103 000 000
4. Northern Natural Gas Producing Comp
5. Bunton #2 Unit #8
6. Panama
7. Stevens, KS
8. 70.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04000/K-79-581
2. 15-175-10017-0000
3. 108 000 000
4. Cabot Corporation
5. H C Bryant A #1
6. Undesignated
7. Seward, KS
8. 8.0 million cubic feet
9. October 25, 1979
10. Cities Service Gas Co
1. 80-04001/K-79-602
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Erickson Gas Unit No 1
6. Hugoton
7. Finney, KS
8. 13.1 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04002/K-79-603
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Garden City Unit No 1
6. Hugoton
7. Finney, KS
8. 12.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04003/K-79-604
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Ed Hughes B No 1
6. Hugoton
7. Finney, KS
8. 21.2 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04004/K-79-605
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Kisner-Horton Unit No 1
6. Hugoton
7. Finney, KS
8. 18.8 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04005/K-79-606
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Landgraf Unit No 1
6. Hugoton
7. Finney, KS
8. .0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04006/K-79-600

2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. Anderson-Shrier Unit No 1
6. Hugoton
7. Finney, KS
8. 20.8 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04007/K-79-601
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. J W Davis Unit No 1
6. Hugoton
7. Finney, KS
8. 15.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04008/K-79-607
2. 15-055-00000-0000
3. 108 000 000
4. Texaco Inc
5. H M Riffel No 1
6. Hugoton
7. Finney, KS
8. 6.6 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-04009/K-79-608
2. 15-1119-10213-0000
3. 108 000 000
4. Texaco Inc
5. A D Sanders B
6. Singley-Sanders
7. Meade KS
8. .0 million cubic feet
9. October 25, 1979
10. Panhandle Eastern Pipe Line Co
1. 80-04010/K-79-609
2. 15-189-20428-0000
3. 103 000 000
4. Texaco Inc
5. Curtis No 2
6. Panama
7. Stevens KS
8. 72.0 million cubic feet
9. October 25, 1979
10. Cities Service Gas Company
1. 80-04011/K-79-610
2. 15-189-20429-0000
3. 103 000 000
4. Texaco Inc
5. C M Dudley No 2
6. Panama
7. Stevens KS
8. 72.0 million cubic feet
9. October 25, 1979
10. Cities Services Gas Company
1. 80-04012/K-79-0399
2. 15-175-20370-0000
3. 103 000 000
4. Anadarko Production Company
5. Guttridge C-2
6. Shuck
7. Seward KS
8. 975.0 million cubic feet
9. October 25, 1979
10. Cimarron-Quinque A Div of APC
1. 80-04013/K-79-0400
2. 15-175-20368-0000
3. 103 000 000
4. Anadarko Production Company
5. Guttridge B No 2
6. Shuck

7. Seward KS
8. 5.80 million cubic feet
9. October 25, 1979
10. Cimarron-Quinque A Div of APC
1. 80-04014/K-79-0594
2. 15-129-00000-0000
3. 108 000 000
4. Gas Producing Enterprises Inc
5. Craver 1-32
6. Greenwood
7. Morton KS
8. 11.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Co
1. 80-04015/K-79-595
2. 15-129-00000-0000
3. 108 000 000
4. Gas Producing Enterprises Inc
5. Fullerton 1-21
6. Greenwood
7. Morton KS
8. 14.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Co
1. 80-04016/K-79-0378
2. 15-055-20332-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Kansas #2
6. Panama
7. Finney KS
8. 110.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Nat Gas Co
1. 80-04017/K-79-0379
2. 15-093-20465-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Orle White Gas Unit #2
6. Panama Council Grove
7. Kearny KS
8. 106.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-04018/K-79-0380
2. 15-055-20267-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Wm H Moody #2
6. Panama Council Grove
7. Finney KS
8. 88.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Company
1. 80-04019/K-79-0381
2. 15-055-20324-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Potter #2
6. Panama
7. Finney KS
8. 168.0 million cubic feet
9. October 25, 1979
10. Kansas-Nebraska Nat Gas Co
1. 80-04020/K-79-0382
2. 15-055-20300-0000
3. 103 000 000
4. Champlin Petroleum Company
5. Lee #2
6. Panama
7. Finney KS
8. 65.0 million cubic feet
9. October 25, 1979
10. Colorado Interstate Gas Co
1. 80-04021/K-79-0383

2. 15-093-20482-0000
 3. 103 000 000
 4. Champlin Petroleum Company
 5. Claypool D1-21
 6. Council Grove
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 25, 1979
 10. Northern Natural Gas Co
 1. 80-04022/K-79-0384
 2. 15-175-20293-0000
 3. 103 000 000
 4. Champlin Petroleum Company
 5. Silverman #2
 6. Silverman
 7. Seward KS
 8. 91.0 million cubic feet
 9. October 25, 1979
 10. Northern Natural Gas Co
 1. 80-04023/K-79-0385
 2. 15-055-20321-0000
 3. 103 000 000
 4. Champlin Petroleum Company
 5. Garnand #2
 6. Panama
 7. Finney KS
 8. 100.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-04024/K-79-0386
 2. 15-055-20298-0000
 3. 103 000 000
 4. Champlin Petroleum Company
 5. Lockwood #2
 6. Panama
 7. Finney KS
 8. 100.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-04025/K-79-0387
 2. 15-055-20266-0000
 3. 103 000 000
 4. Champlin Petroleum Company
 5. Reeves Gas Unit #2
 6. Panama Council Grove
 7. Finney KS
 8. 100.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Company
 1. 80-04026/K-79-0452
 2. 15-035-21246-0000
 3. 103 000 000
 4. W B Osborn Jr (Operator)
 5. McNickle #1
 6. Panama
 7. Cowley KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Citices Service Gas Co
 1. 80-04027/K-79-0453
 2. 15-093-20552-0000
 3. 102 000 000
 4. W B Osborn Jr Operator
 5. Myrtle #1-A
 6. Panama
 7. Kearny KS
 8. 30.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-04028/K-79-0454
 2. 15-093-20402-0000
 3. 102 000 000
 4. W B Osborn Jr Operator
 5. Martin #3 (3-A)
 6. Panama

7. Kearny KS
 8. 40.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-04029/K-79-0455
 2. 15-093-20556-0000
 3. 102 000 000
 4. W B Osborn Jr Operator
 5. Miller #3-A
 6. Panama
 7. Kearny KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-04030/K-79-0456
 2. 15-093-20404-0000
 3. 102 000 000
 4. W B Osborn Jr Operator
 5. Martin #2 (2-A)
 6. Panama
 7. Kearny KS
 8. 100.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-04031/K-79-0463
 2. 15-093-20400-0000
 3. 103 000 000
 4. W B Osborn Jr Operator
 5. Miller #2 (2-A)
 6. Panama
 7. Kearney KS
 8. 40.0 million cubic feet
 9. October 25, 1979
 10. Colorado Interstate Gas Co
 1. 80-04032/K-79-0464
 2. 15-093-20444-0000
 3. 103 000 000
 4. W B Osborn Jr Operator
 5. Miles #1-A
 6. Panama
 7. Kearny KS
 8. 75.0 million cubic feet
 9. October 25, 1979
 10. Panhandle Eastern Pipeline
 1. 80-04033/K-79-0443
 2. 15-145-20498-0000
 3. 102 000 000
 4. F G Holl
 5. City of Garfield No 1
 6. Garfield SW
 7. Pawnee KS
 8. 80.0 million cubic feet
 9. October 25, 1979
 10. Kansas-Nebraska Natural Gas Co Inc
 1. 80-04034/K-79-0442
 2. 15-047-20336-0000
 3. 102 000 000
 4. F G Holl
 5. G D White No 1
 6. WAC North
 7. Edwards KS
 8. 60.0 million cubic feet
 9. October 25, 1979
 10. Kansas-Nebraska Natural Gas Co Inc
 1. 80-04035/K-79-0439
 2. 15-047-20370-0000
 3. 102 000 000
 4. F G Holl
 5. Cross No 1-19
 6. Mundhenke
 7. Edwards KS
 8. 210.0 million cubic feet
 9. October 25, 1979
 10. Kansas-Nebraska Natural Gas Co Inc
 1. 80-04036/K-79-0438

2. 15-047-20365-0000
 3. 102 000 000
 4. F G Holl
 5. Hoar No 2-6
 6. Garfield SW
 7. Edwards KS
 8. 19.0 million cubic feet
 9. October 25, 1979
 10. Kansas-Nebraska Natural Gas Co Inc
 1. 80-04037/K-79-0436
 2. 15-035-20659-0000
 3. 108 000 000
 4. Olympic Petroleum Company
 5. No 1 F G Jabara
 6. East Mansur Field
 7. Cowley KS
 8. 3.8 million cubic feet
 9. October 25, 1979
 10. Cities Service Gas Company
 1. 80-04038/K-79-0634
 2. 15-199-20019-0000
 3. 102 000 000
 4. Texas Oil & Gas Corp
 5. Hinrichs #1
 6. Wildcat
 7. Wallace KS
 8. 913.0 million cubic feet
 9. October 25, 1979
 10. The Nueces Company
 1. 80-04039/K-79-0633
 2. 15-199-20023-0000
 3. 102 000 000
 4. Texas Oil & Gas Corp
 5. Johannes #1
 6. Wildcat
 7. Wallace KS
 8. 91.0 million cubic feet
 9. October 25, 1979
 10. The Nueces Company

Kentucky Department of Mines and Minerals, Oil and Gas Division

1. Control Number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-03927/ERC-207
 2. 16-195-00000-0000
 3. 108 000 000
 4. Amos Newsom Coal Company
 5. United Mineral Development No 11
 6. Virgie
 7. Pike KY
 8. 12.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03810/ERC-104
 2. 16-107-23951-0000
 3. 108 000 000
 4. Barron Kidd
 5. Barron Kidd Fox #5 Permit No 22433
 6. Elk Creek Sec 12 Twp K Rge 25
 7. Hopkins KY
 8. 2.2 million cubic feet
 9. October 25, 1979
 10. Western Kentucky Gas Company
 1. 80-03811/ERC-103
 2. 16-107-23200-0000
 3. 108 000 000

4. Barron Kidd
5. Barron Kidd-Fox #4 Permit #23200
6. Elk Creek Sec 12 Twp K Rge 25
7. Hopkins KY
8. 2.2 million cubic feet
9. October 25, 1979
10. Western Kentucky Gas Company
1. 80-03812/ERC-91
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey
5. Melissa Jobe Well #1
- 6.
7. Perry KY
8. 9.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03313/ERC-102
2. 16-107-22433-0000
3. 108 000 000
4. Barron Kidd
5. Barron Kidd-Fox #3 Permit #22433
6. Elk Creek Sec 18 Twp K-Rge 25
7. Hopkins County KY
8. 2.2 million cubic feet
9. October 25, 1979
10. Western Kentucky Gas Company
1. 80-03814/ERC-101
2. 16-107-89340-0000
3. 108 000 000
4. Barron Kidd
5. Barron Kidd-Fox #1 Permit No 8934
6. Elk Creek Sec 12 Twp K Rge 25
7. Hopkins County KY
8. 2.2 million cubic feet
9. October 25, 1979
10. Western Kentucky Gas Company
1. 80-03815/ERC-100
2. 16-195-00000-0000
3. 108 000 000
4. R E Riley & Thadeus Scott Trustee
5. Nell #1 J R Sword Farm
6. East KY Pikeville Marion Branch
7. Pike KY
8. 18.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03816/ERC-99
2. 16-195-00000-0000
3. 108 000 000
4. W E Elliott Trustee
5. James Hatcher Acct 501 Well #3
- 6.
7. Pike KY
8. 15.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03817/ERC-98
2. 16-195-00000-0000
3. 108 000 000
4. W E Elliott
5. Will Justice Well #1
- 6.
7. Pike KY
8. .0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03818/ERC-97
2. 16-195-00000-0000
3. 108 000 000
4. W E Elliott Trustee
5. James Hatcher Acct 501 Well #1
- 6.
7. Pike KY
8. 15.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03819/ERC-96
2. 16-133-00000-0000
3. 108 000 000
4. W W Lindsey and W F Elliott
5. Wayne Brown Well
- 6.
7. Letcher KY
8. 5.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03820/ERC-95
2. 16-195-00000-0000
3. 108 000 000
4. W E Elliott Trustee
5. James Hatcher Acct 501 Well #2
- 6.
7. Pike KY
8. 15.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03821/ERC-94
2. 16-133-00000-0000
3. 108 000 000
4. W W Lindsey and W E Elliott
5. Oakland Halcomb Well 1
- 6.
7. Letcher KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03822/ERC-93
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey
5. Melissa Jobe #2
6. Leatherwood
7. Perry KY
8. 9.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03823/ERC-92
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey and W E Elliott
5. Ernest Pratt #1
- 6.
7. Perry KY
8. .0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03824/ERC-90
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey and W E Elliott
5. Kentucky River Coal Corp #1
6. Leatherwood
7. Perry KY
8. 4.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03825/ERC-89
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey and W E Elliott
5. Kentucky River Coal Corp Well #2
6. Leatherwood
7. Perry KY
8. 10.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03826/ERC-88
2. 16-193-00000-0000
3. 108 000 000
4. W W Lindsey and W W Elliott
5. Jobe & Pratt Well
6. Leatherwood
7. Perry KY
8. 2.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03827/ERC-87
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Addison-Gamblin No. 1 (16558 T)
6. St. Charles
7. Hopkins KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corp
1. 80-03828/ERC-86
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 12 (16570)
6. St Charles
7. Hopkins KY
8. 4.0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03829/ERC-85
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 11 (16560)
6. St Charles
7. Hopkins KY
8. 1.3 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03830/ERC-84
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 10 (16555T)
6. St Charles
7. Hopkins KY
8. 5.9 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03831/ERC-83
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 9 (16482C)
6. St Charles
7. Hopkins KY
8. 6.1 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03832/ERC-82
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 15 (16812)
6. St Charles
7. Hopkins KY
8. 3.7 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03833/ERC-81
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 17 (16860)
6. St Charles
7. Hopkins KY

8. 7.0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03834/ERC-80
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Morris Community (16411)
6. St Charles
7. Hopkins Ky
8. .3 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03835/ERC-79
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Western Kentucky No 2
6. St Charles
7. Hopkins Ky
8. 16.2 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03836/ERC-78
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Stearman No 1
6. St Charles
7. Hopkins Ky
8. 2.0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03837/ERC-77
2. 16-107-00000-0000
3. 108 000 000
4. Har-Ken Oil Company
5. Island Creek No 9 (16482T)
6. St Charles
7. Hopkins Ky
8. 4.5 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03838/ERC-76
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. Addison-Gamblin No 1 (16558C)
6. St Charles
7. Hopkins Ky
8. 3.9 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03839/ERC-75
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. Island Creek Coal Co No 16
6. South Mortons Gap
7. Hopkins Ky
8. 12.8 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03840/ERC-74
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. W N Cox Estate No 1
6. Elk Creek Gas Field
7. Hopkins Ky
8. 12.1 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03841/ERC-73
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. L Qualis No 1
6. St Charles
7. Hopkins Ky
8. .0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03842/ERC-72
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. Western Kentucky No 6
6. St Charles
7. Hopkins Ky
8. 4.2 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03843/ERC-71
2. 16-107-00000-0000
3. 108-000-000
4. Har-Ken Oil Company
5. Western Kentucky No 1
6. St Charles
7. Hopkins Ky
8. 9.0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03844/ERC-129
2. 16-071-00000-0000
3. 103-000-000
4. W E Elliott Trustee Acct 505
5. Gearheart Et Al #1
- 6.
7. Floyd KY
8. .0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03845/ERC-126
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Minnie Pack #2
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03846/ERC-125
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. John Smith #1
- 6.
7. Lawrence KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03847/ERC-124
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. E E Shannon #1
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03848/ERC-123
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Nell Perry #1
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03849/ERC-122
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Derifield #2
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Company
1. 80-03850/ERC-121
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Charles Derifield #1
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03851/ERC-120
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Derifield #3
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03852/ERC-119
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. E Wallace or F Porter #3
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03853/ERC-118
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. E Wallace or F Porter #1
- 6.
7. Lawrence KY
8. 1.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03854/ERC-117
2. 16-127-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Sam Branhan #1
- 6.
7. Lawrence KY
8. 12.3 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Co
1. 80-03855/ERC-116
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Hinkle and Ward #1
- 6.
7. Martin KY
8. 2.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03856/ERC-115

2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Sarah Martin #2
- 6.
7. Martin KY
8. 9.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Co
1. 80-03857/ERC-114
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. George Justice #1
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03858/ERC-113
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Vinson Heirs
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03859/ERC-112
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Edgar Cassel #1
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03860/ERC-111
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. John Goble #1
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03861/ERC-110
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. James Horn #1
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03862/ERC-109
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Belle Fitzpatrick #2
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03863/ERC-108
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Belle Fitzpatrick #3
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03864/ERC-107
2. 16-159-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Carl Pack #2
- 6.
7. Martin KY
8. 7.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03865/ERC-106
2. 16-025-00000-0000
3. 108-000-000
4. Baiden Gas Company
5. Clyde Endicott #1
- 6.
7. Lawrence KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Co
1. 80-03866/ERC-105
2. 16-025-00000-0000
3. 108-000-000
4. T & M Producers
5. T & M #2
6. Quicksand
7. Breathitt County KY
8. 6.5 million cubic feet
9. October 25, 1979
10. Panbowl Gas Company
1. 80-03867/ERC-127
2. 16-195-00000-0000
3. 107-000-000
4. W E Elliott Trustee Acct 504
5. J E Childers Etal Acct 504 #1
- 6.
7. Pike KY
8. 100.0 million cubic feet
9. October 25, 1979
10. Columbia Trans Corp
1. 80-03868/ERC-128
2. 16-195-00000-0000
3. 103 000 000
4. W E Elliott Trustee Acct 504
5. J E Childers et al Acct 504 well #1
- 6.
7. Pike KY
8. 100.0 million cubic feet
9. October 25, 1979
10. Columbia Trans Corp
1. 80-03869/ERC-130
2. 16-071-00000-0000
3. 108 000 000
4. Victor Hale
5. G W Ratliff Well No 2(OG) Ky Permit
6. Middle Creek
7. Floyd KY
8. 8.7 million cubic feet
9. October 25, 1979
10. Kentucky W Va Gas Co
1. 80-03870/ERC-131
2. 16-071-00000-0000
3. 108 000 000
4. Victor Hale
5. G W Ratliff (Ky W Va Gas Co) No 1
6. Middle Creek
7. Floyd KY
8. 8.7 million cubic feet
9. October 25, 1979
10. Kentucky W Va Gas Co
1. 80-03871/ERC-132
2. 16-051-00000-0000
3. 108 000 000
4. Paken Exploration Co
5. Lewis #2
- 6.
7. Clay KY
8. 2.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03872/ERC-133
2. 16-051-00000-0000
3. 108 000 000
4. Paken Exploration co
5. Lewis #3
- 6.
7. Clay KY
8. 4 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03873/ERC-134
2. 16-149-00000-0000
3. 108 000 000
4. K L I Petroleum
5. Bryant 1-G
6. Rumsey Field
7. McLean KY
8. 11.8 million cubic feet
9. October 25, 1979
10. Orbit Gas Company
1. 80-03874/ERC-135
2. 16-149-00000-0000
3. 108 000 000
4. K L I Petroleum
5. Conrad 3-G
6. Rumsey Field
7. McLean KY
8. 1.0 million cubic feet
9. October 25, 1979
10. Orbit Gas Company
1. 80-03875/ERC-136
2. 16-149-00000-0000
3. 108 000 000
4. K L I Petroleum Corp
5. Conrad B-1-G
6. Rumsey Field
7. McLean KY
8. 4.8 million cubic feet
9. October 25, 1979
10. Orbit Gas Company
1. 80-03876/ERC-137
2. 16-149-00000-0000
3. 108 000 000
4. K L I Petroleum
5. Walters 1-G
6. Rumsey Field
7. McLean KY
8. 10.1 million cubic feet
9. October 25, 1979
10. Orbit Gas Company
1. 80-03877/ERC-138
2. 16-149-00000-0000
3. 108 000 000
4. K L I Petroleum Corp
5. Kittinger 1-G
6. Rumsey Field
7. McLean KY
8. 18.8 million cubic feet
9. October 25, 1979
10. Orbit Gas Company
1. 80-03878/ERC-139
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #2
6. District #6

7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03879/ERC-140
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #1
6. District #6
7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03880/ERC-141
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #4
6. District #6
7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03881/ERC-142
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #5
6. District #6
7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03882/ERC-143
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #6
6. District #6
7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03883/ERC-144
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Bonzo #1
6.
7. Pike KY
8. 7.3 million cubic feet
9. October 25, 1979
10. Cities Service Company
1. 80-03884/ERC-145
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Bonzo #2
6.
7. Pike KY
8. 5.1 million cubic feet
9. October 25, 1979
10. Cities Service Company
1. 80-03885/ERC-146
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #8 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03886/ERC-147

2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #3 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03887/ERC-148
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #6 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03888149/ERC-149195
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #2 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03889/ERC-150
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #13 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03890/ERC-151
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #12 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03891/ERC-152
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #11 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03892/ERC-153
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #10 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03893/ERC-154
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #9 B F Johnson lease
6. East KY Virgie Shelby Valley

7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03894/ERC-155
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #1—B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03895/ERC-156
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #4 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03896/ERC-157
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #14 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03897/ERC-158
2. 16-195-00000-0000
3. 108 000 000
4. Riley & Scott Gas Co
5. Well #5 B F Johnson lease
6. East KY Virgie Shelby Valley
7. Pike KY
8. 9.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03898/ERC-159
2. 16-195-00000-0000
3. 108 000 000
4. W E Burchett
5. Stepp #3
6. District #6
7. Pike KY
8. 6.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03899/ERC-160
2. 16-127-00000-0000
3. 108 000 000
4. Quintana Petroleum Corp
5. Robertson Coal Co No 1 (F-11016)
6. Big Sandy-Nrth
7. Lawrence KY
8. 1.9 million cubic feet
9. October 25, 1979
10. Kentucky West Virginia Gas
1. 80-03900/ERC-161
2. 16-127-00000-0000
3. 108 000 000
4. Quintana Petroleum Corp
5. Robertson Coal Co No 3 (F-11030)
6. Big Sandy-North
7. Lawrence KY
8. 7.0 million cubic feet
9. October 25, 1979
10. Kentucky West Virginia Gas
1. 80-03901/ERC-162

2. 16-071-00000-0000
3. 108 000 000
4. James L Fox
5. May #1 805808X
- 6.
7. Floyd KY
8. .9 million cubic feet
9. October 25, 1979
10. Columbia Gas Trans Corp
1. 80-03902/ERC-183
2. 16-159-00000-0000
3. 108 000 000
4. James B Lauffer Agent
5. Federal Gas & Oil Co-V1273
6. Wolf Creek
7. Martin KY
8. 8.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03903/ERC-184
2. 16-159-00000-0000
3. 108 000 000
4. W E Brewer
5. #1-Little Elk
- 6.
7. Martin KY
8. 14.7 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03904/ERC-185
2. 16-159-00000-0000
3. 108 000 000
4. W E Brewer
5. G R Vinson Farm #1
- 6.
7. Martin KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03905/ERC-186
2. 16-159-00000-0000
3. 108 000 000
4. W E Brewer
5. #1 Big Elk
- 6.
7. Martin KY
8. 82.4 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03906/ERC-186
2. 16-159-00000-0000
3. 108 000 000
4. C F Shewey Agent
5. Fields-Howard #1
6. Wolf Creek
7. Martin KY
8. 3.3 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03907/ERC-187
2. 16-159-00000-0000
3. 108 000 000
4. C F Shewey Agent
5. Germer Evans #1
6. Wolf Creek
7. Martin KY
8. 2.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03908/ERC-188
2. 16-159-00000-0000
3. 108 000 000
4. T A Shewey C F Shewey Agent
5. Big Elk Well #1
6. Tug River
7. Martin KY
8. 8.3 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03909/ERC-189
2. 16-159-00000-0000
3. 108 000 000
4. T A Shewey C F Shewey Agent
5. Wallace Well #1
6. Tug River
7. Martin KY
8. 11.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03910/ERC-190
2. 16-195-22227-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #19
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03911/ERC-191
2. 16-195-21424-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #11
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03912/ERC-192
2. 16-195-29298-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #18
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03913/ERC-193
2. 16-195-26600-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #17
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03914/ERC-194
2. 16-195-22043-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #16
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03915/ERC-195
2. 16-195-24876-0014
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #15
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03916/ERC-196
2. 16-195-00000-0000
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #13
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03917/ERC-197
2. 16-195-00000-0000
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #13
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03918/ERC-198
2. 16-195-00000-0000
3. 108 000 000
4. R E Riley & Company
5. Weddington Well #12
6. Millers Creek
7. Pike KY
8. 3.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03919/ERC-199
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 1
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03920/ERC-200
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 3
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03921/ERC-201
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 5
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03922/ERC-202
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 6
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03923/ERC-203
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 7
6. Virgie

7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03924/ERC-204
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 8
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03925/ERC-205
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 9
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03926/ERC-206
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 10
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03928/ERC-208
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 12
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03929/ERC-209
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 13
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03930/ERC-210
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 14
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03931/ERC-211
2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 15
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03932/ERC-212

2. 16-195-00000-0000
3. 108 000 000
4. Amos Newsom Coal Company
5. United Mineral Development No 16
6. Virgie
7. Pike KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03933/ERC-213
2. 16-193-00000-0000
3. 108 000 000
4. The Wiser Oil Co
5. Jasper J Mullins No 1
6. Vicco
7. Perry KY
8. 5.0 million cubic feet
9. October 25, 1979
10. Kentucky West Virginia Gas
1. 80-03934/ERC-214
2. 16-159-00000-0000
3. 108 000 000
4. Charley Cain
5. Cain Lease 2756
6. Kentucky
7. Martin KY
8. 12.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03935/ERC-215
2. 16-159-00000-0000
3. 108 000 000
4. Charley Cain
5. S A D Ward 959
6. Kentucky
7. Martin KY
8. 7.3 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03936/ERC-216
2. 16-159-00000-0000
3. 108 000 000
4. Charley Cain
5. A F Cassidy No 2
6. Kentucky
7. Martin KY
8. 3.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03937/ERC-217
2. 16-127-00000-0000
3. 108 000 000
4. Tebco
5. Carl Miller No 1
6.
7. Lawrence KY
8. 4.4 million cubic feet
9. October 25, 1979
10. Kentucky West Virginia Gas Co
1. 80-03938/ERC-218
2. 16-127-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Ernest Hayes #1 Serial L-7
6. Little Blaine
7. Lawrence KY
8. 2.8 million cubic feet
9. October 25, 1979
10. Inland Gas Company
1. 80-03939/ERC-219
2. 16-071-00000-0000
3. 108 000 000
4. Kentucky Ohio Gas Company
5. Liza Prater #1 Serial F-19
6. Big Sandy Field

7. Floyd KY
8. 9.0 million cubic feet
9. October 25, 1979
10. Southeastern Gas Company
1. 80-03940/ERC-167
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. W R Branham #1
6. W R Branham Farm
7. Martin KY
8. 3.3 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03941/ERC-168
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Cassell #1
6. Rockcastle
7. Martin KY
8. 3.1 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03942/ERC-169
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Fannin #1
6. Rockcastle
7. Martin KY
8. 3.2 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03943/ERC-170
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Field Heirs #1
6. Meathouse Fork
7. Martin KY
8. 4.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03944/ERC-171
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Field Heirs #3
6. Meathouse Fork
7. Martin KY
8. 19.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03945/ERC-172
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Field Heirs #5
6. Meathouse Fork
7. Martin KY
8. 5.6 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03946/ERC-173
2. 16-159-00000-0000
3. 108 000 000
4. Prather Drilling & Producing Co
5. Field Heirs #6
6. Meathouse Fork
7. Martin KY
8. 7.8 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03947/ERC-174

2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Field #8-A
 6. Meathouse Fork
 7. Martin KY
 8. 6.9 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03948/ERC-175
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Field #8-B
 6. Meathouse Fork
 7. Martin KY
 8. .9 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03949/ERC-176
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Field Heirs #8-C
 6. Meathouse Fork
 7. Martin KY
 8. 9.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03950/ERC-177
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Virgil Field #1
 6. Meathouse Fork
 7. Martin KY
 8. .8 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03951/ERC-178
 2. 16-159-00000-0000
 3. 108 000 000
 4. Earl & Anna Prather
 5. Sam Moore
 6. Meathouse Fork
 7. Martin KY
 8. 19.2 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03952/ERC-179
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. J H Muncy #1
 6. Meathouse Fork
 7. Martin KY
 8. 8.8 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03953/ERC-180
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Muncy Heirs 1-B
 6. Meathouse Fork
 7. Martin KY
 8. 8.9 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03954/ERC-181
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Muncy #1-C
 6. Meathouse Fork
 7. Martin KY
 8. 17.6 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03955/ERC-182
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Bill & Telia Muncy #2
 6. Meathouse Fork
 7. Martin KY
 8. 1.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03956/ERC-183
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Muncy & Kirk
 6. Martin KY
 7. Martin KY
 8. 4.4 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03957/ERC-184
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Pocahanta Land Co #3
 6. Finley Branch
 7. Martin KY
 8. 9.7 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03958/ERC-185
 2. 16-159-00000-0000
 3. 108 000 000
 4. Prather Drilling & Producing Co
 5. Pocahanta Land Co #4
 6. Finley Branch
 7. Martin KY
 8. 19.5 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
- New Mexico Department of Energy and Minerals, Oil Conservation Division**
1. Control Number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No
 8. Estimated annual volume
 9. Date received at Ferc
 10. Purchaser(s)
 1. 80-03959
 2. 30-015-22728-0000
 3. 102 000 000
 4. Yates Petroleum Corporation
 5. Gulf KC State Com No 1
 6. Richard Knobb Atoka-Morrow
 7. Eddy, NM
 8. .0 million cubic feet
 9. October 25, 1979
 10. Transwestern Pipeline Company
- Ohio Department of Natural Resources, Division of Oil and Gas**
1. Control number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
 1. 80-03755/07002
 2. 34-167-24640-0014
 3. 103 000 000
 4. The Clinton Oil Co
 5. L Arnold #1
 6. Washington OH
 7. Washington OH
 8. 12.0 million cubic feet
 9. October 25, 1979
 10. Gas Transport Inc
 1. 80-03730/00455
 2. 34-083-22475-0014
 3. 108 000 000
 4. Jerry C Olds
 5. T Clark #1
 6. Knox OH
 7. Knox OH
 8. 2.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corporation
 1. 80-03731/02345
 2. 34-075-21416-0014
 3. 108 000 000
 4. John C Mason
 5. Jacob D Yoder Unit #1
 6. Holmes OH
 7. Holmes OH
 8. 2.5 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Trans Corp
 1. 80-03732/02997
 2. 34-075-21506-0014
 3. 108 000 000
 4. John C Mason
 5. H E Herman #1
 6. Holmes OH
 7. Holmes OH
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Trans Corp
 1. 80-03733/03160
 2. 34-157-21550-0014
 3. 108 000 000
 4. El Patron Oil & Gas Co/Waldron & AS
 5. John R Welling #1
 6. Tuscarawas OH
 7. Tuscarawas OH
 8. 3.2 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Company
 1. 80-03734/03161
 2. 34-099-20159-0014
 3. 108 000 000
 4. David A Waldron & Assoc Inc
 5. Bedell Community #1
 6. Mahoning OH
 7. Mahoning OH
 8. 5.7 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Company
 1. 80-03735/03186
 2. 34-055-20079-0014
 3. 108 000 000
 4. Woodmac Inc/Waldron & Assoc Inc
 5. Hering #1
 6. Geauga OH
 7. Geauga OH
 8. 4.0 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Company

1. 80-03736/03187
2. 34-151-21036-0014
3. 108 000 000
4. David A Waldron & Assoc Inc
5. Jake Miller Community #1
6.
7. Stark OH
8. 5.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03737/03188
2. 34-151-21046-0014
3. 108 000 000
4. David A Waldron & Assoc Inc
5. Spuhler Community #1
6.
7. Stark OH
8. 3.3 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03738/03189
2. 34-133-20152-0014
3. 108 000 000
4. David A Waldron
5. Bivens Community #1
6.
7. Portage, OH
8. 3.7 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03739/03190
2. 34-133-20205-0014
3. 108 000 000
4. David A Waldron
5. T & E Griffith Community #1
6.
7. Portage, OH
8. 1.9 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03740/03191
2. 34-151-21947-0014
3. 108 000 000
4. David A Waldron & Assoc Inc
5. J M Wells #1
6.
7. Stark OH
8. 14.5 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03741/03192
2. 34-151-10450-0140
3. 108 000 000
4. David A Waldron
5. East Ohio Limestone (Kurtz) #1
6.
7. Stark OH
8. 7.7 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03742/03193
2. 34-151-21028-0014
3. 108 000 000
4. David A Waldron
5. Alvin Raber #1
6.
7. Stark OH
8. 5.8 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03743/03194
2. 34-133-20150-0014
3. 108 000 000
4. David A Waldron
5. Boutell Community #1

6.
7. Portage OH
8. 8.4 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03744/04925
2. 34-119-23270-0014
3. 108 000 000
4. Alan Schottenstein
5. R Michel #2
6.
7. Muskingum OH
8. 16.8 million cubic feet
9. October 25, 1979
10. American Energy Services
1. 80-03745/04946
2. 34-119-23302-0014
3. 108 000 000
4. Alan Schottenstein
5. Harold M West Sr #1
6.
7. Muskingum OH
8. 1.0 million cubic feet
9. October 25, 1979
10. American Energy Services
1. 80-03746/05121
2. 34-031-23134-0014
3. 108 000 000
4. Monroe & Keusink Inc #316
5. Silverwood #1—34-031-2-3134**14
6.
7. Coshocton OH
8. 4.5 million cubic feet
9. October 25, 1979
10. Ohio Cumberland Gas Company
1. 80-03747/06903
2. 34-075-22198-0014
3. 103 000 000
4. Reliance Management Co
5. T W Young #1
6.
7. Holmes OH
8. 15.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission
1. 80-03748/06927
2. 34-115-21804-0014
3. 103 000 000
4. The Benatty Corporation
5. Harlan Rex #3
6.
7. Morgan OH
8. 25.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company
1. 80-03749/06935
2. 34-007-21118-0014
3. 103 000 000
4. Paul De Cleva
5. Davis #1
6.
7. Ashtabula County OH
8. 36.5 million cubic feet
9. October 25, 1979
10.
1. 80-03750/06936
2. 34-007-21015-0014
3. 103 000 000
4. Paul De Cleva
5. Dolinar #1
6.
7. Ashtabula County OH
8. 36.5 million cubic feet
9. October 25, 1979
10.

1. 80-03751/06937
2. 34-007-21119-0014
3. 103 000 000
4. Paul De Cleva
5. Subotnick #1
6.
7. Ashtabula OH
8. 36.5 million cubic feet
9. October 25, 1979
10.
1. 80-03752/06938
2. 34-007-21060-0014
3. 103 000 000
4. Paul De Cleva
5. Stickle #1
6.
7. Ashtabula County OH
8. 36.5 million cubic feet
9. October 25, 1979
10.
1. 80-03753/06939
2. 34-007-21031-0014
3. 103 000 000
4. Paul De Cleva
5. Balsius Christmas Tree #1
6.
7. Ashtabula County OH
8. 36.5 million cubic feet
9. October 25, 1979
10.
1. 80-03754/06995
2. 34-013-20290-0014
3. 103 000 000
4. Applachian Energy Inc
5. James Keyser A-E-71
6.
7. Belmont OH
8. 30.0 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp
1. 80-03756/07046
2. 34-075-22184-0014
3. 103 000 000
4. John C Mason
5. Merle Hood #4
6.
7. Holmes OH
8. 15.0 million cubic feet
9. October 25, 1979
10. Cincinnati Gas & Electric
1. 80-03757/07047
2. 34-115-21842-0014
3. 103 000 000
4. Future Energy Corporation
5. Putnam Bragg #1
6.
7. Morgan OH
8. 128.0 million cubic feet
9. October 25, 1979
10.
1. 80-03758/07048
2. 34-019-21286-0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. West #1
6.
7. Carroll OH
8. 36.5 million cubic feet
9. October 25, 1979
10. East Ohio Gas Co
1. 80-03759/07049
2. 34-019-21258-0014
3. 103 000 000
4. Enterprise Gas & Oil Inc
5. Gartrell #4-A

- 6.
 7. Carroll OH
 8. 9.1 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Co
 1. 80-03760/07050
 2. 34-019-21285-0014
 3. 103 000 000
 4. Enterprise Gas & Oil Inc
 5. Clark-Morrison Etal §3-E
 - 6.
 7. Carroll OH
 8. 36.5 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Co
 1. 80-03761/07051
 2. 34-019-21277-0014
 3. 103 000 000
 4. Enterprise Gas & Oil Inc
 5. Thompson #2
 - 6.
 7. Carroll OH
 8. 9.1 million cubic feet
 9. October 25, 1979
 10. MB Operating Co Inc
 1. 80-03762/07052
 2. 34-127-24316-0014
 3. 103 000 000
 4. Enterprise Gas & Oil Inc
 5. Lewis Etal #1
 - 6.
 7. Perry OH
 8. 18.3 million cubic feet
 9. October 25, 1979
 10. National Gas & Oil Corp
 1. 80-03763/07053
 2. 34-127-24327-0014
 3. 103 000 000
 4. Enterprise Gas & Oil Inc
 5. Sweeney #1
 - 6.
 7. Perry OH
 8. 36.5 million cubic feet
 9. October 25, 1979
 10. National Gas & Oil Corp
 1. 80-03764/07054
 2. 34-127-24320-0014
 3. 103 000 000
 4. Enterprise Gas & Oil Inc
 5. Lewis-Peabody #1
 - 6.
 7. Perry OH
 8. 27.4 million cubic feet
 9. October 25, 1979
 10. National Gas & Oil Corp
 1. 80-03765/07055
 2. 34-127-24361-0014
 3. 103 000 000
 4. Jerry C Olds
 5. Adcock #4
 - 6.
 7. Perry OH
 8. 7.0 million cubic feet
 9. October 25, 1979
 10. Enterprise Gas & Oil Inc
 1. 80-03766/07056
 2. 34-127-24311-0014
 3. 103 000 000
 4. Jerry C Olds
 5. Adcock #2
 - 6.
 7. Perry OH
 8. 7.0 million cubic feet
 9. October 25, 1979
 10. Enterprise Gas & Oil Inc
1. 80-03767/07057
 2. 34-119-24762-0014
 3. 103 000 000
 4. Custom Industries Inc
 5. G S Neghbert #1
 - 6.
 7. Muskingum OH
 8. 36.0 million cubic feet
 9. October 25, 1979
 - 10.
 1. 80-03768/07058
 2. 34-167-24789-0014
 3. 103 000 000
 4. Appalachian Petroleum Corporation
 5. Rummer #2
 - 6.
 7. Washington OH
 8. 3.5 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03769/07059
 2. 34-029-20759-0014
 3. 103 000 000
 4. Bill Blair Incorporated
 5. George Jorney #1
 6. Homeworth Field
 7. Columbiana OH
 8. 36.0 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Company
 1. 80-03770/07063
 2. 34-089-23626-0014
 3. 103 000 000
 4. Mid-Con Oil Company
 5. Whited Well #5
 - 6.
 7. Bowling Green Twp LIOH
 8. 8.0 million cubic feet
 9. October 25, 1979
 10. National Gas Company
 1. 80-03771/07064
 2. 34-089-23648-0014
 3. 103 000 000
 4. Donald G Dorsey
 5. Joe Cunningham #1
 - 6.
 7. Licking OH
 8. 36.0 million cubic feet
 9. October 25, 1979
 - 10.
 1. 80-03772/07065
 2. 34-119-24826-0014
 3. 103 000 000
 4. Mid-Con Oil Company
 5. Robert T Williams #1
 - 6.
 7. Hopewell Twp Musking OH
 8. 10.0 million cubic feet
 9. October 25, 1979
 10. National Gas Company
 1. 80-03773/07066
 2. 34-053-20318-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. C William Price #1
 - 6.
 7. Gallia OH
 8. 4.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03774/07067
 2. 34-053-20356-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Mildred Gilman 1-A
- 6.
 7. Gallia OH
 8. 14.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03775/07068
 2. 34-053-20357-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Gilman-Church Unit-1
 - 6.
 7. Gallia OH
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03776/07069
 2. 34-053-20372-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Columbia-Poleyn #1
 - 6.
 7. Gallia OH
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03777/07070
 2. 34-053-20373-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Marion Darnell #1
 - 6.
 7. Gallia OH
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03778/07071
 2. 34-053-20441-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Vera Thomas #1
 - 6.
 7. Gallia OH
 8. 5.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corp
 1. 80-03779/07072
 2. 34-053-20374-0014
 3. 103 000 000
 4. R Gene Brasel DBA Brasel & Brasel
 5. Keith Drummond #1
 - 6.
 7. Gallia OH
 8. 4.0 million cubic feet
 9. October 25, 1979
 10. Columbia Gas Transmission Corporation
 1. 80-03780/07073
 2. 34-151-23044-0014
 3. 103 000 000
 4. Amtex Oil and Gas Inc
 5. Myers Well No 1
 - 6.
 7. Stark OH
 8. 25.0 million cubic feet
 9. October 25, 1979
 - 10.
 1. 80-03781/07074
 2. 34-133-21968-0014
 3. 103 000 000
 4. Jud Noble and Associates Inc.
 5. Foster #2
 - 6.
 7. Portage OH
 8. 20.0 million cubic feet
 9. October 25, 1979
 10. East Ohio Gas Company

1. 80-03782-07075
2. 34-133-21969-0014
3. 103 000 000
4. Jud Noble and Associates Inc.
5. Foster #1
- 6.

7. Portage OH
8. 20.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03783/07076
2. 34-167-24788-0014
3. 103 000 000
4. Appalachian Petroleum Corporation
5. Rummer #1
- 6.

7. Washington OH
8. 3.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp

1. 80-03784/07077
2. 34-167-24787-0014
3. 103 000 000
4. Appalachian Petroleum Corporation
5. Rummer #3
- 6.

7. Washington OH
8. 3.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp

1. 80-03785/07078
2. 34-167-24786-0014
3. 103 000 000
4. Appalachian Petroleum Corporation
5. Morgenstern #1
- 6.

7. Washington OH
8. 3.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp

1. 80-03786/07079
2. 34-167-24785-0014
3. 103 000 000
4. Appalachian Petroleum Corporation
5. Morgenstern #2
- 6.

7. Washington OH
8. 3.5 million cubic feet
9. October 25, 1979
10. Columbia Gas Transmission Corp

1. 80-03787/07080
2. 34-119-24804-0014
3. 103 000 000
4. Irvin Producing Company
5. Fred Lenhart #1
- 6.

7. Muskingum OH
8. 8.0 million cubic feet
9. October 25, 1979
10. National Gas & Oil Corp

1. 80-03788/07081
2. 34-111-21886-0014
3. 103 000 000
4. The Oxford Oil Co
5. Gerald Williamson 1-S
- 6.

7. Monroe OH
8. 9.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03789/07082
2. 34-075-22192-0014
3. 103 000 000
4. John C Mason
5. Charles Thompson #1

- 6.
7. Holmes OH
8. 10.0 million cubic feet
9. October 25, 1979
10. Cincinnati Gas & Electric

1. 80-03790/07104
2. 34-157-23334-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. J Frautschy #1
- 6.

7. Tuscarawas OH
8. 29.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03791/07105
2. 34-157-23314-0014-
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. C Schotzinger #1
- 6.

7. Tuscarawas OH
8. 21.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03792/07106
2. 34-157-23315-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. Finzer-Mutti Unit #1
- 6.

7. Tuscarawas OH
8. 18.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03793/07107
2. 34-157-23328-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. D Muehlhoffer #1
- 6.

7. Tuscarawas OH
8. 19.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03794/07108
2. 34-157-23313-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. F Lanz #1
- 6.

7. Tuscarawas OH
8. 20.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03795/07109
2. 34-157-23329-0014
3. 103 000 000
4. Floyd E Kimble DBA Red Hill Dev
5. Mervin Lahmers Unit #1
- 6.

7. Tuscarawas OH
8. 23.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03796/07111
2. 34-089-23638-0014
3. 103 000 000
4. American Well Management Co
5. Gayheart No 2
- 6.

7. Licking OH
8. 18.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03797/07112
2. 43-089-23630-0014
3. 103 000 000
4. American Well Management Co
5. Gayheart No 1
- 6.

7. Licking OH
8. .0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03798/07113
2. 34-089-23639-0014
3. 103 000 000
4. American Well Management Co
5. Boyd No 1
- 6.

7. Licking OH
8. 18.0 million cubic feet
9. October 25, 1979
- 10.

1. 80-03799/07114
2. 34-059-22477-0014
3. 103 000 000
4. New Frontier Exploration Inc
5. Propst #1
- 6.

7. Guernsey OH
8. 25.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03800/07115
2. 34-085-20255-0014
3. 103 000 000
4. Drillex Inc
5. E H Tresger Inc #3
6. Painesville

7. Lake OH
8. 30.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas

1. 80-03801/07116
2. 34-169-22196-0014
3. 103 000 000
4. Berman J Shafer
5. C & F Limited #1
6. Wooster South

7. Wayne OH
8. 13.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03802/07127
2. 34-133-21046-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Hunter #2
- 6.

7. Portage OH
8. 6.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03803/07128
2. 34-133-21040-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Brandt #1
- 6.

7. Portage OH
8. 10.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03804/07129
2. 34-133-21653-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Brandt-Skilton Unit #2

- 6.
7. Portage OH
8. 19.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03805/07130
2. 34-133-21039-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Brandt/Skilton Unit #1
- 6.

7. Portage OH
8. 20.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03806/07131
2. 34-133-21051-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Hunte Salamon #1
- 6.

7. Portage OH
8. 18.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03807/07133
2. 34-133-21049-0014
3. 103 000 000
4. Perkins Drilling Inc
5. Salamon #1
- 6.

7. Portage OH
8. 10.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03808/07134
2. 34-115-21837-0014
3. 103 000 000
4. Minuteman Exploration Company
5. T Dale & Virginia M Roberts #3
- 6.

7. Morgan OH
8. 24.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

1. 80-03809/07135
2. 34-115-21830-0014
3. 103 000 000
4. Minuteman Exploration Company
5. T Dale & Virginia M Roberts #2
- 6.

7. Morgan OH
8. 20.0 million cubic feet
9. October 25, 1979
10. East Ohio Gas Company

Oklahoma Corporation Commission

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-01791/00257
2. 35-079-20272-0000
3. 102 103 000
4. Samson Resources Company
5. Stroud No 1—Cromwell
6. Milton
7. Leflore OK
8. 50.0 million cubic feet

9. October 10, 1979
10. Arkansas Louisiana Gas Company

1. 80-01792/00258
2. 35-079-20272-0000
3. 103 000 000
4. Samson Resources Company
5. Stroud No 1—Spiro
6. Milton
7. Leflore OK

8. 315.0 million cubic feet
9. October 10, 1979
10. Arkansas Louisiana Gas Company

U.S. Geological Survey, Metairie, La.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 80-03960/G9-831
2. 17-706-40340-0000-0
3. 102 000 000
4. Aminoil Development Inc
5. OCS-G-2089 No A-7
6. Vermilion
7. 325
8. 1825.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp

1. 80-03962/G9-739
2. 17-707-40295-0000-0
3. 102 000 000
4. Amoco Production Company
5. OCS-G-0788 No B-7
6. South Marsh Island
7. 50
8. 1825.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp

1. 80-03963/G9-696
2. 17-707-40249-00S1-0
3. 102 000 000
4. Placid Oil Company
5. C-13
6. South Marsh Island
7. 281
8. 104.5 million cubic feet
9. October 25, 1979
10. Trunkline Gas Company

1. 80-03964/G9-743
2. 17-700-40266-00S1-0
3. 102 000 000
4. Continental Oil Company
5. West Cameron 222 I-4
6. West Cameron
7. 222
8. 1549.0 million cubic feet
9. October 25, 1979
10. Texas Eastern Transmission Co, Transcontinental Gas Pipeline Corp, United Gas Pipeline Co, Northern Natural Gas Co

1. 80-03965/G9-750
2. 17-701-40019-00S1-0
3. 102 000 000
4. Mobil Oil Exploration & Producing S
5. W Cameron Blk 343 A-2A
6. West Cameron
7. 343
8. 1407.0 million cubic feet
9. October 25, 1979

10. Northern Natural Gas Company
1. 80-03966/G9-751
2. 17-701-40041-00S1-0
3. 102 000 000
4. Mobil Oil Exploration & Producing S
5. W Cameron Blk 343 A-7A
6. West Cameron
7. 343

8. 2453.0 million cubic feet
9. October 25, 1979
10. Northern Natural Gas Company
1. 80-03967/G9-780
2. 17-705-40286-0000-0
3. 102 000 000
4. Transco Exploration Company
5. No 1
6. Vermilion
7. 58

8. 1700.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp, Public Service Elec & Gas Co
1. 80-03968/G9-746
2. 17-700-40263-00S1-0
3. 102 000 000
4. Continental Oil Company
5. West Cameron 222 I-3
6. West Cameron
7. 222

8. 1515.0 million cubic feet
9. October 25, 1979
10. Texas Eastern Transmission Company, Transcontinental Gas Pipeline Corp, United Gas Pipeline Co, Northern Natural Gas Co
1. 80-03969/G9-511
2. 17-707-40203-0000-0
3. 102 000 000
4. The Superior Oil Company
5. OCS-G-2596 No B-2-D
6. South Marsh Island
7. 243
8. 1476.0 million cubic feet
9. October 25, 1979
10. Sea Robin Pipe Line Co, Tennessee Gas Pipeline Co, Transcontinental Gas Pipeline Corp, Northern Natural Gas Co

1. 80-03970/G9-794
2. 17-703-40100-0000-0
3. 102 000 000
4. Shell Oil Company
5. JA-1
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Co

1. 80-03971/G9-512
2. 17-700-40251-0000-0
3. 102 000 000
4. The Superior Oil Company
5. OCS-0244 No 18
6. West Cameron
7. 71
8. 2293.0 million cubic feet
9. October 25, 1979
10. Michigan Wisconsin Pipe Line Company

1. 80-03972/G9-796
2. 17-703-40143-0000-0
3. 102 000 000
4. Shell Oil Company
5. JA-3
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 25, 1979

10. Transcontinental Gas Pipe Line Comp
1. 80-03973/G9-862
2. 17-710-40746-00S1-0
3. 102 000 000
4. Texaco Inc
5. E I Blk 365 OCS G-3157 #A-6
6. Eugene Island
7. 348
8. 1278.0 million cubic feet
9. October 25, 1979
10. Texas Gas Transmission Corporation
1. 80-03975/G9-783
2. 17-705-40300-0000-0
3. 102 000 000
4. Transco Exploration Company
5. No 3
6. Vermilion
7. 58
8. 1800.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp,
Public Service Elec & Gas Co
1. 80-03976/G9-631
2. 17-700-40361-0000-0
3. 102 000 000
4. Gulf Oil Corporation
5. W Cameron 198 OCS-G-3265 #B-2
6. West Cameron
7. 198
8. 3650.0 million cubic feet
9. October 25, 1979
10. Texas Eastern Transmission Corp
1. 80-03979/G9-782
2. 17-705-40297-0000-0
3. 102 000 000
4. Transco Exploration Company
5. No 2
6. Vermilion
7. 58
8. 1900.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp,
Public Service Elec & Gas Co
1. 80-03980/G9-740
2. 17-707-40295-0000-0
3. 102 000 000
4. Amoco Production Company
5. OCS-G-0788 No B-7-D
6. South Marsh Island
7. 50
8. 1825.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp
1. 80-03981/G9-781
2. 17-705-40266-0000-0
3. 102 000 000
4. Transco Exploration Company
5. No 1-D
6. Vermilion
7. 58
8. 1000.0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipe Line Corp,
Public Service Elec & Gas Co
1. 80-03983/G9-633
2. 17-715-00292-0100-0
3. 102 000 000
4. Gulf Oil Corporation
5. ICS-0263 S TIMB BLK 21 #116-D
6. South Timbalier
7. 21
8. 620.0 million cubic feet
9. October 25, 1979
10. Tennessee Gas Pipeline Company United
Gas Pipeline Co
1. 80-04040/G9-792
2. 17-703-40168-0000-0
3. 102 000 000
4. Shell Oil Company
5. JA-6
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 25, 1979
10. Transcontinental Gas Pipeline Company
1. 80-04041/G9-507
2. 17-707-40260-0000-0
3. 102 000 000
4. The Superior Oil Company
5. OCS-G-2300-No A-3
6. South Marsh Island
7. 235
8. 1498.0 million cubic feet
9. October 25, 1979
10. Sea Robin Pipeline Co, Tennessee Gas
Pipeline Co
1. 80-04042/G9-510
2. 17-707-40222-0000-0
3. 102 000 000
4. The Superior Oil Company
5. OCS-G-2300 No A-2
6. South Marsh Island
7. 235
8. 1297.0 million cubic feet
9. October 25, 1979
10. Sea Robin Pipeline Co, Tennessee Gas
Pipeline Co
1. 80-04043/G9-710
2. 17-707-40293-00S1-0
3. 102 000 000
4. Placid Oil Company
5. E-5
6. South Marsh Island
7. 281
8. 295.7 million cubic feet
9. October 26, 1979
10. Truckline Gas Company
1. 80-04044/G9-744
2. 17-700-40249-00S1-0
3. 102 000 000
4. Continental Oil Company
5. West Cameron 222 I-2
6. West Cameron
7. 222
8. 1549.0 million cubic feet
9. October 26, 1979
10. Texas Eastern Transmission Company,
Transcontinental Gas Pipeline Corp, United
Gas Pipeline Co, Northern Natural Gas Co
1. 80-04045/G9-699
2. 17-707-40189-00S1-0
3. 102 000 000
4. Placid Oil Company
5. A-22
6. South Marsh Island
7. 269
8. 158.7 million cubic feet
9. October 26, 1979
10. Trunkline Gas Company
1. 80-04046/G8-168
2. 17-719-40129-00D1-0
3. 102 000 000
4. Sonat Exploration Company
5. OCS 0384 No 11
6. West Delta
7. 28
8. 1000.0 million cubic feet
9. October 26, 1979
10. Southern Natural Gas Company
1. 80-04047/G9-731
2. 17-703-40192-0000-0
3. 102 000 000
4. Kerr-McGee Corporation
5. OCS G-2855 Well No 6
6. East Cameron
7. 34
8. .0 million cubic feet
9. October 26, 1979
10. Natural Gas Pipeline Co of Amer,
Northern Natural Gas Co, Columbia Gas
Transmission Corp, Southern Natural Gas
Co
1. 80-04048/G9-745
2. 17-700-40193-00D2-0
3. 102 000 000
4. Continental Oil Company
5. West Cameron 222 I-1D
6. West Cameron
7. 222
8. 1277.0 million cubic feet
9. October 26, 1979
10. Texas Eastern Transmission Company,
Transcontinental Gas Pipe Line Corp,
Northern Natural Gas Co
1. 80-04049/G8-167
2. 17-719-40129-00D2-0
3. 102 000 000
4. Sonat Exploration Company
5. OCS 0384 No 11D
6. West Delta
7. 28
8. 42.0 million cubic feet
9. October 26, 1979
10. Southern Natural Gas Company
1. 80-04050/G9-747
2. 17-706-40347-00S1-0
3. 102 000 000
4. Narathon Oil Company
5. Vermilion Block 331 #A-15
6. Vermilion
7. 331
8. 1460.0 million cubic feet
9. October 26, 1979
10. Texas Eastern Transmission Company,
Transcontinental Gas Pipe Line Corp,
Northern Natural Gas Co
1. 80-04055/G9-791
2. 17-703-40141-0000-0
3. 102 000 000
4. Shell Oil Company
5. JA-2
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 26, 1979
10. Transcontinental Gas Pipeline Company
1. 80-04056/G9-760
2. 17-703-40138-0000-0
3. 102 000 000
4. Shell Oil Company
5. JB-1
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 26, 1979
10. Transcontinental Gas Pipeline Company
1. 80-04057/G9-790
2. 17-703-40160-0000-0
3. 102 000 000
4. Shell Oil Company
5. JA-5
6. East Cameron
7. 57
8. .0 million cubic feet
9. October 26, 1979

10. Transcontinental Oil Company

1. 80-04058/G9-513

2. 17-707-40179-0000-0

3. 102 000 000

4. The Superior Oil Company

5. OCS-G-2596 No B-1-D

6. South Marsh Island

7. 243

8. 1143.0 million cubic feet

9. October 26, 1979

10. Sea Robin Pipeline Co Transcontinental Gas Pipeline Corp Northern Natural Gas Co

1. 80-04059/G9-715

2. 17-707-40275-00/d2-0

3. 102 000 000

4. Placid Oil Company

5. D-10D

6. South Marsh Island

7. 281

8. 112.7 million cubic feet

9. October 26, 1979

10. Trunkline Gas Company

1. 80-04060/G9-785

2. 17-705-40337-0000-0

3. 102 000 000

4. Transco Exploration Company

5. No 4-D

6. Vermilion

7. 58

8. 1900.0 million cubic feet

9. October 26, 1979

10. Transcontinental Gas Pipeline Corp, Public Service Elec & Gas Co

1. 80-04061/G9-784

2. 17-705-40337-0000-0

3. 102 000 000

4. Transco Exploration Company

5. No 4

6. Vermilion

7. 58

8. 800.0 million cubic feet

9. October 26, 1979

10. Transcontinental Gas Pipeline Corp, Public Service Elec & Gas Co

1. 80-04062/G9-742

2. 17-700-40193-00D1-0

3. 102 000 000

4. Continental Oil Company

5. West Cameron 222 I-1

6. West Cameron

7. 222

8. 1514.0 million cubic feet

9. October 26, 1979

10. Texas Eastern Transmission Co, Transcontinental Gas Pipe Line Corp, United Gas Pipeline Co, Northern Natural Gas Co

1. 80-04063/G9-545

2. 17-700-40280-00S1-0

3. 102 000 000 Denied

4. Gulf Oil Corporation

5. West Cameron Block 21 OCS-G-1859 #4

6. West Cameron Block 45

7. 21

8. 183.0 million cubic feet

9. October 26, 1979

10. Tennessee Gas Pipeline Company

1. 80-04064/G9-732

2. 17-703-40192-0000-0

3. 102 000 000

4. Kerr-McGee Corporation

5. OCS G-2855 No 6D

6. East Cameron

7. 34

8. .0 million cubic feet

9. October 26, 1979

10. Natural Gas Pipeline Co of Amer, Northern Natural Gas Co, Columbia Gas Transmission Corp, Southern Natural Gas Co

1. 80-04065/G9-768

2. 17-706-20030-00D4-0

3. 102 000 000

4. Forest Oil Corporation

5. Vermilion Block 255 B-4-A

6. Vermilion

7. 255

8. 730.0 million cubic feet

9. October 26, 1979

10. Columbia Gas Transmission Corporation, Texas Gas Transmission Corporation, Consolidated Gas Supply Corporation

1. 80-04066/G9-767

2. 17-706-40001-00S2-0

3. 102 000 000

4. Forest Oil Corporation

5. Vermilion Block 255 B-6-A

6. Vermilion

7. 255

8. 730.0 million cubic feet

9. October 26, 1979

10. Columbia Gas Transmission Corporation, Texas Gas Transmission Corporation, Consolidated Gas Supply Corporation

1. 80-04054/G9-795

2. 17-703-40158-0100-0

3. 102 000 000

4. Shell Oil Company

5. JA-8

6. East Camron

7. 57

8. .0 million cubic feet

9. October 26, 1979

10. Transcontinental Gas Pipeline Company

U.S. Geological Survey, Metairie, La.

1. Control number (F.E.R.C./State)

2. API well number

3. Section of NGPA

4. Operator

5. Well name

6. Field or OCS area name

7. County, State or Block No.

8. Estimated annual volume

9. Date received at FERC

10. Purchaser(s)

1. 80-03961/G9-775

2. 42-711-40408-0000-0

3. 102 000 000

4. Cities Service Co

5. High Island Blk A-0355 #B-3

6. High Island EA SE

7. A-355

8. 2000.0 million cubic feet

9. October 25, 1979

10. Michigan Wisconsin Pipe Line Co

1. 80-03974/G9-658

2. 42-711-40303-00S1-0

3. 102 000 000 Denied

4. Union Oil Company of California

5. Well #B-7

6. East High Island

7. 334

8. 61.0 million cubic feet

9. October 25, 1979

10. Texas Gas Transmission Corp, El Paso Natural Gas Co, Michigan-Wisconsin Pipeline Co

1. 80-03977/G9-734

2. 42-711-40381-0000-0

3. 102 000 000

4. Aminoil Development Inc

5. OCS-G-2412 No A-6

6. High Island

7. A-317

8. 1825.0 million cubic feet

9. October 25, 1979

10. Natural Gas Pipeline Co of America, Michigan-Wisconsin Pipeline Co

1. 80-03978/G9-776

2. 42-711-40397-0000-0

3. 102 000 000

4. Cities Service Co

5. High Island Blk A-356 #A-4

6. High Island E A S E

7. A-356

8. 2000.0 million cubic feet

9. October 25, 1979

10. Michigan Wisconsin Pipeline Co

1. 80-03982/G9-812

2. 42-709-40404-0000-0

3. 102 000 000

4. Gulf Oil Corporation

5. High Is Blk A-498 OCS 3479 A-4

6. High Island

7. A-498

8. 5475.0 million cubic feet

9. October 25, 1979

10.

1. 80-04051/G9-738

2. 42-711-40409-0000-0

3. 102 000 000

4. Aminoil Development Inc

5. OCS-G-2412 No A-10

6. High Island

7. A-317

8. 1825.0 million cubic feet

9. October 26, 1979

10. Natural Gas Pipeline Company of America, Michigan-Wisconsin Pipeline Co

1. 80-04052/G9-735

2. 42-711-40386-0000-1

3. 102 000 000

4. Aminoil Development Inc

5. OCS-G-2412 No A-7

6. High Island

7. A-317

8. 1825.0 million cubic feet

9. October 26, 1979

10. Natural Gas Pipeline Company of America, Michigan-Wisconsin Pipeline Co

1. 80-04053/G9-736

2. 42-711-40386-0000-2

3. 102 000 000

4. Aminoil Development Inc

5. OCS-G-2412 No A-7D

6. High Island

7. A-317

8. 1825.0 million cubic feet

9. October 26, 1979

10. Natural Gas Pipeline Company of America, Michigan-Wisconsin Pipeline Co

U.S. Geological Survey, Albuquerque, N.M.

1. Control number (F.E.R.C./State)

2. API well number

3. Section of NGPA

4. Operator

5. Well name

6. Field or OCS area name

7. County, State or Block No.

8. Estimated annual volume

9. Date received at FERC

10. Purchaser(s)

1. 80-03694/NM-3059-79
 2. 30-045-23137-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. Lucerne A #1A
 6. Blanco
 7. San Juan NM
 8. 275.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03695/NM-3060-79
 2. 30-039-21692-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. San Juan 30-6 Unit #28A
 6. Blanco
 7. Rio Arriba NM
 8. 260.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03696/MN-3061-79
 2. 30-039-21693-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. San Juan 30-6 Unit #4A
 6. Blanco
 7. Rio Arriba NM
 8. 365.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03697/NM-3062-79
 2. 30-045-23078-0000-0
 3. 103 000 000
 4. El Paso Natural Gas Company
 5. Marcotte #1A
 6. Blanco
 7. San Juan NM
 8. 290.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03698/NM-3066-79-A
 2. 30-039-21726-0000-1
 3. 103 000 000
 4. Northwest Production Corporation
 5. Jicarilla 152W #4A (Mesaverde)
 6. Blanco
 7. Rio Arriba NM
 8. 135.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation
1. 80-03699/NM-3066-79-B
 2. 30-039-21726-0000-2
 3. 103 000 000
 4. Northwest Production Corporation
 5. Jicarilla 152W #4A (Pictured Cliffs)
 6. South Blanco
 7. Rio Arriba NM
 8. 90.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation
1. 80-03700A/NM-3167-79-A
 2. 30-045-22517-0000-1
 3. 103 000 000
 4. Arco Oil and Gas Company
 5. Marron WN Federal Comm #6-A (Chacra)
 6. Blanco Largo Chacra
 7. San Juan NM
 8. 185.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation
1. 80-03700B/NM-3167-79-B
 2. 30-045-22517-0000-2
 3. 103 000 000
 4. Arco Oil and Gas Company
 5. Marron WN Federal Comm #6-A (MV)
6. Blanco Mesaverde
 7. San Juan NM
 8. 185.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03701/NM-3174-79
 2. 30-045-23216-0000-0
 3. 103 000 000
 4. Arco Oil and Gas Company
 5. Hammond WN Federal #7A
 6. Blanco-Mesaverde
 7. San Juan NM
 8. 200.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03702/NM-3192-79
 2. 30-045-22932-0000-0
 3. 103 000 000
 4. Arco Oil and Gas Company
 5. Jacquez 1-A
 6. Blanco Mesaverde
 7. San Juan NM
 8. 190.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation
1. 80-03715/NM-3249-79
 2. 30-039-07779-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. S/J 30-5 Unit #32
 6. Blanco
 7. Rio Arriba NM
 8. 13.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation, El Paso Nat Gas Co
1. 80-03716/NM-3250-79
 2. 30-039-07822-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. S/J 30-5 Unit #33
 6. Blanco
 7. Rio Arriba NM
 8. 9.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03717/NM-3251-79
 2. 30-039-07799-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. S/J 30-5 Unit #30
 6. Blanco
 7. Rio Arriba NM
 8. 13.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03720/NM-3253-79
 2. 30-039-07956-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. S/J 29-5 Unit #45
 6. Blanco
 7. Rio Arriba NM
 8. 9.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03721/NM-3256-79
 2. 30-039-05956-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. Federal #11
6. Gavilan
 7. Rio Arriba NM
 8. 9.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03722/NM-3257-79
 2. 30-039-07969-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. Rosa Unit #20
 6. Blanco
 7. Rio Arriba NM
 8. 18.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03723/NM-3258-79
 2. 30-045-11420-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. San Juan 32-8 Unit #3
 6. Blanco
 7. San Juan NM
 8. 3.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation El Paso Nat Gas Co
1. 80-03724/NM-3259-79
 2. 30-045-11377-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. SJ 32-8 Unit #24
 6. Blanco
 7. San Juan NM
 8. 8.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation, El Paso Nat Gas Co
1. 80-03725/NM-3275-79
 2. 30-039-07958-0000-0
 3. 108 000 000
 4. Northwest Pipeline Corporation
 5. Rosa Unit #4
 6. Blanco
 7. Rio Arriba NM
 8. 12.0 million cubic feet
 9. October 24, 1979
 10. Northwest Pipeline Corporation, El Paso Nat Gas Co

U.S. Geological Survey Albuquerque, N.M.

1. Control number (F.E.R.C./State)
 2. API well number
 3. Section of NGPA
 4. Operator
 5. Well name
 6. Field or OCS area name
 7. County, State or Block No.
 8. Estimated annual volume
 9. Date received at FERC
 10. Purchaser(s)
1. 80-03703/UA-3194-79
 2. 43-037-30362-0000-0
 3. 103 000 000
 4. The Superior Oil Company
 5. McElmo Creek Unit H-14
 6. Greater Aneth
 7. San Juan UT
 8. 6.0 million cubic feet
 9. October 24, 1979
 10. El Paso Natural Gas Company
1. 80-03704/UA-3195-79
 2. 43-037-30364-0000-0
 3. 103 000 000

4. The Superior Oil Company
5. McElmo Creek Unit C-15
6. Greater Aneth
7. San Juan UT
8. 22.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03705/UA-3196-79
2. 43-037-30389-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit E-15
6. Greater Aneth
7. San Juan UT
8. 3.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03706/UA-3198-79
2. 43-037-30455-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit U-11
6. Greater Aneth
7. San Juan UT
8. 22.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03707/UA-3199-79
2. 43-037-30358-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit I-11
6. Greater Aneth
7. San Juan UT
8. 18.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03708A/UA-3200-79A
2. 43-037-30339-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit L-24 (Desert Crk)
6. Greater Aneth
7. San Juan UT
8. 69.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03708B/UA-3200-79B
2. 43-037-30339-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit L-24 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 69.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03709/UA-3202-79
2. 43-037-30413-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-12B
6. Greater Aneth
7. San Juan UT
8. 14.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03710/UA-3203-79
2. 43-037-30383-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-12B
6. Greater Aneth
7. San Juan UT
8. 12.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03711/UA-3205-79
2. 43-037-30360-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit H-12B
6. Greater Aneth
7. San Juan UT
8. 8.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03712/UA-3206-79
2. 43-037-30347-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit L-22
6. Greater Aneth
7. San Juan UT
8. 55.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03713/UA-3207-79
2. 43-037-30399-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit G-18B
6. Greater Aneth
7. San Juan UT
8. 28.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03714/UA-3209-79
2. 43-037-30398-0000-0
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit S-21
6. Greater Aneth
7. San Juan UT
8. 49.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03718/UA-3204-79A
2. 43-037-30354-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-11 (Desert Crk)
6. Greater Aneth
7. San Juan UT
8. 3.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03719/UA-3204-79B
2. 43-037-30354-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-11 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 3.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03726A/UA-3208-79A
2. 43-037-30454-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit U-08 (Desert Crk)
6. Greater Aneth
7. San Juan UT
8. 7.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03726B/UA-3208-79B
2. 43-037-30454-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit U-08 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 7.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03727A/UA-3201-79-A
2. 43-037-30351-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit L-10 (Desert Crk)
6. Greater Aneth
7. San Juan UT
8. 8.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03727B/UA-3201-79-B
2. 43-037-30351-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit L-10 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 8.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03728A/UA-3197-79-A
2. 43-037-30303-0000-1
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-21 (Desert Crk)
6. Greater Aneth
7. San Juan UT
8. 11.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03728B/UA-3197-79-B
2. 43-037-30303-0000-2
3. 103 000 000
4. The Superior Oil Company
5. McElmo Creek Unit M-21 (Ismay)
6. Greater Aneth
7. San Juan UT
8. 11.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03729A/UA-3116-79A
2. 43-037-30374-0000-1
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No G-325X (Ismay)
6. Aneth
7. San Juan UT
8. 4.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company
1. 80-03729B/UA-3116-79B
2. 43-037-30374-0000-2
3. 103 000 000
4. Texaco Inc
5. Aneth Unit No G-325X (Desert Crk)
6. Aneth
7. San Juan UT
8. 4.0 million cubic feet
9. October 24, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is

treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before December 6, 1979.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-35919 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of April 30 Through May 4, 1979

Notice is hereby given that during the week of April 30 through May 4, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

*Cities Service Co., Tulsa, Okla.; DEA-0335,
crude oil*

Cities Service Company filed an Appeal of an Order that had been issued by the Economic Regulatory Administration (ERA) directing Cities Service to supply crude oil to the Sigmor Refining Company (Sigmor) under the provisions of 10 CFR 211.65, the Crude Oil Buy-Sell Program. The Appeal, if granted, would result in the rescission of the Order and require the payback by Sigmor of the volume of crude oil which it was furnished by Cities Service under the Order. In considering the Appeal, the DOE found that Cities Service had not demonstrated that the order was improperly issued, or that the firm will experience irreparable harm or a confiscation of its property as a result of the Order. However, in view of the fact that Sigmor had entered into a long-term crude oil supply contract soon after the issuance of the ERA's order, the DOE modified the order and directed Sigmor to return the same volume of crude oil to Cities Service as Cities Service supplied to Sigmor pursuant to the ERA's order. The important issues discussed in the Decision are (i) the ERA's authority to extend filing deadlines for applications for Buy-Sell Allocations, (ii) the adequacy of notice given to Cities Service, (iii) the validity of a factual basis for ERA's Order and (iv) the relevance of developments subsequent to the issuance of the Order to the modification or rescission of the order.

*Federal Information Tools, Alexandria, Va.;
DFA-0359, freedom of information*

Federal Information Tools filed an Appeal from a partial denial by the Deputy Director of the DOE Office of Procurement Operations of a Request for Information which the firm had submitted under the Freedom of Information Act. In its Request, Federal Information Tools had sought a copy of the winning proposal submitted to the DOE in response to a Request for Proposal for a "Feasibility Study of Nonresidential/Commercial Buildings Energy Consumption" (RFP EI-78-C-01-6367). The Deputy Director released some of the requested proposal, but withheld certain portions on the ground that they were exempt from disclosure under Sections 552 (b)(4) and (b)(6) of the Act. In considering Federal Information Tools' Appeal, the Office of Hearings and Appeals (OHA) determined that the Deputy Director had failed to support his conclusions by explaining his reasons for applying the exemptions to each of the withheld portions of the document in this particular case. The OHA also determined that the Deputy Director had further failed to specify which exemption he was applying to each withheld portion of the document. The OHA therefore concluded that the matter should be remanded to the Deputy Director for further action. On remand, he was directed to either release the material withheld under 552(b)(4) or explain in writing why each deletion constitutes a trade secret or commercial or financial information which is privileged or confidential and how release of each portion would cause substantial harm to the competitive position of the firm which submitted the proposal. The OHA further instructed the Deputy Director to release the material withheld under 552(b)(6) or indicate in writing the specific reasons why privacy interest in this case outweigh the public interest in disclosure. Federal Information Tools' Appeal was accordingly granted in part.

Petitions for Special Redress

*Coastal States Gas Corp., Houston, Tex.;
DSG-0045, DES-0181*

Coastal States Gas Corporation filed an Application for Stay from the requirement that it comply with a subpoena. It also filed a Petition for Special Redress for the purpose of quashing the subpoena and motions for an evidentiary hearing, discovery and the issuance of interrogatories to Special Counsel of the Department of Energy. In the course of its Decision, the Office of Hearings and Appeals determined that: (1) Special Counsel was a "disinterested person" and could properly participate in the review of this subpoena, (2) the Deputy Special Counsel made adequate findings that circumstances warrant the issuance of this subpoena; (3) the subpoena was issued for a lawful purpose and was not shown to be unduly burdensome; and (4) documents called for by the subpoena were described with sufficient particularity. Consequently, the submissions were denied. However, Coastal States Gas Corporation was invited to request reargument of its petition if in the course of the enforcement of the subpoena clear and convincing evidence becomes available that

enforcement of the subpoena would cause it an excessive financial burden.

*Coastal States Gas Corp., Houston, Tex.;
DSG-0049, crude oil*

Coastal States Gas Corporation filed a Motion to Limit Participation in which it requested that 18 of its customers, whom the Office of Hearings and Appeals had informally determined must be treated as aggrieved parties for purposes of Coastal's Statement of Objections to a Proposed Remedial Order, be barred from further participation in that proceeding. Coastal also requested that the filings already submitted by the 18 parties be stricken from the record of the proceeding. In support of its Motion, Coastal asserted that participation by the 18 firms was contrary to Congressional intent because Congress made no provision in the Economic Stabilization Act of 1970 for administrative enforcement by private parties. In considering the Coastal Motion, the DOE pointed out that the DOE's enforcement activities are intended to directly serve the public interest and are not equivalent to a private litigant's action for the recovery of overcharges from a firm which has violated the DOE regulations. In addition, the DOE pointed out that the participation of the 18 firms was consistent with the DOE procedural regulations since the 18 firms were directly involved in the matters raised by the Proposed Remedial Order and clearly had an interest in the enforcement Proceeding. Coastal's Motion to Limit Participation was therefore denied.

Requests for Exception

*Bunting Oil Co., Washington, D.C.; FEE-4409,
No. 2 heating oil*

Bunting Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212 in which the firm sought to be relieved of its obligation to refund the overcharges alleged in a Remedial Order issued to the firm. In considering the request, the DOE found that the firm's request was inappropriate since the Remedial Order was withdrawn and the firm was not currently subject to any refund obligation. Accordingly, the exception request was dismissed.

*Champlin Petroleum Co., Fort Worth, Tex.;
FEE-4730, crude oil*

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The requested exception, if granted, would permit Champlin to sell entitlements in excess of the number it would ordinarily be permitted to sell in order to compensate the firm for the high cost of imported crude oil acquired in connection with the expansion and modernization of its Corpus Christi, Texas refinery.

In considering the Champlin submissions, the DOE found that the firm had engaged in a refinery expansion and modernization program through which the crude oil processing capacity of the Corpus Christi facility was increased by 80,600 barrels per day to 145,800 BPD. The DOE noted that, in order to meet the increased feedstock requirements attendant to this expansion, Champlin acquired at world market prices substantial volumes of imported crude oil for

permanent additions to its inventory. The DOE observed that, since the amount by which Champlin increased its crude oil inventories is never matched by equivalent volumes of crude oil runs to stills, the firm does not receive Entitlement benefits with respect to the imported crude oil it purchased in the course of its refinery expansion program. The DOE further observed that, as a consequence, Champlin had not enjoyed the full crude oil cost equalization benefits of the Entitlements Program. Upon assessing this result in light of the facts presented by Champlin, the DOE found that the expansion and modernization of the Corpus Christi refinery had furthered several important national energy policy objectives. In particular, the DOE found that the Champlin refinery expansion represents a substantial increase in domestic refinery capacity operated by an independent refiner which is capable of processing efficiently a wide range of the available crude oil, feedstocks into a slate of petroleum products which conforms closely with the nation's requirements. The DOE further found that the continued economic viability of the Corpus Christi refinery will not depend on the maintenance of a particular regulatory climate, but will derive from the sophistication and flexibility of the facility. In view of these factors, the DOE concluded that the operation of the Entitlements Program imposed an unfair distribution of regulatory burdens and produced a grossly inequitable result by denying Champlin any crude oil cost equalization benefits with respect to the imported crude oil acquired for its inventory expansion. Consequently, exception relief was approved which provided Champlin with entitlements benefits for the increase in crude oil inventory which was a necessary component of the firm's refinery expansion.

Energy Cooperative, Inc., East Chicago, Ind.; DEE-2042, crude oil

Energy Cooperative, Inc. (ECI) filed an Application for Exception from that portion of Section 211.67(i)(4) which creates a 21 cent per barrel advantage for domestic crude oil under the Entitlements Program. In its Application, ECI asserted that the 21 cent advantage was causing the firm to experience a serious hardship and a gross inequity because ECI is almost totally dependent upon foreign crude oil. In considering the ECI submission, the DOE found that the economic viability of the firm was seriously threatened in a manner contrary to the policy objectives of the Emergency Petroleum Allocation Act. Moreover, the DOE noted that the ERA was currently proposing to eliminate the 21 cent advantage for domestic crude oil. Therefore, in order to prevent ECI from experiencing substantial additional costs during the pendency of the ERA rulemaking proceeding, the DOE determined that the ECI Application be granted.

Ince Minerals Corp., Golden, Colo.; DEE-1148, uranium

Ince Minerals Corporation (Ince) filed an Application for Exception from the provisions of 10 CFR, Part 760 of the Domestic Uranium Program Regulations. The exception request, if granted, would result in the reduction in the royalty payments that Ince is required to

remit to the Department of Energy with respect to its production of uranium and vanadium ore from the Bitter Creek Mine. In its application Ince maintains that in view of the substantial royalty payments that it must remit to the DOE, unless exception relief is approved that will permit a downward adjustment in the current royalty payment schedule, the firm will cease extraction activities at the site and the nation's supply of energy reserves will therefore be reduced. After a review of the record in the case, it was determined that exception relief was not appropriate. The DOE noted that the contention of the firm that the Bitter Creek Mine would generate operating losses under the current method of operation appeared to be correct. Nevertheless, the DOE found that the primary cause of the firm's operating difficulties was a discretionary business decision by the firm to secure a leasehold interest in the Bitter Creek Mine at a relatively high cost to the firm. The DOE noted that the direct application to the firm of a particular regulatory program was not the source of its difficulties. The DOE also determined that if the firm was to receive exception relief under these conditions, it would serve to insulate Ince against the risks inherent in undertaking exploration activities and would further eliminate the incentive of a firm to make a realistic estimate of the mineral bearing reserves at a site prior to the submission of a bid and the operation of the lease. It was also found that energy resources would not be lost to the nation if the firm's Application is denied. Under existing regulations, if a firm determines that mining operations are uneconomic under the applicable royalty structure, it can relinquish its leasehold interest and the tract is then made available by the DOE for new bids. Accordingly, Ince's exception application was denied.

Pierremont Petroleum Corp., Shreveport, La.; DXE-2207, crude oil

Pierremont Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which Pierremont sought an extension of exception relief previously granted to the firm. The relief requested would permit the firm to continue selling certain quantities of the crude oil produced from the C. G. Henderson 17-8 #1 Well, located in the East Barber Creek Field, Scott County, Mississippi, at upper tier prices. In considering the exception request, the DOE found that continued exception relief was necessary to provide Pierremont with an economic incentive to maintain production operations. Accordingly, exception relief was granted.

Shell Oil Co., Houston, Tex.; DEE-1955, crude oil

Shell Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell, at prices in excess of the applicable ceiling prices, certain of the crude oil to be produced from the Gas City Unit located in Dawson County, Montana. In considering the application, the DOE determined that in the absence of exception relief the firm would have no incentive to undertake a capital

investment program necessary to substantially increase the amount of crude oil ultimately recoverable from the Unit. Therefore, the DOE determined that exception relief should be approved which would enable Shell to attain a 23 percent rate of return on the capital investment. Accordingly, Shell was permitted to sell, at prices that exceed the applicable ceiling prices, a portion of the crude oil produced from the Gas City Unit for the benefit of the working interest owners.

Requests for Stay

Exxon Company, U.S.A., Houston, Tex.; DES-0367, DST-0367, Motor Gasoline

Exxon Company, U.S.A. filed Applications for Stay and for Temporary Stay of a Redirection Order issued to the firm by the DOE Region IX Office of Fuels Regulation pending a determination on its Appeal. In that Order, Exxon was required to supply motor gasoline to Pacific Refining Company during April 1979. In considering the Application for Temporary Stay, the DOE determined that Exxon had failed to show that it or its customers would incur an irreparable injury in the absence of stay relief. Accordingly, Exxon's Application for Temporary Stay was denied. In considering the Application for Stay, the DOE found that Exxon had made a strong showing of a likelihood of success on the merits of its Appeal because the Order did not comply with DOE procedural and substantive regulations concerning the issuance of Redirection Orders. Exxon's stay request was therefore granted.

Port Petroleum, Inc., Shreveport, La.; DES-3952, crude oil

Port Petroleum, Inc. filed an Application for Stay from the requirement that it discharge \$141,483.12 which is equal to one-half of its total entitlement obligation for January 1979. See 10 CFR 211.67. In considering the Application, the DOE determined that Port had insufficient financial resources to meet its remaining entitlement obligation for that month, but that the firm could purchase one-third of its outstanding January entitlements during the months of May, June and July. The stay request was therefore granted.

Motions for Evidentiary Hearing

Amerada Hess Corp., Washington, D.C.; DRH-0096, DRD-0096, crude oil

Amerada Hess Corporation filed a Motion for Discovery and a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order which the DOE Office of Special Counsel issued to the firm on August 9, 1978. The PRO alleged that Hess failed to deduct from its costs of crude oil the consideration which the firm received in connection with foreign-domestic crude oil sale and exchange transactions and that Hess therefore overstated its increased costs of crude oil in violation of 10 CFR 212.83. In considering Hess' Motion for Evidentiary Hearing, the DOE indicated that several of the matters concerning which Hess wished to present oral testimony related to the correctness of the Office of Special Counsel's position regarding the treatment of consideration received in the "ticket" exchanges in which

Hess engaged. The DOE concluded that this was an issue of law rather than fact and should be resolved by reference to published material, including the relevant regulatory and statutory provisions themselves and legislative and regulatory history. The DOE further rejected Hess' request to introduce oral testimony to establish the burden on the firm of filing amended forms reflecting a recalculation of its crude oil costs as directed by the PRO. The DOE noted that it was unlikely that the burden of recomputation would be found to outweigh the public interest in the refund of the overcharges. The DOE accordingly denied Hess' Motion for Evidentiary Hearing.

In considering Hess' Motion for Discovery, the DOE first denied Hess' request for internal documents relating to the correct treatment of consideration received or given up in ticket exchanges, the purposes of the Mandatory Oil Import Program and ticket exchanges, and the proper interpretation of the cost passthrough provision of the Emergency Petroleum Allocation Act of 1973 in light of these exchanges. The DOE found that the documents sought related to the legal issue concerning the correct treatment of consideration involved in ticket exchanges and that it did not appear that the Office of Special Counsel relied upon any material other than that cited in the PRO in reaching its conclusions concerning that issue. Accordingly, the DOE concluded that its determination as to the correctness of the Office of Special Counsel's legal conclusion would focus upon the PRO itself and the regulatory provisions and other material discussed therein. The DOE further rejected Hess' contention that discovery was justified under *Standard Oil Co. v. DOE*, CCH Fed. En. Guid. Par. 26,115 (T.E.C.A. 1978). In view of the foregoing considerations, the DOE denied Hess' Motion for Discovery.

Bultman, Inc., Elkhart, Kans.; DEH-0098 propane

Bultman, Inc. filed a Motion for Evidentiary Hearing requesting that an evidentiary hearing be convened in connection with the firm's Statement of Objections to a Proposed Decision and Order issued to the firm. In considering the request, the DOE found that Bultman had not set forth adequately the relevancy of the matters it wished to present at an evidentiary hearing. Accordingly, the Motion was denied.

Supplemental Orders

Steichschulte Gas & Oil Co., Owosso, Mich.; DEX-0162 motor gasoline

On March 27, 1979, the DOE granted an Application for Stay filed by Steichschulte Gas & Oil Company on behalf of all branded jobbers of the Union Oil Company of California. *Steichschulte Gas & Oil Company*, 3 DOE Par. — (March 27, 1979). In that stay, the DOE directed Union to allocate motor gasoline to its branded jobbers in PADS, I, II and III during March, April and May 1979 on the basis of each jobber's purchases during the period May 1978 through January 1979. Subsequent to the issuance of that Decision and Order, the DOE promulgated regulations which provided for an upward adjustment of the base period volumes of retail sales outlets

and wholesale purchaser-consumers which experienced unusual growth since the base period. As a result, it became possible for Union jobbers to receive double allocations for certain volumes of gasoline. Accordingly, the DOE issued a Supplemental Order to Steichschulte which eliminated the possibility of double allocations. In addition, the DOE limited the volumes of gasoline that jobbers could certify upward to Union for the purpose of supplying new retail outlets.

Texaco, Inc., Los Angeles, Calif.; DEX-0158 crude oil

Texaco, Inc. filed a petition with the Office of Hearings and Appeals in which it requested the DOE to provide assurances that certain expenditures that the firm must incur in performing an emergency well workover would be included in an analysis of the firm's economic incentive to continue extraction operations at one of its crude oil producing properties.

Since the proposed expenditures were necessary to continue extraction activities, the DOE concluded that the expenses necessary to perform the well workover would be included in any subsequent analysis of the firm's economic incentive to continue extractions operations at the site.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Temporary Stay of the provisions of Standby Regulation Activation Order No. 1. The stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the stay requests be granted:

Company Name, Case No. and Location

Brentwood Exxon, DES-2363; Raleigh, NC
Farel Little Oil Co., DES-2627; St. Augustine, FL
Keahey's Friendly Service DES-3209; DST-3209; Hot Springs, AR
Oklahoma Ref. Co., DST-0187; Wash., DC
Bud Wolfe's Arco Mini Market DES-3397; Redlands, CA
Manchester Shell, DES-3541; Inglewood, CA
Shell Oil Co., DES-2894; Houston, TX
Farmland Industries, DES-2138; Kansas City, MO
Citadel Corp., DES-3870; DST-3870; Wash., DC
Chevron U.S.A., Inc., DES-3153; San Francisco, CA
Tom's Village Arco, DES-3181; Sturtevant, WI
Wood Oil Co., DST-2933; Gadena, CA
Aia Exxon, DES-2428; DST-2428; Daytona Beach, FL
River Oil Co., DST-2348; Memphis TN
Holiday Foods, Inc., DES-3752; Des Moines, WA

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Applications for Stay and/or Temporary Stay from the provisions of

Standby Regulation Activation Order No. 1. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, and Case No.

Addington Oil Co., DEE-3382
Neptune Petroleum, DEE-3378
Jac Shell Corp., DEE-3468
Broadway Standard, DEE-2664
Bakers Standard, DEE-3072
Golls Standard, DEE-3128
Henry Austin, DEE-2527
Delsordo's Amoco, DEE-3678
Cordingley's Amoco, DEE-3667
Orleans Amoco, DEE-3696
Calfee's Minute Market, DEE-2356
Koester Chevron, DEE-33075
A & E Service, Inc., DEE-3306
Lefaster Corporation, DEE-3604, DES-3604, DST-3604
Clifford Cox, DEE-3834; and location, North Las Vegas, NV

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, and Case No.

V. Bell Oil Co., DEE-3343, DES-3343, DST-3343
Valley View Conoco, DEE-2656, DES-2656
Venezia Oil Co., DEE-4008
W. F. Shuck Pet., DEE-1967
Walker Chevron, DEE-3932
Waterbury Truck Stop, DEE-4009
West Asheville Exxon, DEE-2425, DES-2425, DST-2425
William Ted Langston, DEE-3204, DES-3204
Wyn's Service Center, DEE-3913
Young's 76 Service, DEE-3404
Youseff Terzian, DEE-3372
Quickway Grocery (J. H. Kaspar Oil Co.), DEE-2839, DES-2839
R. J. Oil Co., Inc., DEE-2588
Ralph J. Phillips, DEE-3431
Richard D. Parry (Parry Tire Co.), DEE-3483, DES-3483, DST-3483
Ron's Mobil Service, DEE-3569
Sawyer & Gale (A & J Mini-Market), DEE-3579
Silverman Oil Co., DEE-2459
Smith's Kwik Stop, DEE-3825
South Vienna Exxon, DEE-3090, DES-3090, DST-3090
Speidel's Automotive, DEE-4037, DES-4037
T. A. Roberts Oil Co., DES-0182
T. H. Ray, Inc., DEE-3903
Terry Wisely Equal (Village of Erie), DEE-2871
The Country Store, DEE-3399, DST-3399
Thomas B. Baird, Jr., (Bastian Exxon), DEE-4048, DES-4048
Michael Mandel, DEE-4020
Molo Oil Company, DEE-2601
Moo Tae Kim, DEE-3573
Morris Adams Oil Co., DEE-3877, DST-3877
Nickolas Baldini, DEE-3679
Nickolas Baldini, DEE-3688
North River Gulf, DEE-3043
Palmyra Standard, DEE-3008
Park Forest Mobil, DEE-3508
Paul F. Mantia, DEE-3908
Perfection Oil, Inc., DEE-3883, DST-3883
Plantation Park Exxon, DEE-3966

- Pleasant Lake Shell, DEE-3370
 Prairie Oil Co., DEE-2760, DES-2760
 Preston B. Hall, DEE-2969
 John Bogley, DEE-3630
 Johnson's Shell, DEE-3172, DES-3172
 Joseph A. Smith (G.W.'s Exxon), DEE-3387, DES-3387
 Joseph H. Campbell (Bill Moore's Exxon), DEE-3388
 Kalama Chemical, Inc., DPI-0035
 Ken Crites, DEE-2603
 L. G. Armstrong & K. W. Davis, DEE-3556
 Lammers & Gerding, DEE-2535
 Lance Oil Co., Inc., DEE-2859
 Lanis Pettit, Jr. (Mini-Markets, Inc.), DEE-2860
 Log Cabin Grocery, DEE-3392
 M. M. F. Service, DEE-3473, DES-3473
 M. Jerkins (Otton's Bakery, Inc.), DEE-3600
 Magee General Store, DEE-3130
 Mandrich, Clark & Barker (Mike's Arco Mini-Mart), DEE-3734
 Ever-Ready Mart (Oliver Clinton), DEE-3632
 Exxon North Elm, DEE-3963
 Gary's Exxon, DEE-3956
 Gas-Mart Company, DEE-2369, DES-2369
 George E. Brooks (Princess Manor Arco), DEE-3970
 Great Lakes Dev. Co., DEE-3973
 Harry's Mobil, DEE-3229
 Hayter Oil Company, DEE-2590
 Herb's Standard Inc., DEE-3992
 Herndon Mobil, DEE-2607
 Hill's Service Center, DEE-3266, DES-3266
 Hypoluxo Marina, DEE-3746
 Jack's Amoco (James Jackson), DEE-3664
 Jackson & Reed (Boemmels Auto Wash), DEE-3739
 Jenkins Oil Co., DST-0039
 Jerry Lantzy Standard, DEE-3724
 Burleigh Heights (Molkentine), DEE-3123
 C&D Grocery, DEE-3334, DES-3334
 C. P. Phelps, Inc., DEE-2879, DES-2879
 Cassels Oil Company, DEE-2421, DES-2421, DST-2421
 Charlie's Mobil, DEE-4027
 Chateau Oil Co. (Traverler's Petro., Inc.), DEE-2846
 Creekside Market, DEE-2785, DES-2785
 Cunningham Butane Gas, DEE-3972
 Dean Gallion, DEE-3806
 Dick & Hank's Mobil, DEE-3418
 Dom's Exxon, DEE-3670
 Donal Chilton, DEE-4040, DES-4040
 E. E. Henley & Son, DEE-3808
 Earl W. Allen, DEE-3983
 Eastern Shore Arco, DEE-3317, DST-3317
 A&W Oil & Tire Co., DEE-3847
 Al Haddox Chevron, DEE-3535
 American Car Wash, DEE-3639
 Amoco of Commack DEE-3389
 Armstrong/Davis Arco, DEE-3196, DES-3196
 Art Haigh's Arco, DEE-3863
 Austin's Acre Exxon, DEE-3926
 Berrell Auto Service, DEE-3875
 Bill's Truck Stop, DEE-3400
 Black Coach Enterprises, DEE-2364, DES-2364, DST-2364
 Blodgett Oil Co., Inc., DEE-3782
 Bob's Mini/Market, DEE-3510, DES-3510
 Bull City Oil Co., DEE-2592
 Bunting Oil Co., DRA-0067
 Riley's Sales Co., DEE-4039, DES-4039
 Rodrigue's Exxon, DEE-3177, DES-3177
 Shell Oil Co., DEA-0368
 Smo Inc., DEE-3824
 The Mascot, DEE-4036, DES-4036
 The W. Gordon Smith Co., DEE-2707
 Torrance Car Wash, DEE-3324, DST-3324
 Wolf's Exxon Servicenter, DEE-2907
 Lou Balady's Texaco, DEE-3230
 Main Gas & Appliances, DRO-0055
 Mason's Automotive, DEE-3862, DES-3862
 Mike Nichols, DEE-4001
 Miller's Exxon, DEE-3202, DES-3202
 Morlan's Dx Service, DEE-3028, DST-3028
 Murray's Mini-Market, DEE-3581
 National Park Village, DEE-4002
 Nelson Oil & Tire Co., DEE-3845
 Newark Intermodal Truck Stop, DEE-3062
 Phillips Pet. Co., DPI-0036
 Pollard's Gulf, DEE-3182
 Pope's Exxon, DEE-3168
 Quick Car Wash & Gas, DEE-2946, DES-2946
 Red & Jack Oil Co., DEE-2502
 C. Parker Oil Co., Inc., DEE-2644, DES-2644
 Cantro Pet. Corp., DEE-3315, DST-3315
 Carlos A Monreal Exxon, DEE-3158
 Christopher A. Nauman (Whistle Stop), DEE-3696, DES-3696, DST-3696
 Clayton Oil Co., DEE-2921
 Crites Oil Co., Inc., DEE-3025, DES-3025, DST-3025
 Day-N-Nite Convenience Store #1 (Truxillo), DEE-4000
 Exxon Co., USA, DST-0055
 George E. Brooks (Tom's Arco), DEE-3971
 Great Plains Corp., DRD-0171, DRH-0171
 Grier's Kqik Stop, DEE-2964
 Guarantee Oil Co., DEE-2580, DES-2580
 Hull's Chevron, DEE-4069
 J. A. Travaglino, DEE-4024
 Kentwood Exxon, DEE-3332, DES-3332
 A-1 Standard Service, DEE-3131
 Al's Mobil, DEE-4197, DES-4197
 B & T Gulf Station, DEE-3991
 Allied Chem. Corp., FEE-4366
 Aspen Hill Amoco, DEE-3652
 Atlantic Richfield Co., DEE-4202, DES-4202, DST-4202
 Auto Service, Inc., DEE-3909
 Bill Doland, DEE-4098
 Braintree Square Mobil, DEE-4022
 Amerada Hess Corporation, DEE-0028
 American Petrofina, Inc., DEE-0006
 Apco Oil Corporation, DEE-0020
 Ashland Oil, Inc., DEE-0026
 Atlantic Richfield Company, DEE-0042
 Champlin Petroleum Company, DEE-0025
 Charter Oil Company, FEE-4858
 Cities Service Company, DEE-0011
 Coastal States Gas Corporation, DEE-0001
 Commonwealth Oil Refining Company, Inc., DEE-0015
 Continental Oil Company, DEE-0016
 Delta Refining Company, DEE-0043
 Exxon Company, U.S.A., DEE-0027
 Farmland Industries, Inc., DEE-0045
 Getty Oil Company, DEE-0023
 Gulf Oil Corporation, DEE-0012
 Husky Oil Company of Delaware, DEE-0014
 Indiana Farm Bureau Cooperative Association, Inc., FEE-4319
 Kerr-McGee Corporation, DEE-0017
 Marathon Oil Company, DEE-0019
 Mobil Oil Corporation, DEE-0044
 Monsanto Company, FEE-4354
 Navajo Refining Company, DEE-0008
 Newhall Refining Company, Inc., FEE-4379
 Pasco Liquidating Trust, DEE-0009
 Pennsoil Company, DEE-0022
 Phillips Petroleum Company, DEE-0002
 Plateau, Inc., FEE-4388
 Powerline Oil Company, FEE-4381
 Quaker State Oil Refining Corporation, DEE-0010
 Shell Oil Company, DEE-0121
 Standard Oil Company (Indiana), DEE-0003
 Standard Oil Company of Ohio, DEE-0004
 Sun Oil Company of Pennsylvania, DEE-0029
 Tenneco Oil Company, DEE-0018
 Tesoro Petroleum Corporation, DEE-0013
 Texaco, Inc., DEE-0005
 Texas City Refining, Inc., DEE-0021
 Thunderbird Resources, Inc., FEE-4851
 Time Oil Company, DEE-0122
 Tosco Corporation, DEE-0024
 Tri-State Oil & Asphalt Sales, Inc., FEE-4852
 Union Oil Company of California, DEE-0056
 Warrior Asphalt Company of Alabama, Inc., FEE-4389
 Witco Chemical Corporation, DEE-0007
 Marsh St. Union Serv., DEE-4169
 P & L Exxon, DEE-3918
 Roxbury Garage, DEE-4025
 Roy's Standard Serv., DEE-4173
 Stevenson's Texaco, DEE-3354
 Sunoco of Exton, DEE-3689
 Sweet Treat Ice Cream (Locust Grove Standard Station), DEE-2472, DES-2472, DST-2472
 Terry's Mobil, DEE-2821, DES-2821, DST-2821
 Tom's Exxon, DEE-2708
 Tommy's One Stop, DEE-2709
 W. L. Avery, DEE-4092, DST-4092
 Campbells Shell, DEE-3744
 Carthage Road 66, DEE-4170
 Collinsville Motors, DEE-3921
 Curt Roth, DEE-3568
 Domind Pet. Corp., DRO-0140
 E-Z-Go Self-Service, DEE-3157
 East Drive Automotive, DEE-3465
 Eden Oil company, DEE-3023, DES-3023
 Gebbie's Exxon, DEE-3691
 Gettlefinger Service, DEE-3451
 Hilltop Services, Inc., DEE-2978
 Home-Stake Production, DEE-1003
 Jim's State Line K-M, DEE-4077
 Koch Industries, DMR-0046
 M.R.S. Markets, DEE-3562

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
 Director, Office of Hearings and Appeals.
 November 14, 1979.

[FR Doc. 79-35842 Filed 11-20-79; 8:45 am]

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Issuance of Decisions and Orders; Week of June 25 Through June 29, 1979

Notice is hereby given that during the week of June 25 through June 29, the

Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Pat Broudy, Laguna Niguel, Calif.; DFA-0436, freedom of information

Pat Broudy filed an Appeal from a partial denial by the Director of the Office of Classification of a Request for Information which she had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the material contained in the documents which were initially withheld under exemptions (b)(1) and (b)(3) should be released to the public. An important issue considered in the Decision and Order was whether OHA may perform a complete classification review in connection with its consideration of the Appeal.

Exxon Co., U.S.A., Mobil Oil Corp., Tosco Corp., Shell Oil Co., Union Oil Co., of California, Houston, Tex., et al.; DEA-0367, DES-0400, DEA-0400, DEA-0405, DEA-0399, DEA-0401, motor gasoline

The Exxon Company, U.S.A., Mobil Oil Corporation, Tosco Corporation, Shell Oil Company, and Union Oil Company of California filed five Appeals and one Application for Stay relating to five Redirection Orders which were issued to those firms by the DOE Economic Regulatory Administration Region IX Office of Fuels Regulation. Those Orders required the five firms to supply motor gasoline to Pacific Refining Company during April 1979. In considering the Appeals and Application for Stay, the DOE determined that the Redirection Orders were defective because they did not set forth factual and legal findings which would indicate that the Office appropriately considered supply imbalances within a geographic area as the primary factor in its decision to order a redirection of product. In addition, the DOE found that the Office considered factors which are outside the scope of 10 CFR Section 211.14. The DOE also found that the Office failed to make findings that the supply difficulties which Pacific was experiencing could not have been anticipated long before its request for a redirection order or that Pacific's parent corporation, Coastal States Gas Corporation, was unable to assist Pacific. Consequently, the Appeals of the five firms were granted and the Redirection Orders were rescinded. In addition, the DOE ordered Coastal States to repay to Tosco and Union the volumes of motor gasoline that those firms had supplied to Pacific in compliance with the Redirection Orders.

Robert C. Smith, Washington, D.C.; DFA-0437, freedom of information

Robert C. Smith appealed from a partial denial by the Deputy District Manager of the DOE Northeast District Office of Enforcement

of a Request for Information that Mr. Smith had submitted pursuant to the Freedom of Information Act, 5 USC 552 (FOIA). The Deputy District Manager withheld certain documents as being exempt from disclosure pursuant to sections (b)(4) regarding commercial proprietary information and (b)(5) relating to intra-agency memoranda. Upon consideration of the Appeal, which related only to those documents withheld pursuant to Exemption 4, the DOE found that the documents were properly withheld under Exemption 4 as being commercial information the release of which could cause substantial harm to the competitive position of the firm that submitted the information. Although the financial and pricing data was several years old, it was held that the data was still confidential because the regulatory structure of the petroleum industry since 1973 maintains relationships that were in place at that time.

Atlantic Richfield Co., Los Angeles, Calif.; DRO-0230, motor gasoline

Atlantic Richfield Company (Atlantic Richfield) filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which was issued to the firm on May 22, 1979 by the Pacific District Office of the DOE Special Counsel. Atlantic Richfield's Notice of Objection was officially filed on June 5, 1979, the fourteenth day after the issuance of the IROIC. The DOE determined that Atlantic Richfield had not complied with 10 CFR 205.199D, which requires that a Notice of Objection be filed within ten days of the issuance of the IROIC, and that the firm had not explained its failure to file its Notice in a timely manner. Therefore, the DOE dismissed the Notice of Objection and stated that the IROIC would be issued as a final order of the DOE unless within ten days of the firm's receipt of the Decision and Order, Atlantic Richfield filed a new Notice of Objection and demonstrated good cause for the late filing of its June 5, 1979 Notice. Atlantic Richfield's Notice of Objection was accordingly dismissed without prejudice to a refile on the terms specified.

In the following cases involving Proposed Remedial Orders, no Statements of Objections were filed. The DOE therefore issued Remedial Orders in final form.

Name, case No., and location

Harry L. Burke, d.b.a. Burke's Mobil Service, DRW-0015; Westchester, Pa.
Marvin Eaton, d.b.a. Eaton's Gulf Service, DRW-0017; Parkersburg, W. Va.
Robert Blattenberger, d.b.a. Blattenberger Gulf, DRW-0016; Chambersburg, Pa.
Stan Segal, d.b.a. S&S Arco, DRW-0014; Philadelphia, Pa.
Ted Davis, d.b.a. Ted's Exxon, DRW-0018; Bradley, W. Va.

Chevron USA, Inc., San Francisco, Calif.; DXE-2802, crude oil

Chevron USA, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Summerland Field in

excess of the applicable ceiling price levels. In considering the exception application, the DOE found that Chevron continued to incur increased operating expenses at the Summerland Field and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that Field. In view of this determination and on the basis of the operating data which Chevron had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Chevron to sell at market prices (not to exceed \$21.32 per barrel) 100 percent of the crude oil produced from the Summerland Field for the benefit of the working interest owners for a six-month period.

Ely Crude Oil Co., Nye County, Nev.; DXE-0692, entitlements

The Ely Crude Oil Company (Ely) filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The exception request, if granted, would permit any refiner that purchases the crude produced by Ely to exclude that crude oil from its crude oil runs to stills for purposes of determining its entitlement purchase obligation. In evaluating the exception application, the DOE found that in view of the particularly low quality of Ely's crude oil production and the high cost of transporting Ely's crude oil to the nearest refinery, it is not economical for a refiner to purchase crude oil from Ely if the refiner incurs a full entitlement purchase obligation for Ely's production. Based upon this finding the DOE granted Ely exception relief which permits the firm to certify 29 percent of its crude oil production as stripper well crude oil for the purposes of the Domestic Crude Oil Entitlements Program, thereby reducing the entitlement purchase obligation of the purchase.

Gulf Oil Corp., Tulsa, Okla.; DXE-6683, crude oil

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception, if granted, would result in an extension of the exception relief previously granted and would permit the firm to continue to sell a portion of the crude oil which it produces from the South Stanley Lease at upper tier ceiling prices. *Gulf Oil Corp.*, 3 DOE Par. — (March 2, 1979). In considering the exception application, the DOE found that Gulf was continuing to incur increased operating expenses at the South Stanley Lease, and that in the absence of exception relief the firm would lack an economic incentive to continue its crude oil production operations at the property. In view of this determination and on the basis of the operating data which Gulf had submitted for the most recently completed six-month period, the DOE concluded that exception relief should be continued to permit Gulf to sell at upper tier ceiling prices 72.91 percent of the crude oil produced from the South Stanley Lease for the benefit of the working interest owners for a six-month period.

Hewit and Dougherty, Austin, Tex.; DEE-2222, natural gas liquids

Hewit and Dougherty filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart K. The exception request, if granted, would permit the firm to use the fourth quarter of 1973 as its base quarter in the calculation of its increased non-product costs used in calculating its maximum permissible selling price for natural gas liquid. In considering the exception request, the DOE found that the firm incurred significant construction and startup costs during the second quarter of 1973, the base quarter for purposes of Subpart K, and that these costs seriously distorted the intended use of the base period for measurement purposes. The DOE therefore determined that Hewit and Dougherty satisfied the *Tenneco* standard for granting exception relief from a base period calculation. In accordance with this determination, the DOE permitted Hewit and Dougherty to use the last quarter of 1973 as its base quarter in calculating allowable cost pass through pursuant to Subpart K.

Husky Oil Co., Washington, D.C.; DEE-1436, DEE-1444, crude oil

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR 212.72 in which the firm sought permission to sell the crude oil produced from the Fleisher and Victory Leases located in Santa Barbara County, California at prices in excess of the prices permitted by the Mandatory Petroleum Price Regulations. In considering the request the DOE found that at the applicable ceiling prices the firm was incurring an operating loss in each of the leases and the exception relief was necessary to provide the firm with an incentive to continue crude oil production operations. Accordingly, partial exception relief was granted to the working interest owners of each of the leases.

Koch Exploration Co., Wichita, Kans.; DXE-2120, DXE-2121, crude oil

Koch Exploration Company (Koch) filed two Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Sink Draw #1 Lease and the Cedar Rim #3 Lease at upper tier ceiling prices. *Koch Exploration Co.*, 2 DOE Par. 81.093 (1978). In considering the exception application, the DOE found that Koch continued to incur increased operating expenses at the Sink Draw #1 and Cedar Rim #3 Leases and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at those leases. In view of this determination and on the basis of the operating data which Koch had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Koch to sell at upper tier ceiling prices 48.20 percent of the crude oil produced from the Sink Draw #1 Lease and 100 percent of the crude oil produced from the Cedar Rim #3 Lease for the benefit of the working interest owners for a six-month period.

Meason Operating Co., Natchez, Miss.; DXE-5821, crude oil

Meason Operating Company (Meason) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Arnold Perry Unit #1 (the Unit) at upper tier ceiling prices. *Meason Operating Co.*, 3 DOE Par. 81.006 (1979). In considering the exception application, the DOE found that Meason continued to incur increased operating expenses at the Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that Unit. In view of this determination and on the basis of the operating data which Meason had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Meason to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Unit for the benefit of the working interest owners for a six-month period.

O'Meara Bros., New Orleans, La.; DXE-5530, crude oil

O'Meara Brothers filed an Application for Exception from the provisions of 10 CFR, Part 212, in which the firm sought an extension of exception relief previously granted, which would permit O'Meara Brothers to continue to sell certain quantities of the crude oil produced from the Louisiana State Lease 2192 at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide O'Meara Brothers with an economic incentive to continue crude oil production activities at the property. Moreover, the DOE determined that the public interest would best be served by the prompt issuance of a final Decision and Order on the firm's exception request. Accordingly, the DOE issued a final Decision and Order in which exception relief was granted.

Pennzoil Producing Co., Houston, Tex.; DXE-2189, crude oil

Pennzoil Producing Company (Pennzoil) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Perry Sand Waterflood Unit, North Segment at upper tier ceiling prices. *Pennzoil Producing Co.*, 2 DOE Par. 81, 161 (1978). In considering the exception application, the DOE found that Pennzoil continued to incur increased operating expenses at the Perry Sand Waterflood Unit, North Segment and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that Unit. In view of this determination and on the basis of the operating data which Pennzoil had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Pennzoil to sell at upper tier ceiling prices 100 percent of the crude oil produced

from the Perry Sand Waterflood Unit, North Segment for the benefit of the working interest owners for a six-month period.

Texaco, Inc., Denver, Colo.; DXE-2214, crude oil

Texaco, Inc. filed an Application for exception from the provisions of 10 CFR, Part 212, in which the firm sought an extension of exception relief previously granted which would permit Texaco to continue to sell certain quantities of the crude oil that it produces from the Government Graves Lease located in Campbell County, Wyoming at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to provide Texaco with an economic incentive to continue its crude oil production activities at the property. Moreover, the DOE determined that the public interest would best be served by the prompt issuance of a final Decision and Order on the Texaco exception request. Accordingly, the DOE issued a final Decision and Order in which exception relief was granted.

Union Oil Co. of California, San Francisco, Calif.; DEE-2022, crude oil

Union Oil Company of California (Union) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the working interest owners to sell the crude oil production from the Coalinga Nose Unit (Coalinga Unit) which is located in Fresno County, California at market price levels. In evaluating the exception request, the DOE found that crude oil production at the Coalinga Unit is enhanced by reinjecting indigenous formation gas. The DOE also found that the Mandatory Petroleum Price Regulations produced an incentive for Union to discontinue gas re-injection, de-emphasize crude oil production, and immediately sell the natural gas underlying the Unit. This series of events would result in the permanent loss of substantial quantities of domestic crude oil. Therefore the DOE determined that the working interest owners should be permitted to sell certain incremental volumes of crude oil as well as all natural gas liquids and natural gas liquid products produced from the Unit at market price levels. The DOE also determined that the amount of crude oil which Union would produce in the event of the immediate termination of its natural gas re-injection operation should be sold in accordance with the generally applicable provisions of 10 CFR, Part 212, Subpart D.

Young Coal Co., Waterloo, Iowa; DEE-0664, heating oil

Young Coal Company filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firm sought to be relieved of an obligation to refund \$103,985 to its customers as required by the terms of a remedial order issued to the firm. In considering the request, the DOE found that the firm had failed to establish compelling reasons why retroactive exception relief is warranted or that it would experience severe and irreparable injury in the absence of such relief. Accordingly, exception relief was denied.

Requests for Stay

Amerada Hess Corp., New York, N.Y.; DES-0463, motor gasoline

Amerada Hess Corporation (AMC) filed an Application for Stay of a Temporary Assignment Order. The stay request, if granted, would permit AMC to be relieved of its obligations under a Temporary Assignment Order issued to that firm on May 31, 1979 to supply Petroleum Combustion International, Inc. (PCI) with motor gasoline during the months of June and July 1979. In considering the application, the DOE determined that AMC did not receive adequate notice or an opportunity to comment prior to the issuance of the Temporary Assignment Order as required pursuant to the DOE Procedural Regulations. Since the underlying validity of the May 31 Order was in serious doubt, the Temporary Assignment Order issued to AMC was therefore stayed pending a further Order of the DOE.

Amoco Oil Co., Chicago, Ill.; DES-0217, DST-0217, gasohol

Amoco Oil Company filed an Application for Stay of the provisions of 10 CFR 212.83 so as to permit the firm to market Gasohol as a separate category and grade of gasoline for cost passthrough purposes and to permit it to pass through the entire cost of the alcohol in its sales of Gasohol. In considering the Application, the DOE determined that Amoco had made a strong showing that it would be desirable for public policy reasons to grant the stay and that the firm was likely to succeed on the merits of its underlying Application for Exception. Amoco's stay request was therefore granted.

Mallard Resources, Inc., Washington, D.C.; DES-0318, crude oil

Mallard Resources, Inc., filed an Application for Stay from the provisions of 10 CFR 211.65(a)(1)(iii), which prevents new refiners from participating in the Crude Oil Buy-Sell Program. In considering the Application, the DOE determined that Mallard began constructing its refinery long after this provision was in effect and therefore could not have had a reasonable expectation that it would participate in the program. Consequently, the DOE ruled Mallard's alleged difficulties in obtaining crude oil were not attributable to the DOE regulatory program but, rather, to the firm's discretionary business decisions. The DOE found therefore, that Mallard had not made a showing that it was likely to succeed on the merits of its exception request. The temporary exception request was therefore denied.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception, Stay, Temporary Stay and/or Interim relating to the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company name, case No., and location

Pine Grove Exxon, DEN-5051; Pine Grove, Calif.
Town & Country Food Markets, Inc., DEN-2863; Washington, D.C.
Mason Valley Petroleum Dealers, DEN-5144; Yerington, Nev.
McDaniel's Grocery & Meat Market, DEN-5933; Port Bolivar, Tex.
Red Bluff Mobil, DEE-3111; Pasadena, Tex.
Howard Moor, DEX-0170; Wentzville, Mo.
Oklahoma Refining Co., DES-5901, DST-5901; Washington, D.C.
Hilltop Grand, DXE-6884; Reno, Nev.
Irv's Service Center, DXE-5543; Bossier, La.
Jesse Morales, DXE-6270; Uvalde, Tex.
Jersey Crown Dairy, DEN-4549; Manteca, Calif.
Mountain Oil Inc., DXE-6883; Boone, N.C.
Action Gas Co., DXE-5114; Sullivan, Ind.
Browning's Exxon, DXE-6882; Hazelwood, N.C.
Weekly's Exxon, DXE-6329; Montclair, Calif.
Big K Oil Co., Inc., DEE-2494; Hattiesburg, Miss.
Central City Shell, DXE-5889; Ferguson, Mo.
Greenwood Petroleum, DEN-6718; Greenwood, S.C.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firm filed Applications for Stay and/or Temporary Stay of the provisions of the Motor Gasoline Allocation Regulations. The stay requests, if granted, would result in an increase in the base period allocation of motor gasoline pending determination of the Applications for Exception. The DOE issued Decisions and Orders which determined that the stay request be denied.

Company name, case No., and location

Hull Oil Co., DES-4200, DST-4200; Washington, D.C.

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company name and case No.

Gunter's Country Store, DEE-6483
Milt's Seafood Plant, DEE-6409
S. Lane Sunoco, DEE-6233
Slidell Oil Co., Inc., DEE-3813
Southeast Oil & Development Corp., DES-0192
Yorktown 66 Service Station, DEE-4399
Artesia Paramount Arco, DEE-5764
Atlantic Richfield, DEE-3228
Brabham Oil Co., Inc., DEE-2951
Dillon Amoco, DEE-6350
Dudley & Assoc., Inc., DEE-6290
Garland M. Canter, Inc., DEE-5138
Gulf Service Station, DEE-3516; DES-3516
Farmland Industries, DEE-2138
Farmland Industries, DEE-4844
Farmland Industries, DES-0213
Foster Oil Co., DEE-6414
Barney's Service Station, DEE-4023
Biran E. Bolles, DEE-3347
Burgess Gulf Station, DEE-4674
Donald Griffith, DEE-4116
Dustin's Gulf, DEE-5625
H. J. Truxillo, Inc., DEE-3987, DEE-3988, DEE-3989

Joseph Lichenberg, DEE-4360
Kerr McGee Station #6762, DEE-6334
Lyle Fairchild Texaco, DEE-4601
Maier's Arco Service, DEE-6118; DES-6118
Richard Mannion, DEE-4294
Smoke House Sunoco, DEE-3303
Tyler Petroleum Co., DEE-3071
AMS Rentals, DEE-4914
Cross Roads Oil Co., DEE-3694
Irving Shamrock, DEE-6374
Kirkpatrick Oil Distributors, DEE-3882; DST-3882
Arthur Gannet, DEE-4028
Excelsior Super Shell, DEE-6267
Jim Rutherford, DEE-5160
Ripon Shell Service, DEE-3772; DST-3772
Beck Suppliers, Inc., DEE-3314; DST-3314
California 5 Minut Car Wash, DEE-3107; DES-3107
Carroll Oil Co., Inc., DEE-2550
Commonwealth Oil DPI-0030; DES-0216
Lynch Oil Co., DEE-2371; DST-2371
Mayor of Montgomery, DEE-6789
N. A. Dunn, Inc., DEE-4721
Pride Refining, Inc., DEE-5823
Ratcliff Stadium Shell, DEE-6639
Ron's Shell Service, DES-5912
Sarko Equipment, Inc., DEE-6420
Steichschulte Gas & Oil Co., DST-0058
Union Oil Co. of California DRO-0212
Universal Car Wash #2, DEE-2795
Whistle Stop, DEE-6659
Blanton Oil Co., DES-0185
Central Florida Gas, DEE-2270
Chouteau Oil Co., DEE-3846
Craig, Mrs. Warren, DEE-6504
Pennzoil Producing, DEE-6200
Stone Oil Corp., DEE-4111
Big Jim's Gulf, DEE-5248
Bob's Gulf, DEE-5640
Dilworth's American, DEE-3629
Ervin H. Stever, DEE-4529; DES-4529
Huron Shell Service, DEE-2882; DES-2882
Jack Vanderspeck, DEE-5301
Park & 66th Exxon, DEE-4506
Pettigrew Oil Co., DEE-4079
Todd's Automotive, DEE-5255
Tonopah Chevron, DEE-4864
Virginia Forest Exxon, DEE-2606
West Main Amoco, DEE-5435
Casey G. Snyder, DFA-0459
Charles G. Allen Contracting Co., Inc., DEE-3811
County of Louisa, DEE-6558
Fitts Oil Co., DEE-4924
Hayes Chevron, DEE-6307
M.D.L. Auto Truck Center, Inc., DEE-6732
Romine Oil Co., DEE-6223
Shenandoah Phillips 66, DEE-4819
Stern Oil Co., DEE-6478
Abdalla N. Haddad, DEE-5387
Anoka International Sales & Service, Inc., DEE-6328
Auto Care Centers, Inc., DEE-5112
Auto Club Services Corp., DEE-6009
Barrett's Auto Service, DEE-5281

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management*:

Federal Energy Guidelines, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

November 15, 1979.

[FR Doc. 79-35853 Filed 11-20-79; 8:45 am]

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Issuance of Decisions and Orders; Week of July 30 Through August 3, 1979

Notice is hereby given that during the week of July 30 through August 3, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Demetriou, Del Guercio & Lovejoy, Los Angeles, Calif.; DFA-0485, freedom of information

Demetriou, Del Guercio & Lovejoy filed an Appeal from a denial of a request for information which it made pursuant to the Freedom of Information Act. In its Appeal, the firm argued that the FOIA Director had failed to sufficiently explain the basis for the determination to deny the request under Section 552(b)(5) of the FOIA which exempts interagency or intra-agency memoranda from mandatory public disclosure. In considering the Appeal, the DOE found the documents in question to be a preliminary draft of a legal memorandum written by a staff attorney and set of handwritten notes reflecting the discussion of DOE staff members in the preparation for an appearance before a congressional committee. The DOE determined that these documents did fall within the exemption for predecisional intra-agency memoranda and that their disclosure would inhibit the DOE's decision making process. As a result, the firm's Appeal was denied.

State of Illinois (Attorney General's Office), Chicago, Ill.; DFA-0455, freedom of information

The State of Illinois (Illinois) filed an Appeal from a partial denial by the Program Director of the Office of Nuclear Waste Management (the Program Director) of a Request for Information which the State had submitted under the Freedom of Information Act (FOIA). In its request, Illinois sought access to all documents held by DOE regarding the possible use of the General Electric Company's (G.E.'s) Morris, Illinois facility for use as an away-from-reactor repository for spent nuclear fuel. The Program Director withheld in its entirety a document encompassed by Illinois' request on the ground that it contained confidential commercial information exempt from mandatory disclosure under the FOIA. This

document, which was submitted to the DOE by a G.E. official, consists of a cover letter and excerpts from a G.E. study on the possible use of the Morris facility as a dry storage repository for spent nuclear fuel.

In its Appeal, Illinois contended that the Program Director had neither adequately described that document which was withheld nor set forth the bases on which it was considered exempt from mandatory disclosure. After considering this contention, the DOE determined that the Program Director complied with minimum agency requirements regarding identification of withheld material as well as those regarding an explanation of the basis for nondisclosure. The DOE therefore rejected Illinois' contention. Illinois also asserted in its Appeal that since the withheld document contains information on spent nuclear fuel storage techniques that have never been commercially used, this data cannot constitute confidential commercial information within the meaning of Exemption 4. The DOE rejected this argument, finding that proprietary data concerning a technology with potential as an economically practical means of storing spent nuclear fuel was commercially valuable to G.E. and was therefore within the scope of Exemption 4. The DOE further found that the withheld data related to a specific G.E. facility and could not have been culled directly from Government-generated studies on the feasibility of dry storage, and that the data had not been previously released to the public by G.E. Finally, Illinois asserted that the Program Director failed to segregate and release nonexempt portions of the material. In this regard, the DOE determined that G.E. did not consider the cover letter of the document to contain any confidential information. The DOE also found that the remainder of the document contained no reasonably segregable nonexempt information. Accordingly, the DOE determined that the cover letter should be released and that the remainder of the document should be withheld.

Vickers Petroleum Corp., Washington, D.C.; DEA-0351

Mobil Oil Corp., New York, N.Y.; DEA-0353, DEA-0354, DEA-0355

Koch Industries, Inc., Washington, D.C., DEA-0358

Exxon Co., U.S.A., Washington, D.C.; DEA-0369, DEA-0371

Marathon Oil Co., Washington, D.C.; DEA-0376

Sun Oil Co., Washington, D.C.; DEA-0370, DEA-0379

Gulf Oil Corp., Houston, Tex.; DEA-0391
Texaco, Inc., Washington, D.C.; DEA-0404, DEA-03082

Standard Oil Co. of Indiana, Chicago, Ill. DEA-0383, DEA-0402

Shell Oil Co., Houston, Tex.; DEA-0385

Between March 28, 1979 and May 3, 1979, Vickers Petroleum Corporation, Mobil Oil Corporation, Koch Industries, Inc., Exxon Company, U.S.A., Marathon Oil Company, Sun Oil Company, Gulf Oil Corporation, Texaco, Inc., Standard Oil Company of Indiana, and Shell Oil company filed Appeals of seventeen Orders for the Redirection of Product which were issued to those forms on

March 20, 1979, March 23, 1979 and March 24, 1979 by the DOE Economic Regulatory Administration (ERA) pursuant to 10 CFR 211.14(a). The Redirection Orders required the ten appellants to supply 12, 508,566 gallons of motor gasoline to Farmland Industries, Inc., Land-O-Lakes, Inc., and Midland Cooperatives, Inc. In considering the consolidated Appeals, the DOE determined that the Orders for Redirection of Product were legally and factually defective and rescinded them. Specifically, the DOE determined that the IRA had failed to provide sufficient notice to potential suppliers and that the ERA had exceeded its authority under Section 211.14(a) by considering and making explicit reference to the price of product as a factor in its determination when that section restricted its consideration to the question of regional supply imbalances. The DOE required the three firms which had received the redirected gasoline pursuant to the Orders to sell back that product to appellants at a price which was no greater than the weighted average cost of product which those three firms purchased in June 1979.

Remedial Order

Larco Drilling Co., Shreveport, La.; DRO-0071, crude oil

Larco Drilling Company, Inc., filed a Statement of Objections to a Proposed Remedial Order (PRO) that the Regional Director of Enforcement of DOE Region IV issued to the firm on June 14, 1978. In the PRO, Region IV found that Larco had sold crude oil produced from four properties at prices that exceeded the applicable ceiling prices. Region IV also found that Larco had failed to file certain required reports for the period September 1973 through December 1974. In its Statement of Objections, Larco conceded that it had violated Section 212.118(a)(2) of the DOE's Mandatory Petroleum Price Regulations by failing to file the required reporting forms. Larco also conceded that it sold the crude oil produced from three of its properties at illegal prices. However, Larco contests that portion of the PRO which involves alleged pricing violations arising from Larco's improper classification of the remaining property, the Knoxo Field Unit, as a stripper well lease. In the PRO, Region IV found that Larco improperly certified the Knoxo Field Unit as a "stripper well lease" and accordingly sold the crude oil produced from that property at market price levels. In its Objections, Larco contends that the Knoxo Field Unit did in fact qualify as a stripper well lease because the Unit's average daily production did not exceed ten barrels per well per day. In rejecting Larco's contention, the DOE noted that Larco erred by including shut-in wells and an injection well in its calculation of the Unit's average daily production. On the basis of this finding, the DOE rejected Larco's objections and issued the PRO as a final Remedial Order.

Requests for Exception

Atlantic Richfield Co., Houston, Tex.; DEE-3446, crude oil

Atlantic Richfield Company filed an Application for Exception from the provisions

of 10 CFR, Part 212, Subpart D. Exception relief was granted to permit Arco to sell at upper tier prices 23.15 percent of the crude oil produced from Platform Spark.

Cities Service Co., Tulsa, Okla.; DEE-2000, crude oil

Cities Service Company (Cities Service) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling price levels the crude oil produced from the State AE Lease (State Lease) located in the Lovington Field in Lea County, New Mexico. In considering the exception request, the DOE observed that the data submitted by the applicant indicated that operating costs at the State Lease had increased to the point where they exceeded the revenues received from the sale of crude oil produced at lower tier prices. The DOE also found that the abandonment of the lease by Cities Service would result in the loss of a significant quantity of otherwise recoverable crude oil. On the basis of the precedent established in a number of prior Decisions, the DOE approved exception relief which permitted Cities Service to sell 71.1 percent of the crude oil produced from the State Lease at upper tier prices for a period of approximately six months.

City of Long Beach, Calif., Long Beach, Calif.; DXE-5820, crude oil

The City of Long Beach, California (Long Beach) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Fault Block II Unit at upper tier ceiling prices. *City of Long Beach, Calif., 3 DOE Par. — (1979).* In considering the exception application, the DOE found that Long Beach was continuing to incur increased operating expenses at the Fault Block II Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that Unit. In view of this determination and on the basis of the operating data which Long Beach had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Long Beach to sell at upper tier ceiling prices 72.58 percent of the crude oil produced from the Fault Block II Unit for the benefit of the working interest owners for a six-month period.

Continental Oil Co., Houston, Tex.; DEE-3710, crude oil

Continental Oil Company (Continental) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the Southeast Eureka Unit located in the South Eureka Field in Alfalfa County, Oklahoma. In considering the Application, the DOE found that the cost of producing crude oil from the Southeast Eureka Unit had

increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Continental had no economic incentive to continue to produce crude oil from the Unit and that it was unlikely that the crude oil in the reservoir underlying the Southeast Eureka Unit could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Continental and the other the working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Continental to sell at upper tier ceiling prices 56.49 percent of the crude oil produced from the Southeast Eureka Unit for the benefit of the working interest owners for the period April 12, 1979 through September 30, 1979.

Craft Petroleum Co., Inc., Jackson, Miss.; DXE-5526, crude oil

Craft Petroleum Company, Inc., (Craft Petroleum) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Bedford 33-11 Lease at upper tier ceiling prices. *Craft Petroleum Co., Inc., 3 DOE Par. — (1979).* In considering the exception application, the DOE found that Craft Petroleum continued to incur increased operating expenses at the Bedford 33-11 Lease and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that lease. In view of this determination and on the basis of the operating data which Craft Petroleum had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Craft Petroleum to sell at upper tier ceiling prices 36.61 percent of the crude oil produced from the Bedford 33-11 Lease for the benefit of the working interest owners for a six-month period.

Equipment, Inc., Lafayette, La.; DXE-4107, crude oil

Equipment, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of the exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Hayes No. 1 and Hayes A-1 Wells at market price levels. *Equipment, Inc. 2 DOE Par. 81,151 (1978).* In considering the exception application, the DOE found that Equipment, Inc. continued to incur increased operating expenses at the Hayes No. 1 and Hayes A-1 Wells and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at those wells. In view of this determination and on the basis of the operating data which Equipment, Inc. had submitted for the most recently completed fiscal period, the DOE concluded

that exception relief should be continued to permit Equipment, Inc. to sell at market price levels 100 percent of the crude oil produced from the Hayes No. 1 and Hayes A-1 Wells for the benefit of the working interest owners for a six-month period.

Grace Petroleum Corp., Oklahoma City, Okla.; DEE-4752, crude oil

Grace Petroleum Corporation (Grace) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at market price levels the crude oil which it produces from the C. I. Lovett Lease (the Lovett Lease) located in the Spartan Field in San Patricio County, Texas. In considering the Application, the DOE found that the cost of producing crude oil from the Lovett Lease had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Grace had no economic incentive to continue to produce crude oil from the lease, and that it was unlikely that the crude oil in the reservoir underlying the Lovett Lease could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Grace and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Grace to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Lovett Lease for the benefit of the working interest owners for the period April 30, 1979 through October 31, 1979.

Gulf Oil Corp., Houston, Tex.; DEE-3705, crude oil

Gulf Oil Corporation (Gulf) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the E. G. Robinson, et al., Unit Well No. 1 (the Robinson Unit) located in the Cleveland Townsite Field in Liberty County, Texas. In considering the Application, the DOE found that the cost of producing crude oil from the Robinson Unit had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Gulf had no economic incentive to continue to produce crude oil from the Unit and that it was unlikely that the crude oil in the reservoir underlying the Robinson Unit could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Gulf and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Gulf to sell at upper tier ceiling prices 94.25 percent of the crude oil produced from the Robinson Unit for the benefit of the working interest owners for the period April 10, 1979 through September 30, 1979.

Justiss-Mears Oil Co., Inc., Jena, La.; DXE-5533, crude oil

Justiss-Mears Oil Company, Inc. (Justiss-Mears) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Saucier No. 1 Well at upper tier ceiling prices. *Justiss-Mears Oil Co., Inc., 3 DOE Par. — (1979).* In considering the exception application, the DOE found that Justiss-Mears continued to incur increased operating expenses at the Saucier No. 1 Well and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that well. In view of this determination and on the basis of the operating data which Justiss-Mears had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Justiss-Mears to sell at upper tier ceiling prices 71.51 percent of the crude oil produced from the Saucier No. 1 Well for the benefit of the working interest owners for a six-month period.

M. J. Mitchell, Dallas, Tex.; DXE-5534, crude oil

M. J. Mitchell filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell the crude oil which it produces from the Mitchell State Minnelusa Sand Unit (the Minnelusa Unit) at market price levels. *M. J. Mitchell, 3 DOE Par. — (1979).* In considering the exception application, the DOE found that M. J. Mitchell continued to incur increased operating expenses at the Minnelusa Unit and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that Unit. In view of this determination and on the basis of the operating data which M. J. Mitchell had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit M. J. Mitchell to sell at market price levels not to exceed \$19.13 per barrel 100 percent of the crude oil produced from the Minnelusa Unit for the benefit of the working interest owners for a six-month period.

Moran Pipe & Supply Co. Inc., Semionole, Okla.; DXE-4212, crude oil

Moran Pipe and Supply Company, Inc. (Moran) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Cozar Lease at upper tier ceiling prices. *Moran Pipe and Supply Company, Inc., 3 DOE Par. — (1979).* In considering the exception application, the DOE found that Moran continued to incur increased operating expenses at the Cozar Lease and that, in the

absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that lease. In view of this determination and on the basis of the operating data which Moran had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Moran to sell at upper tier ceiling prices 72.83 percent of the crude oil produced from the Cozar Lease for the benefit of the working interest owners for a six-month period.

Pacific Resources, Inc., Honolulu, Hawaii; DEE-1668, crude oil

Pacific Resources, Inc. (PRI) filed an Application for Exception from the provisions of the Domestic Crude Oil Allocation Program, 10 CFR 211.67, which established a 21 cent per barrel differential between the benefits distributed under the Program for imported and domestic crude oil. Subsequent to the filing of the PRI Application, the DOE amended the Program to eliminate the differential. Because the relief requested by PRI was no longer necessary, the Application was dismissed.

*Perfection Products Co., DEE-21228**Preway, Inc., DEE-3216**Louisville Tin & Stove Co., DEE-2399**Williams Furnace Co., DEE-2228**Peerless Manufacturing Corp., DEE-2798**United States Stove Co., DEE-3140**Martin Industries, DEE-3440**Locke Stove Co., DEE-3441**Readybuild Products Co., DEE-2400, DEE-2322**Suburban Manufacturing Co., Waynesboro, Ga.; consumer products*

Perfection Products Company and nine other firms filed Applications for Exception from the Provisions of 10 CFR 430, the Energy Conservation Program for Consumer Products. The firms requested exception relief permitting them to market certain types of vented home heating equipment without regard to the mandatory energy efficiency test procedures set forth in 10 CFR 430, Appendix O. In considering the requests, the DOE determined that the prescribed test procedures did not fairly and accurately measure the energy efficiency and estimated annual fuel cost for vented gas space heaters with manual control valves, and vented oil heaters with vaporizing-type burners. The DOE found that in the absence of exception relief, the applicants would be placed at a competitive disadvantage in the marketing of the heaters and would therefore suffer a gross inequity. Accordingly, exception relief was granted with respect to these three types of heaters. With respect to vented gas space heaters with step-opening control valves, however, the DOE determined that the prescribed test procedures provided appropriate estimates of energy consumption. Accordingly, exception relief with respect to vented space heaters with step-opening control valves was denied.

Phillips Petroleum Co., Bartlesville, Okla.; DXE-2173, crude oil

Phillips Petroleum Company (Phillips) filed an Application for Exception from the

provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Evelyn "A" Lease at market price levels. *Phillips Petroleum Co., 3 DOE Par. — (1979).* In considering the exception application, the DOE found that Phillips continued to incur increased operating expenses at the Evelyn "A" Lease and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that lease. In view of this determination and on the basis of the operating data which Phillips had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Phillips to sell at upper tier ceiling prices 53.45 percent of the crude oil produced from the Evelyn "A" Lease for the benefit of the working interest owners for a six-month period.

Texaco, Inc., Denver, Colo.; DEE-2362, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the Dugout Creek Shannon Sand Unit (the Shannon unit) located in Johnson County, Wyoming. In considering the Application, the DOE found that the cost of producing crude oil from the Shannon Unit had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Texaco, Inc. had no economic incentive to continue to produce crude oil from the Shannon Unit, and that it was unlikely that the crude oil in the reservoir underlying the Shannon Unit could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Texaco, Inc. and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Texaco, Inc. to sell at upper tier ceiling prices 52.50 percent of the crude oil produced from the Shannon Unit for the benefit of the working interest owners for the period March 12, 1979 through August 31, 1979.

Texaco, Inc., Denver, Colo.; DEE-2359, DEE-2360, DEE-2361, crude oil

Texaco, Inc. filed three Applications for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception requests, if granted, would permit the firm to sell at market price levels the crude oil which it produces from the Government C. S. McGhee Lease (the McGhee Lease) located in Dawson County, Montana; the Government Gwen Knapp Lease (the Knapp Lease) and the Owens B Lease (the Owens Lease) located in Park County, Wyoming. In considering the exception request for the Owens B Lease, the DOE found that the applicant would be able to operate the lease on a profitable basis

even if the crude oil is sold at the applicable lower tier ceiling price. Accordingly, the DOE determined that exception relief should be denied for the Owens B Lease. With respect to remaining two leases, the DOE found that the cost of producing crude oil from the McGhee Lease and the Knapp Lease had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling prices. The DOE found that Texaco, Inc. had no economic incentive to continue to produce crude oil from the McGhee Lease and the Knapp Lease, and that it was unlikely that the crude oil in the reservoir underlying those leases could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity of Texaco, Inc. and the other working interest owners with an incentive to continue to produce, the DOE granted an exception relief which permits Texaco, Inc. to sell at upper tier ceiling prices 53.01 and 100 percent of the crude oil produced from the McGhee Lease and the Knapp Lease, respectively, for the benefit of the working interest owners for the period March 12, 1979 through August 31, 1979.

Kenneth L. Tipps, Denver, Colo.; DXE-5532, crude oil

Kenneth L. Tipps filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Marick 1-A Property at upper tier ceiling prices. Kenneth L. Tipps, 3 DOE Par. — (1979). In considering the exception application, the DOE found that Kenneth L. Tipps continued to incur increased operating expenses at the Marick 1-A Property and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that property. In view of this determination and on the basis of the operating data which Kenneth L. Tipps had submitted for the most recently completed fiscal period, the DOE concluded that exception relief should be continued to permit Kenneth L. Tipps to sell at upper tier ceiling prices 79.58 percent of the crude oil produced from the Marick 1-A Property for the benefit of the working interest owners for a six-month period.

Eldon Walker, Fortuna, Calif.; DEE-4106, crude oil

On April 17, 1979 Eldon Walker filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the Hutson 1-A Lease located in the N.W. Carthage Field in Texas County, Oklahoma. In considering the Application, the DOE found that the cost of producing crude oil from the Hutson 1-A had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Eldon Walker had no economic incentive to continue to produce

crude oil from lease, and that it was unlikely that the crude oil in the reservoir underlying the Hutson 1-A could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Walker and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Walker to sell at upper tier ceiling prices 54.05 percent of the crude oil produced from the Hutson 1-A for the benefit of the working interest owners for the period May 21, 1979 through October 31, 1979.

Requests for Stay

Ashland Oil, Inc., Ashland, Ky.; DRS-0540, crude oil

Ashland Oil, Inc. filed an Application for Stay from the requirement that it make certain refunds pending consideration by the Office of Hearings and Appeals of an Appeal of an Ancillary Order issued to the firm on July 2, 1979 by the Region IV District Manager of the Economic Regulatory Administration of the Department of Energy. In considering the Application, DOE determined that it is consistent with Congressional intent and DOE precedent to routinely grant stay of Ancillary Orders pending a firm's administrative appeal. Under the precedent established in *Petroleum International Associates*, 2 DOE Par. 82,029 (1978), the Ashland stay request was granted.

Chevron U.S.A. Inc., San Francisco, Calif.; DES-0537, DST-0537, motor gasoline

Chevron U.S.A., Inc. filed an Application for Stay and Temporary Stay from a DOE Region IV Order directing it to supply Publix Oil Company with motor gasoline during the months June through September 1979. In considering the Application, the DOE determined that the firm was given adequate notice and opportunity to comment upon the issuance of the Region IV Order. Chevron's stay request was therefore denied.

Exxon Company, USA, Houston, Tex.; DST-0558, DES-0558, motor gasoline

Exxon Company, U.S.A. filed an Application for Temporary Stay and Stay of a Temporary Assignment Order issued to the firm directing it to supply motor gasoline to Grambling State University. In considering the Application, the DOE determined that the Temporary Assignment Order contained several procedural deficiencies which casted serious doubt upon the validity of the Order and that accordingly the firm was likely to succeed on the merits of its Appeal of the Order.

Bob Mueller, Overland Park, Kans.; DRS-0304, motor gasoline

Bob Mueller filed an Application for Stay which, if granted, would stay the provisions of an Interim Remedial Order for Immediate Compliance which the ERA issued to him on June 29, 1979 pending a determination on Mueller's objection to the Order. The Interim Remedial Order requires Mueller to immediately lower the prices for motor gasoline at his sales outlet in Platte Woods, Missouri. In considering the Mueller stay

request, the DOE found that a recent change in the DOE retailer pricing regulations which was not contemplated by the ERA when it issued the Interim Remedial Order to Mueller creates a substantial likelihood that Mueller's objection to the Interim Remedial Order will be successful. Furthermore, the DOE found that since the provisions of the Interim Remedial Order direct Mueller to charge lower prices for motor gasoline than the revised retailer price regulations, he would incur an irreparable injury if he is required to comply with the provisions of the Interim Remedial Order.

K. R. "Ken" Rearick, Metairie, La.; DRS-0273, motor gasoline

K. R. "Ken" Rearick filed an Application for Stay which, if granted, would stay the provisions of an Interim Remedial Order from Immediate Compliance which the ERA issued to him on July 2, 1979. In considering the Application, the DOE determined that the criteria contained in 10 CFR 205.199D(a) for the issuance of an Interim Remedial Order for Immediate Compliance had not been met by the ERA. Rearick's stay request was therefore granted.

Motion for Discovery

Dalton J. Woods, Shreveport, La.; DRD-0222, crude oil

Mr. Dalton J. Woods filed a Motion for Discovery and Protective Order with the Office of Hearings and Appeals of the Department of Energy. The Motion is incident to a Statement of Objections filed by Mr. Woods to a Proposed Remedial Order which the DOE issued to him on May 15, 1979. If the Woods Motion were granted, an order would be issued directing the Ashland Oil Company to respond to several interrogatories. In considering the Woods Motion, the DOE found that Mr. Woods had failed to demonstrate that the approval of the discovery requested would enable him to effectively pursue his defense to the Proposed Remedial Order. The DOE also found that the Motion, if granted would not result in the production of relevant and material evidence and would not materially advance its consideration of the issues in the pending compliance proceeding. Accordingly, the Woods Motion for Discovery and Protective Order was denied.

Supplemental Orders

Sigmar Refining Co., Washington, D.C.; DEX-0199, supplemental order

The DOE convened a preliminary hearing in order to determine whether Sigmar Refining Company or its counsel had violated DOE regulations by failing to apprise the DOE promptly of certain facts relating to a prior Appeal proceeding. Based upon the showing made by Sigmar and its counsel at the hearing, the DOE determined that no further disciplinary action was warranted.

Texaco, Inc., Los Angeles, Calif.; DEX-0184, crude oil

Texaco, Inc. (Texaco) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the DOE including certain expenditures necessary to perform an emergency well workover in determining the

level of exception relief at one of Texaco's crude oil producing properties. In considering the firm's submission, the DOE determined that the proposed expenditures were necessary to maintain extraction operations at the Alaska State Lease. Therefore, the DOE concluded that the proposed expenditures should be included in subsequent analyses for purposes of determining the level of exception relief for the property.

Quincy Oil, Inc., Quincy, Mass.; DRX-0197, No. 6 fuel oil

Quincy Oil, Inc. requested that the DOE issue an order releasing the funds in an escrow account which Quincy had established incident to the DOE's consideration of the firm's Appeal of a Remedial Order. In considering Quincy's request the DOE noted that the Remedial Order had been withdrawn and that as a result there was no longer any basis for maintaining the escrow account in existence. Accordingly, the DOE directed that all funds in the account be returned to Quincy.

Temporary Stay

The following Application for Temporary Stay was granted on the grounds that the applicant had made a compelling showing that temporary stay relief was necessary to prevent an irreparable injury:

Company Name, Case No., and Location

Harvey J. Bean, DRT-0301; Erie, Pa.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Interim Order of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company Name, Case No., and Location

State of New Jersey, DEN-7169; Woodbridge, NJ

Webster Self Service Gulf Station, DXE-7036; Coffeetown, MI

Duffy's Car Wash, Inc., DEN-4940; Newport, KY

G. M. Petroleum Distributors, DEN-4513; Billings, MT

Brian's Auto Service, DEN-3916; Berlin, CT
Daigh Automotive Engineering Corp., DEE-6038; Wilmington, CA

Ray W. Reeves, DXE-7409; McDonough, GA
Gillett Cement Products, Inc., DEN-3548; Gillett, WI

Solvang, California, DEZ-5121; Solvang, CA
Strickling Exxon, DEN-3668; Byrn Mawr, PA
Tony's Texaco, Inc., DEN-6341; Miami, FL
Alvin P. Barrington, DEN-4869, Yucaipa, CA
Fina Jobbers Assn., Inc., DEZ-0003; Washington, DC

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay, Temporary Stay and/or Exception of the provisions of the Motor Gasoline

Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied:

Company Name, Case No., and Location

Colonial Oil Company, DES-5733;

Washington, DC

Wells Petroleum Company, DEE-2252;

Chicago, IL

Kelly's Exxon, DEE-3231; Tyler, TX

J.D. Street & Company Inc., DEE-3255, DES-3255, DST-3255; Washington, DC

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Name of Company, and Case No.

Centerville Oil Company, DEE-7278; DST-7278; DES-7278

Charles L. Luttrell, DEE-3029; DST-3029

Deshong & Fleck, Inc., DEE-6648

Entrada Arco Service, DEE-5958; DES-5958

Ocean Production Company, DEE-3938

Wesley E. Shankland, DEE-7467

Jim's Service Station, DEE-7291

Amoco Oil Company, DES-0231

Ashland Oil, Inc., DST-0230; DES-0230

Frowley Oil Company, DEE-7239

G. M. Petroleum Distributors, Inc., DST-4513

All-Quip Company, Inc., DEE-5004

Bill's Exxon, DEE-5477

Burns Brothers Truck, DEE-4676

T & D Transfer, DEE-4628

W. N. McMurry, DXE-3730

Alpha Cab Company, DEE-6239

Chris' #2, DEE-6827

Crossland Gas, DEE-5247

Diggs Service Station, DEE-7186

Fable's N. Main Street Amoco, DEE-5423

Francis A. Gunther, DEE-6396

Getty Oil Company, DEE-3709

Monsanto Company, DXE-7417

Rogers Oil Company, DEE-2850

Shell Service Station, DEE-5227

Snyder's Mini Mart Company, Inc., Route 100, DEE-7590, DES-7590

Weeg's Standard Service, DEE-5069

Silva's Gulf, DEE-5652

Stu's Service, DEE-4740

Camacho Aerial Service, DEE-6982

Campus Commons Shell #3, DEE-5117

Coecles Harbor Marina & Boatyard, Inc., DEE-5201

D&S Sheet Metal Works, Inc., DEE-7100

Ebbetts Pass Gas Service, DEE-6935

Equipment Services Superintendent, DEE-5587

Garrett Freightlines, DEE-7387

Milne Bros. Automobile Center, DEE-6719

Montgomery, Lytal, et al., DEE-6445

Natals Air Conditioning, Inc., DEE-7004

R. J. Shell & Son, Inc., DEE-5750

Rowden Oil Company, DEE-2699

Royal Equipment Company, Inc., DEE-6404

City of San Buenaventura, CA, DEE-5587

Camacho Aerial Service, DEE-6982

Campus Commons Shell #3, DEE-5117

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between

the hours of 1 p.m. and 5 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

21 November 15, 1979.

(FR Doc. 79-35843 Filed 11-20-79; 8:45 am)

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of August 6 Through August 10, 1979

Notice is hereby given that during the week of August 6 through August 10, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Requests for Exception

Husky Oil Co., Washington, D.C.; DEE-1437, DEE-1438, DEE-1439, crude oil

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR 212.73 in which the firm sought permission to sell the crude oil produced from the Goodwin, Los Flores, and Lakeview Leases located in Santa Barbara County, California at prices in excess of the prices permitted by the Mandatory Petroleum Price Regulations. In considering the request the DOE found that at the applicable ceiling prices the firm was incurring an operating loss on each of the leases and that exception relief was necessary to provide the firm with an incentive to continue crude oil production operations. Accordingly, exception relief to the working interest owners was granted in part on the leases.

Mills Bennett Estate, Houston, Tex; DXE-3443, crude oil

Mills Bennett Estate (Mills Bennett) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to continue to sell a certain portion of the crude oil which it produces from the Wilburn B Lease at upper tier ceiling prices. *Mills Bennett Estate*, 3 DOE Par. 81,007 (1979). In considering the exception application, the DOE found that Mills Bennett continued to incur increased operating expenses at the Wilburn B Lease and that, in the absence of exception relief, the working interest owners would lack an economic incentive to continue the production of crude oil at that lease. In view of this determination and on the basis of the operating data which Mills Bennett had submitted for the most recently completed

fiscal period, the DOE concluded that exception relief should be continued to permit Mills Bennett to sell at upper tier ceiling prices 64.16 percent of the crude oil produced from the Wilburn B Lease for the benefit of the working interest owners for a six-month period.

Sidney E. Pinkston, Jr., Natchez, Miss.; DXE-7310, crude oil

Sidney E. Pinkston, Jr. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit Pinkston to continue to sell certain quantities of the crude oil produced from the BLM-A-011586-C Lease, in Adams County, Mississippi, at upper tier ceiling prices. In considering the exception request the DOE found that, in the absence of relief, Pinkston's cost would rise to the point where the working interest owners would no longer have an economic incentive to continue their production activities. On the basis of the criteria applied in previous Decisions, the DOE determined that for the period September 1, 1979 through February 29, 1980, Pinkston should be permitted to sell 67.88 percent of the crude oil produced from the BLM Lease at upper tier ceiling prices.

Roger Thornton, Kalispell, Mont.; DEE-7492, motor gasoline

Roger Thornton filed an Application for Exception in which he sought permission to transfer the base period allocation for motor gasoline of a retail outlet which he formerly operated to a facility where he is presently located. In considering the request, the DOE found that the allocation regulations already permit Thornton to retain the allocation of his former station while at the same time succeeding to the allocation of the outlet where he now does business. In view of this determination, the DOE concluded that exception relief was not necessary. Accordingly, the Application for Exception was dismissed.

Request for Temporary Exception

State of Alaska, Juneau, Alaska; DES-7639, DEL-7639 motor gasoline

The State of Alaska filed an Application for Stay and an Application for Temporary Exception from the motor gasoline price regulations adopted on July 15, 1979. In considering these Applications, the DOE determined that the State of Alaska had adequately demonstrated that many small retailers of gasoline in Alaska would be unable to sustain profitable operations of fixed margins of 15.4 cents. A stay was therefore granted which permitted certain retailers of gasoline in Alaska to realize margins up to 20.4 cents. The temporary exception request was dismissed.

Requests for Stay

Amoco Production Co., Chicago, Ill.; DRS-7003 crude oil

Amoco Production Company filed an Application for Stay from the requirement that it make certain refunds pending consideration by the Office of Hearings and Appeals of an Appeal of an Ancillary Order issued to the firm on June 29, 1979 by the

Region VI Audit Manager of the Economic Regulatory Administration of the Department of Energy. In considering the Application, the DOE determined that it is consistent with Congressional intent and DOE precedent to routinely grant stays of Ancillary Orders pending a firm's administrative appeal. Under the precedent established in *Petroleum International Associates*, 2 DOE Par. 82,029 (1978), the Amoco stay request was granted.

Southwestern Refining Company, Inc., Washington, D.C.; DES-0224 crude oil

On July 5, 1979, the Southwestern Refining Company, Inc. (Southwestern) filed an Application for Stay which, if granted, would permit the firm to sell additional entitlements, pending a decision on its Application for Exception. In considering the Application, the DOE determined that the firm's average cost of crude oil was exceptionally high and that the firm would incur an irreparable injury in the absence of relief. The DOE therefore ordered the Johnson Oil Company, a major supplier of crude oil to Southwestern, to lower its markup on sales of crude oil to Southwestern to \$1.75 per barrel.

Uni Refining, Inc., Houston, Tex.; DEE-6684, crude oil

Uni Refining, Inc. filed an Application for Stay from the provisions of 10 CFR 211.65 which would permit it to participate in the Crude Oil Buy-Sell Program. In considering the Application, the DOE determined that Uni had failed to meet any of the criteria for a stay. Uni's stay request was therefore denied.

Motion for Discovery

Florida Power & Light Co., Miami, Fla.; DRD-0192, fuel oil

Florida Power & Light Company (FPL) filed a Motion for Discovery in which it requested that documents in the possession of the Belcher Oil Company be released to it. Belcher and FPL agreed to a stipulation for a Protective Order providing for the release of the documents. The DOE therefore approved the stipulation and issued it as an order of the DOE.

Interlocutory Order

State of New York; DRZ-0084, DRR-0053, DRD-0010, DRH-0084

Ashland Oil, Inc., Boswell Oil Co., Certified Oil, Hudson Oil Co., Kocolene Oil Corp., Naph-Sol Refining Co., Transit Oil Co., New York, N.Y.; DRD-0084, DRH-0042, crude oil

On October 16, 1978, Ashland Oil, Inc., objected to a Proposed Remedial Order issued to the firm on July 7, 1978. According to the PRO, Ashland overcharged its customers when it incorrectly calculated maximum permissible selling prices for gasoline. A principal issue in those proceedings is the meaning of the word "purchase" as that term is used in the DOE price regulations. This Decision and Order addressed several pending motions filed by various parties and intervenors in the Ashland proceedings. The DOE first determined that the State of New York should be permitted to participate in the enforcement proceedings in order to represent the interests of the citizens of the State in this matter. However, the DOE

limited the scope of that participation by permitting the State only to file legal comments setting forth its position and to participate in evidentiary hearings and oral arguments held in connection with the case. The DOE also considered Motions for Discovery and Evidentiary Hearing filed by Ashland. The Office of Special Counsel was ordered to furnish Ashland with certain documents relating to the manner in which the overcharges alleged in the PRO were calculated and the meaning of the term purchase as it appears in DOE price regulations. The DOE granted Ashland's Motion for Evidentiary Hearing with respect to the firm's request to present evidence relating to the meaning of the word purchase. Boswell Oil Company, an intervenor in the proceedings relating to Ashland's Statement of Objections, also filed Motions for Discovery and Evidentiary Hearing. The DOE denied Boswell's request for a complete copy of the PRO issued to Ashland including the work sheets setting forth the calculation of the overcharges. The DOE determined that the requested documents contained confidential information and could therefore only be released in connection with a protective order. The DOE further held that before such an order would be issued, Boswell would first be required to show that it had attempted in writing to reach agreement with Ashland to provide for voluntary release of the material. With respect to Boswell's Motion for Evidentiary Hearing, the DOE determined that Boswell should be permitted to examine individuals who prepared Ashland's monthly refiner pricing forms and DOE officials who calculated the amount of overcharges alleged in the PRO. Finally, the DOE denied Ashland's request for reconsideration of a Decision and Order issued on April 18, 1979, relating to other Motions for Discovery and Evidentiary Hearing filed by Boswell.

Remedial Order

In the following case involving a Proposed Remedial Order, no Statement of Objections was filed. The DOE therefore issued a Remedial Order in final form.

Company Name, Case No. and Location

Forgotson, James M. DRW-0031; Shreveport, LA

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Stay and/or Interim Order of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company Name, Case No., and Location

Rainbow Oils of San Angelo, Inc., DEN-5501; San Angelo, TX
Brent-West Car Wash, DEN-4531; W. Los Angeles, CA
Cottam Company, DEN-3277; St. George, UT
Palm Oil Company, DEN-7461; Washington, DC
Brown's Service, DEN-4672; Westerly, RI

Bruder's Exxon, DEN-6319; Baltimore, MD
Petitions Involving the Standby Petroleum
Product Allocation Regulations for Motor
Gasoline

The following firms filed Applications for Exception and/or Intrim Order from the provisions of the Motor Gasoline Allocation regulations. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Case No., and Location

Kingsport Fuels, Inc., DEE-3530; Kingsport, TN
 Mountain Empire Oil, DEE-3612; Johnson City, TN
 Laveen Country Store, DEN-6660; Laveen, AZ

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, and Case No.

Advance Petroleum Dist., DEE-6726; DES-6726; DST-6726
 Akin, Gump, DFA-0498
 Chuck Diehl Oil, DEE-7381
 Commerce Crossroads, DEE-2320; DES-2320; DST-2320
 D. S. Sims Oil Company, DEE-6928
 Jimmy Brasseaux, DEE-3624
 Kenzenberg Oil Company, DEE-7378
 Reed Oil Company, Inc., DES-0183
 Citadel Corporation, DRS-0258; DRS-0259; DRS-0260; DRO-0258; DRO-0259; DRO-0260
 Farmers Co-op Elevator Company, DEE-4404
 George M. Ragan, DEE-4730
 Graber, Stetler & Townsend, DFS-0334
 Haw Knob Inc., DEE-6733
 San Anselmo Beacon, DEE-7175
 San Diego County Law Library, DEE-7599
 Swink Oil Company, DEE-3814
 Boudoin & Richard, DEE-4182; DES-4182
 Burlington Ind., Inc., DEE-5014
 Dawson's Amoco, DEE-3650
 Don Prouse, DEE-5294
 Furr's Auto Center, DEE-5299
 Joe Frans, DEE-5295
 Marlborough Sinclair Service, DEE-6877
 R. E. Turner, DEE-7259
 Ben Logan, DEE-7598
 Shell Company (Puerto Rico) Ltd., DED-2245; DEH-2245
 Standard Oil Company of Ohio, DEA-0550; DEA-0051; DEA-0549; DST-0550; DST-0551; DST-0549
 Bob Desmarais, DEE-4964
 Brien Oil Company, DEE-7444
 Cini-Grissom Association, DEE-7518
 Fowler State Bank, DEE-7561
 Meridian Medical Group, DEE-7556
 Mur's American, DRO-0271
 Page Bus Company, Inc., DEE-3614
 R. A. Pool Oil Company, DES-3610; DEE-3610
 Walter E. Carter, DEE-6400

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m.,

e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

November 15, 1979.

[FR Doc. 79-35647 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders;
Week of August 13 Through August
17, 1979

Notice is hereby given that during the week of August 13 through August 17, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Brock Exploration Corp., New Orleans, La.;
DFA-0486, freedom of information

Brock Exploration Corporation filed an Appeal from a partial denial of a Request for Information which the firm had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the case should be remanded due to the inadequacy of the initial determination, and that, upon remand, the possible applicability of Exemption 7(A) under the *Exxon* rationale should be considered. Important issues that were considered in the Decision and Order were (i) the degree of specificity required of an initial determination under the FOIA with respect to (a) the statutory exemptions from mandatory disclosure and (b) the public interest in disclosure of exempt material; and (ii) the possible blanket withholding, pursuant to Exemption 7(A), of all investigatory records compiled in a pending enforcement proceeding.

Appeals

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DFA-0486, freedom of information

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disclosure of exempt material; and (ii) the possible blanket withholding, pursuant to Exemption 7(A), of all investigatory records compiled in a pending enforcement proceeding.

F. L. Roberts & Co., Inc., Springfield, Mass.;
DEA-0491, DST-0491, DSG-0058, motor
gasoline

F. L. Roberts & Company, Inc., filed an Appeal, an Application for Temporary Stay, and a Petition for Special Redress. All three submissions related to an Application for Temporary Assignment in which Roberts requested that a supplier be assigned to supply motor gasoline to eight retail outlets which it recently purchased. In considering the Appeal, the DOE concluded that there had been no inordinate delay by the ERA in acting upon Roberts' request for a temporary assignment. The Appeal was therefore dismissed without prejudice. The DOE also denied the Petition for Special Redress on the grounds that the ERA had not acted improperly. Finally, the DOE denied the temporary stay request since Roberts had failed to demonstrate that it would experience an irreparable injury. Important issues that were discussed in this case include the circumstances under which the Office of Hearings and Appeals will consider an appeal even though no order has been issued by the DOE and the circumstances under which the Office of Hearings and Appeals will direct another office of the DOE to take action in a particular proceeding.

Donald P. Mullen, Las Vegas, Nev.;
DFA-0494, freedom of information

Donald P. Mullen filed an Appeal from a determination issued to him by the Manager of the Idaho Operations Office of the DOE in response to a Request for Information which he had submitted under the Freedom of Information Act (the FOIA). Idaho Operations determined that there were 26 items responsive to Mullen's request, but that one item should be withheld because it did not involve agency records and was therefore unavailable under the FOIA. Idaho Operations notified Mullen that it would release copies of 25 of the described records upon payment of the balance of a search fee and a copying charge of 10 cents per page. In his Appeal, Mullen requested that the DOE reverse the determinations of Idaho Operations, independently evaluate the item which was withheld and furnish all requested documents without any further cost to Mullen. The DOE determined that Idaho Operations had correctly found that the government contractor's informal notes of annual fee negotiation meetings between that contractor and the DOE or its predecessor were not agency records and were thus not available under the Act. The DOE further determined that the refusal of Idaho Operations to waive or reduce the search fees for processing Mullen's request was proper since he had not demonstrated that release of the documents requested could be considered as primarily benefiting the general public. Mullen's Appeal was therefore denied.

*Soules & McCamish, San Antonio, Tex.;
DFA-0518, freedom of information*

The law firm of Soules & McCamish filed a Freedom of Information Appeal which, if granted, would release to the firm information regarding the number and kilotonnage of nuclear weapons in the United States arsenal at the end of 1945 and the end of 1946. In considering the Appeal, the DOE determined that the information which the firm sought is properly classified as "Secret" and therefore exempt from mandatory public disclosure. The Appeal was accordingly denied.

Requests for Exception

*Cities Service Co., Tulsa, Okla.; DEE-2086,
crude oil*

Cities Service Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought an exception which would permit the working interest owners to sell the crude oil that is produced from the Walker A. Lease located in the Bowlegs Field in Seminole County, Oklahoma, at upper tier ceiling prices. In considering the request, the DOE found that the working interest owners were experiencing increased operating expenses. The DOE also found that exception relief was necessary to provide the working interest owners with an incentive to continue production by permitting them to recover the increased operating costs incurred in the previous two fiscal quarters. Accordingly, exception relief was granted.

*Commonwealth Oil Refining Co., Inc.,
Penuelas, P.R.; DEE-2245*

*Phillips Petroleum Co., Guayama, P.R.; DEE-
2317*

*Union Carbide Caribe, Inc., Ponce, P.R.;
DEE-3148, naphtha, motor gasoline*

Commonwealth Oil Refining Co., Inc., Phillips Petroleum Company, and Union Carbide Caribe, Inc. filed Applications for Exception from the provisions of the Naphtha Entitlements Program. The firms sought an exception from the provision of the Naphtha Entitlements Program that limits the maximum value of a naphtha entitlement to the value of a single crude oil entitlement. In considering these requests, the DOE found that the competitive disadvantages incurred by the three petitioners as a result of high imported naphtha costs would exist in an uncontrolled environment and that the difficulties being experienced by these three firms were not the result of the DOE regulatory program. The DOE also found that the petitioners had not demonstrated that they were experiencing serious financial difficulties which justified the requested exception relief. The requests were therefore denied. The DOE also considered the difficulties being generally experienced by the Puerto Rican petrochemical industry and the impact of the DOE regulations on that industry and the citizens of Puerto Rico. The DOE concluded that it would be appropriate to accord additional entitlement benefits to firms in return for investments in new downstream petrochemical facilities in Puerto Rico.

*Disabled American Veterans, Washington,
D.C.; DEE-7433, temperature*

The Disabled American Veterans filed an

Application for Exception from the provisions of 10 CFR, Part 490 in which the firm sought to lower the temperature to 70°F in its offices located in Southwest Washington, D.C. In considering the request, the DOE found that exception relief was necessary to relieve the amputees employed in the building of the severe discomfort they experience at 78°F. Accordingly, exception relief was granted.

*Husky Oil Co., Santa Barbara, Calif.; DEE-
1434, DEE-1443, crude oil*

Husky Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought permission for the working interest owners to sell the crude oil produced from the Bonnetti and Standard Nicholson leases at upper tier prices. In considering the request, the DOE found that exception relief was necessary to give the firm an economic incentive to continue its crude oil extraction activities at the two leases involved.

*S & W Engine Supply Co., Oklahoma City,
Okla.; DXE-3444, crude oil*

S & W Engine Supply Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The firm's request, if granted, would permit S & W to continue to sell a portion of the crude oil produced for the benefit of the working interest owner from the Baker Townsend Lease, located in Oklahoma County, Oklahoma, at upper tier ceiling prices. In considering the exception application, the DOE found that S & W continued to incur increased operating expenses on the Lease and that these expenses exceed the revenues which the firm can realize from charging the applicable ceiling price. The DOE therefore found that in the absence of exception relief, the working interest owner would lack an economic incentive to continue to produce oil from the property. In view of these determinations, the DOE concluded that exception relief should be granted to permit S & W to sell 78.37 percent of the crude oil produced for the benefit of the working interest owner from the Baker Townsend Lease at upper tier ceiling prices for the period from April 1, 1979 to September 30, 1979.

Petition for Special Redress

*United Refining Co., Warren, Pa.; DSG-0061,
motor gasoline*

The United Refining Company filed an Application for Exception from the Federal Energy Administration's determination that the certified refining capacity of the firm's refinery was 52,000 barrels per day (bpd). The exception request, if granted, would have resulted in the recertification of the firm's capacity rating at a level below 50,000 bpd. The firm sought exception relief in order to qualify for special treatment under a new Environmental Protection Agency regulation which permits refiners with capacity ratings certified by the DOE at less than 50,000 bpd to refine motor gasoline with a higher lead content than otherwise would be permissible under the provisions of the EPA's lead phasedown program for gasoline. In considering the firm's request, the DOE found that since United had not requested an exception from a regulation, ruling or generally applicable requirement imposed by

the DOE regulations, the firm's submission could not properly be treated as an Application for Exception. Nevertheless, the DOE found that United's submission could be treated as a Petition for Special Redress. In its submission, United argued that the FEA's certification of its refining capacity at a level above the EPA's 50,000 bpd cutoff point would cause United to incur significant extra costs in order to comply with the stricter air pollution standard set for refineries with capacity ratings above 50,000 bpd. In denying the firm's request, the DOE found that the firm's contention that it would be adversely affected by the agency's determination of its refining capacity was not persuasive. Moreover, the DOE found that, in the light of the strong national interest in the production of unleaded gasoline to preserve the quality of the nation's ambient air, special redress relief was not necessary to effectuate other DOE policy objectives which were less important under the circumstances. Accordingly, special redress relief was denied.

Request for Modification and/or Rescission

*Little America Refining Co., Washington,
D.C.; DMR-0065, crude oil*

Little America Refining Co. (LARCO) filed an Application for Modification of a Supplemental Order which the DOE issued to the firm on March 19, 1979. In the Supplemental Order, the DOE implemented the relief which it tentatively granted in a Proposed Decision and Order issued on the same date. In considering the LARCO request, the DOE found that a modification to the *Delta* standards had recently been adopted and that the DOE would consider applying the modification to LARCO when the DOE considers all of the Statements of Objections to the Proposed Decision and Order. Accordingly, LARCO's Application for Modification was denied.

Requests for Stay and/or Temporary Stay

*Belcher New England, Inc., Washington,
D.C.; DRS-0265, motor gasoline*

Belcher New England, Inc. filed an Application for Stay of the requirement that it supply motor gasoline to Acomi Corporation in compliance with an Interim Remedial Order for Immediate Compliance which the Northeast District of the Office of Enforcement issued to the firm on July 6, 1979. After considering the arguments advanced by the firm, the DOE determined that the Stay be granted.

*Gasco, Inc., Honolulu, Hawaii; DES-0263,
Propane*

Gasco, Inc. filed an Application for Stay pending judicial review of an order issued on July 3, 1979 to Oahu Gas Service, Inc. In considering the Application, the DOE determined that Gasco had failed to satisfy any of the criteria applicable to the consideration of a request for stay. The stay request was therefore denied.

*Heights Shell, Minneapolis, Minn.; DRS-0291,
Motor Gasoline*

Robert A. Williams & Bow Partnership d/b/a Heights Shell filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) that the Economic

Regulatory Administration of the DOE (ERA) issued to the firm on July 6, 1979. The Office of Hearings and Appeals construed this submission to include an Application for Stay which, if granted, would stay the IROIC pending a determination on the firm's objection to that Order. In considering the Application for Stay, the DOE noted that the Department had amended Section 212.93 of the DOE retailer pricing regulations subsequent to the issuance of the IROIC. The DOE found that, in the absence of a stay, the IROIC would require Heights Shell to charge prices that are likely to be below the maximum lawful prices which it could establish under the new pricing rule. The DOE determined that a stay of the IROIC should be granted because the Order rested upon a regulatory provision which has since been materially changed and because failure to grant a stay would cause a more immediate hardship to Heights Shell than to others involved in the proceeding. Accordingly, the DOE granted a stay of the Interim Remedial Order for Immediate Compliance.

Laketon Asphalt Refining, Inc., Evansville, Ind.; DES-0222, crude oil

Laketon Asphalt Refining, Inc. filed an Application for Stay from the requirement that it purchase entitlements during the month of August 1979 to account for its crude oil receipts and runs to stills during the month of June 1979 (10 CFR 211.67). In considering the Application, the DOE noted that a Proposed Decision and Order had been issued to the firm on February 16, 1979, which tentatively determined that Laketon should be relieved of all of its entitlement purchase obligation for a period of time which included August 1979. In addition, the DOE determined that the firm did not possess the financial resources to purchase its entire entitlement purchase obligation during August 1979. Laketon's stay request was therefore granted.

Mobil Oil Corp., New York, N.Y.; DST-0227, DES-0227, motor gasoline

Mobil Oil Corporation filed an Application for Temporary Stay and an Application for Stay from a DOE Region IV Order directing it to supply Publix Oil Company with motor gasoline during the months June through September 1979. In considering the Application for Temporary Stay, the DOE determined that the firm had failed to show that it would incur an irreparable injury in the absence of temporary stay relief. The Application for Temporary Stay was therefore denied. In considering the Application for Stay, the DOE concluded that the firm was given adequate notice and opportunity to comment upon the issuance of the Region IV Order. The DOE also determined that the DOE complied with the procedural regulations governing exceptions. Mobil's stay request was therefore denied.

Mobil Oil Corp., New York, N.Y.; DST-0269, motor gasoline

Mobil Oil Corporation filed an Application for Temporary Stay from a DOE Region VII Order directing it to supply the Onyx Corporation with motor gasoline for the months June through September 1979. In considering the Application, the DOE

determined that Mobil's compliance with the Region VII Order would not result in irreparable harm to the firm itself or to its base period customers. Mobil's stay request was therefore denied.

George Riley, Overland Park, Kans.; DRS-0303, motor gasoline

George Riley filed an Application for Stay from the requirement that he comply with an Interim Remedial Order for Immediate Compliance (IROIC) issued to him on July 9, 1979. In considering the Application, the DOE determined that the finding in the IROIC that Riley served anyone who came into the station even though he had posted "No Gas" signs does not provide a clear showing that Riley violated 10 CFR 210.62(a) and 10 CFR 210.62(b). Based on this consideration the DOE determined that Riley had shown a likelihood of success on the merits of his objection to the IROIC and the stay request was therefore granted.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception and/or Interim Order of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company name, location, and case No.

Corner Pantry Food Marts, Inc., Greensboro, Ga.; DEE-2408
G & H Shell, Philadelphia, Pa.; DEN-6960
Jim's Chevron, Battle Mountain, Nev.; DEE-3045
Smith Service Oil Co., Savannah, Ga.; DEN-2331
Sonny's, Inc., Bossier City, La.; DEN-2116
Robert's Gulf, Carbondale, Pa.; DEN-6922
Whiz Fast Car Wash, Baltimore, Md.; DEN-3672

The following firms filed Applications for Stay and/or Exception of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied:

Company name, location, and case No.

Lake Wright Texaco, Virginia Beach, Va.; DES-2685
D&D Mobil Service, Cupertino, Calif.; DEE-2668

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, and Case No.

A. C. & M. Goldberg, DEE-4892
Bobby Reeves, DEE-7489
Crounse Corporation, DEE-6958
Forbes Sunoco, DEL-0006
Fort Peck Super Service, DEE-7458
Gene Williamson, DEE-6097
Gozzo's Service Center, DEE-7445
Hamilton Village Gulf, DEE-5626
Huntington Filling St., DEE-5646

Jesse E. Lyman, Inc., DEL-0007
Martin Exploration, DEE-3707
Pocono Airlines, Inc., DEE-7450
Quarterfield Amoco, DEE-6190
Rowell's Service St., DEL-0004
Spelman Mem. Hospital, DEE-7613
Sunset Oil Co., Ltd., DEE-2609
T. V. Guide Magazine, DEE-7655
Wilemon Oil Company, DEE-2748
Wristen's Texaco, DEE-5205
Caton Amoco, DEE-7361
Charley's Exxon, DEE-6915
Dow Chemical, DEE-2144
Enders & Cooper, Inc., DEE-7625
Joe & Bill's, DEE-7483
Office of Special Counsel, DRO-0221
Pittman-Witherington, DEE-6416
Rich's Shell, DEE-7510
Shay Oil Company, DEE-4859
Smitty's Amoco, DEE-7109
Springfield Sugar & Products Company, DEE-7696
Don Gressman Chevron, DEE-3261
John Merrell, DEE-3608; DST-3608
Orth Oil, Inc., DEE-2597
Pinebrook Exxon, DEE-6587
Pioneer Oil Co., Inc., DEE-2295; DST-2295
Airport Exxon, DST-2939
Barnes & Rogers, Inc., DEE-5914
Curtner Mobil, DEE-5373
D & M Exxon, DEE-6703
Domoco, Inc., DEE-4718
Harr's Grocery, DEE-6286
Lahser & 11 Mile Shell, DES-2438
Marion Pet. Distri., DEE-2843; DES-2843
N. A. Dunn, Inc., DEE-2784
New York Tel. Co., DFA-0559
P & W Oil Co., Inc., DST-5451
R. Michael Bailey, DEE-6117
Sam F. Arledge Oil, DEE-5151
Seekonk Mobil, DEE-6820
Shideler Tire Mart, DEE-7605
Spartan Oil Company, DEE-3557
Teague Oil Company, DEE-6159
Telzrow Oil Company, DEE-4113
Victor Plaza Car Wash, DEE-5670
Wesco, Inc., DEE-7297
Voitalla Service Co., DEE-5579; DES-5579
Woody's Amoco, DEE-4288
Bag-Mor Food, DEE-2298; DES-2298; DST-2298
Benton Brothers Film Express, Inc., DEE-7769
Bor Len Service, DEE-7255
Conwood Corporation, DEE-7669
D. F. Hollar, DEE-3575
Englewood Oil Company, DEE-4201; DES-4201; DST-4201
Fortmeyer's, Inc., DEE-3275
Fortune Oil Corp., DEE-3212
Herman L. Miller Investments, Inc., DEE-3339; DES-3339; DST-3339
Housley Distributing, DEE-5350
Ken's Union '76, DEE-3426
Klinger's Korner, DEE-3850
Leroy Tanner, DEE-7153
Marathon Oil Company, DEE-3212
Medway Excavators, DEE-7675
Miller Enterprises, DEE-2325; DST-2325
Pea Soup Andersen's, DES-3251
Ralph Righi, Inc., DEE-5245
Rhodes Oil Company, DEE-6649
Roy W. Powell, DEE-8603
Senn Texaco, DEE-6881
Spooner Oil Company, DEE-2703
Terrace Shell I, DEE-6255
Texas City Ref., Inc., DRO-0219

Thos. P. Reidy, Inc., DEE-5667; DST-5667
Veterans Cab Co. of Newton, Inc., DEE-7723

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

November 14, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

[FR Doc. 79-35845 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of September 10 through September 14, 1979

Notice is hereby given that during the week of September 10 through September 14, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Fuel Oil Supply & Terminaling, Inc., Bay City, Tex.; DFA-0620 freedom of information

Fuel Oil Supply & Terminaling, Inc. filed an Appeal from a partial denial by the District Manager of the Southwest Enforcement District of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the District Manager failed to properly identify the documents found to be responsive to the request. Accordingly, the matter was remanded to the District Manager.

General Motors Corp., Detroit Mich.; DEA-0266 propane

General Motors Corporation filed an Appeal from a Decision and Order which the Economic Regulatory Administration of the DOE issued to Consumers Power Company on October 31, 1978. In that order, the ERA assigned Consumers up to 13,000 barrels per day of propane, butane or natural gasoline for use as synthetic natural gas feedstock in Consumer's Maryville, Michigan SNG plant. In considering the request, the DOE found that General Motors had failed to establish grounds for reversing the ERA's determination.

KUTV, Inc., Salt Lake City, Utah; DFA-0581 freedom of information

KUTV, Inc. filed an Appeal from a partial denial by the Acting Manager of the DOE Idaho Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that autopsy reports and photographs had been properly withheld under exemption 6, except that they did contain some segregable factual information that should be released to the public. Important issues that were considered in the Decision and Order were (i) that Exemption 6 extends to the privacy of members of the immediate family of the deceased and (ii) compensation claim documents in possession of the DOE are not subject to Department of Labor regulations.

Jesse R. Pitts, Oakland Minn.; DFA-0552 freedom of information

Jesse R. Pitts filed an Appeal from a denial by the Assistant Administrator for Enforcement of the Economic Regulatory Administration of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that there existed certain documents not originally identified by the ERA and which were more responsive to Pitts' request for information. The DOE determined that that information was already available to the public and should therefore be released to Pitts.

St. Petersburg Times, St. Petersburg, Fla.; DFA-0582 freedom to information

The St. Petersburg Times filed an Appeal from a partial denial by the Director of Freedom of Information and Privacy Acts Activities of a Request for Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Director properly withheld the documents which the Times requested under Exemption 5.

Remedial Orders

Amerada Hess Corp., New York, N.Y.; DRO-0096 crude oil

The Amerada Hess Corporation objected to a Proposed Remedial Order which the Office of Special Counsel of the Department of Energy issued to the firm on August 9, 1978. In the Proposed Remedial Order, the Office of Special Counsel found that during the period May 1975 through April 1976 Hess overstated its increased costs of crude oil in violation of 10 CFR 212.83. The proceeding involved foreign-domestic crude oil sale and exchange transactions which Hess entered into with Chevron. The primary issue raised was the correct treatment of a cash differential which Chevron paid Hess in connection with these transaction for the use of Hess' fee-free import licenses. After considering the refiner price regulations and the Mandatory Oil Import Programs, the DOE determined that the cash proceeds which Hess derived from its exchange transactions should have been treated as a reduction in its crude oil costs rather than as ordinary income as Hess argued. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. Important issues discussed in the Decision and Order include

(i) whether the remedial actions which the Proposed Remedial Order directed Hess to take, including the requirement that Hess refund any overcharges to the U.S. Treasury, were proper; and (ii) the validity of the DOE's interim procedural regulations which governed the proceeding.

Bultman, Inc., Elkhart, Kans.; DRO-0016 propane

Bultman, Inc., objected to a Proposed Remedial Order which the Department of Energy Region VII Office issued to the firm on September 8, 1978. In the Proposed Remedial Order, the Regional Office, found that during the period October 1973 through December 1976 Bultman sold propane at prices which exceeded those permitted under 6 CFR 150.359 and 10 CFR 212.93. After considering Bultman's objection, the DOE determined that the firm had failed to present material which would support various assertions that the Regional Office incorrectly computed the firm's May 15, 1973 weighted average unit cost of product in inventory. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Donald Brown d/b/a Valley Drive Exxon et al., Sprague, W. Va.; DRW-0020 through DRW-0030 motor gasoline

This proceeding involves Interim Remedial Orders for Immediate Compliance (IROIC's) issued to certain firms on May 31 and June 1, 1979. In the IROIC's, the Office of Enforcement of the DOE found that the firms to which the IROIC's were issued: (i) were selling motor gasoline at prices that exceeded the maximum prices they were permitted to charge under the provisions of 10 CFR, Part 212; (ii) had failed to post and maintain maximum lawful selling prices as required by 10 CFR, § 212.92; (iii) had failed to maintain books and records as required by 10 CFR § 212.93; or (iv) were engaged in discriminatory practices prohibited under 10 CFR § 210.62. Because neither the recipients of these IROIC's nor any other person filed a Notice of Objection within the prescribed time period, the DOE concluded that the IROIC's should be issued in final form as Remedial Orders for Immediate Compliance.

Request for Modification and/or Rescission

American Petrofina, Inc., Dallas, Tex.; DMR-0072 motor gasoline

American Petrofina, Inc. filed an Application for Modification of a Decision and Order which the DOE issued to Fina Jobbers Association, Inc. on August 29, 1979. After considering the request and convening a hearing, the DOE determined that the Application for Modification should be granted.

Requests for Exception

Cities Service Company, Tulsa, Okla.; DEE-3138 crude oil

Cities Service Company filed an Application for Exception from the provisions of 10 CFR, Part 212 in which the firm sought permission to sell a portion of the crude oil produced from its Howell A Lease in Grant County, Oklahoma, at upper tier ceiling prices. In considering the request, the DOE found that an existing regulatory amendment

provided the relief requested by the firm. The exception request was therefore dismissed.

Gasolinas De Puerto Rico Corp., Hato Rey, Puerto Rico; DEE-4757 motor gasoline

Gasolinas de Puerto Rico Corporation filed an Application for Exception in which the firm sought various forms of exception relief to enable it to compete more effectively in the motor gasoline market in Puerto Rico. In considering the request, the DOE found that Gasolinas had failed to participate adequately in the exception proceeding.

Gulf Oil Co., Tulsa, Okla.; DXE-7603 crude oil

Gulf Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of exception relief previously granted and would permit the applicant to continue to sell certain quantities of crude oil which it produces from the N.W. Graylin "D" Sand Unit at upper tier ceiling prices. In considering the request, the DOE found that exception relief was necessary to prevent the loss of a significant quantity of crude oil which would not otherwise be recoverable from the property and to provide the firm with an incentive to continue crude oil production activities. Accordingly, on September 12, 1979, the Department of Energy issued a Decision and Order which determined that the exception request be granted.

Rex Monahan, Sterling, Colo.; DEE-2161 crude oil

Rex Monahan filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it produces from the Basin Unit located in Campbell County, Wyoming. In considering the Application, the DOE found that the cost of producing crude oil from the Basin Unit had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Rex Monahan had no economic incentive to continue to produce crude oil from the Basin Unit, and that it was unlikely that the crude oil in the reservoir underlying the applicant's property could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Rex Monahan and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Rex Monahan to sell at upper tier ceiling prices 88.44 percent of the crude oil produced from the Basin Unit for the benefit of the working interest owners for the period March 1, 1979 through August 31, 1979.

Rex Monahan, Sterling, Colo.; DEE-2188 crude oil

Rex Monahan filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which it

produces from the Sandbar "B" Unit located in Campbell County, Wyoming. In considering the Application, the DOE found that the cost of producing crude oil from the Sandbar "B" Unit had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Rex Monahan had no economic incentive to continue to produce crude oil from the Sandbar Unit, and that it was unlikely that the crude oil in the reservoir underlying the applicant's property could be recovered by any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Rex Monahan and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Rex Monahan to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Sandbar "B" Unit for the benefit of the working interest owners for the period February 14, 1979 through August 31, 1979.

Oneida Heater Co., Oneida, N.Y.; DEE-4101 consumer product

Oneida Heater Company filed an Application for Exception from the provisions of 10 CFR 430. The firm requested that it be granted an exception from the requirement to perform energy efficiency and fuel utilization tests applicable to the combination wood/oil and wood/gas furnaces which the firm manufactures. In considering the request, the DOE found that the test procedures prescribed in Part 430, Appendix N applied only to gas or oil furnaces but did not apply to wood furnaces. The DOE determined that the test results obtained by following the prescribed procedures would not be representative of the furnaces' actual performance during a representative average use cycle and would be misleading to the public. The DOE therefore concluded that the requirement to perform the prescribed energy efficiency tests resulted in a gross inequity. Accordingly, exception relief was granted permitting the firm to market its combination wood/oil and wood/gas furnaces without regard to the provisions of 10 CFR 430.

Requests for Temporary Exception

Commonwealth Oil Refining Company, Inc., San Antonio, Tex.; DEL-8020, DES-8020, crude oil

Commonwealth Oil Refining Company, Inc. filed an Application for Stay of an Order issued by the Economic Regulatory Administration of the DOE under the Buy/Sell Program. The firm also filed an Application for Temporary Exception in which it requested that one or more firms be directed to supply crude oil to it during the period from September to December 1979. In considering the stay request, the DOE determined that Corco had failed to demonstrate a likelihood of success on the merits of its Appeal of the ERA Order. The stay request was therefore denied. In considering the temporary exception request, the DOE found that Corco would in all likelihood be required to shut down its refinery in the absence of immediate

affirmative relief. The request was therefore approved, and six firms were directed to supply a total of 32,000 barrels of crude oil per day to Corco.

County of Los Angeles, Los Angeles, Calif.; DEL-0011, temperature restrictions

The County of Los Angeles filed an Application for Temporary Exception from the emergency building temperature restrictions (10 CFR, Part 490). On the basis of the oral representations made by the Chairman of the Board of Supervisors of the County, the DOE determined that a temporary exception should be approved for a five-day period.

Texaco, Inc., White Plains, N.Y.; DEL-7209, gasoline

On August 20, 1979, Texaco, Inc. filed an Application for Temporary Exception from the provisions of 10 CFR 211.83 in which the firm sought a temporary exception in order to allow the firm to market Gasohol as a separate category and grade of gasoline for cost passthrough purposes. In considering the request, the DOE found that temporary exception relief was warranted based on several strong public policy objectives. Accordingly, temporary exception relief was granted.

Union Oil Co. of California, Schaumburg, Ill.; DES-5748, DEL-5748, crude oil

On August 31, 1979, the Union Oil Company of California filed an Application for Temporary Exception and Stay from the provisions of 10 CFR 211.67 in which the firm sought a temporary exception from the provisions of the DOE Entitlements Program. In considering the request, the DOE found that the firm had failed to demonstrate that a strong likelihood exists that it would succeed on the merits of its underlying exception request. Accordingly, the Application for Temporary Exception and Stay were denied.

Request for Stay

Mobil Oil Corporation Valley Forge, Pa.; DES-0566 through DES-0568 motor gasoline

Mobil filed Applications for Stay of three Orders which were issued to Home Oil, Inc., a branded Mobil distributor, by Region III of the Economic Regulatory Administration. The orders assigned Home to supply three retail outlets with motor gasoline. If its Applications for Stay were granted, Mobil would be relieved of the obligation to supply Home with additional volumes of motor gasoline for the three new purchasers. In its Applications, Mobil asserted that the three outlets did not qualify for an allocation under provisions of Section 211.105(d) because the firms were not branded independent marketers. In addition, Mobil asserted that it would experience an irreparable injury in the event that its Applications were denied. In considering the Mobil submissions, the DOE found that Mobil had failed to demonstrate that the three outlets did not qualify as branded independent marketers. Moreover, the DOE found that Mobil would not experience an irreparable injury in the absence of a stay. Accordingly, the Mobil requests were denied.

**North Tahoe-Truckee Gasoline Retailers,
San Francisco, California.; DST-0072,
DES-0282 motor gasoline**

The North Tahoe-Truckee Gasoline Retailers filed an Application for Temporary Stay from the provisions of the motor gasoline price regulations adopted on July 15, 1979. In considering the Application, the DOE determined that operating costs experienced by retailers in the Lake Tahoe area of California are significantly higher than the operating costs experienced by retailers elsewhere in the United States. A stay was therefore approved which permits the applicants to realize margins no higher than two cents in excess of the 15.4 cent fixed margin ceiling. The request for temporary stay was dismissed.

Shell Oil Company., Houston, Tex.; DST-0603, DES-0603 motor gasoline

Shell Oil Company filed an Application for Temporary Stay and Stay of a Temporary Assignment Order issued to the firm directing it to supply motor gasoline to West Texas Utilities. In considering the Application, the DOE determined that the Temporary Assignment Order contained several procedural deficiencies which casted serious doubt upon the validity of the Order and that accordingly the firm was likely to succeed on the merits of its Appeal of the Order. Shell's stay request was therefore granted.

Request for Temporary Stay

Santa Clara County Service Station Dealers Association, Sunnyvale, Calif., DST-0070 motor gasoline

Santa Clara County Service Station Dealers Association filed an Application for Temporary Stay from the provisions of the motor gasoline price regulations adopted on July 15, 1979. The Association requested that its full-service members be permitted to apply margins in excess of 15.4 cents per gallon in sales of gasoline. In considering the Application, the DOE determined that the factual material in the record did not support the Association's contention that a higher margin was justified by higher operating costs experienced by retailers in Santa Clara County. The temporary stay request was therefore denied.

Motion for Discovery

Gas del Oro, Inc.; Gas del Oro, International, Inc.; The El Dorado Marketing Company of Laredo, Houston, Tex.; DED-0396 natural gas liquids

Gas del Oro, Inc., Gas del Oro, International, Inc., and the El Dorado Marketing Company of Laredo (collectively referred to as Gas del Oro) filed a Motion for Discovery in connection with Statements of Objections which Gas del Oro filed in opposition to relief tentatively granted to the Ozona Gas Processing Plant in two Proposed Decisions and Orders issued by the DOE. *Ozona Gas Processing Plant*, Case Nos. DXE-1237 and DXE-0396 (Proposed Decisions and Orders issued July 20, 1978 and March 21, 1978, respectively). In its Motion, Gas del Oro requested the DOE to order Ozona to respond to several interrogatories relating to confidential information submitted by Ozona to the DOE. In considering Gas del Oro's

discovery request, the DOE found that in the context of the previous Motion for Evidentiary Hearing, *Gas del Oro, Inc.*, 3 DOE Par. — (February 8, 1979), the firm had failed to fully avail itself of Ozona's offer to release pursuant to a Protective Order substantially the same information which Gas del Oro sought to obtain through its Motion for Discovery. In addition, the DOE found that since the positions of the firm had already been thoroughly briefed and argued, approval of Gas del Oro's motion would unnecessarily protract the proceedings. Accordingly, Gas del Oro's Motion for Discovery was denied.

Interlocutory Order

Cliff Adams d/b/a Adams' Exxon
George Alexiades Arcadia Exxon Services
Donald J. Bania d/b/a Fisher Shell Station
Donald Brown d/b/a Valley Drive Exxon
John E. Burchard d/b/a Burchard's Exxon
David Clark d/b/a Clark's Arco
Cubbon Lumber Company d/b/a Miller Auto Supply Company
D&C Exxon Service Center, Inc.
Dave's Sunoco, Inc.
Don Ebersole
Englewood Getty Service, Inc.
First Street Exxon
Anthony Fava d/b/a Tony Fava Sports
James V. Fulmer d/b/a Rossmoyne Exxon
Gold's Exxon
Heights Shell
Jerry's Chevron
Pauline Johnson d/b/a Johnson's Amoco
John Kline d/b/a Kline's Exxon
Lincrest Exxon
Harry Martin d/b/a Martin's Sunoco
Anthony Massahos
Dean Miller d/b/a Dean Miller Sunoco
J. W. Miller & Associates d/b/a Miller's Union 76
Bob Mueller
New Tip Top Corporation
Don Newman d/b/a Newman's Exxon Servicenter
Northview, Inc.
David G. Palamara (Atlantic Highlands Shell)
Alfredo Perez, Jr.
Robal Company
Rock Creek Gulf
Aurelio Rodriquez t/a/ Magnolia Sunoco
Shell 17, Inc.
Shell 17, Inc.
South Side Getty
T & J Auto Laundry
T & V Auto Service Center, Inc.
Tenaflly Getty Service, Inc.
Tony's Elmora Shell
Robert Whiting d/b/a RMS Enterprises, Inc.
Robert A. Williams
Robert A. Williams d/b/a Freeway Texaco, DRZ-0013 through DRZ-0056 motor gasoline

These cases involve Interim Remedial Orders for Immediate Compliance (IROIC's) issued to retail sellers of motor gasoline. Because the pricing rule applied in these IROIC's differs from the new pricing rule, which became effective July 18, 1979, governing the manner in which retail motor gasoline outlets may compute their maximum selling prices, the DOE determined that the IROIC's should be modified to pertain only to

the period prior to July 18, 1979. Therefore, these IROIC's were rescinded, *nunc pro tunc*, as of July 18, 1979.

Protective Order

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy.

Company Name, Case No., and Location

Union Oil Co. of California, DEZ-0557;
Washington, D.C.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception, Interim Order, Stay and/or Temporary Stay of the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company name, case No., and location

James Oil Co., Inc., DEE-2912; Golden, Colo.
Flowers Grocery, DEN-4785; Louisville, Miss.
Berwyn Fuel, Inc., DEN-3061; Laurel, Md.
Amerada Hess, DEN-7974; Washington, D.C.
Amerada Hess Corp., DEN-7999;
Washington, D.C.
Howie Oil Co., DEN-2549; Pensacola, Fla.
Franklin Oil Co., DEO-0220; Caldwell, Idaho

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception, Interim Order and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied:

Company name, location and case No.

George Lavender Chevron Service, DEO-0228; Silverdale, Wash.
Northville Industries, DEN-7009; New York, N.Y.
Enterprise Shell, DEE-4341; Oxnard, Calif.
Nancy Starr Mobil, DEE-4137; Martinez, Calif.
Amati Service Station, DEO-0255; Monongahela, Pa.
White's Chevron, DEE-3959; Robertsdale, Ariz.

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Company name and case No.

H. C. Petroleum, Inc., DEE-5638
Mickey's Exxon Station, DEE-6754
Norman E. Stephenson, DEE-3643
D&K Coals, Inc., DEE-7663
Honda & Hou, DEE-4606

John & Bob's Service Center Inc., DEE-2899
 Johnson's Shell, DEE-2945
 Rovero's American Station, DEE-3367
 Robert's Amoco, DEE-4933
 Beck Distributing Co., DEE-3087
 H&H Oil Co., Inc., DEE-7998
 Hampshire Oil Co., DEE-6753
 June Parker Oil Co., DRS-0270
 Kansas City Times, DFA-0484
 Kremer Oil Corp., DEE-5565; DST-5565
 Lambrecht Petroleum, Inc., DEE-7197
 Linke Bros., Inc., DEE-7399
 Lung Association, DEE-7577
 Monts Texaco, DEE-7610
 Northern Petroleum, Inc., DEE-5432
 Pacific Outdoor Adv., DEE-6736
 Raskin R. Ranch, DEE-5736
 Riverdale, Chevron, DXE-6122
 Siemens-Allis, Inc., DEE-7803
 Site Oil Co.; Flash Oil Corp., DST-0062
 Ward Oil Co., DEE-6345
 Hobbs Trucking Co., DEE-2219
 J. E. Sharber Oil, DEE-5405
 Nome Quick Stop, DEE-7232
 Suburban Mini Mart, DEE-3737
 Bankhead Chevron, DEE-3667
 Crites Oil Co., Inc., DEE-6403
 DeKalb County Schools, DEE-7820
 Dick Wilson's Arco, DEE-3249; DES-3249
 Glenn & Alan Grimm Farms, DEE-6988
 American Agri-Fuels, DEN-2179
 Arlton Gulf, DEE-4666
 Clements Oil Co., DEE-1589
 Community Heating Oils, DEE-1996
 D & R Service, Inc., DEE-1972
 Giardina Shell, DEE-6601
 Gulf Oil Corp., DFA-0592
 H. H. Elder Oil, DEE-3035; DST-3035
 Janice Dupree Parts & Sales, DEE-3176; DES-3176; DST-3176
 MFA Oil Co., DEE-5453; DST-5453; DES-5453
 Mecosta County Road Commission, DEE-6092
 R. W. Tyson Producing, DEE-6515; DEE-6516; DEE-6517
 Schuyler County Office of Civil Defense, DEE-7061
 Tolson Motors, DEE-7718
 U.S. Post Office, Alvin, Tex., DEE-6983
 Vickers Petroleum Corp., DEE-78981, DES-7898; DST-7898
 Yarnell's Sunoco, DEE-5074
 Master's Market, DEE-5961
 Nels Jakobson, DEE-3284
 Onan Oil Co., DEE-3722
 Union Oil of California, DED-7777
 Wolfe's Arco, DEE-7226
 Barnosky Oils, Inc., DEE-7777; DES-7777; DST-7777
 Crown Central Petroleum, DEE-7756; DES-7756; DST-7756
 Deminex U.S. Oil Co., DEE-7994
 Marathon Oil Co., DST-0495; DES-0495; DEA-0495; DST-0496; DES-0496; DEA-0496
 C. E. McInerney, DEE-4133
 Ed's Garage Inc., DEE-7693
 Gariand Bros. Petroleum, DEE-7253
 J. E. Meintzer & Sons, DEE-7743
 Moore Oil of Florida, DEE-4251; DES-4251; DST-4251
 Niagara Frontier Vocational Rehab., DEE-5332
 Northtown Skelly, DEE-7388
 Petro, Inc., DEE-4828
 Phil's Mini-Market, DEE-7671; DES-7671
 Providence Hospital, DEE-7743

William M. Gardner, DEE-7885

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
 Director, Office of Hearings and Appeals.
 November 15, 1979.

[FR Doc. 79-35844 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of September 17 through September 21, 1979

Notice is hereby given that during the week of September 17 through September 21, 1979, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Cotten, Day & Doyle, Washington, D.C.,
 DFA-0596, freedom of information

Cotten, Day & Doyle filed an Appeal from a denial by the Freedom of Information Officer, Region X, of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain of the documents which were initially withheld under exemptions (b)(4), (b)(5), and (b)(7)(A) and (7)(E) should be released to the public.

McGraw-Hill Publications Co., Washington,
 D.C.; DFA-0599 freedom of information

McGraw-Hill Publications Company filed an Appeal from a denial by the DOE Energy Information Administration (EIA) of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the matter should be remanded to the Acting Assistant Administrator of the EIA for further action. The Administrator was directed to release the documents to the applicant or in the alternative issue a written statement explaining in detail why any of these documents should be withheld.

Mobil Oil Corp., New York, N.Y.; DEA-0577,
 DES-0577, motor gasoline

Mobil Oil Corporation filed an Appeal of an Order which had been issued to the firm by DOE Region VII. That Order directed Mobil to supply the Onyx Corporation with

1,841,370 gallons of gasoline for the period July through September 1979. Mobil also filed an Application for Stay from the requirement that it supply fuel to Onyx pursuant to the Region VII Order. In considering the Appeal, the DOE found that Mobil was afforded sufficient notice of the Region VII Order to satisfy Mobil's due process rights and that the Order was issued in compliance with DOE regulations. Accordingly, Mobil's Appeal was denied, and its Application for Stay was dismissed.

Maria Richmanis, Syracuse, N.Y.; DFA-0604,
 freedom of information

Maria Reichmanis (Reichmanis) filed an Appeal from a denial by the Assistant Director for Power Delivery of the Division of the Electric Energy Systems (the Assistant Director) of a Request for Information which Reichmanis had submitted under the Freedom of Information Act. In considering her Appeal, the DOE found that the Assistant Director had correctly determined that the requested documents do not exist. The DOE also determined that no law requires the maintenance of the documents that Reichmanis requested. The DOE therefore denied Reichmanis's Appeal.

Tom P. Smith, Houston, Tex.; DFA-0600,
 freedom of information

Mr. Tom P. Smith filed an Appeal from a denial by the Acting District Manager of the DOE Southwest District Office of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the initial determination must contain an index of the documents that were withheld. It also concluded that Exemption 7(E) apparently did not apply, but it remanded the determination for consideration of other FOIA exemptions.

Trends Publishing, Inc., Washington, D.C.;
 DFA-0597, freedom of information

Trends Publishing, Inc. filed an Appeal from a denial by the Executive Director of the Research and Development Coordination Council of the Office of Energy Research of the Department of Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the Director had failed to make a thorough search for all documents responsive to the Trends request. Consequently, the DOE remanded the Request for further action in accordance with 10 CFR, Part 1004.

Requests for Exception

Coastal States Gas Corp., Houston, Tex.;
 DEE-2236, crude oil refiner

Coastal States Gas Corporation (Coastal) filed an Application for Exception from the provisions of Section 211.67(a)(4) of the Old Oil Entitlements Program. The exception request, if granted, would result in the issuance of an Order relieving Coastal of a portion of its obligation to purchase entitlements during the months of August-December 1979. As adopted on December 8, 1977, the provisions of that section reduced the entitlement purchase obligation associated with the purchase of certain lower tier California crude oils. The December 8

amendments also reduced the entitlement benefits received by California refiners that processed imported and Alaskan North Slope (ANS) crude oils. On June 15, 1978, the DOE modified Section 211.67(a)(4) and eliminated the reduction in entitlement benefits to California refiners that processed imported and ANS crude oils. In considering the Coastal exception request, the DOE observed that the firm processes only imported and ANS crude oils. As a result, Coastal was directly and adversely affected by the provisions of Section 211.67(a)(4) which were in effect during the five-month period from January through May 1978. The DOE observed that the financial data submitted by Coastal indicated that it incurred a severe financial hardship as a result of the operation of the provisions of Section 211.67(A)(4) during the January-May period. The DOE also noted that coastal had no economic alternative to the continued use of imported crude oil, despite the penalty associated with the December 8 amendments. Accordingly, the DOE granted exception relief that permitted Coastal to sell additional entitlements equal in value to the losses of entitlement revenues it experienced during the January-May period as a result of the provisions of Section 211.67(a)(4).

Fannon Petroleum Services, Inc., Alexandria, Va.; DEE-3884, gasoline

Fannon Petroleum Services, Inc. (Fannon) filed an Application for Exception from the provisions of 10 CFR 211.102 in which the firm sought an increase in its base period allocation of unleaded motor gasoline for the express purpose of producing gasoline. In considering the request, the DOE found that exception relief was necessary to prevent a gross inequity, since Fannon's inability to obtain sufficient supplies of unleaded gasoline for the purpose of marketing gasoline was frustrating the national policy objective of increasing the use of alternative energy sources. Accordingly, exception relief was granted. The DOE held that the gross inequity standard is the appropriate basis for granting exception relief when the application of a regulatory requirement to a particular set of facts frustrates the attainment of a statutory or regulatory objective. The DOE further found that the production and marketing of gasoline furthers the national objective of developing diversified energy sources.

J. M. Huber Corp., Houston, Tex.; DEE-3004, crude oil

The J. M. Huber Corporation (Huber) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell at upper tier ceiling prices the crude oil which is produced from the Pure-State No. 1 Well (the Well) located in Lea County, New Mexico. In considering the Application, the DOE found that the cost of producing crude oil from the Pure-State No. 1 Well had increased to a level where it now exceeds the revenues the firm can obtain from the sale of the crude oil at the lower tier ceiling price. The DOE found that Huber had no economic incentive to continue to produce crude oil from the Well, and that it was unlikely that the crude oil in the reservoir underlying the Well could be recovered by

any other firm in the absence of exception relief. The DOE therefore concluded that the application of the ceiling price rule resulted in a gross inequity to Huber and the other working interest owners. In order to provide the working interest owners with an incentive to continue to produce, the DOE granted an exception which permits Huber to sell at upper tier ceiling prices 100 percent of the crude oil produced from the Pure-State No. 1 Well for the benefit of the working interest owners for the period March 27, 1979 through September 30, 1979.

Ross Production Co., Shreveport, La.; FEE-4476, crude oil

Ross Production Company, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought relief from the DOE crude oil pricing regulations on behalf of all the working interest owners of the C. F. Routon property which is located in Catahoula Parish, Louisiana. In considering the request, the DOE found that the firm and other working interest owners did not have a sufficient economic incentive to continue producing crude oil from this property if constrained to lower tier pricing. Exception relief therefore was found to be necessary in order to provide a reasonable return on the capital investment made by the working interest owners and assure continued production at the Routon property. Accordingly, exception relief was granted.

Texas Independent Producers & Royalty Owners Association, Austin, Tex.; DEE-7997, certification requirements

The Texas Independent Producers and Royalty Owners Association (TIPRO) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in a class exception which would permit the 4,000 members of TIPRO to establish new base production control levels for domestic crude oil producing properties 30 days after the certification deadline. In evaluating the TIPRO application, the DOE found that TIPRO had failed to satisfy the general criteria governing whether a class exception is appropriate. On the basis of this finding, the DOE dismissed the TIPRO exception application.

Requests for Stay

Mobil Oil Corp., New York, N.Y.; DES-0220, crude oil

Mobil Oil Corporation filed an Application for Stay of an Interim Order immediately implementing a proposed exception decision and allocating 3,318,829 barrels of crude oil to Energy Cooperative, Inc. (ECI) under the buy-sell program, 10 CFR 211.65. The DOE concluded that Mobil would not experience an irreparable injury because the DOE could order ECI to replace any crude oil Mobil is required to supply under the order in the event an objection to the proposed decision were sustained. The DOE further concluded that the effect of the proceeding on ECI and its customers was far greater than the effect on Mobil and its customers. Finally, the DOE rejected Mobil's claim that it would likely be successful in its objection to the proposed exception decision, on the grounds that the

contentions made by Mobil had already been considered by the DOE in the exception proceeding and rejected in the proposed decision. Mobil's Application for Stay was therefore denied.

Western Refining Co., Salt Lake City, Utah; DES-0278, crude oil

Western Refining Company (Western) filed an Application for Stay from the requirement that it purchase entitlements during the month of August 1979 as required by 10 CFR 211.67. In considering the Application, the DOE determined that Western failed to show that it would incur an irreparable financial injury in the absence of immediate relief or that there was a strong likelihood of success on the merits of the firm's Application for Exception. Western's stay request was therefore denied.

Supplemental Orders

Acomi Corp., Washington, D.C.; DEX-0191, motor gasoline

The Office of Hearings and Appeals of the Department of Energy had issued an Order to Show Cause to Acomi Corporation regarding alleged misrepresentations made by the firm to the DOE in connection with the temporary stay, stay, and exception proceedings. In this proceeding, the DOE examined Acomi's response to that Order. After reviewing Acomi's arguments, the Office of Hearings and Appeals found that Acomi had made serious material misrepresentations of fact to the DOE in connection with the prior proceedings. In addition, the DOE found that Acomi had improperly sold on the spot market substantial quantities of motor gasoline which it had received under orders of the Office of Hearings and Appeals. Those Orders provided Acomi with gasoline in order to enable it to supply its base period purchasers and other customers identified to the DOE. However, the DOE found, Acomi had failed to supply a large number of those customers and instead sold substantial volumes of that gasoline to spot purchasers. Under those circumstances the DOE determined, the prior relief granted to Acomi should be rescinded in part. Accordingly, Acomi was directed to resupply motor gasoline to the firms that furnished it with that product under the DOE's prior orders.

Hamilton Bros. Petroleum Corp., Denver, Colo.; DEX-0202, crude oil

The Hamilton Brothers Petroleum Corporation filed a request for supplemental relief in which the firm sought to have transferred to the Fields Field Company the relief which was granted to Hamilton in Case Number FEE-4789. *Martin Exploration Co.*, 3 DOE Par. 81.001 (1979). In that case the DOE had granted exception relief to the Martin Exploration Company and to Hamilton which permitted the firms to sell at market prices the crude oil produced and sold for the benefit of the working interest owners of the Wilcox B Sand Unit in Beauregard Parish, Louisiana. Hamilton requested supplemental relief in order to facilitate a proposed transfer of all its right, title and interest in the Wilcox Unit to the Fields Field Company. In considering Hamilton's request, the DOE found that Hamilton's subsidiary, the Norwegian Oil Corporation (DNO-U.S.),

would continue to operate the Wilcox Unit and that the terms of the operating agreement would remain essentially unchanged after Hamilton completes the transfer of the property to the Fields Field Company. Therefore the DOE determined that the factual basis upon which exception relief had originally been granted to Hamilton would not be altered in any significant way by the planned change in the ownership of the Wilcox Unit. Accordingly, supplemental relief was granted, subject to the completion of the transfer of Hamilton's interest in the Wilcox Unit to the Fields Field Company.

Laketon Asphalt Refining, Inc., Evansville, Ind.; DEX-0204 crude oil

On September 20, 1979, the DOE issued a Decision and Order to Laketon Asphalt Refining, Inc. staying the firm's obligation to purchase entitlements as required by 10 CFR 211.67 to the extent specified in a Proposed Decision and Order which was issued to the firm on September 20, 1979.

Little America Refining Co., Washington, D.C.; DEX-0203 crude oil

On September 20, 1979, the DOE issued a Decision and Order to Little America Refining Company staying that firm's obligation to purchase entitlements as required by 10 CFR 211.67 to the extent specified in a Proposed Decision and Order which was issued to the firm on September 20, 1979.

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception, Stay and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied:

Company Name, Case No., and Location

Baldwin Petroleum Co., DST-3878; Jonesboro, AR
Cal's 66 Service Station DEE-3497; Miami, FL
Ernie's Sunoco, DEE-3690; New Castle, DE
Gene Sanders Service, DEE-2578; St. Louis, MO
Miller & Claburn Oil Co., DES-4183; Texarkana, AR

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Interim Order from the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted:

Company Name, Case No., and Location

Citadel Corp., DEN-3870; Washington, DC
Ozarks Petroleum Service, DEN-6488; Bronson, MO
Lakewood Oil Co., DEN-2974; Lakewood, NJ
Twin State Oil Co., DEN-5759; Tabor City, NC
North Centrol Oil, DEN-3080; Gaylord, MI

Bob & Roy's Standard, DEN-7785; Brandon, MN

Petitions Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. After reviewing the material presented by these firms, the DOE issued Decisions and Orders which determined that each of these petitions should be dismissed without prejudice to a refiling at a later date:

Company Name, Case No., and Location

Uniservice Center
United Independent Taxi Drivers, Inc.
Independent Cab Co., DEE-5221; Los Angeles, CA
Automotive Testing Laboratories, Inc., DEE-4530; Aurora, CO

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Company Name, and Case No.

Murphy's Gulf Station, DEE-6613
V&V Auto Service, DEE-6651
Bob Wong's Chevron, DEE-4246; DES-4246
Bro Len Service Center, DEE-7255
General Merchandise, DEE-6603
Shawnee Oil & Gas Corporation, DRO-0242
Ronald Sorel, DEE-4738
Bethel Assembly of God, DEE-7821
Crown Central Petroleum, DEA-0493
David L. Currier, DEE-5622
Energy Development Corporation, DEE-6349
Friendly Oil Company, DEE-3885; DES-3885
Galloway Oil Company, DEE-8087
Jennings-Watts Oil Company DEE-4702
John's Service DEE-5257
Kay Peterson Distributors, DEE-5034
Maplewood Conoco, DST-5448
Paul's Mobil Products, DEE-4168
Jerry English Mobil, DEE-6583; DES-6583; DST-6583
K. R. "Ken" Rearick, DRO-0273
Livingston-Thebault Oil Company, Inc., DEE-6394
Martinez Service, DEE-6563
Mobil Oil Corporation, DES-0316
Riverland Auto Bath, DEE-3937
Robert A. Williams, DRS-0271
San Fernando Valley Academy, DEE-6980
Selbyville Arco, DEE-6398
Villa Rica Medical Clinic, P.A., DEE-7884
Schuyler County Office of Civil Defense, DEE-7061
Springfield Phillips 66, Inc., DEE-4398
Tenaflly Getty Service, Inc., DRO-0282
Vernon Mobil, DEE-4834; DES-4834; DST-4834
West Avenue Exxon, DEE-4054
Williams Oil Company, DEE-4003
Brantley's Gulf, DEE-3330; DES-3330
Calloway's Gulf, DEE-7165
Hassell Oil Company, DEE-2098; DST-2098
Fairlington Sunoco, DEE-0249
Nola Oil Company, DEE-5852
Robal Company, Inc. (Sunoco), DRO-0300
Robert Whiting, DRS-0315
Thomas E. Thrasher, DEE-6167
Vickers Petroleum Corporation, DEA-0573
Werner Oil Company, DEE-2490; DES-2490
Citadel Corporation, DES-5956; DST-5956

Crystal Flash Petroleum, DEE-2378
Donald J. Bania, DRO-0263
Ever Ready Oil Company, DEE-4783
Farmersville Gulf, DEE-5845
Frank's Servicenter, DEE-7673
Summit Car Care Center, DXE-5786
Travaglino's Service Center, DEE-6442
Vandevander's Amoco, DEE-6236
B&B Oil Company, Inc., DEE-3194
Dewey's Automotive Service Center, Inc., DEE-7704
Getty Oil Company, DXE-7858 thru DXE-7861
Helms Service Station, DEE-4474
Main Street Shell, DEE-7295
Master Gulf Service, DEE-2688
Max's Vernon Truck & Car Center, DEE-6621
Paul Mayo, DES-4486
Stephen Meads Oil Company, DEE-5096

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N. W. Washington, D. C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

November 15, 1979.
Melvin Goldstein,
Director, Office of Hearings and Appeals.
[FR Doc. 79-35854 Filed 11-20-79; 8:45 am]
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Issuance of Proposed Decisions and Orders; September 17 Through September 21, 1979

Notice is hereby given that during the period September 17 through September 21, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision

and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decision and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D. C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except federal holidays.

November 15, 1979.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

*Alexander's Department Store, Inc.,
Wilmington, N.C.; DEE-7571 temperature
restrictions*

Alexander's Department Store, Inc. filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions. The exception request, if granted, would permit Alexander's to raise the temperature in the firm's four outlets above 65° F. On September 18, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

*André Fantasies Originals, Ft. Lauderdale,
Fla.; DEE-7657 temperature restrictions*

André Fantasies Originals (André) filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions. See 44 Fed. Reg. 39354 (July 5, 1979). The exception request, if granted, would permit André to lower the temperature in its business establishment below 78 degrees Fahrenheit. On September 21, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

*John O. Farmer, Inc., Russell, Kans.; DEE-
2327 crude oil*

John O. Farmer, Inc. filed a request for exception from the reporting requirements which, if granted, would relieve Farmer of the obligation to provide the Form EIA-23 (Annual Survey of Domestic Oil and Gas Reserves) to the Energy Information Administration of the DOE. In denying the request, the DOE noted that: (i) the use of the aggregate data obtained from the Form EIA-23 is important to enable the DOE to develop national and regional estimates of production and proved reserves of domestic crude oil and natural gas; and to facilitate national energy policy decisions, and (ii) showing that the firm should be exempted from the reporting requirements of the Form EIA-23. On September 17, 1979 the DOE issued a

Proposed Decision and Order in which it determined that the request be denied.

*Jerol R. Hodges, Los Angeles, Calif.; DEE-
7780 temperature restrictions*

Jerol R. Hodges filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions. The exception request, if granted, would permit Hodges to lower the temperature to 70° F in his office located in Suite 1800, 2049 Century Park East, Los Angeles, California. On September 17, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

*Laketon Asphalt Refining, Inc., Evansville,
Ind.; DEE-6986 crude oil*

Laketon Asphalt Refining, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Laketon of its obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67. On September 20, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

*Little America Refining Company,
Washington, D.C.; DEE-7391 crude oil*

Little America Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would relieve Little America of its obligation to purchase entitlements pursuant to the provisions of 10 CFR 211.67. On September 20, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted in part.

*Logue & Patterson, Inc., Dallas, Texas; DEE-
7371 crude oil*

Logue & Patterson, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the Dahney Lease located in Polk County, Texas at upper tier ceiling prices. On September 18, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's petition.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Twin State Oil Company, DEE-5759; Tabor City, NC
Ozarks Petroleum Service, DEE-6488; Bronson, MO

Lakewood Oil Company, DEE-2974; Lakewood, NJ
North Central Oil Company, DEE-3080; Gaylord, MI
Bob & Roy's Standard, DEE-7785; Brandon, MN

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1. The exception requests, if granted would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

Al's Mobil, DEE-7886; Grand Rapids, MI
Baldwin Petroleum Company, DEE-3878; Jonesboro, AR
Bayside Marine Corporation, DEE-7689; Duxbury, MA
Citadel Corporation, DEE-3870; Washington, DC
Decker's Amoco, DEE-4236; Norfolk, VA
Gateway Texaco, DEE-5550; Mount View, CA
Gene Sanders Service, DEE-2578; St. Louis, MO
Gengarelly's Hillcrest, DEE-7421; Ridgefield, CT
Hiser's Service, DEE-4030; Pittsfield, MA
Ye Olde Family Inn & Service Center, DEE-4639; Tipp City, OH
Peter P. Adamo, DEE-6528; Wallingford, CT
Robert Huth, DEE-7042; San Diego, CA
Sheehan Oil Company, DEE-5561; Norman, OK
Lynn Smith's Arco, DEE-7250; Sacramento, CA
Karim Safiris Arco, DEE-8709; Mill Valley, CA
Murphy's Service, DEE-7529; Kansas City, KS
Ben's Filling Station, DEE-5619; Brunswick, ME
Interstate Mobil, DEE-4699; Springfield, MA
Interstate Texaco, DEE-4945; Fredericksburg, VA
Ron's Agoura Chevron, DEE-3078; Agoura, CA
Westchester Shell, DEE-3254; Los Angeles, CA
Bud's Service Center, DEE-4673; Danbury, CN
C.M. Leasing Corporation, DEE-7726; Burlington, MA
Courtesy Tow Service, DEE-6590; San Jose, CA
Miller & Claburn Oil Company, DEE-4183; Texarkana, AR

[FR Doc. 79-35849 Filed 11-20-79; 8:45 am]

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Issuance of Decisions and Orders; Week of October 1 Through October 5, 1979

Notice is hereby given that during the week of October 1 through October 5, 1979, the Decisions and Orders summarized below were issued with

respect to Appeals and Applications for Exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

Appeals

Akin, Gump, Hauer & Feld, Washington, D.C.; DFA-0627, freedom of information

The law firm of Akin, Gump, Hauer & Feld filed an Appeal from a partial denial by the DOE Assistant General Counsel for International Trade and Emergency Preparedness of a Request for Information which the firm submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Assistant General Counsel's explanation for withholding the requested information under Exemption 5 was inadequate and inconsistent with a prior agreement. Accordingly, the matter was remanded to the Assistant General Counsel for further consideration.

Exxon Company, U.S.A., Houston, Tex.; DEA-0614, motor gasoline

Exxon Company, U.S.A. filed an Appeal from an Order which the ERA Office of Petroleum Operations issued to the firm on July 25, 1979, pursuant to a Proposed Decision and Order and an Interim Decision and Order of the Office of Hearings and Appeals. The ERA Order directed Exxon to furnish Triangle Refineries, Inc. with motor gasoline for the month of July 1979. In its Appeal, Exxon requested that the Order be rescinded and that Triangle be directed to reinstate Exxon with the volume of gasoline which Exxon supplied to Triangle pursuant to the Order. In considering the Appeal, the DOE found that the arguments raised by Exxon should be considered in the context of the firm's Statement of Objections to the Proposed Decision and Order. Accordingly, the Appeal was dismissed without prejudice.

Pester Refining Co., El Dorado, Kans.; DEA-0439, motor gasoline

Pester Refining Company filed an Appeal from an Order which was issued to the firm by the DOE Central Enforcement District on April 2, 1979. In the April 2, Order, the Central District directed Pester to furnish Kemco Petro, Inc. with motor gasoline. In considering the Appeal, the DOE determined that Pester had not sold or otherwise furnished a covered product to Kemco. Accordingly, the DOE granted the Appeal and rescinded the April 2 Order.

Remedial Order

Drew Cornell, Inc., Lafayette, La.; DRO-0390, crude oil

Drew Cornell, Inc. objected to a Revised Proposed Remedial Order which the DOE Region VI issued to the firm on January 29, 1979. In the Revised Proposed Remedial Order, Region VI found that Cornell had improperly classified the V. Boagni Lease as two separate properties. In considering the firm's objections, the DOE found that clarification of the liability of royalty interest

owners and of the proper computation of future royalty payments was unnecessary. The DOE therefore concluded that the Revised Proposed Remedial Order should be issued as a final Order.

Request for Modification and/or Rescission

Wind Energy Report, Rockville Center, N.Y.; DMR-0086, freedom of information

Wind Energy Report filed a Request for Modification of a prior DOE Decision and Order to provide for the waiver of fees for material released to the firm under the Freedom of Information Act. In considering the Request, the DOE concluded that the fees should be waived. An important issue considered in the Decision and Order was the standard to be applied by the DOE when a waiver of fees is requested. Among the factors found relevant in the present proceeding were: (i) the status of the requester as a representative of the news media, (ii) the public interest in providing the requester's subscribers with timely information, and (iii) the financial ability of the requester to pay customary fees.

Requests for Exception

Gustafson Oil Co. of California, Washington, D.C.; DEE-2106, residual fuel oil

Gustafson Oil Company of California filed an Application for Exception from the provisions of 10 CFR 212.93 in which the firm sought retroactive exception relief which would permit the firm to retain revenues obtained on sales of residual fuel oil at prices which exceeded the firm's maximum permissible selling prices. In considering the request, the DOE found that prospective exception relief would likely have been approved if the firm had filed a timely request and that in the absence of retroactive exception relief the firm would be forced to terminate its business operations. Accordingly, exception relief was granted in part.

L & M Operating Co., Carroll County, Ohio; DEE-4439, crude oil

L & M Operating Company filed an Application for Exception from the provisions of 10 CFR 212.131 in which the firm sought retroactively to certify crude oil produced from the Watkins #3 well as stripper well crude oil. In considering the request, the DOE found no evidence which indicated that the application of Section 212.131 to L & M was discriminatory or inequitable or that L & M was experiencing a serious financial hardship. Accordingly, exception relief was denied.

Texaco, Inc., Denver, Colo.; DEE-2168, crude oil

Texaco, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, in which the firm sought to permit the working interest owners to sell the crude oil production from the A. S. Wisness lease in McKenzie County, North Dakota, at upper tier ceiling prices. In considering the request, the DOE found that in the absence of exception relief, Texaco would no longer have an economic incentive to continue crude oil production from the lease. Accordingly, exception relief was granted.

Energy Cooperatives, Inc., Rosemont, Ill.; DEL-8112, DES-8112, crude oil

Energy Cooperatives, Inc. (ECI) filed Applications for Stay and temporary exception from the provisions of 10 CFR 211.65(c) in which the firm sought to purchase sufficient volumes of crude oil through the DOE Buy/Sell Program to operate its East Chicago Refinery at the national average refinery utilization ratio. In considering the request, the DOE concluded that ECI had satisfied the criteria for a temporary exception with respect to the three month period October through December 1979. Accordingly, relief was granted in part and the Application for Stay was dismissed.

Pacific Resources, Inc., Honolulu, Hawaii; DEL-0008, gasohol

Pacific Resources, Inc. filed an Application for Temporary Exception from the provisions of 10 CFR 212.83 in which the firm sought permission to market Gasohol as a separate category and grade of gasoline and to pass through the entire cost of the alcohol. In considering the request, the DOE found that temporary relief was warranted since the firm was likely to succeed on the merits of its underlying Application for Exception. In addition, the DOE noted that the removal of the regulatory disincentives for producing Gasohol would help to diminish the nation's reliance on petroleum products for energy. Accordingly, temporary exception relief was granted.

Phillips Petroleum Co., Bartlesville, Okla.; DES-7804; DST-7804; DEL-7804, gasohol

Phillips Petroleum Company filed Applications for Temporary Exception, Temporary Stay, and Stay from the provisions of 10 CFR 211.83 in which the firm sought permission to market Gasohol as a separate category and grade of gasoline for cost pass-through purposes. In considering the request, the DOE found that several public policy objectives would be furthered by the approval of exception relief. Accordingly, temporary exception relief was granted and the Applications for Stay and Temporary Stay were dismissed.

Champlin Petroleum Co., Houston, Tex.; DST-0644 through DST-0646, DES-0644 through DES-0646, motor gasoline

Champlin Petroleum Company filed Applications for Stay and Temporary Stay of the requirement that it supply motor gasoline to BLT, Inc. and Trans-Texas Petroleum, Inc. for the months of August and September 1979 pursuant to three temporary assignment orders issued by DOE Region VI. In considering the Applications, the DOE determined that the findings upon which the orders were based were inadequate. Accordingly, Champlin's stay requests were granted and the firm's temporary stay requests were dismissed.

Exxon Co., U.S.A., Washington, D.C.; DES-0629, motor gasoline

Exxon Company, U.S.A. filed an Application for Stay of the provisions of a Redirection Order which was issued to the firm by DOE Region IV. In the order, Region IV required Exxon to supply Southland-Florida with motor gasoline pursuant to the

provisions of 10 CFR 211.107(c). In considering the Application, the DOE determined that Exxon was likely to succeed on the merits of its Appeal because the Region IV order did not contain sufficient findings of fact. The stay request was therefore granted.

Motion for Evidentiary Hearing

Johnson Oil Co., Salt Lake City, Utah; DEH-0043, crude oil

Johnson Oil Company filed a Motion for Evidentiary Hearing in connection with its Statement of Objections to a Proposed Decision and Order which the DOE issued to the Southwestern Refining Company on December 19, 1978. In its Motion, Johnson requested permission to present testimonial evidence in support of the contentions raised in its Statement of Objections. In considering the request, the DOE determined that Johnson should be permitted to present oral testimony concerning the reasonableness of its markup on sales of crude oil to Southwestern. Accordingly, the Motion for Evidentiary Hearing was granted in part.

Interlocutory Order

Atlantic Richfield Co., Los Angeles, Calif.; BRZ-0001

Gulf Oil Corp., Houston, Tex.; BRZ-0002
Marathon Oil Co., Inc., Findlay, Ohio; BRZ-0003

Standard Oil Co. of California, San Francisco, Calif.; BRZ-0004

Standard Oil Co. (Ohio), Cleveland, Ohio; BRZ-0005

Standard Oil Co. of Indiana, Chicago, Ill.; BRZ-0006

Texaco, Inc., White Plains, N.Y.; BRZ-0007, crude oil

From May 29, 1979 through August 15, 1979 a total of 13 firms filed Notices of Objection and Requests to Participate in the enforcement proceedings involving Proposed Remedial Orders issued to the seven oil companies listed above. In an interlocutory Decision and Order issued on October 5, 1979, the DOE ruled on the Notices of Objection and Requests to Participate. In several instances, the DOE found a sufficient interest to warrant participation in the proceedings, while in other cases, the DOE denied participation or restricted participation to the filing of briefs.

Supplemental Order

Gulf Oil Corp., Houston, Tex.; DRX-0206, motor gasoline

The DOE Office of General Counsel requested the Office of Hearings and Appeals to withdraw certain Decisions and Orders previously issued to the Gulf Oil Corporation which were related to a lawsuit which Gulf filed against the DOE. In considering the request, the DOE determined that the withdrawal of the Decisions and Orders was necessary to a full settlement in the lawsuit. Accordingly, the request was granted.

Protective Orders

The following firm filed an Application for Protective Order. The application, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by

the firm. The DOE granted the following application and issued the requested Protective Order as an Order of the Department of Energy:

Company name, location, and case No.

Chevron U.S.A., Inc., San Francisco, Calif.; DEZ-0537

Interim Orders

The following firms were granted Interim Exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company name, location, and case No.

Quality Car Wash & Convenience, Marietta, Ga.; DEN-3961

The Village Market, Cutler, Maine; DEN-7442
Van Alstine Oil Co., New London, Wis.; DEN-5383

Randy's Exxon, N. Tazewell, Va.; DEN-7143

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception and/or Temporary Exception from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be granted.

Company name, location, and case No.

Palm Oil Co., Costa Meas, Calif.; DEE-2497
Publix Oil Co., Washington, D.C.; DEL-8115

The following firms filed Applications for Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be denied.

Company name, location, and case No.

Industrial Petroleum Supplier, Inc., Washington, D.C.; DEE-2404

Uncle Russ's Service, Cambridge, Mass.; DEE-5185

Spangler Oil Co., York, Pa.; DES-7223
Danville Gas House Co., Winston Salem, N.C.; DES-5439

M.F.A. Oil Co., Columbia, Md.; DST-8101

Dismissals

The following submissions were dismissed without prejudice to refile at a later date:

Company Name and Case No.

Amber Fuel Oil, Inc., DEE-1942

Ann L. Krumboltz, DFA-0655

City of Carter Lake, DEE-7385

Colonial Truck Stop, DEE-4018

Common Cause, DFA-0647

Confederate Shell DEE-6153

Eliea Shahbazian, DEE-7092

Frank S. Bellafiore, DEE-6756

Hamilton Mill-185 Chevron, DEE-3329, DES-3329

J. A. Nere Co., Inc., DEE-7515

Los Angeles County, DEL-0011; DEE-8224

Lowry's Gulf DEE-7269

Orbit Stations, Inc., DEE-4237

Paul A. McArthur, DEE-3498

Price Waterhouse & Co., DFA-0654

Ray's Red Horse Mobil, DEE-5054

Roettgers Oil Co., DEE-2385

Ronald F. Schocie, DEE-2117

Joe Tatro, DEE-4866

Urbano's Service, DEE-6512

Viscosity Oil Co., DEE-2735; DST-2735

Wayne Johnson, DEE-4705

Amorient Pet. Co., DEE-4626, DES-4626, DST-4626

Anthony Massahos, DRS-0292

Avis Leasing Corp., DEE-6914

B & B Service Center, DEE-6870

Brown's Service, DEE-7172

Chevron U.S.A., Inc., DEE-8269, DEL-8269

Clarence Guidry, DEE-3626

Conoco Travel Shoppe, DEE-5483

Crescent Truck Lines, DEE-5368

Dean Miller Sunoco, DRO-0256

Dollar Rent-a-Car, DEE-6401

Ed's Amoco, DEE-5418

Holland Oil Co., DEE-3340

Lloyd Ritter, DEE-8252

Marlo Bulk Sales, DST-0049

New Fairfield Service, DEE-4013

Nick & Paul's Auto, DEE-8071

Osceola Service, DEE-7191

P & M Pet. Mgmt., DXE-7953

Polanco Service, DEE-7728

Red Carpet Car Wash, DRO-0279

Richard Amaral, DEE-6744

Rockwell Skelly, DEE-6189

Shaffer's Sunoco, DEE-7078

Southdale Shell & Tire, DRO-0239

Spencer's Sunoco, DEE-4824

Standard Oil of Indiana, DES-6160

Tissue's General Store, DEE-7028

Waterlick Minimart, DEE-7044

Wides Oil Co., Inc., DEE-5204

Baden Texaco, DEE-7464

Builders Mart of Catawba County, DEE-4586

Canyon Welding, DEE-5399

Charles Brown Oil Co., DEE-7107

Dow Foundations, DEE-5363

E. R. Carothers, DEE-3433

Gellatly Construction, DEE-7684

Harold Gamer, DEE-5239

Ivy H. Smith Co., DEE-6731

John J. Nissen Banking Co., DEE-7712

New Orleans East, Inc., DEE-7537

Ronald Holtz, DEE-7479

Valley Plaza Standard, DEE-7934

Arco Mini Mart, DEE-4403

Bedell's Amoco, DEE-3366

C. B. Ragland Co., DEE-6888

Chesapeake Car Wash Systems, Inc., DEE-8215

Clark Gas & Oil Co., Inc., DEE-2931, DST-2931

Clemco, DEE-8293, DEE-8294

Cliff Brice Stations, DEE-4939

Gay's Arco and Mini-Mart, DES-6273

Hartwell Industries, DEE-6893

J.M. Huber Corp., DEE-8300

Dorothy Jones, DEE-2901

Kentwood Spring Water, DEE-7415

Metairie Shell Car Wash DEE-5146

Monger Coal & Oil Inc., DEE-4807

Blythdale 66, DEE-5010

Branyon Oil Co., DEE-2929, DST-2929

Cities Service Co., DES-8088

Double EE Service, DEE-3149

Eastern Shore Oil Co., DEE-2670

Norman D. St. Cyr, DEE-4302

Northern Petroleum, DEE-5431

Northrup's Service, DEE-5660
 P. Wotherspoon, Inc., DEE-3420
 Perdue, Inc., DEE-7380
 Pop Shoppe Texaco, DEE-2692
 Richland Farm Bureau Co-op, DEE-4577.
 DST-4577

Robert A. Williams, DOR-0293
 Sheehan Oil Co., DST-5561
 Southern Stations, Inc., DEE-6832
 Tom Prada, DEE-6767
 Turco Supertest, DEE-2633, DES-2633.
 DST-2633

United Co., DRO-0304
 Vaughn Oil Co., DEE-2920
 American Packaging Corp., DEE-7279
 Digi-Data Corp., DEE-6562
 Oils, Inc., DEE-7486
 Penco Oil Co., DEE-5760, DST-5760
 Perry Hall's Mini Market, DEE-3563
 Carl A. Schuble, DEO-0334
 Schulze Processing, Inc., DEA-0274
 Shell Westwego, DEE-5918
 Travelers Petroleum, Inc., DEE-6959, DES-6959
 Norman Weigant, DEE-6923

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Melvin Goldstein,
 Director, Office of Hearings and Appeals.
 November 15, 1979.

[FR Doc. 79-35846 Filed 11-20-79; 8:45 am]
 BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; October 22 Through October 26, 1979

Notice is hereby given that during the period October 22 through October 26, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR Part 205 Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that

if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays.
 Melvin Goldstein,
 Director, Office of Hearings and Appeals.
 November 15, 1979.

*Commonwealth Oil Refining Company, Inc.,
 Penuelas, Puerto Rico; DXE-7928,
 naphtha*

Commonwealth Oil Refining Co., Inc. filed an application for Exception from the provisions of the Entitlements Program as they apply to naphtha. The exception request, if granted, would increase the benefits that Corco receives under the Entitlements Program by a per barrel amount equal to the disparity between the cost of imported naphtha feedstocks utilized by the firm and the weighted average cost of all imported naphtha feedstocks utilized in Puerto Rico. On October 22, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Eastern Shore Oil Co., Fruitland, Md.; DEE-7886, gasohol

The Eastern Shore Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit Eastern Shore Oil to receive a separate allocation of unleaded motor gasoline for the express purpose of blending Gasohol. On October 22, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

*M. L. Mayfield, Houston, Tex.; DEE-1957,
 crude oil*

M. L. Mayfield filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit M. L. Mayfield to sell the crude oil that is produced from the VUB Gulf Schlicher-Thomas Well (the VUB Well), the Schlicher-Thomas B Well (the B Well) and the Schlicher-Thomas Gournay Well

(Gournay Well) located in the Pine Prairie Field in Evangeline Parish, Louisiana, at upper tier prices. M. L. Mayfield also requested retroactive exception relief with respect to the B Well. On October 23, 1979, the Department of Energy issued a Proposed Decision and Order which determined that M. L. Mayfield be granted prospective relief with respect to the B Well and that the exception request be denied in all other respects.

*Tyson Oil Co., Savannah, Ga.; DEE-7082,
 motor gasoline*

On July 5, 1979, Tyson Oil Company (Tyson) filed an Application for Exception from the provisions of 10 CFR, Part 211. The exception request, if granted, would permit Tyson to receive an additional allocation of unleaded motor gasoline for the purpose of blending Gasohol. On October 28, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

*Winan Avenue Missionary Baptist Church,
 Hot Springs, Ark.; DEE-8229,
 temperature restrictions*

The Winan Avenue Missionary Baptist Church (the church) filed an Application for Exception from the provisions of the Emergency Building Temperature Restrictions. The exception request, if granted, would permit the church to raise the maximum temperature in its building to 72°F for certain time periods in the winter. On October 25, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Red Carpet Car Wash, DEE-6930;
 Wallingford, CT
 Carol Davis Mini-market, DXE-7977; Wittier, CA
 Ulysses J. Papini Arco, DEE-6722; Vista, CA
 Anderson's Exxon, DEE-2127; Baltimore, MD
 Don's Market, Inc., DEE-5680; Hampstead, NH
 Gold oil Company, DEE-4344; Belleville, IL
 Holmes Mobil, DEE-6441; Auburn, CA
 Jack Vaughn Oil Company DEE-6262; Pampa, TX
 Leblanc's Arco, DEE-5129; Riverside, CA
 Mike Rose oil Company, DEE-2733;
 Washington, DC
 Ernie's General Store, DEE-3763; Stockton, CA
 Richard Oil Corporation, DEE-4855; W. Palm Beach, FL

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor

Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed decisions and Orders which determined that the exception requests be denied.

Company Name, Case No., and Location

A&R Enterprises, DEE-7180; Clinton, MD
County Line Grocery, DEE-7001; Hull, TX
N. Miami Beach Fina, DEE-7249; N. Miami Beach, FL
Tony's Servicer, DEE-3943; Miami, FL
Dave's Alignment Service, DEE-6768; Wareham, MA
Georgetown Gulf, DEE-6860; Washington, DC
Bazell Oil Company, Inc., DEE-4490; Jackson, OH
James M. Brog, DEE-4240; Rohnert Park, CA
Rudolph's, Inc., DEE-3056; Yoakum, TX
Ray's Shell Service, DEE-4814; Mission Hills, CA
Michael Debase, DEE-4684; Wallingford, CT
Sanford Oil Company, DEE-7678; Ada, OK
Shoreline, Texaco, DEE-7037; Mill Valley, CA
Traid Oil Company, DEE-3818; San Francisco, CA
Adamson Amoco, DEE-6836; Revere, MA
Arapahoe Exxon, DEE-5208; Denver, CO
Bill's Automotive, DEE-6710; Los Angeles, CA
Montgomery Village Service, Inc., DEE-3645; Gaithersburg, MD
Northside Country Store, DEE-7638; Myerstown, PA

[FR Doc. 79-35850 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed With the Office of Hearings and Appeals; Week of October 22 through October 26, 1979

Notice is hereby given that during the week of October 22 through October 26, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to these notices were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before December 11, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). Within 30 days of the publication of this notice, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as nonparticipants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings

and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

November 15, 1979.

Lupi A. Arias, Piru, Calif.; BRO-0066, motor gasoline

On October 24, 1979, Lupi A. Arias, Highway 126, Piru, California 93040, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on October 15, 1979. In the PRO the Western District found that during August 1, 1979 to October 2, 1979, Arias overcharged retail purchasers of motor gasoline. According to the PRO the Arias violation resulted in \$3,740.36 of overcharges.

Bud Dietrich's Orinda Shell, Orinda, Calif.; BRO-0063, motor gasoline

On October 25, 1979, Bud Dietrich's Orinda Shell, 9 Orinda Way, Orinda, California 94563, filed a Notice of Objection to a Proposed Remedial Order that the Department of Energy's Western District Office of Enforcement issued to the firm on September 27, 1979. The proposed Remedial Order found that during the period August 1, 1979 through September 18, 1979 the firm committed pricing violations of \$5,398.24 in connection with the sale of motor gasoline in the State of California.

Garner C. Clark, Dallas, Tex.; BRO-0050, crude oil

On October 23, 1979, Garner C. Clark filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to Mr. Clark on September 24, 1979. In the PRO the Southwest District found that during September 1, 1973 to December 31, 1976, Clark improperly classified crude oil in violation of 10 CFR, Part 210 and incorrectly determined base period control levels in violation of 10 CFR, Part 212. According to the PRO the Clark violation resulted in \$108,055.77 of overcharges.

Estate of S. H. Killingsworth, Longview, Tex.; BRO-0038, crude oil

On October 22, 1979, the Estate of S. H. Killingsworth, P.O. Box 35, Longview, Texas 75601, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on September 27, 1979. In the PRO the Southwest District found that during the period from September 1, 1973 to January 1, 1977, the Estate of S. H. Killingsworth violated the provisions of 10 CFR, Part 212 which relate to the pricing of crude oil and condensate. According to the PRO the Estate of S. H. Killingsworth's violation resulted in \$2,579,229.53 of overcharges. This matter has been transferred for resolution to the Southwest Regional Center of the Office of Hearings and Appeals. Requests to participate in proceedings with respect to this matter should therefore be directed to: Mr. Maurice Held, Director, Office of Hearings and Appeals, Southwest Regional Center, 2626 West Mockingbird Lane, Dallas, Texas 75235.

Ford Oil Co., Washington, D.C.; BRO-0065, propane

On October 26, 1979, Ford Oil Company of Washington, D.C. filed a Notice of Objection to a Proposed Remedial Order which the DOE San Antonio District Office of Enforcement issued to the firm on September 27, 1979. In the PRO the San Antonio District found that during November 1, 1973 to January 31, 1975, Ford Oil Company overcharged certain customers purchasing propane. According to the PRO the Ford Oil Company violation resulted in \$92,001 of overcharges.

Mohawk Petroleum Corp. Inc., Bakersfield, Calif.; BRO-0037, motor gasoline

On October 22, 1979, Mohawk Petroleum Corporation, Inc., P.O. Box 1476, Bakersfield, California 93302, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Western District office of Enforcement issued to the firm on October 12, 1979. In the IROIC the Western District found that beginning on October 4, 1979 Mohawk unilaterally terminated the supply of motor gasoline to Harris Oil Company without the express written consent of DOE in violation of 10 CFR, Part 211. The IROIC orders Mohawk to resume its supplier/purchaser relationship with Harris.

[FR Doc. 79-35848 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; October 29 Through November 2, 1979

Notice is hereby given that during the period October 29 through November 2, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within

30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.s.t., except Federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.
November 15, 1979.

Alpha Fitness Center, Omaha, Nebr.; DEE-7779, temperature restrictions

Alpha Fitness Center filed an Application for Exception from the provisions of 10 CFR, Part 490. The Exception request, if granted, would permit Alpha to lower the minimum cooling temperature below 78° F in its fitness center. On October 31, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Apollo Oil Co., Peoria, Ill.; DEE-2427, gasohol

The Apollo Oil Company (Apollo) filed an Application for Exception from the provisions of 10 CFR 211.9. The exception request, if granted, would permit Apollo to receive a separate allocation of unleaded gasoline in order to blend gasohol. On October 31, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception be —.

Docktor Pet Center, Columbus, Ohio; DEE-7801, temperature restrictions

Docktor Pet Center filed an Application for Exception from the provisions of 10 CFR, Part 490. The Exception request, if granted, would permit Docktor to lower the minimum ceiling temperature below 78° F in its pet center. On October 31, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

E. I. DuPont De Nemours & Co., 45 locations throughout the United States; BEE-0156 through BEE-0199, BEE-0235, temperature restrictions

E. I. DuPont De Nemours & Company filed Applications for Exception from the provisions of 10 CFR, Part 490. The exception requests, if granted, would permit DuPont to raise the maximum heating temperature above 651f in the shower and locker rooms at 45 of the firm's industrial plants and the firm's country club. On November 2, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Finch Oil Co., Fayetteville, N.C.; DEE-7195, gasohol

Finch Oil Company filed an Application for Exception from the provisions of 10 CFR, Part 211, Subpart F. The exception request, if granted, would permit Finch to receive an additional allocation of unleaded gasoline for the purpose of producing Gasohol. On October 31, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Mallard Resources, Inc., Washington, D.C. DEE-6318, crude oil

Mallard Resources, Inc. filed an Application for Exception from the provisions of 10 CFR 211.65. The exception request, if granted, would permit Mallard to participate in the Crude Oil Buy-Sell Program as a refiner-buyer. On October 30, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Port Petroleum, Inc., Washington, D.C.; DEE-6994, crude oil

Port Petroleum, Inc., filed an Application for Exception from the provisions of 10 CFR 211.65. The exception request, if granted, would permit Port to participate in the Crude Oil Buy-Sell Program as a refiner-buyer. On October 30, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Southern California Edison Co., Rosemead, Calif.; BEE-0007, propane

Southern California Edison Company filed an Application for Exception from the provisions of 10 CFR, Part 211.83. The exception request, if granted, would permit the firm to obtain 100 percent of its current requirements of propane not subject to the application of its supplier's allocation fraction. On October 31, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's request for additional volumes of propane.

Tri-Cor Petroleum Inc., Ronkoma, N.Y.; DEE-5457, gasohol

On May 17, 1979, Tri-Cor Petroleum Inc. filed an Application for Exception with the Office of Hearings and Appeals of the Department of Energy. The application, if granted, would result in the issuance of an order assigning the firm a base period use and supplier of unleaded motor gasoline for the purpose of producing and marketing gasohol. On November 2, 1979, the DOE tentatively determined that the firm's request should be granted. In that proposed determination, the DOE granted Tri-Cor a base period use of 832,500 gallons of unleaded motor gasoline per month and ordered the Director of Petroleum Operations in DOE Region II to assign suppliers for this volume.

U.S. Oil Co., Combined Locks, Wis.; DEE-3174, DEE-6387, motor gasoline

U.S. Oil Company filed two Applications for Exception from the provisions of 20 CFR 211.101. The exception requests, if granted, would result in the assignment to U.S. Oil of suppliers of lower-priced motor gasoline. On

November 2, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception requests be granted.

Whitehead Oil Co., Lincoln, Nebr.; DEE-7965, gasohol

The Whitehead Oil Company filed an Application for Exception from the provisions of Section 211. The exception request, if granted, would permit the firm to receive an increase in its allocation of unleaded motor gasoline for the express purpose of blending gasohol. On October 31, 1979, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be granted.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

F&P Market, DEE-8314; Decaturville, Tenn.
Gary Keating's Village Texaco, DEE-7024; St. Ann, Mo.
Mt. Pleasant Arco, DEE-7070; Providence, R.I.
Phillip Sloan Oil, DEE-8280; North Miami Beach, Fla.
Union Oil Co. of California, DEE-8000; Washington, D.C.

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception from the provisions of the Motor Gasoline Allocation Regulations. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline. The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Case No., and Location

Auberry General Store, DEE-4386; Auberry, Calif.
Brookside Store, DEE-7628; Orford, N.H.
C. B. Clay, DEE-4336; Whitesburg, Ky.
Carlson's Sunoco, DEE-7066; Ladysmith, Va.
Cornell's Exxon, DEE-6373; Woodsboro, Md.
Navy Yard Shell, DEE-7499; Washington, D.C.
North Kingstown Shell, DEE-3820; N. Kingstown, R.I.
Andrew J. Catalano, DEE-3907; Bedford, Mass.
Indian Rock "66", DEE-5935; Largo, Fla.
James R. Drummond, DEE-7670; Alexandria, La.
Jerry's Exxon, DEE-6987; Los Angeles, Calif.
Ken's Exxon, DEE-6758
Walt's Sunoco Service, DEE-7065; Bricktown, N.J.
Gaithersburg Square Amoco, DEE-4269; Gaithersburg, Md.
Roland's Exxon, DEE-5392; Ojai, Calif.
Smitty's Amoco, DEE-6964; Greenwich, Conn.
Westgate Oil Co., DEE-2464; Muskegon, Mich.

Love's Shell Service, DEE-4900; San Jose, Calif.

McHenry Exxon, DEE-5386; Modesto, Calif.
Michael McGrady, DEE-4275; Germantown, Md.

Barnes Exxon, DEE-5443; Perryville, Ky.
Boland Oil Co., DEE-4333; Manchester, Conn.
Changey's Service, DEE-6708; Chester, W. Va.

Odyssey Enterprises, DEE-6771; Augusta, Maine

Seaview Exxon, DEE-5762; Camden, Maine
W. S. Williams, Inc., DEE-2614; Cordele, Ga.

[FR Doc. 79-35841 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Special Counsel for Compliance; Proposed Remedial Order to Atlantic Richfield Co.

AGENCY: Department of Energy.

ACTION: Notice of Proposed Remedial Order to Atlantic Richfield Company and Opportunity for Objection.

Pursuant to 10 CFR 205.192(c), the Office of Special Counsel for Compliance of the Economic Regulatory Administration (ERA), Department of Energy, hereby gives notice that a Proposed Remedial Order was issued to Atlantic Richfield Company (Atlantic), 515 S. Flower Street, Los Angeles, California. The Proposed Remedial Order sets forth findings of fact and conclusions of law concerning the reallocation of unrecovered costs pursuant to the terms of 10 CFR 212.83(d) of the Mandatory Petroleum Price Regulations. The violation, in the amount of \$62,900,000 resulted from the unlawful reallocation and retroactive reallocation of unrecovered costs from the middle distillate refinery product category to the motor gasoline product category, improperly making such costs available for passthrough in sales of motor gasoline. The violation occurred in the post April 21, 1976 period when such reallocations were disallowed.

In accordance with 10 CFR 205.192(c), any person may obtain a copy of the Proposed Remedial Order, with confidential information, if any, deleted from the ERA.

By December 6, 1979, any aggrieved person may file a Notice of Objection in accordance with 10 CFR 205.193. Such Notice should be filed with:

Office of Hearings and Appeals, Department of Energy, Room 8014, 2000 M Street, N.W., Washington, D.C. 20461

Copies of the Proposed Remedial Order may be obtained by written request addressed to:

Milton Jordan, Director, Division of Freedom of Information and Privacy Act Activities, Forrestal Building, Room GB-145, 1000

Independence Avenue, S.W., Washington, D.C. 20583

Attention: George W. Yong, Jr.

Copies of the Proposed Remedial Order may be obtained in person from:

Office of Freedom of Information, Reading Room, Forrestal Building, Room GA-152, 1000 Independence Avenue, S.W., Washington, D.C. 20585

Issued in Washington, D.C., November 13, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79-35852 Filed 11-20-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Consent Order With Phillips Petroleum Co.

AGENCY: Department of Energy (DOE).

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment

SUMMARY: The Office of the Special Counsel for Compliance (OSC) hereby gives the notice required by 10 CFR 205.199] that it entered into a consent order with Phillips Petroleum Company on November 9, 1979. The consent order resolves all issues of compliance with the DOE Petroleum price and Allocation Regulation for the period March 6, 1973 through October 1979. To remedy any overcharges that may have occurred during the period, Phillips Petroleum agrees to \$200 million in remedies.

As required by the regulation cited above, OSC will receive comments on the consent order for a period of not less than 30 days following publication of this notice. OSC will consider any comments received before determining whether to make the consent order final. Although the consent order has been signed and accepted by the parties, the OSC may, after the expiration of the comment period, withdraw its acceptance of the consent order and attempt to obtain a modification of the consent order or issue the consent order as proposed.

COMMENTS: Comments must be received by 5:00 p.m. December 21, 1979 to be considered. Address comments to:

Phillips Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461

FOR FURTHER INFORMATION CONTACT:

Carl A. Corrallo, Solicitor to the Special Counsel for Compliance, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461, 202-633-8288

Copies of the consent order may be received free of charge by written request to:

Phillips Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue, N.W., Rm. 3109, Washington, D.C. 20461

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room GB-145.

SUPPLEMENTARY INFORMATION: Phillips Petroleum Company (Phillips) is one of the 34 major refiners presently subject to audit by the Special Counsel to determine compliance with the DOE petroleum Price and Allocation Regulations (Regulations). Phillips engages in the production, refining and marketing of crude oil and refined petroleum products. The audit included a review of Phillips' records relating to compliance with the Regulations during the period March 3, 1973 through October 31, 1979 (the audit period). During the audit, questions and issues were raised and enforcement documents were issued. This consent order resolves all issues not previously resolved concerning the allocation and sale of covered products during the audit period, whether or not raised in a previous enforcement action.

Conclusion of OSC Audit

The consent order addresses all aspects of compliance with applicable price and allocation regulations pertaining to the production, refining and marketing of crude oil, motor gasoline, residual fuel oil, No. 2 heating oil, No. 2 diesel fuel, natural gas liquids (NGL), natural gas liquid products (NGLP) and other refined petroleum products. OSC's audit examined all areas of compliance including but not limited to: the sales and certifications of crude oil, including property determinations; the calculations of monthly increased costs of product, including NGL's and NGLP's; nonproduct costs increases; the determination of, and prices charged to, different classes of purchaser; and the crude oil transfer pricing, entitlements and mandatory oil import regulations.

Neither OSC nor Phillips have retreated from the positions taken previously on the issues addressed by this consent order and each believes that its position on these issues is meritorious. The parties desire to resolve the issues raised without resort to complex, lengthy and expensive compliance actions. OSC believes that the terms and conditions of this consent order provide a satisfactory resolution of disputed issues and conclusion of the audit of Phillips and thus, that the

consent order is in the best interests of the United States.

Terms and Conditions of the Consent Order

Phillips has agreed to undertake certain actions totalling \$200 million which OSC believes constitutes a satisfactory resolution of its audit of Phillips. The \$200 million in remedies consists of three components: a "current payment component" of \$25 million; a "bank reduction component" of \$75 million; and an "investment component" of \$100 million. The details of these components are as follows:

1. The current payment component of \$25 million is composed of approximately \$3 million in refunds to nine purchasers of crude oil from Phillips, and a heating oil supply commitment valued at the balance, or approximately \$22 million. To increase the supply of fuel oil during the winter heating season, Phillips will buy additional imported crude oil and increase its refinery and sale of middle distillates (heating oil and diesel fuel) during the 1979-1980 winter heating season by a like amount. Phillips will absorb \$22 million in increased incremental costs of these purchases. Phillips will not raise its prices for middle distillate until this amount has been sold, except to recover its increased costs of crude oil and middle distillates *other* than costs incurred to fulfil its \$22 million obligation. In effect, Phillips will make more heating oil available at a price below that reflecting actual crude oil costs. Phillips will make every effort to buy the crude oil at the lowest possible price. If it cannot buy the entire amount of crude oil, it may buy finished middle distillate to meet up to \$7 million of the \$22 million requirement. If Phillips is unable to disburse the current payment component in the manner described, OSC may direct Phillips to reduce prices for gasoline or heating oil by three cents per gallon until the entire balance of the \$25 million is paid out.

2. To complete the bank reduction component of \$75 million, Phillips must reduce its unrecouped increased costs of gasoline by \$67,500,000, and its unrecouped increased costs of propane by \$7,500,000. These are costs previously incurred which Phillips was entitled to pass through in product prices. The effect of these reductions is to foreclose Phillips' opportunity to recover this amount in future price increases.

3. Under the investment component, Phillips will expend \$100 million over and above amounts planned or committed in the period October 1979 through December 1980. These

incremental expenditures may be made in one or more of the following projects:

(a) Domestic United States oil and gas exploratory drilling, developmental drilling, geological and geophysical activity, and enhanced recovery.

(b) Design, engineering, construction, and activation of an Atmospheric Residual Desulphurization ("ARDS") project at Phillips' refinery in Borger, Texas.

(c) Design, engineering, construction, and activation of heavy oil upgrading units at Phillips' refinery in Kansas City, Kansas.

Phillips has provided information to demonstrate its current exploration and production commitments. OSC will have continued access to information to ensure that the commitment of this additional \$100 million is implemented.

The consent order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the terms and conditions of the consent order. Upon becoming final after consideration of public comments, the order will be a final order of DOE to which Phillips has waived its right to an administrative or judicial appeal. The consent order does not constitute an admission by Phillips or a finding by OSC of a violation of any price and allocation statutes or regulations, and it does not impose a penalty on the company.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this consent order to the address noted above. All comments received by 5:00 p.m. on December 21, 1979 will be considered by OSC before determining whether to adopt the consent order as a final order. Modifications of the consent order which, in the opinion of OSC, significantly change the terms or impact of the consent order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., November 14, 1979.

Paul L. Bloom,
Special Counsel for Compliance.

[FR Doc. 79-35851 Filed 11-20-79; 8:45 am]

BILLING CODE 8450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180276B; FRL 1363-1]

Arizona Commission of Agriculture and Horticulture; Amendment to Specific Exemption to Use Permethrin to Control "Heliothis" Species on Lettuce

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of amendment to specific exemption.

SUMMARY: EPA has granted an amendment to the specific exemption issued to the Arizona Commission of Agriculture and Horticulture (hereafter referred to as the "Applicant") to use permethrin (Ambush and Pounce) to control *Heliothis* species on 40,000 acres of lettuce in Arizona. The amendment permits an additional five applications of permethrin. A maximum of 80,000 pounds of permethrin is authorized. The specific exemption expires on December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-124, Washington, D.C. 20460, telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: On Wednesday, April 11, 1979 (44 FR 21702), EPA published a notice in the Federal Register which announced the granting of a specific exemption to the Applicant to use permethrin on a total of 40,000 acres of lettuce to control *Heliothis* species. On Monday, October 22, 1979 [44 FR 60810], EPA revised that exemption to allow the use of fenvalerate if a sufficient quantity of permethrin was not available. Since then, the Applicant has requested permission to make an additional five applications of permethrin, making a total of ten applications.

After reviewing the application and other available information, EPA has determined that the additional applications should not result in residues of permethrin of more than ten parts per million in or on lettuce. This level has been judged adequate to protect the public health. EPA does not anticipate an undue hazard to man or the environment from the requested amendment. Accordingly, EPA has amended the specific exemption by a

revision of item 3 of the April 11, 1979 notice: A maximum of five applications of permethrin may be made per season at 5- to 7-day intervals with a 7-day pre-harvest interval. If a knowledgeable expert determines that additional applications are necessary to control heavy infestations, five additional applications may be made. The EPA will be notified of the circumstances which warranted the additional applications. This revision applies only to permethrin and is not applicable to the recently approved use of fenvalerate. This

revision is subject to the following restrictions:

1. Available data indicate that the 0.1 pound a.i. rate should provide as good a control as the 0.2 pound a.i. rate in most situations. Therefore, in most instances the 0.1 pound a.i. rate should be recommended;
2. Lettuce will be field-trimmed to remove wrapper leaves;
3. Permethrin or fenvalerate should not be applied any closer to fish-bearing waters than indicated in the chart below:

Application method and height	Aerial (10 feet)			Ground (2 feet)		
Application rate (lbs. a.i. fenvalerate).....	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet).....	1,847	2,779	3,950	369	556	790
Application rate (lbs. a.i. permethrin).....	.05	0.1	0.2	0.05	0.1	0.2
Freshwater (distance in feet).....	585	990	1,600	117	198	320

The Applicant is warned that applications closer than those allowed in the above chart may result in fish and/or other aquatic organism kills; and

4. All other terms and conditions of the specific exemption granted on March 1, 1979, still apply.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 [92 Stat. 819; 7 U.S.C. 136])

Dated: November 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-35871 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180391; FRL 1363-4]

California Department of Food and Agriculture; Crisis Exemption To Use Benomyl on Crucifer Seeds To Control Blackleg

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that on October 12, 1979 the California Department of Food and Agriculture (hereafter referred to as "California") availed itself of a crisis exemption to use oxamyl on up to 415,000 pounds of crucifer seeds (cabbage, cauliflower, broccoli, and brussels sprouts) to control blackleg (*Phoma lingam*). Since treatment was expected to exceed fifteen days, California requested a specific exemption for the continuation of this use of benomyl.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons

telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION:

According to California, *P. lingam* reduces germination in home gardens and commercial production for canning purposes. It can devastate a field by killing the plants or severely stunting their growth and yield. The organism is often present on crucifer seed or weed hosts of the brassica genus that are already at the planting site. Spores of *P. lingam* can remain viable on infected debris for up to four years and uninfected fields can be infected by the introduction of contaminated seed. California claimed that effective disease control requires treatment of seed stock used for seed production as well as the treatment of commercial seed lots.

According to California, 415,000 pounds of crucifer seed are shipped into California annually for packaging before being sold to dealers and growers worldwide. The seed is not treated in the places of origin because Benlate (benomyl) is not registered for this use except in Minnesota and Washington. Unless treated, the seed cannot be marketed for export to other States and

overseas, California reported, and as a result, the industry could lose \$17.4 million. California stated that the severity of the crisis made immediate treatment necessary so that there was no time to request a specific exemption.

California is using eight ounces of Benlate, EPA Reg. No. 352-354 (four ounces of the active ingredient benomyl), per one hundred pounds of seed as a slurry application in combination with Arasan or Captan. One application is made per seed lot by, or under the supervision of, an applicator State-certified for this category of pest control. All applicable directions and precautions on the label are to be followed. All applications are to be made in accordance with California closed mixing system regulations. Treated seeds must be dyed to indicate treatment and are to be used for planting only. California anticipated no environmental or toxicological problems from this use of benomyl and will monitor the program. California submitted a request for a specific exemption to continue this use of benomyl until July 1, 1980.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 [92 Stat. 819; 7 U.S.C. 136].)

Dated: November 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-35874 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180379A; FRL 1363-2]

California Department of Food and Agriculture; Issuance of Specific Exemption To Use Pydrin (Fenvalerate) To Control Pear Psylla on Pears

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "Applicant") to use Pydrin (fenvalerate) to control pear psylla on 37,000 acres of pears in California. The specific exemption expires on March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room: E-124, Washington, D.C.

20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting the EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION:

According to the Applicant, pear psylla is a very serious and difficult pest to control. The insect has three distinct developmental forms: the egg, the nymph, and the adult. In addition to a spring generation, there are three to five summer generations of this pest. Adults of the final summer generation are referred to as the over-wintering adults; they survive the winter in cracks and crevices of the bark and buds of pear and other trees. Although adults may be found on many different hosts, development of the immature insect occurs only on pears. Pear psylla causes serious damage, such as pear decline, decreased tree vitality, leaf blackening and leaf drop, tree death, fruit russetting, and reduced fruit size.

According to the Applicant, chemical control of pear psylla begins well before the growing season. In most orchards both a dormant and delayed-dormant (pre-bloom) spray of superior oil plus an insecticide(s) are applied to kill over-wintering adult psylla before they lay their eggs. Because there is little dispersal of pear psylla during the summer months, an effective dormant treatment is extremely important to reduce future summer populations. Treatment such as parathion and oil, ethion, diazinon, Guthion, and back-to-back oil treatments have been recommended for this use. According to the Applicant, the pear psylla has developed resistance to all of these materials and excessive applications of oil result in the russetting of fruit, making it unacceptable for the market. Data indicate that Pydrin offers excellent control of pear psylla. The Applicant indicates that the use of Pydrin is compatible with their current integrated pest management program (IPM) and that it should reduce the need for continuous applications of other materials next summer.

The Applicant initiated a crisis exemption for this use of fenvalerate on August 7, 1979, and so notified the Administrator. Notification of this crisis exemption was published in the *Federal Register* on Monday, October 22, 1979 [44 FR 60813].

The Applicant proposed to use Pydrin 2.4 E.C., manufactured by Shell Chemical Company, which contains fenvalerate (cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate). A maximum of two

applications will be made by air and ground at a rate of up to 0.4 pound active ingredient (a.i.) per acre. Pydrin will be applied during the post-harvest to pre-bloom stages of pear tree development. The Applicant anticipates losses valued at \$10 million if Pydrin is not used to control pear psylla.

EPA has determined that the proposed use of Pydrin should not result in residue levels of fenvalerate exceeding 0.01 part per million (ppm) in or on pears. Secondary residues in meat, fat, and meat byproducts should not exceed the established 0.02 ppm temporary tolerances provided cover crops grown in treated orchards are not fed to livestock. These residue levels have been deemed adequate to protect the public health. EPA has determined that the proposed use of Pydrin is not likely to jeopardize the continued existence of endangered species or adversely modify their critical habitats.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of pear psylla has occurred; (b) there is no effective pesticide presently registered and available for use to control the pear psylla in California; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until March 31, 1980, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin may be applied at a rate of up to 0.4 pound active ingredient per acre per application. If an unregistered label is used, it must contain the identical applicable precautions and restrictions which appear on the registered label;
2. A maximum of two applications may be made during the post-harvest to the pre-bloom stages of pear tree development;
3. Applications may be made with ground equipment or by aircraft;
4. Spray mixture volumes of 10 to 20 gallons will be applied by aircraft and spray mixture volumes of 50 to 400 gallons will be applied by ground equipment;
5. A maximum of 37,000 acres may be treated;
6. A maximum of 14,800 pounds a.i. may be applied;
7. All applications will be limited to commercial orchards;

8. All applications will be made by State-certified private or commercial applicators or persons under their direct supervision;

9. Precautions will be taken to avoid spray drift to nontarget areas;

10. Pydrin is extremely toxic to fish and aquatic invertebrates. Care must be used when applying it in areas adjacent to any body of water. It may not be applied when weather conditions favor runoff or drift. It must be kept out of lakes, streams, and ponds. Contamination of water caused by cleaning of equipment of disposal of wastes is to be avoided;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied, or allowed to drift, to weeds in bloom on which an economically significant number of bees are actively foraging. The State Cooperative Agricultural Extension Service will provide information on protection of bees;

12. Pears with residue levels of fenvalerate not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. The feeding or grazing of orchard cover crops is prohibited;

14. All applicable directions, restrictions, and precautions on the product label must be followed;

15. The Applicant is responsible for assuring that all of the provisions of the specific exemption are met and must submit a report summarizing the results of this program by July 1, 1980; and

16. The EPA shall be immediately informed of any adverse effects resulting from the use of Pydrin in connection with this exemption.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)).

Dated: November 9, 1979.

Edwin L. Johnson

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-35872 Filed 11-20-79; 8:45am]

BILLING CODE 5560-01-M

[OPP-180390; FRL 1363-6]

**Hawaii Department of Agriculture;
Crisis Exemption To Use Oxamyl on
Watermelons To Control Leaf Miners**

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notice of temporary crisis exemption.

SUMMARY: EPA gives notice that on September 11, 1979 the Hawaii Department of Agriculture (hereafter referred to as "Hawaii") availed itself of a crisis exemption to use oxamyl on approximately 190 acres of watermelons to control leaf miners. Since treatment was expected to exceed fifteen days, Hawaii submitted a request for a specific exemption for continuation of this use of oxamyl.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: Under a crisis exemption Hawaii initiated the use of Vydate L, which contains the active ingredient oxamyl, to control leaf miners (*Liriomyza* spp.) on watermelons at various growth stages, in Hawaii, Kauai, Maui Molokai, and Oahu Counties. According to Hawaii, unusually hot weather conditions favored the increase of leaf miner infestation to the level of total loss in some fields, and future plantings were in jeopardy. Hawaii reported that all registered insecticides have proven ineffective and estimated that losses could come to \$225,000, if the leaf miner is not controlled.

Hawaii is using 2-4 pints of Vydate L (EPA Reg. No. 352-372) applied in sufficient water to obtain uniform coverage of foliage at 5- to 7-day intervals. Applications are being made by State-certified applicators using ground equipment. A two-day pre-harvest interval is to be observed. A maximum of six applications per acre will be made per growing season. Hawaii is requiring that all precautions and directions on the label be followed to minimize risks to the environment.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: November 9, 1979.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-35875 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

[OPP-180333; FRL 1363-3]

**Montana Department of Livestock;
Issuance of Specific Exemption for
Use of Strychnine Baits for Control of
Rabid Skunks**

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of a specific exemption.

SUMMARY: EPA has granted a specific exemption to the Montana Department of Livestock (hereafter referred to as the "Applicant") to use strychnine-treated lard and eggs to reduce rabid skunk populations and thus reduce the probability of exposure of man and domestic animals to rabies in twenty-four counties of eastern Montana. The specific exemption expires on June 1, 1980, effective January 1, 1980, to revise

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-124, Washington, D.C. 20460, Telephone: 202/426-0223. It is suggested that interested persons telephone before visiting EPA Headquarters, so that the appropriate files may be made conveniently available for review purposes.

SUPPLEMENTARY INFORMATION: The section 18 regulations provide that the Administrator may grant an emergency exemption to a Federal or State agency when the following conditions exist:

(a) A pest outbreak has [occurred] or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without the use of the pesticide, and (c) the time available from discovery or prediction of the pest outbreak is insufficient for a pesticide to be registered for the particular use. 40 CFR 166.1.

The exemption is also subject to the provisions of 40 CFR Part 164, specifically, Subpart D, published in the *Federal Register* on March 18, 1975 (40 FR 12261). In cases such as the one presented by this Applicant, if the request is for the use of a pesticide which has been finally canceled or suspended, then the application constitutes a petition for reconsideration of such cancellation or suspension order. On March 9, 1972, Administrator Ruckelshaus canceled and suspended the registration of strychnine, sodium cyanide, and 1080 (sodium fluoroacetate) for predator control. However, the Administrator's order banned the use of these pesticides for predator control without distinguishing

between rabid and non-rabid predators, the former a human health problem and the latter an economic problem. Therefore, the exemption cannot be granted without the treatment of a prior public hearing, unless certain conditions are found to exist.

Subpart D of the section 3 regulations provides that in emergency circumstances the Administrator may rule on the application without convening a formal hearing and without making a finding as to the question of substantial new evidence when he determines:

(1) That the application presents a situation involving need to use the pesticide to prevent an unacceptable risk: (i) to human health, or (ii) to fish or wildlife populations when such use would not pose a human hazard; and (2) That there is no other feasible solution to such risk; and (3) That the time available to avert the risk to human health or fish and wildlife is insufficient to permit convening a hearing as required by section 164.131; and (4) That the public interest requires the granting of the requested use as soon as possible. 40 CFR 164.133.

It should be noted that a rebuttable presumption exists against registration of rodenticide products containing strychnine which are registered for outdoor, above-ground use (see *Federal Register* of December 1, 1976, p. 52810); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

Since 1973, the Applicant has found it necessary to employ annually strychnine baits in an effort to reduce the exposure of man and domestic animals to rabid skunks. The latest exemption issued to the Applicant for the above purpose expired on April 24, 1979. The Applicant has again found it necessary to apply for a specific exemption in 1979. The affected counties this year are: Big Horn, Blaine, Carter, Chouteau, Custer, Daniels, Dawson, Fallon, Fergus, Garfield, Hill, Judith Basin, Liberty, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Valley, Wibaux, and Yellowstone.

The program calls for the use of a maximum of 500 strychnine-treated baits to be placed within a five-mile radius of an area of human habitation where skunks are determined as the vector species in a positive rabies case. A maximum of two strychnine lard baits or two strychnine-treated eggs per setting may be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings. At the end of a 30-day treatment period, treated bait and/or eggs will be collected and destroyed. Strychnine-treated lard baits

or eggs will be placed only on those lands where premise entry agreements are signed by the landowner, lessee, or Administrator, and warning signs will be posted at entries to all premises and other visible positions near locations where treated baits or eggs have been placed.

In light of the above and pursuant to the controlling regulations, the Administrator, EPA, has determined that (a) a pest outbreak of rabid skunks has occurred or is likely to occur; (b) there is no pesticide presently registered for use in suppressing populations of rabid skunks in Montana; (c) the application presents a situation involving a need to use the pesticide as requested to prevent an unacceptable risk to human health; (d) the time available to avert the risk to human health is not sufficient to convene a hearing; and (e) the public interest requires the granting of the requested use as soon as possible. Accordingly, the Applicant was granted a specific exemption to use strychnine baits in twenty-four counties in eastern Montana until June 1, 1980. The specific exemption is also subject to the following conditions:

1. The areas to be treated are presently limited to a circle within a five-mile radius around a confirmed rabid skunk case found within a two-mile radius of areas of human habitation in the counties named above;

2. When the Applicant receives a report of a skunk, cat, or raccoon which is behaving abnormally and located within two miles of an area of human habitation, personnel may place a maximum of one hundred strychnine-treated baits within a five-mile radius of the area of human habitation, pursuant to taking specimens to determine whether rabid skunks are present in the area. If no rabid skunks are found, the unconsumed strychnine baits will be retrieved. If one or more rabid skunks are found, a maximum of four hundred additional baits may be placed in areas of skunk habitation within a five-mile radius around the location of the rabid skunk;

3. A report must be submitted at the termination of the program summarizing the location of each case occurrence;

4. Exposure of any bait station within a five-mile radius (to survey for presence of or suppress rabid skunk populations) may not exceed thirty days;

5. Each strychnine lard bait will contain approximately 0.012 gram of actual strychnine alkaloid. Each strychnine egg bait will contain approximately 0.035 gram of actual strychnine alkaloid;

6. The Applicant's personnel are responsible for preparing the strychnine baits, selecting bait stations, posting warning signs, securing premise entry agreements, checking bait stations periodically for kills, and retrieving all unconsumed baits at the termination of the control program;

7. A maximum of two strychnine lard or egg baits per setting will be placed in the following skunk habitats: skunk dens, holes, garbage dumps, road culverts, junk piles, and unoccupied buildings;

8. Strychnine-treated lard or egg baits will be placed only on those lands where premise entry agreements have been signed by the landowner, lessee, or Administrator;

9. Warning signs will be posted at entries to all premises and other visible positions near locations where treated baits have been placed;

10. Each bait station will be checked as often as possible for kills, but in any case, no less than once a week;

11. All retrieved or excess strychnine baits will be disposed of by burial at least 18 inches deep in an approved sanitary landfill. Containers to be destroyed will be handled in a similar manner;

12. Animals poisoned in the control program will be submitted for laboratory analysis for presence of rabies virus if possible. Otherwise, they will be buried on the premises to prevent possible secondary non-target species poisonings;

13. The EPA shall be immediately informed of any adverse effects to man or the environment resulting from this program;

14. The Applicant will be responsible for assuring that all provisions of this specific exemption are followed and must submit a final report on June 1, 1980; and

15. The Applicant must follow any more stringent requirements imposed by State law or regulation or applied by the State pesticide regulatory authority.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: November 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-35873 Filed 11-20-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1362-41]

Polychlorinated Biphenyls Approved PCB Disposal Facilities

On February 17, 1978, the U.S. Environmental Protection Agency published in the Federal Register the final rule for the "Disposal and Marking of Polychlorinated Biphenyls (PCBs)" (43 FR 7150). (This rule is required by Section 6(e)(1) of the Toxic Substances Control Act (Pub. L. 94-469, 15 U.S.C. 2605(e)). This rule was recodified on May 31, 1979 and made part of the final rule on PCB's covering the manufacturing, processing, distribution in commerce and use prohibitions. (See 44 FR 31514, May 31, 1979.)

Under this rule, disposal of many PCBs, as defined in the regulation, is prohibited subsequent to April 18, 1978, except at EPA approved facilities. All facility approvals will be granted in writing by the appropriate Regional Administrator in which the respective facility is located.

To date, the following facilities have been approved by EPA under the authority of §§ 761.40(d) and 761.41(c) of the PCB Disposal and Marking Regulations to dispose of PCBs:

EPA Region II (26 Federal Plaza, New York, New York 10007)

1. Facility: General Electric Co., Silicone Products Division

Facility Address: 26 Hudson River Road, Waterford, New York 12189

Facility Telephone Number: (518) 237-3330

Type of Facility Approved: Incinerator

Type of PCB Waste Handled: Approval allows G.E. to incinerate only those PCB wastes which are generated on-site i.e., G.E. cannot accept PCBs for incineration from any other company or any other G.E. facility.

Expiration Date of Approval: September 1, 1981

EPA Regional Office Contact: Wayne Pierre

EPA Telephone Number: (212) 264-0505

2. Facility: Newco Chemical Waste Systems, Inc.

Facility Address: 4526 Royal Avenue, Niagara Falls, New York 14303

Facility Telephone Number: (716) 285-6944

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums)

Expiration Date of Approval: August 18, 1981*

EPA Regional Office Contact: Wayne Pierre

EPA Telephone Number: (212) 264-0505

3. Facility: SCA Chemical Services, Inc.

Facility Address: 1550 Balmer Road, Model City, New York 14107

Facility Telephone Number: (716) 754-8231

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags, and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums)

Expiration Date of Approval: October 2, 1981*

EPA Regional Office Contact: Wayne Pierre
EPA Telephone Number: (212) 264-0505

EPA Region IV (345 Courtland Street NE., Atlanta, Georgia 30308)

1. *Facility:* Waste Management of Alabama, Inc.

Facility Address: P.O. Box 1200 Livingston, Alabama 35470

Facility Telephone Number: (205) 652-9529

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags, and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums), Liquid PCB's at a concentration of between 50 to 500 ppm

Expiration Date of Approval: Open-ended*

EPA Regional Office Contact: Mr. James Scarbrough

EPA Telephone Number: (404) 881-3016

EPA Region V (230 South Dearborn Street, Chicago, Illinois 60604)

1. *Facility:* Newco Chemical Waste Systems of Ohio, Inc.

Facility Address: 5092 Aber Road, Williamsburg, Ohio 45176

Facility Telephone Number: (513) 724-6114

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Property drained transformers, Contaminated soil, dirt, rags and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums), Liquid PCB's at a concentration of between 50 to 500 ppm

Expiration Date of Approval: Open-ended*
EPA Regional Office Contact: Karl Klepitsch
EPA Telephone Number: (312) 353-2197

EPA Region IX (215 Freemont Street, San Francisco, California 94105)

1. *Facility:* Casmalia Disposal

Facility Address: 539 Ysidro Road, P.O. Box 5275, Santa Barbara, California 93108; Main Office (site located near Casmalia in Santa Barbara County)

Facility Telephone Number: (805) 969-4703

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums)

Expiration Date of Approval: Open-ended*

EPA Regional Office Contact: Raymond Seid

EPA Telephone Number: (415) 556-3450

2. *Facility:* Nuclear Engineering Company, Inc.

Facility Address: 9200 Shelbyville Road, Suite 526, P.O. Box 7246, Louisville, Kentucky 40207—Main Office (site located near Beatty, Nevada in Nye County).

Facility Telephone Number: (502) 426-7160

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers Contaminated soil, dirt, rags and other debris, Dredge spoils, Municipal sludges, Properly drained containers (drums)

Expiration Date of Approval: Open-ended*

EPA Regional Office Contact: Raymond Seid

EPA Telephone Number: (415) 556-3450

EPA Region X (1200 Sixth Avenue, Seattle, Washington 98101)

1. *Facility:* Chem-Nuclear Systems, Inc.

Facility Address: P.O. Box 1269, Portland, Oregon 97205—Main Office (site located in Arlington, Oregon)

Facility Telephone Number: (503) 223-1912

Type of Facility Approved: Chemical Waste Landfill

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags, asphalt, and other debris, Properly drained containers (drums)

Expiration Date of Approval: January 1, 1980

EPA Regional Office Contact: Mr. Roger Fuentes

EPA Telephone Number: (206) 442-1260

2. *Facility:* Wes-Con, Inc.

Facility Address: P.O. Box 564, Twin Falls, Idaho 83301—Main Office (site located in Grand View, Idaho)

Facility Telephone Number: (208) 734-7711

Type of Facility Approved: Disposal in Missile Silos

Type of PCB Waste Handled: Capacitors (small and large), Properly drained transformers, Contaminated soil, dirt, rags, asphalt, and other debris, Properly drained containers (drums)

Expiration Date of Approval: January 1, 1980

EPA Regional Office Contact: Mr. Roger Fuentes

EPA Telephone Number: (206) 442-1260

*Note: After January 1, 1980, PCB large capacitors cannot be disposed of in chemical waste landfills.

Future notices, updating this list of approved facilities will be published in the **Federal Register**. For further information on the EPA approval of the disposal facilities, please get in touch with the appropriate EPA Regional Office contact.

Dated: November 7, 1979.

Steffen W. Plehn,

Deputy Assistant Administrator for Solid Waste.

[FR Doc. 79-35902 Filed 11-20-79; 8:45 am]

BILLING CODE 6550-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1199]

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

November 9, 1979.

Docket or RM No.	Rule No.	Subject	Date received
CC 78-10, RM-2688	61.72	Amendment of § 61.72 of the Commission's rules to modify the requirements for the posting of certain tariffs. (Filed by Victor J. Toth and Joseph M. Urban, Attorneys for The Society of Telecommunications Consultants).	Oct. 3, 1979.

Note.—Oppositions to petitions for reconsideration must be filed on or before December 6, 1979. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-35899 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

[CC Dockets Nos. 79-250 and 79-251; Files Nos. 21870-CD-P-(4)-75 and 20437-CD-P-15-75]

**South Central Bell Telephone Co.;
Memorandum Opinion and Order
Designating Applications for
Consolidated Hearing on Stated
Issues; Correction**

Released: November 15, 1979.

In the applications of South Central Bell Telephone Company, for construction permit for modification of DPLMRS station KKI454 at Houma, Louisiana, to replace equipment, add channels, and to furnish Improved Mobile Telephone Service, CC Docket No. 79-250, File No. 21870-CD-P-(4)-75; South Central Bell Telephone Company, for construction permit for modification of DPLMRS Station KKD292 at New Orleans, Louisiana, to add channels and to furnish Improved Mobile Telephone Service, CC Docket No. 79-251, File No. 20437-CD-P-(15)-75.

On October 22, 1979, the Commission released a *Memorandum Opinion and Order* (FCC 79-593, published in the *Federal Register* on October 24, 1979 (44 FR 61252), in the above-captioned proceeding. The file number in CC Docket No. 79-251 was erroneously listed as File No. 20437-CD-P-(13)-75. The application as originally filed proposed to construct 13 transmitters. The application was later amended to add two proposed transmitters. Accordingly, the application file number has been revised to reflect a total of 15 transmitters.

Federal Communications Commission.

William Tricarico,

Secretary.

[FR Doc. 79-35840 Filed 11-20-79; 8:45 am]

BILLING CODE 6712-01-M

**FEDERAL DEPOSIT INSURANCE
CORPORATION**

[30101]

**Privacy Act of 1974; Systems of
Records; Amendments**

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Changes to Systems of Records.

SUMMARY: The FDIC is making various technical and conforming amendments to its systems of records to reflect recent moves in some of its offices, the relocation of some of its systems and similar necessary changes. In addition, as a result of the recent reorganization involving the Civil Service Commission, the FDIC is proposing to alter a routine

use contained in its personnel-related systems of records to properly reflect disclosure formerly made to the Civil Service Commission.

ADDRESS: Comments may be mailed to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429 or hand delivered during work days to Room 6108, 550 17th Street, N.W., Washington, D.C. between 8:30 a.m. and 5:00 p.m. Comments received may also be inspected during work days in Room 6108 between 8:30 a.m. and 5:00 p.m.

EFFECTIVE DATE: Any interested party may submit written comments regarding the proposed changes. To be considered, comments should be received on or before December 21, 1979. The changes to the systems of records shall become effective as proposed without further notice on December 28, 1979 unless comments are received which warrant a contrary determination and a notice to that effect is published by the FDIC.

FOR FURTHER INFORMATION CONTACT: Douglas H. Jones, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. 202-389-4618.

SUPPLEMENTARY INFORMATION: Under the Privacy Act of 1974, the FDIC is required to publish notice of the existence and character of all systems of records it maintains. 5 U.S.C. 552a(e)(4), 88 Stat. 1896, 1899-1900. The FDIC last published the full text of its systems of records at 43 FR 37152 (August 21, 1978). Since that publication, one amendment has been made to its systems. 44 FR 11118 (February 27, 1979). A review of the FDIC's existing systems has indicated that certain corrections and changes are necessary. These are merely technical in nature and are not viewed as substantive.

Several FDIC offices have relocated; therefore, several changes are proposed in order to accurately reflect the current location of FDIC systems of records maintained in these offices. In addition, in order to be more responsive to consumer inquiries and certain personnel matters, the FDIC is proposing to locate certain of its existing systems in its Regional Offices. The three systems which would be affected by this change are the Consumer Complaint and Inquiry Records System (30-64-0005), the Employee Education System (30-64-0007), and the Travel Voucher System (30-64-0014).

In several instances, the FDIC is proposing to rewrite paragraphs contained in its systems. This is not intended to represent any material change in the systems; but rather, it is

intended to provide more clarity and specificity to the affected paragraphs.

The FDIC also is proposing to rescind its Graduate Fellowship Applications Systems (30-64-0010). The FDIC's Graduate Fellowship Program has been discontinued and all of the records in the system have been destroyed.

When the FDIC adopted its Medical Records and Emergency Contact Information System (30-64-0017) through an error one paragraph of the system was not included. The FDIC is proposing to amend that system by inserting the missing paragraph.

Finally, the FDIC has a routine use in each of its personnel-related systems providing for the disclosure to the Civil Service Commission of information necessary for the Commission to carry out its government-wide personnel management functions. As a result of the recent reorganization involving the Civil Service Commission, designated functions of the Commission were transferred to the Equal Employment Opportunity Commission, the Office of Personnel Management, the Office of Special Counsel, and the Federal Labor Relations Authority. Appellate and other adjudication functions and certain special studies functions remained with the Civil Service Commission which, by redesignation, became the Merit Systems Protection Board. Due to these changes, it is necessary for the FDIC to revise its routine uses to properly reflect disclosures in its personnel-related systems which were previously made to the Commission. The FDIC is neither proposing to increase nor to change the nature of its disclosures. This revised routine use is compatible with the purposes for which the FDIC's personnel-related systems are maintained. Although the FDIC does not view the proposed change to represent a new or different use, to ensure full compliance with the prior public notice requirements of subsection (e)(11) of the Privacy Act (5 U.S.C. 552a(e)(11)), the change will not become effective until the public has had at least 30 days in which to comment on the proposed change in the routine uses, as well as the other proposed changes to the systems of records. In order to be considered, any comments on the proposed changes should be received on or before December 21, 1979.

Unless comments are received which indicate the proposed changes should not be adopted and a notice to that effect is published by the FDIC, the changes to the FDIC's systems of records shall become effective without further notice on December 28, 1979.

The proposed changes to the FDIC's systems are as follows:

1. In "Attorney-Legal Intern Applicant System" (30-64-0001), the "routine uses" section is revised to read as follows:

30-64-0001

SYSTEM NAME:

Attorney—Legal Intern Applicant System—FDIC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of information may be made: (1) In requesting information of individuals for concerns whose names were supplied by the applicant as references and/or past or present employers; (2) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

2. In "Consumer Complaint and Inquiry Records" system (30-64-0005), "system location", "Categories of individuals covered by the system", "Categories of records in the system", and "System manager(s) and address" are revised to read as follows:

30-64-0005

SYSTEM NAME:

Consumer Complaint and Inquiry Records—FDIC.

SYSTEM LOCATION:

Office of Consumer Affairs and Civil Rights, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for complaints or inquiries originating within or involving a bank located in an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints or inquiries concerning activities and practices of FDIC insured banks.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the names of individuals and the nature of their complaints or inquiries. Contains correspondence and

records of other communications between the FDIC and the individuals filing complaints and/or making inquiries. May contain correspondence between the FDIC and the bank in question and/or Federal or State supervisory authorities. May contain copies of supporting documents supplied by a complainant and intra-agency memoranda.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Consumer Affairs and Civil Rights, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

3. In "Employee Education System" (30-64-0007), the "system location", "Routine uses" and "System manager(s) and address" are revised to read as follows:

30-64-0007

SYSTEM NAME:

Employee Education System—FDIC.

SYSTEM LOCATION:

Employee Development Branch, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: DISCLOSURE MAY BE MADE TO:

(1) to the United States Office of Personnel Management, the Merit System Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Management, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for

records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

4. In "Examiner Employment, Training, and Education Records" (30-64-0009), the "Routine uses" section is revised to read as follows:

30-64-0009

SYSTEM NAME:

Examiner Employment, Training, and Education Records—FDIC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES: DISCLOSURE MAY BE MADE TO:

(1) the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (2) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual; (3) to educational institutions for purposes of enrollment and verification of employee attendance and performance.

5. The "Graduate Fellowship Applications" system is deleted and system designation 30-64-0010 is [Reserved]

30-64-0010 [Reserved]

6. In "Legal Compliance and Enforcement Records" (30-64-0011), the "Categories of individuals covered by the system" is revised to read as follows:

30-64-0011

SYSTEM NAME:

Legal Compliance and Enforcement Records—FDIC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, trustees, officers or other persons participating in the conduct of the affairs of an FDIC insured bank which is not a member of the Federal Reserve System ("an FDIC insured nonmember bank") who have been the subject of an indictment, information or complaint for a felony involving

dishonesty or breach of trust. Directors, trustees, officers or other persons participating in the conduct of the affairs of an FDIC insured nonmember bank who are suspected of committing violations of law, rule or regulation, or of a final cease-and-desist order, or of committing acts, omissions or practices constituting a breach of fiduciary duty. Individuals who have sought FDIC consent to serve as an officer, director, trustee, or employee of an FDIC insured bank after having been convicted of a crime involving dishonesty or breach of trust.

7. In "Payroll and Employee Financial Records" (30-64-0012), the "System location", "Categories of records", "Routine uses", "System manager(s) and address", and "Record source categories" are revised to read as follows:

30-64-0012

SYSTEM NAME:

Payroll and Employee Financial Records—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees working out of regional offices. (See Appendix A for the location of FDIC Regional Offices.) Information pertaining to state or federal tax liens, bankruptcies, attachments, and wage garnishments also is maintained in the Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the following information on FDIC employees: mailing addresses and home addresses; rate and amount of pay; hours worked; leave accrued and leave balances; life insurance, health insurance and retirement deductions; tax exemptions; and payroll deduction authorizations (including, where applicable, state or federal tax liens, bankruptcies, attachments, and wage garnishments which have been legally executed by the appropriate taxing or judicial authority).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information developed from these records is routinely provided to State, City, and Federal income tax authorities, including, at the Federal level, the Internal Revenue Service and the Social

Security Administration, and, to other recipients, as authorized by the employee, including the United States Treasury Department, savings institutions, insurance carriers and charity funds; (2) records are periodically made available for inspection to auditors employed by the General Accounting Office; (3) relevant records in this system of records may be referred, as a routine use to the appropriate agency, whether Federal or State, charged with the responsibility of investigating or prosecuting any violation of law; rule or regulation; (4) in the event of litigation, relevant records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (5) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and Equal Employment Opportunity Commission, to the extent necessary in order for these agencies to carry out the government-wide personnel management; (6) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Officer of the Controller, FDIC, 550 17th Street, N.W., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.) General Counsel, Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429 for records maintained by the Legal Division.

RECORD SOURCE CATEGORIES:

The information is obtained from the employee on whom the record is maintained. Where an employee is subject to a tax lien, a bankruptcy, an attachment, or a wage garnishment, information also is obtained from the appropriate taxing or judicial entity.

8. In "Savings Bond Payroll Deduction Systems" (30-64-0013), the "System location" and "Routine uses" are revised to read as follows:

30-64-0013

SYSTEM NAME:

Savings Bond Payroll Deduction—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to: (1) the United States Treasury Department for the preparation of savings bonds; (2) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (3) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

9. In "Travel Voucher System" (30-64-0014), the "system location," "Routine uses" and "System manager(s)" are revised to read as follows:

30-64-0014

SYSTEM NAME:

Travel Voucher System—FDIC.

SYSTEM LOCATION:

Accounting and Budget Branch, FDIC, 1850 K Street, N.W., Washington, D.C. 20006 and the appropriate FDIC Regional Office for employees assigned to an FDIC region. (See Appendix A for the location of FDIC Regional Offices.)

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are periodically made available for inspection to auditors employed by the General Accounting Office; (2) in the event that information contained in this system of records indicates a violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a

routine use, to the appropriate agency, whether Federal, or State, charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (3) in the event of litigation, the records may be presented to the appropriate court, magistrate, or administrative tribunal as evidence or to counsel for the presentation of evidence and/or in the course of discovery; (4) Disclosure may be made to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions; (5) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Controller, Office of the Controller, FDIC, 550 17th Street NW., Washington, D.C. 20429. The appropriate FDIC Regional Director for records maintained in FDIC Regional Offices. (See Appendix A for the location of FDIC Regional Offices.)

10. In "Unofficial Personnel System" (30-64-0015), the "Categories of records" and "Routine uses" are revised to read as follows:

30-64-0015

SYSTEM NAME:

Unofficial Personnel System—FDIC.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of personnel-related records that are maintained in addition to those kept in the official personnel folder pursuant to the Federal Personnel Manual Suppl. 296-31, Table 8, Sec. 1. (The United States Office of Personnel Management has Privacy Act responsibility for those systems of records which are government-wide in nature and it requires agencies to maintain. Included among these is the Official Personnel Folder. While OPM has designated the FDIC as being responsible for disclosing to its current employees the contents of their Official Personnel Folder, notice of the existence and character of this system is published by the United States Office of Personnel Management as "General

Personnel Records", OPM/GOVT-1.) This system contains records of various types. They are: (1) records maintained in the Washington and regional offices which may contain information on individuals relating to: birthday; social security number; past and present salaries, grades, and position titles; home address and telephone number; emergency contacts, addresses and telephone numbers; employment history; original applications, résumé, and letters of reference; statement of bank loans and stock ownership; record of equipment and material issued to the individual; record of leave and time-and-attendance; written notes or memoranda on employee performance; counseling; examiner assignments and lists of banks examined; records relating to on-the-job training; and data documenting reasons for personnel actions, decisions, or recommendations made about an employee; (2) parking permit records containing information (name, address, and type of automobile) about FDIC employees who have applied for (or are members of the applicants' carpool) a parking permit in the FDIC's Washington office garage; (3) American Red Cross blood donor records containing information including donors name, social security number, date of birth, age, sex, home address and phone number, whether the donation was accepted, and whether the Red Cross would recruit the donor again for blood; (4) FDIC personnel awards including information supporting the employee's nomination for one of these awards; (5) dental insurance records including information on earnings, number and name of dependents, sex, birth date, home address, and social security number; and (6) employee locator records containing the employee's name, social security number, division or office assignment, office telephone number and office room number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

With regard to category (1) above, the records are primarily maintained to be used by the employee's supervisor for preparation of general personnel action; however, in the case of categories (1), (2), and (4) disclosures may be made, where relevant:

(a) to financial and credit institutions for loan and credit reference purposes (solely to verify the employee's employment with the FDIC, date of employment, and pay grade);

(b) [Reserved];

(c) to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Federal Labor Relations Authority, and the Equal Employment Opportunity Commission, to the extent disclosure is necessary in order for these agencies to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions;

(d) in the event of litigation, to the appropriate court, magistrate, or administrative tribunal as evidence, or to counsel for the presentation of evidence and/or in the course of discovery;

(e) to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of the individual;

(f) to State authorities regarding reasons for a former employee's separation from FDIC service, where the inquiry is made pursuant to the former employee's application for unemployment compensation;

(g) to Federal and State regulatory agencies, for reasons related to FDIC business, as to the temporary work location of FDIC bank examiners.

In the case of category (3) above, disclosure may be to the American Red Cross from the information contained in the blood donor records. Disclosure may be made, in the case of category (5) above, to the dental insurance carrier in support of a claim for dental insurance benefits. In category (6) above, except for the employee's Social Security Number, all information in the record is available to the public.

11. In "Medical Records and Emergency Contact Information System" (30-64-0017), the "Categories of individuals" is revised and "Categories of records" is added as follows:

30-64-0017

SYSTEM NAME:

Medical Records and Emergency Contact Information System—FDIC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All current and former FDIC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical record of the employee, including the date of any visit to the FDIC Health Unit, the diagnosis, and the treatment administered. Attached to this record is a separate sheet containing the name and telephone number of the

person to contact in the event of an emergency involving the employee.

12. In Appendix A to the system of records the address for the FDIC's Dallas Regional Office is changed to read as follows:

Appendix A—Federal Deposit Insurance Corporation regional offices

Dallas Regional Office, FDIC,
350 North St. Paul Street, Suite 2000
Dallas, Texas 75201

By order of the Board of Directors,
November 13, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 79-30064 Filed 11-20-79; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-610-DR]

American Samoa; Major Disaster and Related Determinations

AGENCY: Federal Emergency
Management Agency.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Territory of the American Samoa (FEMA-610-DR), dated November 9, 1979, and related determinations.

DATED: November 9, 1979.

FOR FURTHER INFORMATION CONTACT: Sewall H. E. Johnson, Disaster Response and Recovery, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634-7825.

NOTICE: Pursuant to the authority vested in the Director of the Federal Emergency Management Agency by the President under Executive Order 12148 effective July 15, 1979, and delegated to me by the Director under Federal Emergency Management Agency Delegation of Authority, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that, in a letter of November 9, 1979, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the territory of the American Samoa resulting from flooding, mudslides and landslides beginning on October 28, 1979, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Territory of American Samoa.

Notice is hereby given that pursuant to the authority vested in the Director of Federal Emergency Management Agency under Executive Order 12148, and delegated to me by the Director Under Federal Emergency Management Agency Delegation of Authority, I hereby appoint Mr. Tommie C. Hamner of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Territory of American Samoa to have been affected adversely by this declared major disaster.

The following for Public Assistance and emergency assistance for subsistence agriculture on a communal basis:

Island of Tutuila

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

William H. Wilcox,

Acting Director, Disaster Response and Recovery, Federal Emergency Management Agency.

[FR Doc. 79-35931 Filed 11-20-79; 8:45 am]

BILLING CODE 6718-02-M

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 104; Case No. 79-928-EL-AEM]

Dayton Power & Light Co., the Public Utility Commission of Ohio; Proposed Intervention in Electric Rate Increase Proceeding

The General Services Administration seeks to intervene in a proceeding before the Public Utility Commission of Ohio concerning the application of the Dayton Power and Light Company for an increase in its electric rates. GSA represents the interest of the executive agencies of the U.S. Government as users of utility services.

Persons desiring to make inquiries to GSA concerning this case should submit them in writing to Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, N.W., Washington, DC (mailing address: General Services Administration (LT), Washington, DC 20405), telephone 202-566-0750, on or before December 30, 1979, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

[Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4)]

Dated: November 13, 1979.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 79-35825 Filed 11-20-79; 8:45 am]

BILLING CODE 6820-AM-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: Patuxent Wildlife Research Center, U.S. Fish and Wildlife Service, Laurel, Maryland 20811.

The applicant requests a permit to export blood and feather pulp samples from *Grus americana* and *Grus canadensis pulla* to the University of Calgary, Calgary, Canada for scientific purposes.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4818. Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: November 13, 1979.

Larry LaRochelle,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-35827 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

Outer Continental Shelf Western and Central Gulf of Mexico Oil and Gas Lease Sale No. 58A; Change in Location for Submission and Opening of Bids; Deletion of Tract

I. Bidders on tracts offered in Lease Sale 58A are advised that, due to circumstances beyond the control of the Department of the Interior, the location for the submission and opening of bids has been changed from the Grand Hotel, 1500 Canal Street, New Orleans, Louisiana, to the Louisiana Superdome, Gate "C", Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street, New Orleans, Louisiana. All other dates, times, terms and conditions of the sale announced in the Federal Register on October 28, 1979, 44 FR 61804, are unaffected by this change in location.

Bidders submitting bids on the day of the sale should deliver their bids to the Superdome location between the hours of 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t.; however, an Interior official will also be present on that day at the front entrance of the Grand Hotel to receive bids between the hours of 8:30 a.m., c.s.t. and 9:30 a.m., c.s.t. Any bids submitted at the Grand Hotel will be transported to the Superdome and opened at that location.

II. Bidders are also advised that tract No. 58A-128 has been deleted from oil and gas lease sale 58A because the Notice of Sale contained an error in the description of the dimensions of the tract.

Dated: November 16, 1979.

Ed Hastey,
Associate Director, Bureau of Land
Management.

Approved.

Heather L. Ross,
Deputy Assistant Secretary of the Interior.

[FR Doc. 79-35972 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, December 15, 1979, at 1:00 p.m. in the Conference Room at C&O Canal National Historical Park Maintenance Area, Hancock, Maryland.

The Commission was established by Pub. L. 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mr. Donald R. Frush, Chairman, Hagerstown, Maryland
Mrs. Bonnie Troxell, Cumberland, Maryland
Miss Nancy Long, Glen Echo, Maryland
Mrs. Constance Morella, Bethesda, Maryland
Mr. Kenneth S. Rollins, Brookmont, Maryland
Mrs. Constance Lieder, Baltimore, Maryland
Mr. Edwin F. Wesely, Jr., Brookmont, Maryland
Mr. John D. Millar, Cumberland, Maryland
Mr. James B. Coulter, Annapolis, Maryland
Mrs. Dorothy Grotos, Arlington, Virginia
Mrs. Minny Pohlmann, Dickerson, Maryland
Mrs. Margaret Dietz, Lovettsville, Virginia
Mr. William H. Ansel, Jr., Romney, West Virginia
Dr. James H. Gilford, Frederick, Maryland
Mr. Donald H. Shannon, Washington, D.C.
Mr. Silas F. Starry, Shepherdstown, West Virginia

Mr. Rockwood H. Foster, Washington, D.C.
Mr. R. Lee Downey, Williamsport, Maryland
Mr. John C. Frye, Gapland, Maryland

Matters to be discussed at this meeting include:

1. Development Concept Plan, North Branch/Cumberland
2. Rock Run Sewer Treatment Proposal
3. Great Falls Development Concept Plan
4. Interpretive Prospectus, Seneca to Cumberland
5. Georgetown Park Complex Access
6. Surface Treatment of the Towpath
7. Towpath Continuity at Catocin Creek
8. Boteler Cement Mill
9. Potomac River Legislation (H.R. 5118)
10. Report on COE water supply plan for Washington-Metro Area

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact William R. Failor, Superintendent, C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782, telephone 301-948-5641 or 301-432-2231.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: November 8, 1979.

Manus J. Fish, Jr.,
Regional Director, National Capital Region.

[FR Doc. 79-35862 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-70-M

Glen Canyon National Recreation Area; General Management Plan

The approved final environmental impact statement on the proposed general management plan, wilderness recommendation, and road study alternatives for Glen Canyon National Recreation Area will serve as the general management plan for that unit of the National Park Service. Therefore, as of November 21, 1979, the general management plan is approved.

The document identifies the plan for the management and use of the area, land use zones, and the activities considered compatible with each of the boundary adjustments and land exchanges felt desirable, a utility corridor, major road alternatives, and proposed wilderness. In addition it identifies five major visitor use areas and, in general, the facilities to be contained therein, three minor visitor use areas, and two areas for future development, when and if required. The document also contains a description of the physical and socioeconomic

environment of the area, the physical and cultural resources therein, and the present use being made thereof.

Any inquiries concerning the document or its contents should be addressed to: Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040.

Dated: November 6, 1979.

James B. Thompson,
Acting Regional Director, Rocky Mountain Region.

[FR Doc. 79-35861 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

Performance Review Board Members

AGENCY: International Communication Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the International Communication Agency (USICA) Performance Review Board (PRB).

DATE: November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. John P. Clyne, Deputy Director, Office of Personnel Services, International Communication Agency, 1776 Pennsylvania Avenue, N.W., Washington, D.C. 20547, (202-724-9632).

SUPPLEMENTARY INFORMATION: In accordance with Section 4314(c) (1) through (5) of the Civil Service Reform Act of 1978 (Public Law 95-454), the Director of the International Communication Agency (USICA) has appointed the following persons to the USICA Performance Review Board:

James D. Isbister, Associate Director for Management (Chairperson)
John P. Clyne, Deputy Director, Office of Personnel Services, Associate Directorate for Management (Executive Secretary)
Julia Chang Bloch, Deputy Director, Office of African Affairs
Alan Carter, Director, Office of East Asian and Pacific Affairs
John H. Deviney, Manager, Office of Program Development and Coordination, Television and Film Service, Associate Directorate for Programs
Angie Garcia, Director, Office of Personnel Services, Associate Directorate for Management
Claude B. Groce, Deputy Director, Office of Programs, Associate Directorate for Broadcasting
Alan L. Heil, Jr., Chief, News and Current Affairs, Associate Directorate for Broadcasting
John K. Jacobs, Director, Exhibits Service, Associate Directorate for Programs
Mildred K. Marcy, Senior Advisor, Associate Directorate for Educational and Cultural Affairs

Stanley Alan Nicholson, Director, Office of Academic Programs, Associate Directorate for Educational and Cultural Affairs
 Stanley M. Silverman, Director, Office of Comptroller Services, Associate Directorate for Management
 Gordon Winkler, Deputy Associate Director, Associate Directorate for Programs

Members will serve until they are reassigned, depart from Agency employment or membership is terminated by the Director, USICA. The PRB will consist of fourteen people: a Chairperson, six members, six alternates, and an Executive Secretary. An additional person will be appointed in the future. The PRB will be responsible for making recommendations to the Director relating to performance appraisal, awards and ranks, compensation, and adverse actions with respect to USICA Members of the Senior Executive Service.

John E. Reinhardt,
 Director, International Communication Agency.

[FR Doc. 79-35804 Filed 11-20-79; 8:45 am]

BILLING CODE 5230-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-74]

Certain Rotatable Photograph and Card Display Units, and Components Thereof; Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 15, 1979, and amended on November 5, 1979, under section 337 of the tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Roto-Photo Co., Inc., 5620 North Western Avenue, Chicago, Illinois 60659, and Aaron H. Schneider, 9211 Drake Avenue, Skokie, Illinois 60076, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of certain rotatable display units, or in their sale, by reason of the alleged unfair acts, specified in the complaint, as follows: (1) Infringement by such rotatable display devices of (a) the claim of U.S. Letters Patent 3,218,743, (b) the claim of U.S. Letters Patent 3,791,059, (c) U.S. Trademark Registration No. 838,394, and (d) the common law trademark on ROTO-PHOTO; and (2) restraint of and the tendency to monopolize commerce of rotatable display units.

The complaint, as amended (complaint), alleges that the effect or tendency of the unfair methods of competition and unfair acts is to

substantially injure an industry, efficiently and economically operated, in the United States.

Complainants request that after a full investigation has been conducted, exclusion of the imports in question, or other relief as authorized, be ordered by the Commission.

Having considered the complaint, the Commission on November 8, 1979, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of subsection (a) of this section in the unlawful importation of certain rotatable display devices, or components thereof, into the United States, or in their sale, by reason of the alleged infringement by such rotatable display devices of—

(a) The claim of U.S. Letters Patent 3,218,743,

(b) The claim of U.S. Letters Patent 3,791,059,

(c) U.S. Trademark Registration No. 838,394, and

(d) The common law trademark ROTO-PHOTO, the effect or tendency of which is to substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are—

Roto-Photo Co., Inc., 5620 North Western Avenue, Chicago, Illinois 60659.

Aaron H. Schneider, 9211 Drake Avenue, Skokie, Illinois 60076.

(b) The respondents are the following parties upon whom the complaint is to be served:

Crown Craft Products, Inc., 251 West 19th Street, New York, New York 10011.

Dan Dee Imports, 108 Harbor Drive, Jersey City, New Jersey 07305.

American Consumer Inc., Caroline Road, Philadelphia, Pennsylvania 19176.

Ben Franklin Stores, P.O. Box 5938, Chicago, Illinois 60680.

Etna Products Co., 53 West 23rd Street, New York, New York 10010.

American Home Toy Parties, Inc., 20 Craig Road, Acton, Massachusetts 01720.

Chadwick-Miller, Inc., 300 Turnpike Street, Canton, Massachusetts 02021.

Regent Export Co., Ltd., TST P.O. Box 98067, 704 Kowloon Centre, 29-39 Ashley Road, Tsimshatsui, Kowloon, Hong Kong.

(c) Charles F. Schill, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, is hereby named Commission investigative

attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 C.F.R. 210.21). Pursuant to section 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extension of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for the confidential information contained therein, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York City Office, 6 World Trade Center, New York, New York 10048.

By order of the Commission.

Issued: November 13, 1979.

Kenneth R. Mason,
 Secretary.

[FR Doc. 79-35963 Filed 11-20-79; 8:45 am]

BILLING CODE 7020-02-M

[AA 1921-206, AA 1921-207, AA 1921-208 and AA 1921-209]

Titanium Dioxide From Belgium, France, the United Kingdom and the Federal Republic of Germany; Determination of No Injury Determination

On the basis of information developed during the course of investigations Nos. AA 1921-206, AA 1921-207, AA 1921-208, and AA 1921-209, the Commission (Chairman Parker dissenting) determines that an industry in the United States is not being injured, is not

likely to be injured, and is not prevented from being established, by reason of the importation of titanium dioxide from Belgium, France, the United Kingdom or the Federal Republic of Germany, provided for in item 473.70 of the Tariff Schedules of the United States, which the Department of the Treasury has determined is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

Procedural Background

On August 7, 1979, the United States International Trade Commission received advice from the Department of the Treasury that titanium dioxide from Belgium, France, the United Kingdom and the Federal Republic of Germany, with the exception of that sold by Bayer AG, of the Federal Republic of Germany and ceramic grades sold by LaPorte Industries of the United Kingdom, is being, or is likely to be, sold in the United States at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on August 23, 1979, the Commission voted to institute investigations Nos. AA1921-206 (titanium dioxide from Belgium), AA1921-207 (titanium dioxide from France), AA1921-208 (titanium dioxide from the United Kingdom) and AA1921-209 (titanium dioxide from the Federal Republic of Germany) under section 201(a) of said act, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

In connection with the investigations, a public hearing was held in Washington, D.C., on September 27 and September 28, 1979. Notice of the institution of the investigations and the public hearing was given by posting copies of the notice at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the *Federal Register* of August 29, 1979 (44 FR 50663).

The Treasury Department instituted its investigations after receiving a complaint filed on September 18, 1978, from counsel acting on behalf of SCM Corp., N.Y., N.Y. Treasury's notices of withholding of appraisal and determinations of sales at less than fair value were published in the *Federal Register* of August 10, 1979 (44 FR 47196-47204).

In arriving at its determinations, the Commission gave due consideration to all written submissions from interested

parties and information adduced at the hearing as well as information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

Statement of Reasons of Vice Chairman Bill Alberger and Commissioners George M. Moore, Catherine Bedell, and Paula Stern

We determine that an industry in the United States is not being and is not likely to be injured, and is not prevented from being established, by reason of the importation of titanium dioxide from Belgium, France, the United Kingdom, and the Federal Republic of Germany (West Germany) into the United States which the Secretary of the Treasury (Treasury) has determined is being, or is likely to be, sold at less than fair value (LTFV).¹

The Imported Article and the Domestic Industry

Titanium dioxide is a white, solid, metallic oxide which is the whitest, most inert, and most opaque of all commercial pigments. It is used to whiten, brighten, and opacify paints, paper, plastics, inks, synthetic fibers, and rubber compounds. Six firms using ten plants currently produce titanium dioxide in the United States: E. I. du Pont de Nemours & Co., Inc. (Du Pont), SCM Corp. (SCM), Kerr-McGee Corp., American Cyanamid Co., Gulf & Western, and N.L. Industries (N.L.).

Treasury's investigation of imports of titanium dioxide covered the six-month period from May 1 to October 31, 1978. Treasury examined virtually all of the transactions involving titanium dioxide exports to the United States from Belgium and France, 95 percent of the value of exports entering the United States from the United Kingdom, and 65 percent of the subject exports from West Germany during the period.² It found weighted average LTFV margins which ranged from 0.3 percent to 32.4 percent of the fair market value of the

¹ No one alleged, and there is no information supporting a finding, that an industry is prevented from being established by reason of imports of such merchandise. Therefore, the issue of "prevention of establishment" will not be further discussed.

Our determination is the same whether the subject imports from the respective countries are considered separately or are cumulated. We have therefore made a negative determination.

² Treasury's LTFV determination excluded exports sold by Bayer AG of West Germany and ceramic grades of titanium dioxide sold by Laporte Industries of the United Kingdom. Treasury defined ceramic grades of titanium dioxide as being titanium dioxide pigments, provided for in item 473.70 of the Tariff Schedules of the United States, having an average minimum particle size exceeding eight microns in diameter.

merchandise, with most margins in the lower end of the range.³

No Injury or Likelihood of Injury by Reason of LTFV Sales

In making our determination in these investigations, we looked for price suppression, loss of customers by U.S. producers to foreign manufacturers selling at less than fair value, and increased penetration of the relevant U.S. market by imports. In addition, we also examined domestic production, inventories, capacity utilization, employment levels, profitability, and expansion plans. In order to understand these indicators, we first examined the conditions of competition in this industry in the United States.

The Conditions of Domestic Competition

About 85 percent of the titanium dioxide consumed in the United States is presently produced in domestic facilities. Careful analysis of weighted average selling prices of Du Pont, SCM, and N.L. on a monthly basis from January 1976 through July 1979 shows that each of these firms initiated both price increases and decreases during the period. However, no price change held unless Du Pont initiated it or soon followed the lead of the others. Du Pont, with a market share of a third to a half, is simply too significant a factor for other producers to be able to ignore its actions. Du Pont has a substantially larger productive capacity than Belgium, France, the United Kingdom, and West Germany individually and can almost equal their total annual output.

In addition to its dominant market position, Du Pont stands out in other ways. It has consistently been the industry innovator, pioneering the modern chloride process and subsequent improvements on it. This process uses cheaper ore, achieves greater efficiency, and produces far less pollutant than the older sulfate process that it has replaced in all plants built since 1959. As environmental regulations have raised the cost of disposal of pollutants and useless byproducts produced in the sulfate process, the comparative advantage of the chloride process has grown even greater. Du Pont has licensed its chloride process using high-grade feedstock to other firms. However, it has reserved for itself the low-grade chloride process that allows the use of low-cost ilmenite as a feedstock. This has resulted in each Du Pont's four plants, regardless of size, having mill costs

³ See table 8 on p. A-21 of the accompanying report.

below those of any of the six plants of its domestic competitors.

The changing role of N.L. constitutes another factor crucial to an understanding of the domestic industry. Having experienced labor and environmental problems intermittently during the last five years, N.L. closed a major plant in 1978 and temporarily increased its reliance on imports from the subject foreign producers to supply a third to a half of its domestic sales of titanium dioxide during 1977. In 1976, 1978, and 1979, 20 to 30 percent of its sales were from foreign sources covered by this navigation. Since becoming a significant importer, N.L.'s total of imports plus domestic production has not exceeded its peak domestic production recorded in 1974 before it began to import foreign-produced titanium dioxide. Because of N.L.'s peculiar situation as both producer and importer, its total reliance on the sulfate process in domestic operations, and its significant labor and environmental difficulties, the inclusion of N.L. in the domestic industry's aggregate data often obscured rather than illuminated the implications of the data.

Economic Indicators

We could find no persuasive case for injury, or likelihood thereof, to the domestic industry by reason of LTFV sales. We believe that any injury which may exist is not related to LTFV imports from the four countries in question.

The product is sold in two major grades, anatase and rutile, and in two forms, dry and slurried. Quality variations are possible. There are hundreds of customers and perhaps thousands of sales per year. The Commission received complete data from two of the six domestic producers; the remaining firms submitted incomplete but usable data.

The information before us does not provide evidence of price suppression or price depression by imports from any of the four countries. In comparing U.S. producers' and importers' weighted average selling prices for rutile titanium dioxide in dry form shipped to paint manufacturers (which cover about 50 percent of titanium dioxide shipments) for the period January 1976-July 1979, we found that U.S. producers' prices did not significantly differ from importers' prices. U.S. producers' prices never exceeded importers' prices by more than 3.8 cents per pound (about 8 percent in July 1978) during the period, and importers' prices never exceeded U.S. producers' prices by more than 1.6 cents per pound (about 3 percent in November 1978). On the whole, price spreads remained fairly constant during the

period, narrowing slightly after mid-1978. Importers alleged that some of this price advantage was necessary to compensate for their inability to provide services to the extent furnished by domestic producers.

Further, domestic producers' weighted average selling prices appear to have increased at a slower rate than those of importers. Between January 1978 and January 1979, producers' weighted average selling prices increased by about 8 percent. Importers' weighted average selling prices increased by slightly more than 10 percent in the same period.

There appears to be some indication of lost sales by domestic manufacturers to the subject LTFV imports. Of the hundreds of end users of titanium dioxide in the United States, 43 were sent producers' questionnaires; nearly half responded. In general, there seemed to be some decline in purchases of the domestic product and some increase in purchases of imports. A telephone survey of 50 other end users yielded 14 confirmed instances of lost sales. In some cases, quality and availability rather than price were given as the reasons for choosing imports. In a market where there may be thousands of sales, we found it difficult to determine that the small number and volume of lost sales were significant. For example, it is uncertain how many lost sales may have been due to imports by N.L. which replaced its diminished domestic production rather than displacing titanium dioxide from the other five firms.

The market penetration by subject LTFV imports was stable during 1976-78. Starting in 1974 at a level of 2.4 percent of consumption, it increased to 10.3 percent in 1977 and 10.4 percent in 1978. Thus, in the year which included Treasury's six-month evaluation period, import penetration increased by an insignificant 0.1 percentage point. The penetration for the first six months of 1979 was lower than that for the corresponding period of 1978. The first year covered by this investigation, 1974, is not a good base year for judging the industry. The years 1973-75 showed historically low levels of penetration of the domestic market by all imports. This was in part due to worldwide excess demand which forced prices up in Europe while they remained under government control in the United States during 1973 and early 1974. By the end of 1978, imports had regained the stable level of penetration characteristic of the 1960's. Import penetration in this industry does not appear to be at unprecedented levels.

Domestic production in 1978 was up from the 1977 level, equal to the 1976 level, and about 15 percent higher than the 1975 level. Data for the first seven months of 1979 indicate that 1979 production will probably exceed the 1978 level.

U.S. exports experienced a decline of 50 percent in 1975 from a 1974 level of over 30,000 short tons. They then grew irregularly to a record level of almost 38,000 short tons in 1978. Figures for the first half of 1979 are nearly triple those for the corresponding period of 1978. Principal export markets included France and Belgium.

Only partial inventory information was received by the Commission. For the four firms reporting, inventories increased from 1974 through 1976 and then steadily declined through the first half of 1979. Inventories in January-July 1979 were at their lowest levels since 1974.

Overall capacity utilization fell from 64 percent in 1974 to 50 percent in 1975 before recovering dramatically to about 80 percent in 1978, a level which held through the first half of 1979. Excluding data for N.L., which had many unusual labor and environmental problems unrelated to LTFV imports, the industry average, with the exception of 1975, hovered at about 90 percent for the entire period under consideration.

Employment fell 24 percent from 1974 to 1978 for the five firms reporting employment data for the full period. N.L., which closed a plant in 1978, was responsible for the decline. Employment apparently increased steadily over the five-year period for all other firms. The petitioner, SCM, showed one of the most marked rises in the average number of production and related workers engaged in the production of titanium dioxide during this period.

In the aggregate, reported net profit on domestic titanium dioxide operations fell from \$39 million (11.8 percent of net sales) in 1974 to \$13 million (3.8 percent) in 1975, rose to \$44 million (9.9 percent) in 1976, and fell to \$334,000 in 1978 (0.1 percent). A sharp improvement was recorded in the first half of 1979. The ratio of net profit to net sales for the other reporting firms was significantly better in each year, but followed the same pattern as when N.L. data were included.⁴ The individual experiences of the four reporting firms varied considerably. One producer reported a very high profit ratio in all five years. Another producer reported high profits in three years but lower profits in 1975 and 1978. Yet a third producer showed

⁴A more detailed discussion would disclose confidential data.

losses in three of five years, and the remaining one reported consistent losses after 1974. The effect of the technically superior chloride process on financial performance has been significant. Firms utilizing it exclusively showed consistently higher profit ratios than the others. For the five reporting firms, there was a direct relation between the profit ratios and the percentages of total capacity using the chloride process.

Domestic production capacity was essentially constant for all domestic producers except N.L. Du Pont is proceeding with plans to open a new facility at DeLisle, Mississippi, in 1981. When complete, it will raise domestic capacity by more than 10 percent. There has been no indication of either significant expansion plans or unusual capacity by the foreign producers covered in this investigation.

Conclusion

We have found that the economic indicators do not demonstrate that the domestic industry is being or is likely to be injured by reason of the LTFV sales. The information before us on pricing, import penetration, and lost sales does not connect the subject LTFV imports to any of the problems that may have confronted the domestic industry during the period of this investigation. The implications of the introduction of the chloride process and of Du Pont's position of technological superiority and market dominance suggest that the problems reflected in the profit ratios of some domestic producers are the result of the conditions of domestic competition.

An examination of the subject imports on a country-by-country basis has not been necessary because, even when examined collectively, they did not satisfy the statutory requirements necessary for an affirmative determination.

By order of the Commission.

Issued: November 7, 1979.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-35964 Filed 11-20-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

"United States v. Velsicol Chemical Corp." Consent Decree in Action To Enforce Compliance With Terms of NPDES Permit

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States v. Velsicol Chemical Corporation* has been lodged

with the United States District Court for the Western District of Tennessee. The decree imposes on defendant certain requirements and compliance dates with respect to the operation of its Memphis manufacturing facility.

The Department of Justice will receive until December 21, 1979, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice Washington, D.C. 20530 and should refer to *United States v. Velsicol Chemical Corporation*, D.J. Ref. 1-72-29.

The consent decree may be examined at the office of the United States Attorney, Western District of Tennessee, 1058 Federal Office Building, 167 North Main Street, Memphis Tennessee 38103, at the Region IV office of the Environmental Protection Agency, 345 Courtland Street N.E., Atlanta, Georgia 30308, and the Pollution Control Section Land and Natural Resources Division of the Department of Justice, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

James W. Moorman,
Assistant Attorney General, Land and
Natural Resources Division.

[FR Doc. 79-35912 Filed 11-20-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-95]

Performance Review Board, Senior Executive Service

NASA Notice 79-73 (44 FR 52053, September 6, 1979), Performance Review Board, Senior Executive Service, listed Richard G. Smith (Term expires July 1982) as a member of the Board.

Mr. Smith will not be able to participate as a member and has been replaced by Philip E. Culbertson (Term expires July 1982).

Robert A. Frosch,
Administrator.

November 8, 1979.

[FR Doc. 79-35824 Filed 11-20-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Research, Development and Dissemination Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Research, Development & Dissemination Subcommittee of the Advisory Committee for Science Education.
Date and time: December 8, 1979—9 a.m. to 3 p.m.

Place: National Science Foundation—Room W-651, 5225 Wisconsin Avenue, N.W., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Alphonse Buccino, Director, Office of Program Integration, Room W-660, National Science Foundation, Washington, D.C. 20550 (202) 282-7947.

Purpose of subcommittee: To provide advice and recommendations concerning Science Education programs for research, development and dissemination.

Agenda: The review and compare of declined proposals (and supporting documentation) with successful awards under the research and development programs in Science Education, including review of peer review materials and other privileged material.

Reason for closing: The meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This meeting will also include a review of peer review documentation pertaining to applicants. Any non-exempt material that may be discussed at this meeting (proposals that have been awarded) will be inextricably intertwined with the discussion of exempt material and no further separation is practical. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b), the Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
November 16, 1979.

[FR Doc. 79-35958 Filed 11-20-79; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed

meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or canceled since the last list of proposed meetings published October 18, 1979 (44 FR 60178). Those meetings which are definitely scheduled to have had, or will have, an individual notice published in the *Federal Register* approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, canceled, or rescheduled, or whether changes have been made in the agenda for the December 1979 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 and 5:00 p.m., EST.

Subcommittee and Working Group Meetings

**Advanced Reactors*, November 29-30, 1979, Albuquerque, NM. The Subcommittee will discuss the NRC-sponsored research at Sandia and LASL on the safety of advanced reactors. Notice of this meeting was published November 14, 1979.

**Reactor Operations*, December 3, 1979, Washington, D.C. The Subcommittee will review the status of various generic items contained in the Committee's March 21, 1979 report, "Status of Generic Items Relating to Light-Water Reactors: Report No. 7." Notice of this meeting was published November 16, 1979.

**Three Mile Island, Unit 2 Accident—Implications Re Nuclear Power Plant Design*, December 4, 1979 (Tentative), Washington, D.C. An Ad Hoc Subcommittee will continue its discussion of the implications of the TMI-2 Accident. Notice of this meeting was published November 19, 1979.

**Reliability and Probabilistic Assessment*, December 5, 1979, Washington, D.C. Rescheduled from December 4, 1979. The Subcommittee will discuss items pertaining to the budget and program of the Office of Nuclear Regulatory Research; also, it will hear presentations and hold round table discussions with representatives of several Government agencies and other groups that have used or considered quantitative risk assessment methods in their decision-making process. Notice of this meeting was published November 20, 1979.

**Procedures and Administration*, December 5, 1979 (afternoon), Washington, D.C. The Subcommittee will discuss recommendations of the President's Commission on the Accident at Three Mile Island relating to ACRS activities and proposed ACRS comments regarding the nuclear regulatory process. Notice of this meeting was published November 20, 1979.

**Fire Protection*, December 5, 1979 (afternoon), Washington, DC. The Subcommittee will review the proposed Fire Protection Rule for operating nuclear power plants. Notice of this meeting was published November 20, 1979.

**Regulatory Activities*, December 5, 1979, Washington, DC. Cancelled.

**Power and Electrical Systems*, December 13, 1979, Washington, DC. The Subcommittee will discuss several miscellaneous items with regard to electrical power, instrumentation, and control and protection systems in nuclear power plants. Notice of this meeting was published October 18, 1979.

**Waste Management/Fuel Cycle*, December 19, 1979, Washington, DC. The Subcommittees will hold a joint meeting to continue their review of the NRC waste management/fuel cycle research and technical assistance programs. In addition, representatives of the Environmental Protection Agency (EPA), the United States Geological Survey (USGS), and the Department of Energy (DOE) will brief the Subcommittees on their waste management work.

**Site Evaluation*, December 20, 1979, Washington, DC. The Subcommittee will discuss siting and emergency planning research and NRC siting policy.

Reactor Safety Research, January 9, 1980, Rescheduled from January 8, 1980, Washington, DC. The Subcommittee will continue its discussion of preparation of the Annual Report to Congress on the NRC Reactor Safety Research Program. Notice of this meeting was published October 18, 1979.

**Emergency Core Cooling Systems/Three Mile Island, Unit-2 Accident Bulletins and Orders*, January 9, 1980, Washington, DC. The Subcommittees will hold a joint meeting to consider the response of vendors and utilities to NRC Office of Inspection and Enforcement Bulletins and NRC Orders, including information related to the small-break loss of coolant accident.

**Metal Components*, January 16-17, 1980, Oak Ridge, TN (tentative). Details will be furnished later.

ACRS Full Committee Meetings

December 6-8, 1979

A. *Adequacy of nuclear regulatory process—proposed ACRS comments.

B. *Report of President's Commission on the Accident at Three Mile Island—safety implications, proposed changes in ACRS activities, and proposed plans for implementation of recommendations.

C. *NRC Regulations which may need changing to ensure public health and safety—ACRS recommendations.

D. *Follow-up procedures regarding ACRS recommendations—modification of procedures.

E. *NUREG-0585, "TMI-2 Accident Lessons Learned Task Force Final Report,"—ACRS comments.

F. *Meeting with NRC Commissioners (tentative)—discuss proposed pause in licensing of nuclear facilities and ACRS reports on evaluation of licensee event reports and the NRC safety research program.

G. *Interactions resulting from failure of safety grade and non-safety grade systems and components—ACRS comments.

H. *Proposed pause in licensing of nuclear facilities—ACRS comments.

I. *Proposed changes in NRC program to resolve outstanding safety issues (NUREG-066, "Unresolved Safety Issues").

January 10-12, 1980

Agenda to be announced.

February 7-9, 1980

Agenda to be announced.

Dated: November 16, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-35959 Filed 11-20-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE
COMMISSION[Release No. 16347/November 16, 1979;
File No. S7-433]Receipt of Amendments to Joint
Industry Plan

On November 5, 1979, the Consolidated Tape Association submitted to the Commission a proposed amendment to Section XI(c) of the joint industry plan (the "Plan") filed with and declared effective pursuant to Rule 17a-15 [17 CFR 240.17a-15] under the Securities Exchange Act of 1934 governing the consolidated transaction reporting system. The proposed amendment would effect an 8% increase in display charges to subscribers for receipt of last sale information with respect to Network A.¹ The proposed amendment bears an effective date of January 1, 1980.

In order to assist the Commission in determining whether to approve the proposed amendment, interested persons are invited to submit their views and comments on the proposal in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before December 21, 1979. The amendment to the Plan will be available for public inspection in the Commission's public reference room. All such communications should refer to File No. S7-433.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

Amendment to Plan Submitted Pursuant to
Rule 17a-15 of Securities and Exchange
Commission Under Securities Exchange Act
of 1934

The undersigned hereby submit to the Securities and Exchange Commission the following amendment to the plan filed pursuant to Rule 17a-15 under the Securities Exchange Act of 1934 as declared effective by the Commission as of May 17, 1974, as heretofore amended (the Plan).

1. Section XI(c) of the Plan is hereby amended, effective January 1, 1980, to revise Network A subscriber fees as follows:

"New York Stock Exchange, Inc. Market Data
Services Schedule of Monthly Charges (Excluding
Applicable Taxes)"

Service	Rate
Stock Tickers (1):	
Cont'l. USA First Unit.....	160

¹ Network A disseminates last sale reports of transactions executed in all reporting markets for securities listed on the New York Stock Exchange, Inc.

"New York Stock Exchange, Inc. Market Data
Services Schedule of Monthly Charges (Excluding
Applicable Taxes)—Continued

Service	Rate
Additional Unit.....	105
Canada First Unit (2).....	184-270
Additional Unit.....	119
Foreign First Unit (3).....	50
Additional Unit.....	4
Stock Ticker Displays (1)(3)(4):	
Cont'l. USA First Unit.....	93
Additional Unit (5).....	4
Canada First Unit (2).....	111-198
Additional Unit (5).....	4
Foreign First Unit.....	50
Additional Unit.....	4
Interrogation Units (3)(4):	
All Locations First Unit.....	50
Additional Unit.....	4.75

Notes:
(1) Charges are "per location" and do not include one time installation, relocation and other miscellaneous charges where applicable, which are generally a direct pass through from the common carrier (e.g. Western Union) to the subscriber.

(2) Dependent upon geographical area.

(3) Charges by vendor furnishing equipment are in addition to these charges.

(4) Only one first unit charge applies in an office subscribing to units from two or more vendors.

(5) Plus charges, if any, for interconnecting facilities required in connection with additional unit.

(6) Other administered miscellaneous rates will also be adjusted consistent with the new schedule."

2. This amendment may be executed by the Participants in any number of counterparts, no one of which need contain all signatures of all Participants. As many such counterparts as shall together contain all such signatures shall constitute one and the same instrument.

Dated: November 1, 1979.

American Stock Exchange, Inc.

By _____

Midwest Stock Exchange, Inc.

By _____

National Association of Securities Dealers,
Inc.

By _____

New York Stock Exchange, Inc.

By _____

Pacific Stock Exchange Inc.

By _____

Philadelphia Stock Exchange, Inc.

By _____

[FR Doc. 79-35893 Filed 11-20-79; 8:45 am]

BILLING CODE 8010-01-M

SELECT COMMISSION ON
IMMIGRATION AND REFUGEE POLICY

Public Hearing

The Select Commission on Immigration and Refugee Policy will hold the fourth of 12 regional hearings on:

Date: December 17, 1979.

Place: "Centro de Artes del Mercado"/
Market Square Arts Center, 514 W.

Commerce, San Antonio, Texas 78205.

Time: 9-5; 7-9 p.m.

The San Antonio hearing will be chaired by Commissioner Joaquin F.

Otero, Vice President, Brotherhood of Railway and Airline Clerks.

The major portion of this hearing will be devoted to testimony from invited witnesses addressing issues relating to illegal or undocumented aliens, enforcement of immigration and labor laws, and relationships with Mexico.

There will also be an "Open Mike" in the evening from 7-9 p.m. available to anyone wishing to address any immigration issue before the Commission. Written statements will be accepted for a period of 7 days following the hearing from people unable to appear in person.

The public is cordially invited to attend both the day and evening discussions.

The Select Commission on Immigration and Refugee Policy was created by public law to provide a comprehensive review of U.S. immigration laws, policies, and procedures. The regional hearings are being held to ensure that a wide range of views are heard and considered by the Commission. Other hearings will be held in Chicago, Denver, Los Angeles, New York, Phoenix, and San Francisco.

Members of the Commission include four Cabinet officers, eight members of Congress with four members selected from each Judiciary Committee, and four members appointed by the President.

Anyone wishing more information about the San Antonio hearing or about testifying at the evening session should contact: Harry Matthews, Select Commission on Immigration and Refugee Policy, New Executive Office Building, Suite 2020, 726 Jackson Place, N.W., Washington, D.C. 20506, Telephone: (202) 395-5615.

Dr. Lawrence H. Fuchs,
Executive Director.

[FR Doc. 79-35898 Filed 11-20-79; 8:45 am]

BILLING CODE 6820-AR-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1731]

Kansas; Declaration of Disaster Loan
Area

The area of Blaine and Walnut Street in the City of Latham, Butler County, Kansas, constitutes a disaster area because of damage resulting from a fire which occurred on October 24, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 10, 1980, and for economic injury until the close of business on August 8, 1980, at: Small Business Administration, District Office,

Main Place Building, 110 East Waterman Street, Wichita, Kansas 67202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 8, 1979.

Edward Norton,

Acting Administrator.

[FR Doc. 79-35897 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1732]

Kansas; Declaration of Disaster Loan Area

Clay, Doniphan, Jackson and Pottawatomie Counties and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by hail, wind, rain and tornadoes which occurred on October 18, 19 and 21, 1979. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on January 14, 1980, and for economic injury until the close of business on August 14, 1980, at: Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kansas, 67202

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Date: November 14, 1979.

William H. Mauk,

Acting Administrator.

[FR Doc. 79-35896 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 10/10-5167]

NEFCO Capital Corp.; Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by NEFCO Capital Corporation (applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and stockholders of the applicant are as follows:

Conway R. Rogers, President, Director, 9003 N.E. 37th Place, Bellevue, Washington 98004

Dennis C. Blackwell, Vice President, Director, General Manager, 3846 Williams West, Seattle, Washington, 98199

Jack J. Caston, Vice President, Loan Officer, 5973 Wilson Avenue S., Seattle, Washington 98118

Stephen A. Drugge, Treasurer, Director, 3247 Magnolia Boulevard W., Seattle, Washington 98199

Evelyn C. Merritt, Secretary, 507 North 169th, Seattle, Washington 98133

New England Fish Company, 14th & Vine Building, Seattle, Washington 98121; 100 Percent Stockholder

The New England Fish Company, applicant's parent, is involved in the catching, processing, distribution and marketing of products from the area.

The applicant, a Washington Corporation, with its principal place of business at Pier 89, Seattle, Washington 98119, will begin operations with \$500,000 of paid-in capital and paid-in surplus derived from the sale of 10,000 shares of common stock.

The applicant will conduct its activities primarily in the States of Washington, Oregon and Alaska.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than December 6, 1979, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Seattle, Washington.

¹ There is no individual or company owning ten or more percent of New England Fish Company's common stock.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 15, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-35895 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

National Security Information; Handling Classified Information

AGENCY: Small Business Administration.

ACTION: Notice.

SUMMARY: This Standard Operating Procedure (SOP) establishes the policy of the Small Business Administration regarding the handling of classified material. The Small Business Administration had previously issued procedures pertaining to the handling of classified material in Standard Operating Procedure (SOP) 90-21, Chapter 3. Publication of the revised procedures is required by Executive Order 12065.

EFFECTIVE DATE: November 21, 1979.

FOR FURTHER INFORMATION CONTACT: William W. Bowling, Director, Office of Security and Investigations, Office of the Inspector General, Room 303, 1441 L Street, N.W., Washington, D.C. 20416 (202-653-6355).

SUPPLEMENTARY INFORMATION: Executive Order 12065, 43 FR 28949 (1978), established new policy for classification, safeguarding, and declassification of national security information, i.e., information classified Top Secret, Secret, or Confidential. Under that Order, each agency that handles such information must establish procedures regarding such handling and publish them in the Federal Register. In accordance with that requirement the Small Business Administration is revising SOP 90-21, Chapter 3, to include the new procedures for handling classified information which have been approved by the Information Security Oversight Office, General Services Administration. The revised Chapter 3, SOP 90-21 includes the following:

- (1) Statement of policy regarding the Systematic Review Guidelines of the Small Business Administration.
- (2) Designation of the Director, Office of Security and Investigations, Office of the Inspector General, to administer the Small Business Administration's information security program; and
- (3) Statement of the Small Business Administration's policy regarding the handling of security information.

The Small Business Administration finds that notice and public procedure

are unnecessary under 5 U.S.C. 533(b) because SOP 90-21 concerns only Small Business Administration internal procedures. Accordingly, the Small Business Administration hereby amends SOP 90-21, Chapter 3, to include the new procedures for handling classified information as approved by the Information Security Oversight Office, General Services Administration.

National Security Information

1. Purpose and Scope.
2. Policy.
3. Administration of program.
4. Mandatory review procedures.

1. Purpose and scope

(a) This revision is issued by the Small Business Administration pursuant to the requirement of Section 5-402 of Executive Order 12065, 43 FR 28929 (1978), that unclassified regulations establishing information security policy and unclassified guidelines for systematic declassification review, which affect the public, be published in the *Federal Register*.

(b) This revision covers all information and material handled by the Small Business Administration that is owned by, produced for or by, or under the control of, the United States Government, has been determined pursuant to the Executive Order of prior Orders to require protection against unauthorized disclosure, and is so designated. Such material is referred to in this part as classified information.

2. Policy

It is the Small Business Administration's policy to act in accordance with Executive Order 12065 with respect to all classified information.

3. Administration of Program

The Director, Office of Security and Investigations, Office of the Inspector General (the "Director"), shall (a) implement and oversee the Small Business Administration's information security program; (b) receive questions, suggestions, and complaints regarding it; (c) make changes to it as he deems advisable; (d) assure that it is at all times consistent with Executive Order 12065; and (e) receive requests for declassification regardless of the origin of the request, assuring that requests are acted upon within 60 days and that requests submitted under the Freedom of Information Act are handled in accordance with the act.

4. Mandatory Review Procedures

The Director shall process requests for mandatory review for declassification.

The Director shall not refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the Mandatory Review Provision of Executive Order 12065, unless the fact of its existence or non-existence would itself be classifiable under Executive Order 12065.

Dated: November 15, 1979.

A. Vernon Weaver,
Administrator.

[FR Doc. 79-35967 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 16-A; Amdt. 2]

Redelegation of Minority Small Business and Capital Ownership Development Activities

Delegation of Authority No. 16-A (44 FR 231245) as amended (44 FR 29188) is hereby further amended to reflect a recent organizational change. The Office of Business Development and the Government Contracts Division have been abolished and a new position of Deputy Associate Administrator for Business Development and an office of 8 (a) Contracting established.

Accordingly, Delegation of Authority No. 16-A is amended as follows:

* * * * *

B. Deputy Associate Administrator for Business Development

* * * * *

C. Director, Office of 8(a) Contracting

* * * * *

Effective Date: November 21, 1979.

Dated: November 8, 1979.

Joseph J. Luna,

Acting Associate Administrator for Minority Small Business and Capital Ownership Development.

[FR Doc. 79-35969 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

Interest Rates

The interest rate on Small Business Administration direct business loans, and the SBA share of immediate participation loans, is 8 1/4 percent for Fiscal Year 1980, effective for applications received by SBA on or after October 9, 1979. The rate for direct Economic Opportunity Loans continued to be 9 percent for the period from October to December 31, 1979.

On business loans guaranteed by SBA, effective for applications received by SBA on or after September 19, 1979, the maximum rate that may be charged by a participating bank is established at 1/2 percentage point above the minimum New York prime rate (and 1 1/2

percentage points above the minimum New York prime for seasonal line of credit loans) until further notice. The maximum rate for the bank share of immediate participation loans will be 1 percent less than the maximum guaranty rate.

Dated: November 15, 1979.

A. Vernon Weaver,
Administrator.

[FR Doc. 79-35968 Filed 11-20-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 689]

Bureau of Oceans and International Environmental and Scientific Affairs; Environmental Review Procedures

AGENCY: Department of State.

ACTION: Environmental Review.

SUMMARY: The Department of State has adopted Departmental procedures effective September 4, 1979, to implement the provisions of Executive Order 12114 on Environmental Effects Abroad of Major Federal Actions of January 4, 1979. The procedures enable responsible Departmental officials to be informed of pertinent environmental considerations and to take such considerations into account in authorizing or approving actions encompassed by the Order that may have significant environmental effects outside the United States.

DATE: Comments due by December 21, 1979.

ADDRESS COMMENTS TO: Comments should be addressed to Mr. William H. Mansfield, III, Office of Environment and Health, U.S. Department of State, Room 7820, Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: On January 4, 1979 the President signed Executive Order 12114 on Environmental Effects Abroad of Major Federal Actions (44 FR 1957). The Executive Order, Section 2-1, states that every Federal agency taking major Federal actions encompassed by the Order and not exempted therefrom having significant effects on the environment outside the geographical borders of the United States and its territories and possessions shall within eight months of the effective date of the Order have in effect procedures to implement the Order. The purpose of the Executive Order is to enable responsible officials of Federal agencies having ultimate responsibility for authorizing and approving actions encompassed by

the Order to be informed of pertinent environmental considerations and to take such considerations into account, with other pertinent considerations of national policy, in making decisions regarding such actions. While based on independent authority, the Order furthers the purpose of the National Environmental Policy Act, the Marine Protection, Research and Sanctuaries Act and the Deepwater Port Act consistent with the foreign policy and national security policy of the United States, and represents the United States Government's exclusive and complete determination of the procedures and other actions to be taken by Federal agencies to further the purpose of the National Environmental Policy Act, with respect to the environment outside the United States, its territories and possessions.

In accordance with Section 2-1 of the Executive Order, the Department of State consulted with the Council on Environmental Quality concerning the procedures.

These new procedures address policy and procedure in order to conform to the spirit and substantive intent of the Executive Order. They affirm and codify the Department of State's policy for achieving the objectives of the Executive Order. The procedures set forth general policy and procedural directives to assist Departmental officers to implement the terms of the Executive Order.

These procedures are applicable to environmental reviews of major Federal actions with significant effects abroad and entered into effect on September 4, 1979. Departmental environmental review of major Federal actions with significant effects within the United States is governed by the National Environmental Policy Act. Proposed Departmental regulations for implementing the National Environmental Policy Act are published in the Proposed Rules section of this issue.

The procedures, issued as Department of State Foreign Affairs Manual Circular No. 807A, September 4, 1979, are set forth below.

Procedures for Implementing Executive Order 12114 (January 4, 1979) on Environmental Effects Abroad of Major Federal Actions

Subpart A—General

1. Purpose

These procedures are designed to provide policy guidance and establish procedures to enable Department of State officers to implement the provisions of Executive Order 12114 on Environmental Effects Abroad of Major Federal Actions, dated January 4, 1979 (44 FR 1957, January 9, 1979).

2. Policy

It is the policy of the Department of State to use all practicable means, consistent with national policy and the Department's authority and available resources to carry out the objectives of the Executive Order and to ensure that environmental effects outside the United States are appropriately identified and considered in the Department's decisions on proposed actions encompassed by the Executive Order.

3. Applicability

These procedures apply to decisions on major Departmental actions which significantly affect the quality of the environment outside the United States, its territories and possessions, including the environment of the global commons areas, areas outside the jurisdiction of any nation, such as Antarctica, or the environment of foreign nations.

4. Right of Action

These procedures are solely for the purpose of establishing internal procedures for the Department of State to employ in considering significant environmental effects outside the United States of Departmental actions covered by the Executive Order. Nothing in these procedures shall be construed to create a cause of action.

5. Definitions

As used in these procedures, the term:

a. "Responsible action officer" means the Department officer principally responsible for the preparation of action memoranda and other documents relating to a given Departmental action governed by these regulations. Ordinarily, the responsible action officer will be the country or office director whose office has action responsibility for a given action.

b. "United States" means all states, territories and possessions of the United States and all waters and airspace subject to the jurisdiction of the United States.

c. "Global commons" means areas outside the jurisdiction of any nation, such as the oceans or Antarctica.

d. "Environment" means the natural and physical environment and excludes social, economic and other environments; an action "significantly affects" the environment if it does significant harm to the environment even though on balance the agency believes the action to be beneficial to the environment.

Subpart B—Departmental Environmental Review Process

1. Responsibilities of Departmental Officials

As a general rule, responsibility for preparing environmental documents will follow the Department's standard organization practices. The officials responsible for making decisions on proposed actions will be accountable for assuring that environmental documents are prepared in accordance with these procedures.

a. Departmental bureaus having action responsibility for a given action are responsible for implementing these procedures and incorporating the environmental documents into their decisionmaking, and for:

(1) Identifying those of their actions which significantly affect environment abroad and

assuring the necessary environmental review is undertaken and documentation prepared.

(2) Coordinating and working with the Office of Environment and Health to implement these procedures.

b. The Bureau of Oceans and International Environmental and Scientific Affairs will be responsible for the Department's implementation of Executive Order 12114 and implementation of these procedures, and for:

(1) Assisting other bureaus in implementing these procedures by providing policy and professional direction, guidance and scientific advice and assisting in furnishing budgetary resources and technical expertise for preparing environmental documentation.

(2) Ensuring the adequacy of environmental documents prepared and approving, as provided in these procedures, appropriate modification in the contents, timing and availability of environmental documents.

(3) Establishing and maintaining working relationships with other agencies, organizations and the public necessary to assist the Department in complying with these procedures.

c. The Office of the Legal Adviser, principally through the Office of the Assistant Legal Adviser for Oceans and International Environmental and Scientific Affairs, will be responsible for reviewing and concurring in the adequacy of Departmental implementation of these procedures and for providing advice and assistance on the legal aspects of Department implementation of the procedures.

d. Departmental Committee of Environmental Coordinators is comprised of representatives of bureaus and offices and is responsible for assisting in the coordination of Departmental implementation of these procedures.

2. Review to Determine Whether to Prepare an Environmental Document

In reviewing proposed Departmental actions for environmental effects abroad the responsible action officer will use the following process. The officer shall initiate the environmental review process early and coordinate with other bureaus and appropriate Federal and other agencies as may be necessary.

a. Actions Calling for Environmental Review

Early in considering a possible major Departmental action, the responsible action officer shall evaluate the action to determine if it is likely to cause significant environmental effects abroad and thus may be subject to environmental review. A notation reflecting this review shall be made in conjunction with all requests under the Department's Circular 175 procedure (11 FAM 720), with all actions involving the obligation of funds within the Department's annual or supplemental budget submissions to the Office of Management and Budget, and with other actions when a potentially significant environmental impact may result. The responsible action officer shall ensure that the principal action memoranda prepared for such actions properly reflect the environmental review in all cases. No written statement is required in the case of actions which are categorically excluded under SUBPART B, paragraph 2b(1). The

environmental evaluation document prepared should be considered along with political, economic and other decision-making factors relating to the proposed action.

The proposed action shall be reviewed initially to determine whether it falls into any of the four basic categories of actions and environmental effects abroad, described in Section 2-3 of the Executive Order, which call for environmental review.

These actions and effects are as follows:

(1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g., the oceans or Antarctica).

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating with the United States and not otherwise involved in the action.

(3) Major Federal actions significantly affecting the environment of a foreign nation which provide to that nation:

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

(ii) a physical project which in the United States is prohibited or strictly regulated by Federal law to protect the environment against radioactive substances.

(4) Major Federal actions outside the United States, which significantly affect natural or ecological resources of global importance designated for protection under Section 2-3(d) of the Executive Order by the President, or, in the case of such a resource protected by international agreement binding on the United States, by the Secretary of State.

These procedures do not apply to nuclear export activities of Federal agencies. See Unified Procedures Applicable to Major Federal Actions Relating to Nuclear Activities Subject to Executive Order 12114.

An illustrative list of products, emissions, and effluents encompassed or not encompassed by Subpart B, paragraph 2a(3)(i) is provided at Appendix A.

This initial evaluation should also be used to determine whether the proposed action may have significant environmental effects within the United States. If it is determined that such effects may occur, the responsible action officer shall also review the proposed action in accordance with the Department's regulations for implementation of the National Environmental Policy Act (NEPA) (22 CFR 161, Subchapter Q, issuance pending).

b. Actions Excluded or Exempted From Review.

If the responsible action officer finds that the proposed action falls within the scope of subsection a. above he shall then determine whether it is categorically excluded or exempted from review under the procedures on any of the following grounds:

(1) Actions Normally Categorically Excluded From Review

The first category is that of actions normally excluded from environmental review under the Executive Order and these procedures. Such actions are those which as

a class the Department has determined are not likely to have significant adverse effects on the quality of the environment within the meaning of the Executive Order. If an action is categorically excluded, the responsible action officer need not conduct any further environmental review.

Actions which have been categorically excluded are listed in Appendix B. Additions to or deletions from this list may be made by the Assistant Secretary for Oceans and International Environmental and Scientific Affairs, and shall become effective upon publication in the *Federal Register*.

Even though an action may be categorically excluded from the need for environmental review, if information developed during the planning for the action indicates the possibility that the action may cause significant adverse environmental effects, the environmental effects of the action shall be reviewed to determine the need for the preparation of an environmental document.

(2) Actions Falling Within Executive Order Exemptions

If the proposed action is not categorically excluded the responsible action officer shall evaluate it to determine if it falls under any of the exemptions outlined in Sections 2-5 (a) and (c) of the Executive Order.

Exemptions under subparagraph (i) below are within the discretion of the responsible action officer and shall be employed only when there is no serious question of significant environmental impact from the proposed action. The principal action memorandum shall reflect this determination. Even though an action may have been exempted under subparagraph (i), if information developed during the planning for the action indicates the possibility that the action will cause significant environmental effects, the environmental effects of the action shall be reviewed to determine the need for the preparation of an environmental document.

The responsible action officer shall, with the concurrence of the Office of Environment and Health and the Office of the Legal Adviser, note in the Principal action memorandum relating to a proposed action, or in a separate memorandum, any exemption of a proposed action from environmental review under subparagraphs (ii) through (viii) below. Exemptions under subparagraphs (iii) or (viii) shall, in addition, require the approval of a Department officer of Deputy Assistant Secretary rank or above. In utilizing exemptions under subparagraph (viii), the Department shall, as soon as feasible, consult with the Council on Environmental Quality.

The exemptions are as follows:

(i) actions not having a significant effect on the environment outside the United States as determined by the Department.

(ii) actions taken by the President.

(iii) actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict.

(iv) intelligence activities and arms transfers.

(v) export licenses or permits or export approvals, and actions relating to nuclear

activities except actions providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1974, as amended, or a nuclear waste management facility.

(vi) votes and other actions in international conferences and organizations.

(vii) disaster and emergency relief action.

(viii) actions that may be necessary to meet emergency circumstances situations involving exceptional foreign policy and national security sensitivities and other such special circumstances.

c. Review for Potentially Significant Environmental Effects Abroad.

If the proposed action falls within the scope of Subpart B, paragraph 2a, and is not excluded or exempted from environmental review under Subpart B, paragraph 2b, the responsible action officer shall review it to determine if the action will cause a significant effect on the environment of the global commons, any other area outside the jurisdiction of any nation, or a foreign nation.

The responsible action officer shall make his review concurrently with his general planning and review of the proposed action. In reviewing for potential effects abroad he should consider potential direct effects on the natural and physical environment, including soil, air, water and natural resources, which may be caused by the action and occur at the same time and place. He should also consider reasonably foreseeable significant indirect effects on the natural and physical environment potentially caused by the action but occurring later in time.

In reviewing for significance of the potential effects on the environment he should consider whether the action:

(1) Adversely affects public health and safety through the environment;

(2) Is environmentally controversial;

(3) Has highly uncertain environmental effects;

(4) Involves unique or unknown environmental risks; or,

(5) Together with other actions the effects of any one of which are individually insignificant, will have cumulatively significant environmental effects.

d. Actions Without Potentially Significant Environmental Effects.

If, having made a preliminary analysis for significant effects, the responsible action officer concludes that the proposed action is not expected to cause significant harmful environmental effects within the meaning of Subpart A, paragraph 5d, he shall with concurrence of the Office of Environment and Health so state in the principal action memorandum or a separate memorandum. No further environmental review of the action will then be necessary.

e. Actions With Potentially Significant Environmental Effects.

If, having made a preliminary analysis for significant effects, the responsible action officer concludes that the proposed action will cause significant environmental effects within the meaning of Subpart A, paragraph 5d, he shall prepare an environmental document—an environmental impact statement, a concise environmental review or a bilateral and multilateral study, as appropriate—in accordance with section 2-4

of the Executive Order and Subpart B, paragraph 3c, of these procedures. The responsible action officer shall with concurrence of the Office of Environment and Health state the conclusions of any such environmental document in the principal action memorandum or a separate memorandum, and shall attach the environmental document to the principal action memorandum. He shall ensure that the environmental document is prepared as early as feasible and to the extent possible concurrently with the other planning relating to the proposed action.

3. Preparing the Environmental Document

a. Coordinating Preparation.

When it is determined that an environmental document is to be prepared, the responsible action officer shall inform the Office of Environment and Health and shall cooperate with it and other bureaus, as necessary, to prepare the document.

To avoid duplication of effort and to gain maximum relevant expertise in the preparation of environmental reviews, Departmental officers should, where appropriate, encourage the participation of other agencies having relevant environmental jurisdiction or expertise, and, as necessary, private individuals in the preparation of environment documents under these procedures.

Early efforts will be made to determine which Federal agency should serve as lead agency in preparation of an environmental document. In making this decision, the magnitude, duration and sequence of agency involvement, the locus of project approval or disapproval authority and the amount of expertise concerning the action's environmental effects will be considered.

b. Planning the Preparation of the Environmental Document.

If it is decided that the Department will prepare the environmental document, the responsible action officer, with the concurrence of the Office of Environment and Health and the Office of the Legal Adviser, shall conduct an early meeting to define the significant considerations and issues that should be addressed in the environmental document.

c. Content of the Environmental Document.

The format and content of each document must be appropriate to the action under consideration. The significant adverse environmental effects of actions described in Subpart B, paragraph 2a(1) of these procedures shall be reviewed through preparation of environmental impact statements. The significant adverse environmental effects of actions described in Subparts B, paragraph 2a(2), (3) and (4) shall be reviewed either through preparation or use of a bilateral or multilateral environmental study or through preparation of a concise environmental review.

(1) Environmental Impact Statement.

If it is determined that an environmental impact statement shall be prepared, the responsible action officer shall to the extent possible and consistent with these procedures, follow the procedures for preparing such statements contained in the Department's regulations for implementing

the National Environmental Policy Act (22 CFR 161, Subchapter Q, issuance pending). Such statements will be concise and analytical so as to permit an informed consideration of the significant environmental effects of the proposed action and the reasonable alternatives.

If an environmental impact statement (including a generic statement) has been prepared involving analysis of environmental effects or issues directly relevant to the effects or issues involved in the proposed action, a new environmental impact statement need not be prepared under these procedures.

(2) Bilateral or Multilateral Environmental Studies.

A bilateral or multilateral environmental study is a study by the United States and one or more foreign nations or by an international body or organization in which the United States is a member or participant. To be used for the purposes of these procedures the study should deal with the environmental issues of the proposed action being considered. While the exact content of the document may vary, the study should normally include a brief discussion of the action proposed and of the anticipated environmental impacts as well as possible measures that could be taken to mitigate harmful environmental effects.

(3) Concise Environmental Review.

A concise environmental review considers the key environmental issues and effects involved in an action. The review shall be prepared by the responsible action officer in cooperation with other Departmental officers, and, as necessary and appropriate, other Federal agencies. The review may be prepared in any format useful for facilitating planning and decisionmaking. The review should normally include the same basic elements as those defined for bilateral and multilateral studies above. If an environmental review or bilateral or multilateral environmental study (including a generic review or study) has been prepared involving analysis of environmental effects or issues directly relevant to the effects or issues involved in the proposed action, a new environmental review or study for the proposed action need not be prepared under these procedures.

d. Modifications of Environmental Documents.

In order to ensure the proper and efficient conduct of foreign affairs, modifications in the contents, timing and availability to other affected Federal agencies and affected nations of environmental documents prepared in accordance with these procedures may be made to:

- (1) Enable the Department to decide and act promptly as and when required;
- (2) Avoid adverse impacts on foreign relations or infringement in fact or appearance of other nations' sovereign responsibilities; or
- (3) Ensure appropriate reflection of:
 - (i) Diplomatic factors;
 - (ii) International commercial, competitive and export promotion factors;
 - (iii) Needs for governmental or commercial confidentiality;
 - (iv) National security considerations;

(v) Difficulties of obtaining information and Department ability to analyze meaningfully environmental effects of a proposed action; and

(vi) The degree to which the Department is involved in or able to affect a decision to be made.

Such modifications may be made only with the concurrence of the Office of Environment and Health and the Office of the Legal Adviser and the written approval of a Department officer of Deputy Assistant Secretary rank or above.

e. Revision and Supplementing of Environmental Documents.

The responsible action officer shall revise or supplement an environmental document if before the final decision is taken on the proposed action which may have significant environmental effects or if there are significant new circumstances or information relevant to environmental effects which may have a bearing on the proposed action.

f. Cooperation and Coordination With Other Countries and International Organizations.

The Department will cooperate with other countries and with international organizations, as appropriate, in preparing environmental documentation. The responsible action officer will consider when it may be appropriate to seek cooperation and to exchange information for preparation of environmental documents. In accordance with Section 2-4(d) of the Executive Order he will determine when an affected nation shall be informed in accordance with Sections 2-5(b) and 3-2 of the availability of environmental documents prepared pursuant to these procedures. He will consult with the Office of Environment and Health before making any such contacts. The Department will coordinate communication between other U.S. agencies and foreign governments and international organizations concerning these procedures. The appropriate action bureau or office, with the concurrence of the Office of Environment and Health, will coordinate these contacts as appropriate.

g. Obtaining Outside Technical Assistance.

Qualified technical agency personnel or outside contractors may be used to assist the Department in preparing environmental analysis documents as called for under these procedures. Responsible action officers shall work with the Office of Environment and Health to arrange for such additional technical assistance.

h. Generic and Programmatic Environmental Documents.

Before preparing an environmental document under these procedures the responsible action officer should inquire from the Office of Environment and Health to determine if a generic or programmatic environmental document exists analyzing similar actions effects or issues. A generic environmental analysis reviews the environmental effects that are generic or common to a class of Departmental actions which may not be specific to any single country or area. Where such a document is prepared under these procedures it could be applied to a number of similar specific country applications. If a generic document exists and if it deals with relevant similarities

in the action, such as common timing, environmental impacts, alternatives, methods of implementation or subject matter it will not be necessary to prepare further environmental documentation.

A programmatic environmental document would be relevant to environmental aspects of a broad element of a program. If a programmatic environmental document has already been prepared the responsible action officer should determine to what extent it deals with the particular action under review. If the programmatic document adequately reviews the environmental impacts then additional environmental documentation need not be prepared under these procedures. In preparing environmental documents on a specific action, the responsible action officer shall consider the advisability of modifying or expanding the documents so they may serve as generic or programmatic documents for a broader range of actions.

i. *Classified Material.*

Departmental environmental documents should not normally contain classified or administratively controlled material. In some cases, however, documents may not adequately evaluate environmental effects without including such materials or may relate to proposed actions which are themselves classified. In such cases Departmental environmental documents or portions thereof may be classified in accordance with the criteria set forth in Executive Order 12065, dated December 1, 1978. Such material should, if possible, be confined to a classified annex of the environmental document. Approval for classification must be granted with the concurrence of the Assistant Secretary for Oceans and International Environmental and Scientific Affairs and the Office of the Legal Adviser and the assistant secretary of the bureau considering the proposed action. In these cases, handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9 *et seq.* The portions of an environmental document which are not classified or administratively controlled may be made available to persons outside the Department, as provided in 22 CFR Part 9.

4. *Use of the Environmental Document in Departmental Decisionmaking*

Departmental officers responsible for decisionmaking on a particular action shall ensure that the environmental documentation called for in these procedures is prepared early in the decisionmaking when it will be most valuable in formulating, reviewing and deciding upon proposals for Departmental action.

In order that any environmental effects of a proposed action may be considered by Departmental decisionmakers the responsible action officer shall ensure that the relevant environmental document is among the documents on which Departmental decisionmaking on a proposed action is based. An environmental document prepared in conjunction with conclusion of an international agreement shall, where possible, be prepared and considered before final negotiations begin. The completed environmental document should thus

ordinarily accompany the principal action memorandum or request for authority to negotiate an agreement under the Department's Circular 175 procedure (11 FAM 720). Documents developed under these procedures will be filed with the action bureau or office, the Office of Environment and Health and other interested bureaus.

5. *Notification of the Availability of Environmental Documents*

As appropriate and upon completion of an environmental document prepared under these procedures the Office of Environment and Health shall inform other interested Federal agencies and foreign governments of the availability of the document.

Attachments:

Appendix A—Illustrative List of Toxic Substances

Appendix B—Categorical Exclusions

Appendix A—Illustrative List of Toxic Substances

I. Illustrative list of principal products, emissions or effluents produced by physical projects subject to the procedures set forth in Subpart B.

Asbestos, vinyl chloride, acrylonitrile, isocyanates, polychlorinated biphenyls, pesticides, mercury, beryllium, arsenic, cadmium, and benzene.

II. Illustrative list of principal products, emissions or effluents produced by physical projects not subject to the procedures set forth in Subpart B.

Chlorine, caustic soda, ammonia, sulphuric acid, phosphoric acid, nitric acid, sulfur dioxide, nitrogen oxides, sulfate, and sulfite liquors.

Appendix B—Categorical Exclusions

Executive Order 12114 provides for the Department to exclude from environmental review specified actions which as a class the Department has determined are not likely to have significant effects on the quality of the environment within the meaning of the Executive Order (see Subpart B, paragraph 2b(1) of these procedures). Departmental actions categorically excluded from the requirements of these procedures include the following:

(1) Routine conduct of Departmental and overseas political and economic functions, including reporting on political and economic developments, trends and activities, communicating to host governments United States Government views, maintaining contact with foreign officials and individuals, and facilitating trade opportunities abroad and U.S. business expansion in foreign markets;

(2) Provision of consular services—visas, passports and citizenship and special consular services, such as issuing or reviewing passports and

visas, taking legal depositions, notarizing absentee ballots and other documents and delivering retirement checks, social security payments and veterans benefits;

(3) Conduct of routine administrative functions, such as budget and finance, personnel and general services. This includes routine administrative procurements (e.g., general supplies, negotiating leases for office space or staff housing, ordering supplies and arranging for customs clearances); financial transactions, including salaries, expenses and grants; routine management, formulation and allocation of the Department's budget at all levels (this does not exempt the preparation of environmental documents for proposals included in the Department's budget when required; and personnel actions (e.g., promotions, hirings, and counseling American and host country employees who work for the Department of State);

(4) Preparing for and participating in conferences, workshops or meetings for information exchange, data collection or research or study activities; and

(5) Document and information exchanges.

Dated: October 29, 1979.

Leslie H. Brown,

Acting Assistant Secretary for Oceans and International Environmental and Scientific Affairs.

[FR Doc. 79-35944 Filed 11-22-79; 8:45 am]

BILLING CODE 4710-09-M

[CM-8/246]

International Radio Consultative Committee (CCIR); Study Group 1 of the U.S. Organization; Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on Thursday, December 13, 1979, in Conference Room B841, Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C., at 9:30 a.m.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting will be to review preparations for the international meeting of Study Group 1 in 1980.

Members of the general public may attend the meeting and join in the

discussions subject to instructions of the Chairman.

Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: November 13, 1979.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 79-35911 Filed 11-20-79; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 80-1]

Advisory Committee on Explosives Tagging; Renewal of Advisory Committee Charter

Pursuant to the Federal Advisory Committee Act (Pub. Law 92-463), the Director of the Bureau of Alcohol, Tobacco and Firearms announces the renewal of the charter of the Advisory Committee on Explosives Tagging. The Technical Subcommittee to the Advisory Committee on Explosives Tagging was abolished in December 1978, in keeping with the President's objective of reducing the number of committees in the Federal Government. In order that the technological knowledge developed over the past 5 years was not lost, the members of the Technical Subcommittee were incorporated into the full Advisory Committee as advisory members on science and technology matters.

Purpose. The Advisory Committee is strictly advisory in nature and its purpose is to provide recommendations on the research and development of explosives detection and identification systems, and the industrial, environmental, and law enforcement requirements of such systems. Through the Committee, the Director, Bureau of Alcohol, Tobacco and Firearms, obtains informed advice on issues pertinent to technological advances which impact public safety and enforcement of Federal laws and regulations governing the manufacture, importation, distribution, and storage of explosive materials. The Advisory Committee, whose members represent government agencies with mission responsibilities involving explosive detection and identification, private industry, law enforcement, industrial security, and the academic community, also serves as an

excellent forum for the exchange of technical information and the coordination of research activities, thereby reducing the possibility of unnecessary duplication of effort.

Statement of Public Interest. The problem of detection and identification of explosives which are used illegally is of vital concern to law enforcement and public safety agencies, as well as to the general public. The disturbing number of deaths and injuries and the millions of dollars in property damage and other costs to society which result from the illegal use of explosives emphasize the need for a coordinated effort to develop technology to combat this problem. In the development of such new technology, the Director must seek the views, expertise, and requirements of interested government agencies, private associations, the industry, and the scientific community.

By deciding to continue the Advisory Committee, the Director recognizes the importance of maintaining the forum which the Committee provides for mutual cooperation among interested agencies to avoid duplication of effort in the area of explosives control. The Committee has resulted in a productive exchange of technical information not only within the United States, but also with interested foreign governments.

The Committee has made significant contributions in developing an operational capability for tagging certain classes of explosives for identification. The members' advice and guidance will continue to be extremely valuable toward achieving the more difficult technical objectives of pre-detonation detection of explosives and post-detonation identification of explosive materials.

Based on the technical nature of the problems associated with explosives control, the accomplishments of the program to date stimulated by the recommendations of the Committee, and the fact that no other committee or single government agency exists that could carry on these important activities, the continuation of the Advisory Committee on Explosives Tagging is found to be in the interest of the American public.

Signed: October 12, 1979.

G. R. Dickerson,

Director.

[FR Doc. 79-36052 Filed 11-20-79; 8:45 am]

BILLING CODE 4810-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperatives; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: November 16, 1979.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: K & G Transport Inc., Principal Mailing Address (Street No., City, State, and ZIP Code): P.O. Box 494, Carlstadt, NJ 07072.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State, and ZIP Code): 31-90 Stienway St., Astoria, Long Island, NY 11103.

Person To Whom Inquiries and Correspondence Should be addressed (Name and Mailing Address): Teresa Giglia, P.O. Box 494, Carlstadt, NJ 07072.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Knouse Foods Cooperative, Inc.

Principal Mailing Address (Street No., City, State, and ZIP Code): Peach Glen, PA 17306.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and ZIP Code): Peach Glen, PA 17306.

Person To Whom Inquiries and Correspondence Should Be Addressed

(Name and Mailing Address): William H. Horner, Peach Glen, PA 17306.

Agatha L. Mergenovich
Secretary.

[FR Doc. 79-35888 Filed 11-20-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

November 16, 1979

This application for long-and-short-haul relief has been filed with the I.C.C. Protests are due at the I.C.C. on or before December 21, 1979.

FSA No. 43769, Southwestern Freight Bureau, Agent No. B-31, sand, gravel and related articles, in carloads between stations in Southwestern and Southern Territories in Supp. 59 to its Tariff ICC SWFB 4319, effective December 10, 1979. Grounds for relief—need for increased revenue.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-35889 Filed 11-20-79; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398; Supplemental Order No. 9]

**Kansas City Terminal Railway Co.
Directed To Operate Over Chicago,
Rock Island & Pacific Railroad Co.,
Debtor (William M. Gibbons, Trustee)**

Decided: November 14, 1979.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RT"). See Directed Service Order No. 1398, *Kansas City Term. Ry. Co.—Operate—Chicago, R.I. & P.*, 360 I.C.C. 289 (1979), 44 FR 56343 (October 1, 1979).

This Supplemental Order is being issued to amend the portion of DSO No. 1398 dealing with maintenance and rehabilitation of RI lines and related facilities. See DSO No. 1398, 360 I.C.C. at 303 [44 FR 56348, 1st column]. At present, the Directed Service Order requires the DRC to obtain prior Commission approval for rehabilitation of lines and related facilities which costs more than \$5,000 per mile. DSO No. 1398 classifies this as "substantial" rehabilitation. The DRC is authorized to perform "minor" rehabilitation of less than \$5,000 without prior Commission approval. The DRC has submitted a request that DSO No. 1398 be modified to redefine "minor" line rehabilitation so as to permit rehabilitation, without prior

Commission approval, on track segments that do not exceed an average of \$10,000 per mile. See "DRC Report No. 7."

The DRC seeks this modification of the definition of "minor" rehabilitation to lines and related facilities on the following grounds: (1) the present definition of "minor" rehabilitation is unreasonably low and seriously interferes with the ability of the DRC to conduct normal railroad operations and normal track maintenance; (2) FRA has granted some conditional waivers from Class I Standards which impose operating restrictions on the DRC over these lines and increase the expense of directed-service; and (3) the purpose of most "minor" repairs is to bring the track segment into compliance with FRA Track Safety Standards, or to prevent a track segment from becoming not in compliance with the standards.

The "minor" rehabilitation of \$5,000 per mile means the DRC can rehabilitate the track if the cost of materials and labor does not exceed \$5,000. Since labor costs are already being paid for track maintenance, we believe an upper limit of \$7,500 per mile for materials only to be a more realistic gauge of "minor" or normal track maintenance costs. Further, the \$7,500 per mile figure should be based on an average cost per mile for any given track segment.

Accordingly, we shall amend the first criterion in the definition of "minor" line rehabilitation to read as follows:

360 I.C.C. 289, at 303 [44 FR 56348, 1st column] change item (1) under the heading "Minor Rehabilitation" to read as follows: "(1) would cost less than an average of \$7,500 (for materials) per mile."

Moreover, since the thirtieth day of the directed-service period (November 4, 1979) is rapidly approaching, we shall also modify the definition of "minor" line rehabilitation to provide simply that such rehabilitation be capable of being performed within the 60-day directed service period (which ends December 4, 1979). Accordingly, we shall amend the second and third criteria in the definition of "minor" line rehabilitation to read as follows:

360 I.C.C. 289, at 303 [44 FR 56348, 1st column] Delete Item (3) under the heading "Minor Rehabilitation" and change Item (2) to read as follows: "(2) can be completed within the initial 60-day directed-service period."

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1979).

It is ordered: (1) DSO No. 1398 is modified to the extent indicated above.

(2) This decision shall be effective on its service date.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Trantum, whom Commissioner Gresham joins, dissenting. Commissioner Alexis dissenting. Vice Chairman Stafford not participating.

Agatha L. Mergenovich,
Secretary.

Commissioner Trantum, whom Commissioner Gresham joins, dissenting:

Authorization of expenditures for rehabilitation that may not be completed until the 60th day of directed service presupposes an extension beyond December 4. At this time the Commission is still analyzing which Rock Island lines meet the "essentiality" test for continued directed service (see the original directed service order, 360 ICC 289, 294). I therefore cannot approve the revision of items (2) and (3) in the definition of "minor" rehabilitation.

It may be that a limit of \$5,000 per mile "is unreasonably low and seriously interferes with the ability of the DRC to conduct normal railroad operations and normal track maintenance." But under a 60-day directed service order, neither operations nor maintenance can be conducted as if everything were "normal." Directed service provides a brief period during which all interested parties should be planning for significant change, not patching up the status quo. The KCT management group should not take excessive advantage of government funds to upgrade facilities that some members may benefit from at a later date if liquidation occurs. I am opposed to an increase in the \$5,000 per mile limit.

On the general issue of offsetting all rehabilitation expenditures against equipment rents owed to the Rock Island's trustee, I strongly support such conditions. Government funds should not be used to upgrade facilities or equipment for the benefit of the Rock Island estate or other carriers that may ultimately purchase assets from the Rock Island. Correspondingly, we should not expect the trustee to forego claims for the use of Rock Island properties merely because public funds were spent on maintenance and rehabilitation.

Commissioner Alexis, dissenting:

I do not concur with the Chairman's circulated memorandums. I vote to impose the offset requirement for all sums expended beyond those set forth in the original directed service order. In addition, I would like to receive and accounting of all sums the Commission has agreed to pay over and above those set forth in the original directed service order and for all sums due from the Government for the lease of its equipment. These accountings should include the most current figures available and an estimate of the total cost to the Government for the current 60-day directed service period.

I also occur with the sentiments expressed by Commissioners Gresham and Trantum.

[FR Doc. 79-35891 Filed 11-20-79; 8:45 am]

BILLING CODE 7035-01-M

[Directed Service Order No. 1398;
Supplemental Order No. 11]

**Kansas City Terminal Railway Co.
Directed To Operate Over Chicago,
Rock Island & Pacific Railroad Co.,
Debtor (William M. Gibbons, Trustee)**

Decided: November 14, 1979.

On September 26, 1979, the Commission directed Kansas City Terminal Railway Company (KCT) to provide service as a directed rail carrier (DRC) under 49 U.S.C. § 11125 over the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI"). See *Kansas City Term. Ry. Co.—Operate—Chicago, R. I. & P.*, 360 I.C.C. 289 (1979) and 44 FR 56343 (October 1, 1979).

This Supplemental Order is being issued to clarify the process for handling any force reductions involving RI employees represented by the Brotherhood of Railway and Airline Clerks (BRAC).

In a letter dated October 1, 1979, Acting Chairman Stafford clarified the force reduction procedures for BRAC-represented employees. As was stated in paragraph 1 of that letter:

(1) * * * With respect to any force reduction thereafter and before any job abolishment notices, the Kansas City Terminal (KCT) must meet with the Brotherhood of Railway and Airline Clerks (BRAC) and representatives of the Department of Transportation (DOT), the National Mediation Board (NMB), Department of Labor (DOL), and Interstate Commerce Commission (ICC) and provide substantial evidence to show the need for such reduction. BRAC shall have the opportunity to rebut such evidence and the decision of DOT, NMB, DOL, and ICC shall be final.

A majority of the Commission adopted Acting Chairman Stafford's letter in Supplemental Order No. 2 (decided and served October 3, 1979) [44 FR 58581, Oct. 10, 1979].

KCT and BRAC do not see the continued need for the kind of governmental involvement contemplated by Acting Chairman Stafford's letter. Rather, they believe that any future force reductions involving RI employees represented by BRAC can best be handled by reliance on collective bargaining agreements and KCT/BRAC negotiations.

Accordingly, KCT and BRAC have requested that we replace the quoted language in Acting Chairman's letter with the following language:

The directed rail carrier shall guarantee employees represented by BRAC who were not in a furloughed status on August 27, 1979, earnings at least equal to their July 1979

earnings, adjusted to reflect current rates of pay, offset by railroad earnings including vacation pay, time off of their own volition, and any unemployment benefits to which he or she is entitled, through the remainder of the period of the initial directed service order. For any month at the end of the directed service period in which less than a full month is worked, such earnings shall be calculated on a *pro rata* basis.

We believe the requested modification is in the best interest of the public, the parties involved, and the continued provision of directed service. Moreover, we note that the requested modification will bring BRAC force reductions into line with the approach we have taken regarding force reductions involving RI employees represented by the United Transportation Union (UTU) and Brotherhood of Locomotive Engineers (BLE). See Chairman O'Neal's letter (dated October 29, 1979) to Messrs. Hardin (UTU), Sytsma (BLE) and Coe (KCT).

We find: (1) This action will not significantly affect either the quality of the human environment or the conservation of energy resources. See 49 CFR Parts 1106, 1108 (1978).

It is ordered: (1) Acting Chairman Stafford's letter of October 1, 1979, is modified to the extent indicated above.

(2) This decision shall be effective on its service date.

By the Commission. Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Gresham concurring. Commissioner Trantum dissenting. Vice Chairman Stafford not participating. Agatha L. Mergenovich, Secretary.

Commissioner Trantum, dissenting:

If directed service is extended beyond 60 days, the government should retain a role in the furlough process in order to minimize the excess costs of directed service.

[FR Doc. 79-35890 Filed 11-20-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized

representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. 198, November 1, 1979

MC 52704 (Sub-247TA), filed October 9, 1979. Applicant: GLENN MCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345.

Containers, container ends and container closures, from the facilities of Chattanooga Glass Company at or near Gulfport, MS to points in NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chattanooga Glass Company, 400 West 45th Street, Chattanooga, TN 37410. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 105045 (Sub-122 TA), filed September 28, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Avenue, Evansville, IN 47731. Representative: George H. Veech (same address as applicant). Iron and steel articles and pollution control equipment from the facilities of Shelby Fabricators, Inc. at or near Vincent, AL, Shelby County to Alumax Aluminum Co. located at Goose Creek SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shelby Steel Fabricators, Inc., P.O. Drawer G, Vincent, AL 35178. Send protests to:

Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 106674 (Sub-432TA), filed September 21, 1979. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as Applicant). (1) *Furniture parts* (2) *materials equipment and supplies used in the manufacture of furniture parts* (1) from Carthage, and Springfield, MO to Mason, OH; Winchester, KY; Rensselaer, IN; Delano, PA; Social Circle, GA; Atlanta, GA; Litchfield, MI and Nicholasville, KY (2) from Kansas City, MO to Nicholasville, KY for 180 days. (1) and (2) are restricted to traffic originating at or destined to the facilities of Leggett & Platt, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): Leggett Platt, Inc., Carthage, MO 64836. Send protest to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 106674 (Sub-433TA), filed October 4, 1979. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as Applicant). *Fabricated sheet metal products, fabricated plastic products, heating and air conditioning systems and equipment, materials and supplies used in the installation thereof* from the facilities of Acme Manufacturing Company, located at or near Medina, NY, on the one hand, and, on the other, points in the United States in and east of MS, TN, KY, IL, and WI for 180 days. Restricted to the transportation of shipments originating at or destined to the facilities of Acme Manufacturing Company at or near Medina, NY. Supporting shipper(s): Acme Manufacturing Company, 7500 State Road, Philadelphia, PA 19136. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 East Ohio St., Indianapolis, IN 46204.

MC 106674 (Sub-428TA), filed August 6, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Iron and steel articles*, from Newport and Wilder, KY to OH, IL, IN and points in MO and IA east of State Highway #63 for 180 days. Supporting shipper: Interlake, Inc., 9th and Lowell Streets, Newport, KY 41072. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 106674 (Sub-429TA), filed September 10, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Glass containers and closures thereof*, from Mundelein, IL to points in TN and VA for 180 days. Supporting shipper: Ball Corporation, 34 South High Street, Muncie, IN 47302. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 106674 (Sub-430TA), filed July 20, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Petroleum coke, in bulk*, from the facilities of International Minerals and Chemical Corporation at Joliet, IL to Manistee, MI, for 180 days. Supporting Shipper: International Minerals & Chemical Corp., 421 E. Hawley St., Mundelein, IL 60060. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 106674 (Sub-431TA), filed August 24, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Roofing and roofing materials*, from the plantsite of the Celotex Corporation at Lockland, OH to points and places in IL for 180 days. Supporting shipper: The Celotex Corporation, Div. of Jim Walter Corporation, 1500 N. Dale Mabry, Tampa, FL 33622. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 107295 (Sub-942TA), filed September 24, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: DUANE ZEHR (same address as applicant). *Composition board*, from Adrian, MI and Constantine, MI, to points in the United States (except AK and HA) for 180 days. Supporting Shipper(s): Simplex Industries, Inc., Simplex Products Corporation, 3000 W. Beecher Road, Adrian, MI 49221. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107515 (Sub-1291TA), filed October 11, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Marc A. Pearl, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. *Intravenous solutions, and commodities used in the*

application of intravenous solutions from the facilities of Travenol Laboratories, at or near Memphis, TN to Atlanta, GA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Travenol Laboratories, Inc., 1 Baxter Parkway, Deerfield, IL 60015. Send protests to: ICC, Sara K. Davis, T/A, 1252 W. Peachtree St. N.W., Room 300, Atlanta, GA 30309.

MC 107515 (Sub-1289 TA), filed August 24, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby and Marc A. Pearl, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Unfrozen prepared foods* from facilities of Alex XLNT Foods, Vernon, CA to points in NC, SC, FL, GA, TN, AL and AR for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Alex XLNT Foods, 2750 East 50th, Vernon, CA 90058. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 107515 (Sub-1290 TA), filed September 7, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. (1) *Commodities dealt in or used by wholesale and retail grocery stores and toy stores* (a) between the facilities of Wetterau Incorporated and its subsidiaries located at or near Keene, NH, Reading, PA, Charleston, SC, Lexington, KY, Greenville, KY, Scott City, MO, Mexico, MO, Hazelwood, MO, Bloomington, IN, Desloge, MO, and Schuylkill Haven, PA and (b) from points in the US (except AK and HI) to the facilities named in (a) above and (2) *Bakery products* from the facilities of Wetterau Incorporated and its subsidiaries located at or near Atlanta, GA and Hazelwood, MO to points in the US (except AK and HI) and (3) *Refused, rejected and returned merchandise moving in the reverse directions* for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wetterau Incorporated, 8920 Pershall, Hazelwood, MO 63042. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 112304 (Sub-212 TA), filed September 7, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Concrete cylinder pipe* from the facilities of Gifford-Hill American, at or near Grand Prairie, TX

to Newark, AR and points within a 20-mile radius thereof for 180 days. Supporting Shipper(s): Gifford-Hill American, 1004 Meyers Rd., P.O. Box 1571, Grand Prairie, TX 75051. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 113024 (Sub-164 TA), filed September 24, 1979. Applicant: ARLINGTON J. WILLIAMS, 1398 S. DuPont Highway, Smyrna DE 19777. Representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, DC 20005. *Contract carrier: Irregular routes: 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 Compton, CA; Herrin and Rock Island, IL; Eldora, IA; Springfield, MO; Alliance and McCook, NE; Dover NJ; Haywood County, NC; Kingstree, Walterboro and Wiliston, SC; Olney, TX, and Richmond, VA; Marion County, FL; on the one hand, and, on the other, points on and east of Mississippi River and points in MO, NE, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dayco Corp., 333 W. 1st St., Dayton, OH 45402. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620, Phila, PA 19106.

MC 113434 (Sub-146TA), filed October 1, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, A-5253 144th Avenue, Holland, MI 49423. (1) *Glass containers and accessories therefore*; (2) *Pallets & rejected shipments*; (1) from the facilities of Glenshaw Glass Company at or near Glenshaw, PA to WI; (2) from WI to the facilities of Glenshaw Glass Company at or near Glenshaw, PA. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glenshaw Glass Company, Inc., 1101 Wm. Flinn Hwy., Glenshaw, PA 15116. Send protests to: C. R. Flemming, D/S, ICC, 501 Corr Building, Lansing, MI 48933.

MC 113434 (Sub-147TA), filed August 30, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, A5253 144th Avenue, Holland, MI 49423. (1) *Glass containers and accessories*; (2) *Refused and rejected shipments of glass containers and accessories*; (1) from Gurnee, IL to South Haven, Battle Creek, Eaton Rapids and Detroit, MI. (2) from South Haven, Battle Creek, Eaton Rapids, MI and Detroit, MI to Gurnee, IL. For 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anchor Hocking Corp, 109 North Broad Street, Lancaster, OH 43130. Send protests to: C. R. Flemming, D/S, ICC, 201 Corr Building, 300 East Michigan Avenue, Lansing, MI 48933.

MC 113784 (Sub-91TA), filed October 17, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario, Canada L8L 7X7. Representative: Douglas R. Gowland, President (address same as above). *Ilmenite Ore in dump type vehicles*, from the International Boundary between the United States and Canada located at MI to points in MI and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nuclear Shielding Supplies & Service, 2545 Delorimier, Longueuil, Quebec, Canada J4K 3P8. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 113784 (Sub-92TA), filed October 11, 1979. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton Ontario Canada L8L 4M1. Representative: Douglas R. Gowland, President (address same as above). *Hydraulic Building Cement*, between ports of entry in the United States on the US/Canada border located in New York and points in ME, VT, NH, MA, CT, RI, NJ, MD, DE, WV, and VA, for 180 days. Supporting shipper(s): Federal White Cement, Box 548, Woodstock, Ontario, Canada, Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 114045 (Sub-551TA), filed September 12, 1979. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart, P.O. Box 61228, Dallas, TX 75261. *Rust preventive compounds, cleaning compounds, misc. metalworking chemicals*, in containers, in vehicles equipped with mechanical refrigeration, from Warren, MI to the States of CO, IL, IA, KY, OH, and WI for 180 days. Supporting shipper(s): Amchem Products, Div. of Union Carbide Co., Brookside Ave., Ambler, PA 19002. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 114334 (Sub-68TA), filed September 27, 1979. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane Street, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. *Aluminum ingots and aluminum metals*, from Gum Springs and Jones Mills, AR to Lister Hill, AL, for 180 days.

An underlying ETA seeks 90 days authority. Supporting shipper(s): Reynolds Metals Company, P.O. Box 128, Malvern, AR 72104. Send protests to: Floyd A. Johnson, Suite 2006, 100 N. Main St., Memphis, TN 38103.

MC 114604 (Sub-84TA), filed October 9, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Frozen foodstuffs* (except in bulk), from the facilities of Southern Frozen Foods, Division of Seabrook Foods, Inc., at or near Montezuma, GA, to points in DC, IL, IN, KY, LA, MS, MD, OH, TX, VA, WV, TN (except Chattanooga, TN), and points in that part of FL south of Levy, Marion, Putnam, and Flagler Counties, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southern Frozen Foods, Inc., P.O. Box 306, Montezuma, GA 31063. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW, Room 300, Atlanta, GA 30309.

MC 114604 (Sub-85TA), filed October 2, 1979. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE, Atlanta, GA 30326. *Foodstuffs* (except in bulk), in temperature controlled vehicles, from the facilities of J. H. Filbert, Inc., at or near Atlanta, GA, and Fulton, Clayton, DeKalb, Cobb, and Douglas Counties, GA to points in AL, FL, KY, LA, MS, NC, SC, TN, TX, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Filbert, Inc., 3701 Southwestern Blvd., Baltimore, MD 21229. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW, Room 300, Atlanta, GA 30309.

MC 114725 (Sub-107TA), filed October 4, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald F. Swerczek (same address as applicant). *Methanol alcohol, in bulk, in tank vehicles* from Pampa, TX to Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Nashua Corporation, Richard K. Samson, Materials Manager, 3838 So. 108 St., Omaha, NE 68144. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 115554 (Sub-21TA), filed October 9, 1979. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 89B, R.R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. (1) *Agricultural and industrial*

pesticides and chemicals (except commodities in bulk, in tank vehicles), and empty containers, from the facilities of Imperial, Inc. at or near Albert Lea, MN to points in the U.S. (except AK and HI); and (2) Materials and supplies used in the packaging, processing, formulating, production, blending and storage of the commodities in (1) above (except commodities in bulk, in tank vehicles), from the destinations named in (1) above, to the facilities of Imperial, Inc., at or near Albert Lea, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Imperial, Inc., Shenandoah, IA 51601. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 116254 (Sub-291TA), filed October 11, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (address same as applicant). *Aluminum and aluminum articles and materials, equipment and supplies used in the manufacture of aluminum and aluminum articles*, between the facilities of Reynolds Metals Company located at Eastman, GA; on the one hand, and, on the other, points and places in MN, IA, MO, AR, LA, MS, AL, TN, KY, IL, IN, OH, WI, MI, GA, SC, NC, FL, VA, WV, MD, DE, NJ, PA, NY, DC, and TX, for 180 days. Supporting Shipper(s): Reynold Metals Company, P.O. Box 27003, Richmond, VA 23261. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Bldg., Birmingham, AL 35203.

MC 116544 (Sub-182TA), filed October 11, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: R. G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Furniture, materials, equipment and supplies used in the manufacture of furniture*, between the facilities of Gerber Industries, Inc., at St. Peters, MO, on the one hand, and, on the other, Dunn High Point and Tarboro, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gerber Industries, Inc., #1 Gerber Industrial Dr., St. Peters, MO 63376. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 116915 (Sub-102TA), filed October 3, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. No. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. *Aluminum and aluminum articles* between the facilities of Taber Metal, Inc. at or Russellville, AR, on the one hand, and, on the other, points in the U.S. for 180

days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Material Corporation, Tang Inds., Inc., CTM, 2525 Arthur Ave., Elk Grove Village, IL 60007. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 117765 (Sub-270TA), filed September 13, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Beverages, non-alcoholic, in containers*, from Harahan, LA, to OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Canada Dry, Midsouth, 272 Plaque St., Harahan, LA 70183. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 117765 (Sub-272TA), filed October 18, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: R. E. Hagan 1100 S. MacArthur, Oklahoma City, OK 73147. *Flour, Corn Meal, Bird Seed, Popcorn, Feed and Feed Ingredients* (except in bulk) From Shawnee, OK to TX. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shawnee Milling Company, Box 1567, Shawnee, OK 74801. Send protests to: Connie Stanley, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 117765 (Sub-273TA), filed October 16, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, Oklahoma City, OK 73147. Representative: R. E. Hagan, 1100 S. MacArthur, Oklahoma City, OK 73147. (1) *Petroleum and Petroleum products*, in containers, and (2) Advertising Materials, Articles distributed by wholesale or retail suppliers, marketers, or distributors of Petroleum Products, and such commodities as are used by wholesale or retail suppliers, marketers, or distributors of petroleum products in the conduct of their businesses, when moving in mixed loads with the commodities described in (1) above from the facilities of Champlin Petroleum Company, Tulsa, OK, to IL, IN, IA, KS, MI, MN, MO, NE, ND, SD, and WI, for 180 days. Supporting shipper(s): Champlin Petroleum Company, P.O. Box 552, Enid, Oklahoma 73701. Send protests to: Connie Stanley, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 119634 (Sub-42TA), filed September 25, 1979. Applicant: DICK IRVIN, INC., P.O. Box F, Shelby, MT 59474. Representative: Mark A. Cole (same as applicant). *Agricultural chemicals* from Midland, MI, Omaha,

NE and Kansas City, MO to Portland and Umatilla, OR, Lewiston, Caldwell and Twin Falls, ID, Minot, ND and points in MT, WA and WY; and from Lewiston and Caldwell, ID, Fresno, CA, Portland, OR and Henderson, NV to Minot, ND and points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wilbur Ellis Company, P.O. Box 1627, Great Falls, MT 59401. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 119654 (Sub-76TA), filed April 11, 1979. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. *Glass Containers*, from Charlotte, MI to OH, IN, IL and the commercial zone of St. Louis, MO for 180 days. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 120675 (Sub-9TA), filed September 5, 1979. Applicant: ACME TRUCK LINE, INC., P.O. Box 183, Harvey, LA 70059. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78767. *Oil Well fracturing proppant* from New Iberia, LA to Rock Springs, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Carborundum—A corporation, Star Rt. B, Box 390 C, New Iberia, LA 70560. Send protests to: Robert J. Kirspe, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 121664 (Sub-93TA), filed October 5, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35203. *Cement*, from the facilities of Marquette Cement Co., in Nashville and Cowan, TN to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OH, SC, VA, and TN. From Marquette Cement Co., in Memphis, TN to points in AL, AR, KY, LA, MO, IL, MS, and TN, for 180 days. Supporting Shipper(s): The Marquette Co., A Wholly-Owned Subsidiary of G & W Ind., 2200 First American Center, Nashville, TN 37238. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-95TA), filed October 8, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. box 846, Monroeville, AL 36460. Representative: William E. Grant, 1702 First Avenue South, Birmingham, AL 35233. *Steel tubing and steel articles* from Tallapoosa, GA to points in AL, MS, LA, TX, AR, FL and

TN, for 180 days. Supporting shipper(s): Atlantic Building Systems, Inc., 3169 Holcomb Bridge Road, Norcross, GA. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 123744 (Sub-63TA), filed October 1, 1979. Applicant: BUTLER TRUCKING COMPANY, P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 11th St., N.W., Washington, DC 20001. *Such commodities as are dealt in or used by agricultural equipment manufacturers and dealers thereof* (except commodities in bulk) from Canton and East Moline, IL, to points in WV, PA, NY, NJ, MA, CT, DE, MD, VA, NC, SC, GA, NH, VT, RI and ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Co., 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 124154 (Sub-91TA), filed October 2, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Chemicals (except in bulk)*, between points in NM and LA. Restricted to the transportation of traffic handled for the account of ATCO Chemical Co., for 180 days. Supporting shipper(s): ATCO Chemical Co., 4207 Raymond, Shreveport, LA 71108. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-92TA), filed October 18, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. D. Wingate (address same as applicant). *Agricultural chemicals, materials, supplies and equipment used in their manufacture* between points in McIntosh, AL and Leland, MS on the one hand, and on the other, points in AL, AR, CA, IL, IN, IA, KS, MI, MN, MO, NE, NY, OH, OK, OR, WA, WI, TN, KY, and PA, for 180 days. Supporting shipper(s): Olin Corporation, P.O. Box 991, Little Rock, AR. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124174 (Sub-157TA), filed September 21, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). (A) *Electric Cable* from Omaha, NE to points in CT, MA, and RI and (B) *Communications or telephone equipment, materials, supplies and such articles as are useful or incidental to the installation, erection*

and maintenance thereof between Omaha, NE and Suffern, NY for 180 days. Restriction: Traffic is restricted to originate at or destined to the facilities of Western Electric Co. Supporting shipper(s): Western Electric, A.C. Dodge, Resident Transportation Supervisor, 120th & "I" Street, Omaha, NE 68114. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124174 (Sub-158TA), filed September 21, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Composition board* from the facilities of United States Gypsum Co. at Lisbon Falls, ME to points in AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Gypsum Company, Russell S. Hancock, Traffic Manager, 101 South Wacker Drive, Chicago, IL 60606. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124174 (Sub-159TA), filed October 2, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Containers (empty) for chemicals* from Omaha, NE and Council Bluffs, IA to Sioux Falls, SD and St. Paul, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Walling Chemical Company, R.A. Walling, President, P.O. Box 408, 2008 Westport Avenue, Sioux Falls, SD 57101. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 124835 (Sub-22TA), filed August 9, 1979. Applicant: PRODUCERS TRANSPORT COMPANY, P.O. Box 4022, Chattanooga, TN 37405. Representative: Sam Speer (same address as applicant). *Commodities in bulk*, from the facilities of Transbulk, Inc. at or near Memphis, TN to points in AL, AR, KY, LA, MS and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Transbulk, Inc., 4646 Poplar Suite 407, Memphis, TN 38117. Hercules Incorporated, 3169 Holcomb Bridge Rd., Suite 700, Norcross, GA 30071. Send protests to: Glenda Kuss, T/A, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124964 (Sub-50 TA), filed October 9, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P. O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P. O. Box 357, Gladstone, NJ 07934. *Contract carrier, irregular routes, transporting foodstuffs,*

as dealt in by retail, wholesale, chain grocery, and food houses, from Lakeland, FL, to points in IL, MI, NJ, NY, OH, and PA for 180 days. Under a continuing contract or contracts with Borden Foods, Division of Borden, Inc., Columbus, OH. An underlying ETA seeks 90 days authority. Supporting Shippers(s): Borden Foods, Division of Borden, Inc., 180 E. Broad Street, Columbus, OH 43215. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 125335 (Sub-85 TA), filed September 10, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Foodstuffs (except frozen foods and commodities in bulk)* from the facilities of Vlastic Foods, Inc. at Greenville, MS to points in FL, TN, GA, AL, and KY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Vlastic Foods, Inc., 33200 W. 14 Mile Rd., West Bloomfield, MI 48033. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 125985 (Sub-33 TA), filed September 17, 1979. Applicant: AUTO DRIVEWAY COMPANY, 310 South Michigan Avenue, Chicago, Illinois 60604. Representative: Mr. RON I. FREDRIKSEN (same address as applicant). *Step vans of 1½ ton GVW in secondary movements in driveway service*, from Cook County, IL, to San Mateo, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Monarch Laundry, 140 West 111th Street, Chicago, Illinois 60628. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn, Room 1386, Chicago, IL 60604.

MC 126305 (Sub-129 TA), filed September 25, 1979. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RFD 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Bladstone, NJ 07934. *Grain bins, augers, fans, heaters, and other related items*; from the facilities of Conrad-American, Inc., Eufaula, AL, to points in AL, GA, SC, NC, VA, FL, LA, MS, TN, KY, and AR. *And equipment, material, and supplies used in the manufacture of the above named items* from points in AL, GA, SC, NC, VA, FL, LA, MS, TN, KY, and AR, to the facilities of Conrad-American, Inc., Eufaula, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Conrad-American, Inc., P.O. Box 2, Eufaula, AL 36027. Send protests to: Mabel E. Holston, T/A, ICC, Room

1616—2121 Building, Birmingham, AL 35203.

MC 126555 (Sub-71TA), filed October 4, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Soda ash* from Sweetwater County, WY to Golden, CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coors Container Company, Golden, CO 80401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 126555 (Sub-72TA), filed October 15, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Galen R. Meek (same address as applicant). *Diesel fuel and gasoline* from Denver, CO to Imperial, Lamar and Naigler, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zimmerman Oil, P.O. Box 369, Greeley, CO 80632. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 127745 (Sub-7TA), filed September 18, 1979. Applicant: GEORGE B. KING, d.b.a. KING TRANSFER, 714 Pearl Street, Onawa, IA 51040. Representative: Robert A. Wichser, P.O. Box 417, Sioux City, IA 51102. (1) *Farm machinery, implements and equipment* from Onawa and Smithland, IA to points in CO, IL, IN, IA, MI, MN, MO, MT, ND, SD, WA and WI; and (2) *Materials, supplies and equipment used in the manufacture, sale and distribution of farm machinery, implements and equipment* from the destination states specified in (1) above to the name origin points for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westendorf Manufacturing Company, Neal W. Westendorf, President, Onawa, IA 41040. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 128115 (Sub-2TA), filed October 15, 1979. Applicant: KEITH EMHOFF, d.b.a. EMHOFF TRUCKING, Route 1, Sheffield, IA 50475. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309. Contract carrier—Irregular Routes. *Liquid fertilizer, in bulk*, from Mason City, Clear Lake, Des Moines, and Clinton, IA, to points in MN and WI, under continuing contract(s) with Land O'Lakes, Inc., Fort Dodge, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Land O'Lakes, Inc., Fort Dodge, IA 50501. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 128285 (Sub-16TA), filed October 17, 1979. Applicant: MELLOW TRUCK EXPRESS, INC., 9801 N. Vancouver Way, Portland, OR 97217. Representative: Peter H. Glade and Dennis H. Elliott, Suite 555, One Columbia, Portland, OR 97258. Contract, irregular, feed, feed ingredients, and fertilizer (except liquid commodities in bulk) from points in CA, to points in OR and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Occidental Chemical Co., 8700 SW 28th, Portland, OR 97219. Send protests to: D. Merine Galbraith, T/A, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 133095 (Sub-273TA), filed September 14, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan, P.O. Box 434, Euless, TX 76039. *Synthetic resin granules* from the facilities utilized by Ren Plastics, at or near Grand Prairie, TX to points in the United States, for 180 days. Supporting Shipper(s): Ren Plastics, 1205 Avenue H East, Grand Prairie, TX 75050. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133314 (Sub-6TA), filed September 20, 1979. Applicant: SILVAN TRUCKING COMPANY, INC., RR 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. *Vegetables and/or fruit puree, canned or pressured, except commodities in bulk* from the warehouse facilities of The Larsen Company in Chicago, IL to points in IN, OH, PA, the lower peninsula of MI and Louisville, KY for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Larsen Company, P.O. Box 1127, 520 North Broadway, Green Bay, WI 54305. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 133565 (Sub-16TA), filed October 22, 1979. Applicant: TRUE TRANSPORT INC., 15 Stockton Street, P.O. Box 829, Newark, NJ 07101. Representative: Leamon McCoy, P.O. Box 829, Newark, NJ 07101. 1. General commodities, (except those of unusual value, Class A & B explosives, and household goods), in containers or trailers restricted to traffic having a prior or subsequent movement by water. 2. Empty trailers, containers and container chassis, over irregular routes. Between points in the commercial zones of New York, NY, Philadelphia, PA and Baltimore, MD, on

the one hand, and, on the other, points and places in that part of PA on and west of a line beginning at the PA-NY state borderline, at or near Lawrenceville, PA, and extending along U.S. Highway 15 to junction U.S. Highway 11 at or near Camp Hill, PA, then along U.S. Hwy 11 to the PA-MD state borderline, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are nine (9) supporting shippers on file at the Newark, NJ and Washington, D.C. offices. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 133655 (Sub-185TA), Filed October 15, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Carpet, carpet padding, and materials and supplies* used in the installation thereof from Philadelphia, PA; Camden, NJ; and Trenton, NJ to points in TX, AR, LA, and OK, for 180 days. Supporting shipper(s): General Felt Industries, Inc., Part 80 Plaza West-One, Saddle Brook, NJ 07662. Send protests to: Marianne Minnich, Rm 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133655 (Sub-186TA), filed September 13, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are sold, distributed, and dealt in by retail and wholesale, drug, grocery, and department stores* from the facilities of Colgate-Palmolive Company located at or near Kansas City, KS to points in OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Colgate-Palmolive Company, 1806 Kansas Ave., Kansas City, KS 66105. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-35TA), filed September 26, 1979. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112. *Such commodities as are dealt in or used by Allied Stores Marketing Corporation* from New York, NY and North Bergen, NJ to the facilities utilized by Allied Stores Marketing Corporation in Miami and Tampa, FL and Dallas, Houston, and San Antonio, TX and the commercial zone of each named point for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Allied Stores Marketing Corporation, 1114

Avenue of the Americas, New York, NY 10036. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-36TA), filed October 10, 1979. Applicant: LONE STAR CARRIERS, INC., Route 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle, 9632 Palo Pinto Road, Fort Worth, TX 76476. (A) *Rubber articles, plastic articles and rubber materials and (B) equipment, materials and supplies used in the manufacturing and distribution of Commodities in (A) from the facilities of Entek Corporation of America at or near Irving, TX on the one hand, and on the other, points in the US except ID, MT, ND, SD, AK, & HI for 180 days.* Supporting shipper(s): Entek Corporation of America, P.O. Box 61048, Dallas, TX 75261. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134064 (Sub-29TA), filed September 6, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Foodstuff (except in bulk) from the facilities of C. F. Mueller Company at or near Jersey City, NJ to points in NC, SC, GA and FL, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): C. F. Mueller Company, 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA.

MC 134064 (Sub-30TA), filed September 19, 1979. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Paper, in rolls, pulpboard, non-corrugated, newsprint, and paper wastes, in bales, except in bulk, between Carrollton, GA; St. Marys, GA; Atlanta, GA; and points in their commercial zones on the one hand, and, on the other, points in ME, NH, MA, CT, RI, NY, NJ, PA, DE, MD, VA, WV, NC, SC, TN, FL, AL, OH, MI, IN, KY, IL, MS, AR, LA, OK, and TX, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Dixie Converting Corp., P.O. Box 1446, Carrollton, GA 30117. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 134105 (Sub-67TA), filed October 4, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West

Touhy Ave., Park Ridge, IL 60068. *Meat, meat products, meat-by-products and articles distributed by meat packing houses (except hides and commodities in bulk), from the facilities of Illini Beef Packers, Inc. at Joslin, IL to points in FL, for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Illini Beef Packers, Inc., P.O. Box 245, Geneseo, IL 61254. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 134134 (Sub-50TA), filed September 24, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: James F. Crosby, I-80 and Hwy. 50, P.O. Box 37205, Omaha, NE 68137. *Aluminum sheet, coils, foil and scrap from the facilities of Aluminum Company of America at Lebanon, PA to points in IL, IN, IA, KY, MI, MO, NE, OH, TN and WI for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Alumninum Company of America, James W. Lyle, Supervisor, Rate Research, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134405 (Sub-87TA), filed August 29, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Sand, in bulk, in tank vehicles, from Bossier City, LA, to points in Camp, Cass, Gregg, Harrison, Marion, Morris, Nacagdoches, Panola, Rusk, Shelby, Smith, St. Augustine, Upshur, Van Zandt, and Wood Counties, TX, for 180 days.* Supporting Shipper(s): Dowell Division of Dow Chemical Company, P.O. Box 21, Tulsa, OK 74102. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 134405 (Sub-88TA), filed August 29, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Proppant, in bulk, in tank vehicles, from New Iberia, LA, to points in AR, CO, KS, LA, MS, MT, MN, OK, TX, & WY, for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Halliburton Services a Division of Halliburton Company, Box 1431, Duncan, OK 73533. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102

MC 134484 (Sub-26TA), filed September 26, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Meat, frozen in boxes, from Los Angeles, CA to Seattle, WA and points in its commercial zone for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Landmark Beef Processors, Inc., 3161 E. Vernon Ave., Los Angeles, CA 90058. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Bosie, ID 83702.

MC 134574 (Sub-1TA), filed September 27, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 4K6. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. *Meat, meat products and meat by-products, 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 MCC 209 and 766, from Billings, MT and points within five miles thereof, to ports of entry on the International Boundary line between the U.S. and Canada located in ND, MT, ID and WA and to points in AZ, CA, ID, OR and WA, for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pierce Packing Company, P.O. Box 30177, Billings, MT 59107. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 134954 (Sub-5TA), filed September 27, 1979. Applicant: INTERNATIONAL PRODUCTS CORP., 402 North Sixth Street, P.O. Box 1158, Chickasha, OK 73018. Representative: Rufus H. Lawson, Attorney, 2753 Northwest 22nd Street, Oklahoma City, OK 73107. *Contract Carrier: Irregular Route: Fertilizer, dry, in bulk, or in bags, from Pasadena, TX, to points in OK, for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Smith-Douglas, Division of Borden Chemicals, Borden, Inc., P.O. Box 419, Norfolk, VA 23501. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 135605 (Sub-7TA), filed September 24, 1979. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. *Foodstuffs, except meat, meat products, meat by-products, not frozen and except commodities in bulk, from the facilities of Vlasic Foods Inc. at (1) Millsboro, DE to WV, PA, MD, NY and NJ; and (2) Greenville, MS to AR, LA, OK, TX, TN,*

AL and GA, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14 Mile Road, West Bloomfield, MI 48033. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 135605 (Sub-8TA), filed September 24, 1979. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. *Agricultural fertilizers, chemicals and products, supplies and raw materials used in the manufacture, distribution and sale thereof (except in bulk) between all points in CA, AL, AR, DE, FL, GA, LA, MD, MS, NC, NJ, NY, OK, PA, SC, TN, TX, VA, WV, AZ, NM, MO, IA, MI and KS, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Helena Chemical Company, 5100 Poplar Ave., Memphis, TN 38137. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.*

MC 135654 (Sub-10TA), filed September 10, 1979. Applicant: J. M. HANEY TRUCKING CO., INC., 4754 Mahoning Ave., Youngstown, OH 44515. Representative: Gilbert J. Green, 4101 W. 42nd Place, Chicago, IL 60632. *Contract; irregular; Automotive parts, equipment and supplies; machinery parts viz: mufflers, internal combustion engine; and tubing straight steel, welded, except commodities in bulk, in tank vehicles between the facilities of Midas International Corp. at Chicago, IL and all points and places in the states of: AL, AZ, AR, CA, CO, DE, DC, FL, GA, ID, IL, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, VA, WA, WI, WY for 180 days. Supporting Shipper(s): Midas International Corp., 4101 W. 42nd Place, Chicago, IL 60632. Send protests to: Interstate Commerce Commission, Federal Reserve Bank Bldg., 101 North 7th Street, Room 620, Philadelphia, PA 19106.*

MC 135895 (Sub-60TA), filed October 15, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. *Wire and wire products, and fence and fencing material between the facilities of Bekaert Steel Wire Corp. located at or near Van Buren, AR, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, MO, NC, OK, SC, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bekaert Steel Wire Corp., P.O. Box 668, Van Buren, AR 72956. Send protests to:*

Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 136644 (Sub-11TA), filed October 4, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Ronald D. Davis, President (same address as applicant) PH: (707) 552-8777. *Contract carrier, irregular routes: (1) gypsum board paper from Stockton, CA to points in Clark County, NV; and (2) Gypsum wallboard, accessories and materials used in installation of same, from points in Sacramento County, CA, for 180 days. Supporting shipper(s): Pacific Coast Building Products, 3001 "I" Street, Sacramento, CA 95816. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.*

MC 138635 (Sub-92TA), filed September 20, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: W. C. Sutton (same as above). *General commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment from Los Angeles, CA, and its commercial zone to points in AL, MS, FL, GA, TN, KY, NC, SC, LA, and VA, restricted to the transportation of traffic originating at the facilities of Streamline Shippers Association, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Streamline Shippers Association, P.O. Box 3606, Terminal Annex, Los Angeles, CA 90051. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.*

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November 6, 1979.

MC 2934 (Sub-46 TA), Filed August 30, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, Suite 1000, 130 R. Washington St., Indianapolis, IN 46204. *Kitchen cabinets, furniture, vanities, household fixtures and related articles, (1) from the facilities of Triangle Pacific Corporation at or near Union City, IN to points and places in the states of CT, DE, ME, MD, MA, NH, NJ, NY, PA and (2) from the facilities of Excel Wood Products, at or near Lakewood, NJ and Shelbyville, IN to points and places in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Triangle Pacific*

Corporation, 4255 LBJ Freeway, Dallas, TX 75234 and Excel Wood Products, PO Box 819, Lakewood, NJ 08701. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 14314 (Sub-35 TA), Filed September 21, 1979. Applicant: DUFF TRUCK LINE INC., P.O. Box 359, Broadway & Vine Streets, Lima, OH 45802. Representative: Paul F. Beery, Beery & Spurlock Co., L.P.A., 275 E. State Street, Columbus, OH 43215. *Common; regular: General commodities, Except those of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment, serving Hopkinsville, KY and points in its commercial zone as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Carrier intends to tack and interline at Louisville, KY, Evansville, IN, St. Louis, MO, Detroit and Pontiac, MI, Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, Mansfield and Toledo, OH. Supporting shipper(s): Faultless Division, Bliss & Laughlin Industries, 120 Faultless Road, Hopkinsville, KY 42240. USM Corporation, Bailey Division, Bradshaw Road, Hopkinsville, KY 42240. Send protests to: ICC Fed. Res. Bank Bldg., 101 N. 7th., Phila., PA-19106, Room 620.*

MC 31675 (Sub-26 TA), filed September 27, 1979. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore, P.O. Box 34303, Charlotte, NC 28234. *Boards, building, wall or insulation and materials and supplies used in the insulation thereof (except commodities in bulk) from the facilities of Armstrong Cork Company at or near Marietta, Pa., to Points in AR, IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD, TX, OK and WI, for 180 days. Supporting shipper(s) Armstrong Cork Company, P.O. Box 3001, Lancaster, PA 17604. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm CC516, Charlotte, NC 28205.*

MC 31675 (27 TA), filed September 27, 1979. Applicant: NORTHERN FREIGHT LINES, INC., P.O. Box 34303, Charlotte, NC 28234. Representative: Garland V. Moore, P.O. Box 34303, Charlotte, NC 28234. *Boards, building, wall or insulating and materials and supplies used in the insulation thereof (except commodities in bulk) from the facilities of Armstrong Cork Company at or near Marietta, PA to points in AL, FL, GA, KY, LA, MS and TN, for 180 days. Supporting shipper(s) Armstrong Cork Company, P.O. Box 3001, Lancaster, PA 17604.*

Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd, Rm CC516, Charlotte, NC 28205.

MC 52704 (Sub-248TA), filed October 5, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. (1) *Metal containers, container ends and closures*, from the facilities of Crown Cork and Seal, Inc. in Atlanta, GA to Knoxville, Chattanooga and Nashville, TN; to Mullins and Columbia, SC and to Birmingham, AL; and (2) *tinplate and materials, equipment and supplies used in the manufacture and distribution of metal containers, container ends and closures* from Knoxville, Chattanooga and Nashville, TN, Columbia, Mullins and Spartanburg, SC, and Birmingham, AL to the facilities of Crown Cork and Seal Company, Inc. in Atlanta, GA, for 180 days. Supporting shipper(s): Crown Cork and Seal Company, Inc., 125 Otley Drive, Atlanta, GA 30324. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 53965 (Sub-165TA), filed September 27, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same as above). Common carrier: Irregular. *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment between Tulsa, OK and Dallas, TX, from Tulsa over US Hwy 75 to junction Indian National Turnpike, then over Indian National Turnpike to junction US Hwy 69, then over US Hwy 69 to junction US Hwy 75, then over US Hwy 75 to Dallas, and return over the same route, serving their respective commercial zones, serving no intermediate points, and serving Ft. Worth, TX and its commercial zone as an off-route point, for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline at Dallas, TX and Tulsa, OK. 37 supporting shippers. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 58035 (Sub-24TA), filed August 29, 1979. Applicant: TRANS-WESTERN EXPRESS, INC., 48 E. 56th Avenue, Denver, CO 80216. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. (1) *Household electric appliances and equipment; oral hygiene appliances and equipment; hydrotherapy equipment; sink and*

shower fixtures; smoke alarms; food processing machines; and filters; (2) materials, equipment and supplies used in manufacture and distribution of commodities named in (1) above, between the facilities of Teledyne Water Pik at points in Larimer County, CO, on the one hand, and, on the other, points in SC and NC for 180 days. An underlying ETA seeks authority for 90 days. Applicant requests authority to interline with other carriers. Supporting shipper(s): Teledyne Water Pik, 1730 E. Prospect, Fort Collins, CO 80525. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 59655 (Sub-33TA), filed October 26, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NY 10901. Representative: George A. Olsen, POB 357, Gladstone, NJ 07934. *Containers*, from Wharton, NJ, to Milton, NY; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hudson Valley Apple Products Co., POB 808, South Road, Milton, NY 12547. Send protests to: Maria B. Kejs, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 66124 (Sub-9TA), filed August 10, 1979. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmunds, Seattle, WA 98108. Representative: L. H. Doolittle, (same as above). *General commodities (except Classes A and B explosives)*, between Tacoma, WA and Portland, OR, including intermediate point of Longview, WA and the off-route points of Aberdeen-Hoquiam, WA; and between Port Townsend and Seattle, WA, restricted to containerized freight having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in MC-66124. Supporting shipper(s): Keer Steamship Company, Inc., 1001 Fourth Ave, Seattle, WA 98154, Matson Agencies, Inc., Pacific Bldg., 720 34d, Seattle, WA 98104, Morflot Freightliners, Inc., 801 Second Ave., Seattle, WA 98104. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 67234 (Sub-25TA), filed October 26, 1979. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63028. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. (1) *Materials, parts and supplies used in the manufacture of computer power systems* from Minneapolis and St. Paul, MN and

Oshkosh, WI to ports of entry on the boundary between the US and Canada in MI and NY; and (2) *computer power systems* from ports of entry on the boundary between the US and Canada in MI and NY to points in Sullivan and Washington Counties, TN, Hennepin and Ramsey Counties, MN, Cerro Gordo County, IA, Santa Clara and Orange County, CA, Salt Lake City County, UT, Cook County, IL and Winnebago County, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sperry-Univac, 2276 Highcrest Dr., Roseville, MN 55113. Send protests to: Peter E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 102764 (Sub-10TA), filed September 28, 1979. Applicant: A.B.C., Inc., 24 Plymouth Road, North Providence, RI 02940. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Common carrier: regular route: Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, between Providence, RI and Boston, MA serving all intermediate points between Providence, RI and Boston, MA, from Providence, RI over U.S. Hwy 1 to the RI/MA State Line, then over U.S. Hwy 1 to Boston, MA, and return over the same route; between Providence, RI and Boston, MA serving all intermediate points between Providence, RI and Boston, MA, from Providence, RI over U.S. Hwy 1 to the RI/MA State Line, then over U.S. Hwy 1 to Attleboro, MA to the junction of U.S. Hwy 1A, then over U.S. Hwy 1A to Dedham, MA to the junction of U.S. Hwy 1, then over U.S. Hwy 1 to Boston, MA and return over the same route; between Providence, RI and Boston, MA serving all intermediate points between Providence, RI and Boston, MA, from Providence, RI over U.S. Hwy 1 to the RI/MA State Line, then over U.S. Hwy 1 to Dedham, MA to the junction of U.S. Hwy 1A, then over U.S. Hwy 1A to Dedham, MA to the junction of Hwy 128, then over Hwy 128 to the junction of the Southeast Expressway, then over the Southeast Expressway to Boston, MA and return over the same route; between Providence, RI and Boston, MA serving all intermediate points between Providence, RI and Boston, MA, from Providence, RI over U.S. Hwy 1 to the RI/MA State Line, then over U.S. Hwy 1 to Attleboro, MA to the junction of U.S. Hwy 1A, then over U.S. Hwy 1A to Dedham, MA to the junction of Hwy 128, then over Hwy 128, to the junction of the Southeast Expressway, then over the Southeast Expressway to Boston, MA and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to*

interline at Providence, RI and Boston, MA. Supporting shipper(s): There are approximately 37 statements of support which may be examined at the office listed below and Headquarters. Send protests to: Gerald H. Curry, DS, ICC, 24 Weybosset St., Room 102, Providence, RI 02903.

MC 106074 (Sub-132TA), filed October 18, 1979. Applicant: B and P MOTOR LINES, INC., Shiloh Rd. and U.S. Highway 221 South, Forest City, NC 28043. Representative: John J. Capo, P.O. Box 720434, Atlanta, GA, 30328. *Foodstuffs, canned or preserved from the facilities of Heinz, USA, Division of H. J. Heinz Company at Holland, MI to Greenville, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz, USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.*

MC 106074 (Sub-133TA), filed October 23, 1979. Applicant: B AND P MOTOR LINES, INC., P.O. Box 727, Forest City, NC 28043. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. *General commodities (except in bulk), between Houston, TX; Pasadena, TX; Kansas City, KS; Seneca, Spartanburg, and Startex, SC, on the one hand, and, on the other, all points in the U.S. (except AK and HI), restricted to transportation originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemical Company, and Phillips Products Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillips Petroleum Company, 148 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd—Rm CC516, Charlotte, NC 28205.*

MC 106485 (Sub-19TA), filed October 24, 1979. Applicant: LEWIS TRUCK LINES, INC., Box 642, Lisbon, ND 58054. Representative: Kip B. H. Erickson, 502 First National Bank Bldg., Fargo, ND 58126. *Common carrier: regular routes: General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading, between Mobridge, SD, on the one hand, and, on the other, Mandan, ND, from Mobridge over U.S. Hwy 12, to junction U.S. Hwy 83, then over U.S. Hwy 83 to junction I Hwy 94, then over I Hwy 94 to Mandan, ND, serving the intermediate points of Bismarck, ND, and all intermediate*

points south of the Burleigh County-Emmons County, ND line, and return over the same route, for 180 days. Applicant states it intends to tack the authority here applied for to other authority held by it. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority. Supporting shipper(s): There are 14 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: H. E. Farsdale, DS, ICC, Room 268, Fed. Bldg. and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 106674 (Sub-427TA), filed September 12, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Containers and closures therefore, from the plant site of Ball Corporation at Mundelein, IL and warehouse facilities utilized by Ball Corporation located in Lake and Cook Counties of IL to points in AL, AR, DE, FL, GA, IN, KY, LA, MS, MD, MA, MO, NJ, NY, NC, OH, PA, SC, TN, TX, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.*

MC 106674 (Sub-434TA), filed October 12, 1979. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Insulating materials, loose in cartons and blankets in cartons from C-E Refractories Division of Cubustion Engineering, Inc., Erwin, TN to points in and east of MN, IA, NB, KS, OK, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C-E Refractories, P.O. Box 828, Valley Forge, PA 19482. Send protests to: Beverly J. Williams, Transportation Assistant, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.— Interstate Commerce Commission.*

MC 107515 (Sub-1292TA), filed Sept. 11, 1979. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby and Marc A. Pearl, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. *Such commodities as are dealt in or used by chemical manufacturers and distributors (except commodities in bulk), from the facilities of Oxford Chemicals at or near Chamblee, GA, to the facilities of Oxford Chemicals at or near Memphis, TN, for 180 days. An*

underlying ETA seeks 90 days authority. Supporting Shipper(s): Oxford Chemicals, P.O. Box 80202, Atlanta, GA 30341. Send protests to: Sara K. Davis T/A, ICC, 1252 W. Peachtree St., NW Room 300, Atlanta, GA 30309.

MC 107605 (Sub-24TA), filed October 5, 1979. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Rd., NE, Minneapolis, MN 55413. Representative: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102.

Common carrier: regular routes: General commodities (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities of unusual value) between Milwaukee, WI and Two Rivers, WI serving the intermediate and off-route points of Sheboygan, Kohler, Sheboygan Falls and Manitowoc: from Milwaukee over Interstate Hwy. 43 to Sheboygan, thence on U.S. Hwy. 141 to its junction with Wisconsin Hwy. 42 at or near Manitowoc, thence over Wisconsin Highway 42 to Two Rivers and return over the same route; between Milwaukee, WI and Bristol, WI serving the intermediate and off-route points of East Troy, Elkhorn, Delavan, Burlington and Union Grove: from Milwaukee over Wisconsin Hwy. 15f to its junction with Wisconsin Hwy. 50 at or near Delavan, thence over Wisconsin Hwy. 50 to its intersection with U.S. Hwy. 45 at or near Bristol, thence over U.S. Hwy. 45 to its junction with Wisconsin Hwy. 11 at or near Union Grove, thence over Wisconsin Hwy. 11 to its junction with U.S. Hwy. 15; thence over U.S. Hwy. 15 to Milwaukee; between Milwaukee and Bristol, serving the intermediate point of Union Grove: from Milwaukee over U.S. Hwy. 45 to Bristol and return over the same route; between Milwaukee and Burlington: from Milwaukee over Wisconsin Hwy. 36 to Burlington and return over the same route; between Milwaukee and Delavan: from Milwaukee over Wisconsin Hwy. 15 to Delavan and return over the same route, serving intermediate points of Elkhorn and East Troy; from Milwaukee over Interstate Hwy. 94 to its junction with Wisconsin Hwy. 11, thence over Wisconsin Hwy. 11 to its junction with Wisconsin Hwy. 15; thence over Wisconsin Hwy. 15 to Delavan and return over the same route serving the intermediate points of Elkhorn, Burlington and Union Grove; from Milwaukee over Interstate Hwy. 94 to its junction with Wisconsin Hwy. 50, thence over Wisconsin Hwy. 50 to Delavan, thence over Wisconsin Hwy. 15 to Milwaukee and return over the same route, serving the intermediate

points of Bristol, Elkhorn and East Troy. Service to and from all points in the commercial zones of the points requested to be served, for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to interline at all service points and to tack this authority with authority it presently holds in No. MC-107605. Supporting Shipper(s): There are 15 statements of support attached to this application which may be examined at the ICC in Washington, DC or the field office named below. Send protests to: Judith L. Olson, TS, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 110325 (Sub-120TA), filed October 12, 1979. Applicant: TRANSCON LINES, 101 Continental Blvd., El Segundo, CA 90245. Representative: Wentworth E. Griffin, Esq., 1221 Baltimore Ave., Kansas City, MO 64105. **COMMON:** Regular: *General commodities* (except Class A and B explosives, those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Trent Tube Division of Colt Industries, Inc., at East Troy, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations, for 180 days. An Underlying ETA seeks up to 90 days operating authority. Applicant request to interline and to tack with authority it presently holds in No. MC-110325 and Subs thereto. Supporting Shipper(s): Trent Tube Division of Colt Industries, Inc., 498 S. Church St., East Troy, WI 53120. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 111545 (Sub-295TA), filed Oct. 17, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Road, Marietta, GA 30067. Representative: Robert E. Born, 1425 Franklin Rd., Marietta, GA 30067. *Commodities, the transportation of which because of size or weight require the use of special equipment; and self-propelled articles, each weighing 15,000 pounds or more, between points in CA, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.* Supporting Shipper(s): Blue Valley Machine & Mfg. Co., 6834 Truman Rd., Kansas City, MO 64126. Aggressive Erectors & Bridgemen, Inc., 22118 S. Vermont, Torrance, CA 90502. Concrete Pump Division, Challenge-Cook Bros., Inc., 15421 East Gale Ave., Industrial, CA 91745. Formetco, Inc., 2963 Pleasant Hill Rd., Duluth, GA 30136. Send protests to: Sara

K. Davis T/A, ICC, 1252 W. Peachtree St., N.W. Room 300, Atlanta, GA 30309.

MC 111594 (Sub-87TA), filed October 18, 1979. Applicant: C W TRANSPORT, INC., 810 High St., Wisconsin Rapids, WI 54494. Representative: Thomas D. O'Connor (same address as applicant). *General commodities (except those of unusual value, explosives, livestock, household goods as defined in Practice of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between points and places in Wisconsin as follows: From Milwaukee, WI over WI Hwy 19 to Sun Prairie, WI, thence over US Hwy 151 to Madison, WI; From Milwaukee, WI over WI Hwy 15 to Beloit, WI, thence over US Hwy 51 to South Beloit, IL; From Milwaukee, WI over US Hwy 41 to junction WI Hwy 36, then over WI Hwy 36 to Lake Geneva, WI, thence over US Hwy 12 to Genoa City, WI; From Racine, WI over WI Hwy 11 to Janesville; Service is authorized to or from the off-route point of Williams Bay, WI. From Racine, WI over WI Hwy 20 to Rochester, WI; From Milwaukee, WI over US Hwy 18 to Waukesha, WI (also from Milwaukee, WI over WI Hwy 59 to Waukesha), thence over WI Hwy 59 to Milton, WI, thence over WI Hwy 26 to Janesville; Service is authorized to and from the off-route point of Genesee Depot, WI. From Watertown, WI over US Hwy 16 to Portage, WI; Service is authorized to and from the off-route points of Clyman, Reeseville, Fall River and Pardeeville, WI; From Watertown over WI Hwy 26 to junction WI Hwy 33, thence over WI Hwy 33 to Beaver Dam, WI, thence over Hwy 151 to Columbus, WI, and thence over US Hwy 16 to Portage, WI; From Watertown, WI over US Hwy 26 to Fort Atkinson, WI, thence over US Hwy 12 to Whitewater, WI; From Burlington, WI over WI Hwy 83 to Salem, WI; From Kenosha, WI over WI Hwy 50 to junction WI Hwy 83; From junction WI Hwy 50 and US Hwy 45 over US Hwy 45 to Bristol, WI. Return over these routes to the above specified origin points. Service is authorized to and from all intermediate points on the above specified routes. Service is authorized to all points in the commercial zones of the points authorized above for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to interline at Sun Prairie, Madison, Beloit, Milwaukee, Lake Geneva, Genoa City, Racine, Janesville, Rochester, Waukesha, Milton, Watertown, Portage, Beaver Dam, Columbus, Ft. Atkinson, Whitewater, Burlington, Salem,*

Kenosha, and Bristol, WI and to tack this authority with authority it presently holds in No. MC-111594 and Subs thereto. Supporting Shipper(s): There are 17 (seventeen) supporting shippers. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 112304 (Sub-223TA), filed September 20, 1979. Applicant: ACE DORAN HAULING & RIGGING COMPANY, 1801 Blue Rock Street, Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). *Iron and steel articles, from Richland County, SC, to points in IL, MA, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Southeastern Coated Products, 649 Rosewood Drive, Columbia, SC. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106, Room 620.*

MC 114334 (Sub-64TA), filed October 18, 1979. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane, Memphis, TN 38116. Representative: Gerald K. Gimmel, Suite 4 Professional Dr., Gaithersburg, MD 20760. *Iron and steel articles, pipe, valves, castings, hydrants, fittings and accessories thereto, from Birmingham and Bessemer, AL, to points in TN, AR, MS and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Applicant has three supporting shippers. Send protests to: Floyd A. Johnson, Rm. 2006-100 N. Main St., Memphis, TN 38103.*

MC 115554 (Sub-22 TA), filed October 9, 1979. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 89B, R. R. 6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Gas or electrical appliances and parts, materials, supplies, and equipment used in the distribution or repair of appliances from the facilities of Whirlpool Corporation at or near St. Paul, MN, to points in AR, IL, IN, IA, MI, MO, NE, OH, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Whirlpool Corporation, 2000 U.S. 33, North, Benton Harbor, MI 49022. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.*

MC 116254 (Sub-292 TA), filed October 9, 1979. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as applicant). *Aluminum dross, in dump vehicles from the facilities of The Anaconda Company, at or near Seabee, KY to Oswego, KS, for 180 days. Supporting Shipper(s): The Anaconda Company,*

Aluminum Div., P.O. Box 32860, Louisville, KY 40232. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 116915 (Sub-103 TA), filed October 11, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., Rt. 1, Box 248, Rockport, IN 47635. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. *Commodities, the transportation of which, because of size or weight requires the use of special equipment or special handling, and, when moving in connection therewith, related commodities, the transportation of which, because of size or weight, does not require the use of special equipment or special handling* (1) between pints in the U.S. in and east of MN, IA, KS, MO, OK, and TX, (Except ME, VT, NH, MA, CT and RI); (2) Between points in and East of WI, IL, MO, TN, and MS (Except ME, VT, NH, MA, CT, and RI), on the one hand, and, on the other, points in and west of ND, SD, NE, KS, CO, and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: 247 shippers. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 120364 (Sub-24 TA), filed September 12, 1979. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61109. Representative: Robert M. Kaske, 4805 Sandy Hollow Road, Rockford, IL 61109. *General commodities* (except articles of unusual value, Class A & B explosives, household goods as defined, commodities in bulk, and commodities requiring the use of special equipment), between points in IL., bounded at a line beginning at the IL.-WI. State Line and extending southerly on IL. Hwy. 78, then to junction with IL. Hwy. 88, then on IL. Hwy. 88, to junction with IL. Hwy. 92, then easterly to junction with U. S. Hwy. 34, then easterly on U. S. Hwy. 34 to junction with IL. Hwy. 59, then northerly on IL. Hwy. 59 to junction with IL Hwy. 83 to the IL.-WI. State Line, west on the State Line to the place of beginning. That also the points of Chicago, Des Plaines, Mt. Prospect, Arlington Heights, Elizabeth, Sayanna, Mundelein, Round Lake, Woodbine, Apple River, Waukegan, Hanover, North Chicago, Galena, and Scales Mounds, IL., on the one hand, and on the other hand the Counties of Brown, Calumet, Dane, Dodge, Fon Du Lac, Gren, Jefferson, Kenosha, Kewanee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and

Winnebago, WI for 180 days. An underlying ETA seeks 90 days authority. Applicant requests authority to interline at Rockford and Chicago, IL. supporting shippers(s): Six Supporting Shippers. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 124174 (Sub-160TA), filed September 24, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street; Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Hot rolled steel rounds, epoxy coated hot rolled steel rounds, and cold drawn steel wire* from the facilities of North Star Steel Co. and Simcote Co. at or near St. Paul, MN; Colorado Fuel and Iron Corporation at Pueblo, CO; and L.M.P. at Maryville, MO to the plant site of Wady Industries at Maquoketa, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wady Industries, E. F. Read, Vice President and Treasurer, 510 E. Grove, Maquoketa, IA 52060. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124964 (Sub-52TA), filed October 26, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier, irregular routes, transporting dried spaghetti, macaroni, and noodle products*, from Jersey City, NJ, to Jacksonville, Lakeland, Miami, Ocala, Orlando, Pompano Beach, and Tampa, FL, for 180 days. Under a continuing contract or contracts with C. F. Mueller Company, Jersey City, NJ. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. F. Mueller Company, 180 Baldwin Avenue, Jersey City, NJ 07306. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-53TA), filed October 19, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier, over irregular routes, transporting frozen foods*, Greenville, MI and Plover, WI, to points in AL, FL, GA, MS, NC, and SC for 180 days. An underlying ETA seeks 90 days authority. Under continuing contract or contracts with Ore-Ida Foods, Inc. Supporting shipper(s): Ore-Ida Foods, Inc., Manager Rates and Services, P.O. Box 10, Boise, ID. Send protests to: Jean M. King, TA, 288 Federal Building, 400 West Bay Street, Jacksonville, FL 32202.

MC 125294 (Sub-10TA), filed September 13, 1979. Applicant: HILLDRUP TRANSFER & STORAGE, INC., 300 Central Road, Fredericksburg, VA 22401. Representative: William A. Stross, P.O. Box 1835, Quantico, VA 22134. *Household goods, as defined by the Commission*, between points in FL, on the one hand, and, on the other, points in SC and (b) between points in VA, MD, DC, on the one hand, and, on the other points in OH, CT, MA, and AL, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority with authority it presently holds in No. MC-125294 Sub-Nos. 1, 5, 6G, 7 and 8G. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 126555 (Sub-73TA), filed October 22, 1979. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. *Bentonite, in bags* from Colony, WY to points in IL, IN, MN, MI and MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foundries Materials Company/C-E Cast Industrial Products, 5 Preston St., Coldwater, MI 49036. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 133095 (Sub-274TA), filed October 24, 1969. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. *Alcoholic beverages* from points in Kentucky to points in California, for 180 days. Supporting shipper(s): Medley Distributing Co., P.O. Box 386, Owensburg, KY 42301. Send protests to: Marianne Minnich, TCS, Interstate Commerce Commission, Rm 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133095 (Sub-275TA), filed October 22, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan, P.O. Box 434, Euless, TX 76039. *Paint Products* from Houston, TX to AL, IL, LA, MI, MS, MO, and OK, for 180 days. Supporting shipper(s): Napko Corp., 5300 Sunrise Rd., Houston, TX 77021. Send protests to: Interstate Commerce, Marianne Minnich, TCS, Rm. 9A27 Federal Building, 819 Taylor St., Fort Worth, TX 76102.

MC 133655 (Sub-187TA), filed October 24, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *General commodities* (except commodities in bulk) between Houston and Pasadena, TX; Kansas City, KS; and Seneca, Spartanburg, and Startex, SC on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Phillips Petroleum Company, Phillips Fibers Corporation, Phillips Chemicals Company, and Phillips Products Company, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillips Petroleum Company, 148 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Marianne Minnich, TCS, Interstate Commerce Commission, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-37TA), filed September 26, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Gerald Ragle, 9632 Palo Pinto Rd., Fort Worth, TX 76116. *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A & C of Appendix I to the report in descriptions of Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the cold storage facilities utilized by Freezer Services, Inc., at or near Amarillo, TX to points in CA, AZ, LA, MS, AL, FL, GA, SC, NC, VA, IL, IN, MI, OH, PA, NY, NJ, RI, CT, MA, OR, WA, and OK, restricted to shipments originating at said origin and destined to points in the named designated states, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Freezer Services, Inc., P.O. Box 30220, Amarillo, TX 79120. Send protests to: Opal M. Jones, TCS, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134105 (Sub-68TA), filed October 18, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. (1) *Frozen food* from the facilities of Zartic Frozen Meats & Seafood, Inc., at Cedartown, GA to points in and east of ND, SD, NE, CO, OK and TX (except ME, NH and VT) and (2) *Equipment, materials and supplies* used in the manufacture and distribution of frozen food from points in and east of ND, SD, NE, CO, OK and TX (except ME, NH and VT) to the facilities of Zartic Frozen

Meats & Seafood, Inc. at Cedartown, GA and (3) *Frozen food and materials and supplies used in the manufacture of frozen food* between the facilities of Zartic Frozen Meats & Seafood, Inc. at Cedartown, GA, on the one hand, and, on the other, Plainfield, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zartic Frozen Meats & Seafoods, Inc., 808 West Ave., Cedartown, GA 30125. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 134105 (Sub-69TA), filed October 18, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th St., Chattanooga, TN 37410. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. (1) *Lighting fixtures, lighting fixture parts and lighting fixture accessories*, (1) from the facilities of Lithonia Lighting Company at Cochran and Conyers, GA to points in AR, CO, IL, IN, IA, KS, KY, LA, MI, MN, MO, NE, NM, ND, OH, OK, SD, TX, VA, WV, WI, WY, and (2) between the facilities of Lithonia Lighting Company at Cochran and Conyers, GA, on the one hand, and, on the other, the facilities of Lithonia Lighting Company at Crawfordsville, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting Company, 1335 Industrial Blvd., P.O. Box A, Conyers, GA 30207. Send protests to: Glenda Kuss, TA, ICC, A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 134405 (Sub-90TA) filed October 24, 1979. Applicant: BACON TRANSPORT COMPANY, P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamsom, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Waste petroleum products*, in bulk, in tank vehicles, from Wise County, TX, to points in Love and Carter Counties, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metropolitan Supply, P.O. Box 1125, Ardmore, OK 73401. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 135454 (Sub-28 TA), filed October 18, 1979. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, NY 14580. Representative: John F. O'Donnell, Barrett and Barrett, 60 Adams St., P.O. Box 238, Milton, MA 02187. *Containers and container closures*, from Baltimore, MD to points in NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Independent Can Co., 1001 South Lakewood Avenue, Baltimore, MD

21224. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 135895 (Sub-66TA), filed October 4, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1925, Greenville, MS 38701. *Glass containers, closures, and returned shipments of glass containers and closures* (1) between Gulfport, MS and points in MO, MS, NC, SC, and Memphis, TN and points in its commercial zone; (2) between Mineral Wells, MS and points in AL, FL, GA, MO, MS, NC, and SC; (3) between Chattanooga, TN and points in MO, NC, SC and Little Rock, AR and points in its commercial zone; and (4) between Corsicana, TX and points in MO, NC, and SC, for 180 days. NOTE: Restricted to transportation of traffic originating at or destined to the facilities of Chattanooga Glass Co. Supporting shipper(s): Chattanooga Glass Company, 400 W. 45th St., Chattanooga, TN 37410. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 135895 (Sub-67TA), filed September 26, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds* (except in bulk, in tank vehicles) and *filters*, from points in Warren County, MS to points in AL, FL, GA, LA, MS, NC, OK, SC, TN and TX, and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities named in (1) above (except in bulk, in tank vehicles) from points in AL, GA, and SC to points in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan Tarrant, D/S, ICC, Federal Bldg., Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

Note.—Parts (1) and (2) above restricted to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. An underlying ETA seeks 90 days authority.

MC 136605 (Sub-136TA), filed October 17, 1979. Applicant: DAVIS BROS. DIST., INC., 2042 Trade Street, Missoula, MT 59807. Representative: Thomas J. Burke, Jr., Jones, Meiklejohn, Kehl & Lyons, Suite 1660, 1600 Lincoln St., Denver, CO 80264. *Steel pipe and seamless oil well casing* from the

facilities utilized by Far West Tubular Products, Inc. at or near Los Angeles, CA and Portland, OR to points in MT, ID, WY, ND, SD, UT and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Far West Tubular Products, Inc., 2615-96th Avenue NE, Bellevue, WA 98004. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138824 (Sub-30 TA); filed September 20, 1979. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. La Salle St., Rm. 1620, Chicago, IL 60603. *Contract carrier: Irregular routes: Food products dry or liquid, in containers; materials and supplies incidental to, and used in the processing, canning and bottling of said food products, between the facilities and warehouse facilities of Oconomowoc Canning Corp. at Pynette, Deforest, Waunakee, Sun Prairie, Cobb, Merrill and Oconomowoc Canning Corp. at Pynette, DeForest, Waunakee, Sun Prairie, Cobb, Merrill and Oconomowoc, WI, on the one hand, and, on the other, points in the State of OH for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oconomowoc Canning Company, 826 E. Wisconsin Ave., Oconomowoc, WI 53066. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1388, Chicago, IL 60604.*

MC 138844 (Sub-15 TA), filed October 2, 1979. Applicant: TRANSGAS INC., 95 Merrimack Street, Lowell, MA 01853. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Liquid ethylene, in bulk, in tank vehicles from the port of entry on the International Boundary line between the United States and Canada at or near Port Huron, MI, to the facilities of Dow Chemical Company at or near Bay City, MI. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dow Chemical Company, 4868 Wilder Rd., Bay City, MI 48706. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.*

MC 138875 (Sub-244 TA), filed October 3, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Brick, masonry materials and supplies used in the installation, manufacture and distribution thereof, from points in ID to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Norman Freeman, 2060 Middle Field Road, Boise, ID 83704. Send protests to:*

Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 138875 (Sub-245 TA) filed October 9, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Heating and air conditioning units, from Wichita, KS to Boise, ID & Aurora OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Continental Distributing Co., Inc., 415 So. 6th Ave., Boise, ID 83706. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-246TA), filed October 23, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Chemicals, except in bulk, from Rogers, AR to Boise, ID for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Component Structures, Inc., 401 S. 8th St. Ste. 361, Boise, ID 83702. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 138875 (Sub-247TA), filed October 24, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Ground clay and floor sweeping compounds, except commodities in bulk, from the facilities used by Oil-Dri Corp. of America located at or near Ripley, MS and points in GA to points in AL, AR, CT, DE, DC, FL, IL, IN, IA, KS, KY, LA, MA, MD, MI, MN, MO, NE, NJ, NY, NC, OK, OH, PA, RI, SC, TN, TX, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oil-Dri Corporation of America, 520 N. Michigan Ave., Chicago, IL 60611. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.*

MC 139495 (Sub-489TA), filed October 26, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Tires, tubes and rims from Ft. Worth & Dallas, TX to Woodward, Alva and Guyton, OK & Liberal and Garden City, KS. Restricted to traffic destined to the above named points; for 180 days, common, irregular; Supporting shipper: Clingan Tires, Inc., 314 S. Kansas, Liberal, KS 67901; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. SUPPORTING SHIPPER: Hayter Tire Co., 1301 Main, Woodward, OK 73801.*

MC 139495 (Sub-490TA), filed September 27, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box

1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Agricultural Chemicals and products used in the manufacturing, sales and distribution thereof (except commodities in bulk) between points in the states of CA, AZ, NM, TX, OK, KS, NE, IN, MO, AR, LA, MS, AL, FL, GA, SC, NC, TN, KY, VA, WV, MD, IL, IA, MI, OH, PA, NY, VT, NH, CT, NJ, RI, DE, MA, DC. Restricted to traffic originating at and destined to the facilities of Helena Chemical Company; for 180 days, common, irregular; Supporting shipper: Helena Chemical Company, 5100 Poplar Ave., Suite 3200, Memphis, TN 38137; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 139495 (Sub-491TA), filed October 16, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. (1) *Wiring Device, Electrical and Lighting Equipment (2) Materials and supplies used in the manufacture thereof (1) From Parkersburg, WV and (2) From Baton Rouge, LA and North Seattle, WA; Portland, OR; San Francisco, CA; Sparks, NV; Minneapolis, MN; St. Paul, MN; Chicago, IL; Sheboygan, WI; Elkhart, IN; Tallahassee, FL and (2) Parkersburg, WV; restricted to traffic originating and destined to the above named points, for 180 days, common, irregular. Supporting shipper: GTE, Sylvania (Union Insulating), 3401 Camden Ave., Parkersburg, WV. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 139495 (Sub-492TA), filed October 16, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Such commodities as are dealt in by grocery stores and supermarkets from the facilities of Port Terminals Co., Inc., Bowker Storage Distribution and Foxboro Terminals Co., Inc., located at or near Boston, MA to New York City, NY, Paterson & Trenton, NJ; Harrisburg, Philadelphia, Pittsburgh & Wilkes-Barre, PA; Baltimore & Grasonville, MD; Washington, DC; Rocky Mount, NC; and Richmond, VA. Restricted to traffic originating at or destined to the above named origins and destinations; for 180 days, common, irregular. Supporting shipper: Port Terminals Co., Inc., 666 Summer St., S. Boston, MA 02127. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.*

MC 139495 (Sub-493TA), filed October 16, 1979. Applicant: NATIONAL

CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Petroleum and petroleum products, vehicle body sealer, filters, and sound deadening compounds*, except in bulk from Congo and St. Marys, WV; Buffalo & North Tonawanda, NY; and Farmers Valley, Emlenton & North Warren, PA to points in the states of TX, OK, AR, MO, IA, IL, TN, LA, MS, AL, GA, SC, NC and WI; restricted to traffic originating at and destined to the facilities of Quaker State; for 180 days, common, irregular. Supporting shipper: Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 139495 (Sub-494TA), filed October 16, 1979. Applicant: NATIONAL CARRIERS, INC., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. *Iron pipe fittings, iron pipe hangers, iron valves, plastic pipe fittings, plastic valves, brass, bronze or copper valves, brass, bronze or copper pipe fittings, brass, bronze or copper pipe connections, hydrants and indicator posts* from the facilities of ITT Grinnell Corporation at Indianapolis, IN to Atlanta, GA; Pocatello, ID, Chicago, IL; New Orleans, LA; Columbia, MD; Canton, MA; Taylor, MI; Bloomington, MN; N. Kansas City and St. Louis, MO; Billings and Great Falls, MT; Lincoln Park, NJ; Buffalo, NY; Charlotte, NC; Chillicothe, Cincinnati, and Cleveland, OH; Tulsa, OK; Portland, OR; Philadelphia and Pittsburgh, PA; Memphis, TN; Farmers Branch and Houston, TX; Seattle, Spokane, Pasco, WA; Milwaukee, WI; and Sandston, VA; Phoenix, AZ; Los Angeles and Sacramento, CA; Denver, CO; Tampa, FL; for 180 days, common, irregular. Supporting shipper: ITT Grinnell Corporation, 260 West Exchange, Providence, RI 02901. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 139745 (Sub-3TA), filed October 4, 1979. Applicant: WILLIAMS AND SONS TRUCKING COMPANY, 600 Sunnyside Lane, Atlantic, IA 50022. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract carrier, irregular routes: (1) *Construction and building materials* from points in CO, ID, MT, OR and WA to points in IA, IL, KS, MN, MO, NE and WI under contract with Antrim Lumber Company; (2) *Metal buildings and component parts and steel articles* from Atlantic, IA to points in CO, ID, IL, KS, MT, MO, NE, NM, OK, TX and WI under contract with

American Building Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Antrim Lumber Co., Inc., Arnold L. Reed, Vice President, Box 1205, Cumberland, IA. (2) American Buildings Co., Gary Norton, Plant Manager, Hwy. 6, Atlantic, IA. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 140024 (Sub-164TA), filed October 17, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Jeffrey A. Knoll (same address as applicant). *Iron and steel articles* from the facilities of Nucor Corporation at or near Norfolk, NE to points in AR, CO, IL, IN, KS, KY, MI, MO, NJ, NY, OH, PA and WI for 180 days. ETA filed seeking 90 days authority. Supporting shipper(s): Nucor Corporation, P.O. Box 59, Norfolk, NE 68701. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 141205 (Sub-35TA), filed October 11, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Contract, irregular, *crude oil, scrubber oil and condensate*, from points in Billings Co., ND to the pipeline facilities of Portal Pipeline Company near Stanley, ND, the pipeline facilities of the Portal Pipeline Company near Reserve, MT, the pipeline facilities of Butte Pipeline Co., near Baker, MT, the pipeline facilities of Continental Pipeline Co. near Douglas, WY, the pipeline facilities of Platte Pipeline Co., near Casper, WY, and the Husky Oil Co. refinery at Cheyenne, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry St., Denver, CO 80222. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 141205 (Sub-36TA), filed October 11, 1979. Applicant: HUSKY OIL TRANSPORTATION COMPANY, 600 South Cherry Street, Denver, CO 80222. Representative: F. Robert Reeder and James M. Elegante, P.O. Box 11898, Salt Lake City, UT 84147. Contract, irregular, *crude oil, scrubber oil and condensate*, from points in Yellowstone County, MT, to Husky Oil Co. refinery at Cody, WY, and the pipeline injection facilities of Marathon Pipeline Co. at Oregon Basin, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Oil Company, 600 South Cherry St., Denver, CO 80222.

Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 141245 (Sub-15TA), filed October 24, 1979. Applicant: BARRETT TRUCKING CO., INC., 16 Austin Drive, Burlington, VT 05401. Representative: Brian L. Troiano, 918 16th Street NW., Washington, DC 20006. *Canned goods*, from Marion, Newark, and Williamson, NY to Burlington, Barre, St. Johnsbury, White River Junction, Colchester, VT; Keene, Manchester, Nashua, Salem, Dover, NH; Lawrence and Worcester, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Snyder Sales & Service, Inc., 1616 Soldiers Field Road Extension, Boston, MA 02135. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 141804 (Sub-277TA), filed October 15, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Bottle mineral water*, from Ukiah, CA to points in CO, NE, UT, KS, IA, MO, IL, WI, IN and OH, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Vichy Springs Mineral Water Corp., President, 2605 Vichy Springs Road, Ukiah, CA 94582. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 141804 (Sub-278TA), filed October 10, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Television parts and accessories*, from Smithfield, NC to Little Ferry, NJ and Compton, CA and their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Sanyo Electric Inc., 1200 W. Artesia, Compton, CA 90022. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-279TA), filed October 11, 1979. Applicant: WESTERN EXPRESS, DIVISION OF INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Commodities dealt in and used by animal and pet stores*, from Canton, GA to points in and west of MT, WY, CO, and NM (except AK and HI), for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Odell Manufacturing, Inc., P.O. Box 1169, Canton, GA 30114. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 141804 (Sub-280TA), filed October 18, 1979. Applicant: WESTERN EXPRESS, P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as above). *Cocktail mix*, from Los Angeles, CA to points in and east of ND, SD, NE, KS, OK & TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Tahitian Products Co., Inc./A California Corp., Executive Vice President, 8936 S. Sepulveda Blvd., Los Angeles, CA 90045. Send protests to: Irene Carlos, TA, ICC 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 142565 (Sub-4TA), filed September 10, 1979. Applicant: DON RAY DRIVE-A-WAY COMPANY, INC., 305 North 13th St., Decatur, IN 46733. Representative: Constance J. Goodwin, Suite 800—Circle Tower, 5 East Market St., Indianapolis, IN 46204. *Passenger automobiles (Van conversions), and trucks, thru three-fourths ton, in motor carrier service* between Huntington County and Adams County, IN, on the one hand, and on the other, points in the states east of the Mississippi River, plus MO, AR, LA, TX, IA, OK and MN for 180 days. Supporting Shipper(s): General Engineering & Manufacturing Corp., P.O. Box 338, Andrews, IN 46702. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 143594 (Sub-20TA), filed September 26, 1979. Applicant: NATIONAL BULK TRANSPORT, INC., 624 Holcomb Bridge Road, Suite 13, Roswell, GA 30075. Representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, WI 54306. *Liquid chemicals* from the facilities of Rohm and Haas at or near Deer Park, TX to Croydon, PA; Atlanta, GA; Charlotte, NC; Louisville, KY; Knoxville and Nashville, TN; Birmingham, AL; Orlando, FL; El Paso, IL; Fort Madison, IA; Kansas City, KS; and Garyville and Good Hope, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. Send protests to: Sara K. Davis T/A, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 143775 (Sub-177TA), filed October 3, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, (same address as applicant). *Foodstuffs, canned or preserved*, from the facilities of H. J. Heinz Co., USA Division, at or near Muscatine and Iowa City, IA to Grand Prairie, TX, for 180 days. An underlying ETA seeks 90 days authority.

Supporting shipper: Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 152309. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144675 (Sub-6TA), filed September 27, 1979. Applicant: LINCOLN FREIGHT FORWARDING CORP., 537 North Long Beach Road, Rockville Centre, NY 11570. Representative: Morton E. Kiel, Suite 1832—2 World Trade Center, New York, NY 10048. *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, between Columbus, OH and Pittsburgh, PA, on the one hand, and, on the other, Los Angeles and San Francisco, CA; restricted to shipments moving on freight forwarder bills of lading; for 180. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Freight Association, POB 54037, Los Angeles, CA 90031. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 144844 (Sub-10TA), filed October 25, 1979. Applicant: OZARK TRANSPORTATION, INC., P.O. Box 203, Greenville, MO 63944. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. *Such commodities as are dealt in by metal processors*, except commodities in bulk, from the facilities of Mid-State Metals Processing, Inc., at or near East Chicago, IN to Birmingham, AL, Pochontas, AR, Dexter, MO and Oklahoma City and Stroud, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mid-State Metals Processing, Inc., 3777 Canal St., E. Chicago, IN 46312. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144855 (Sub-17TA), filed October 10, 1979. Applicant: TRANS CONTINENTAL CARRIERS, 2761 East White Star, Anaheim, CA 92806. Representative: Knapp, Grossman & Marsh, David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Plastics*, from Bullitt County, KY to Orange County, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Plastics, 1122 North Kramer Place, Anaheim, CA 92806. Send

protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 145115 (Sub-1TA), filed October 22, 1979. Applicant: N.J., N.J., CONN., FREIGHT & MESSENGER CORP., 351 West 38 St., New York, N.Y. 10018. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. *Contract carrier, irregular routes: Such merchandise as is dealt in by retail department stores, excluding commodities in bulk*, between Enfield, CT, on the one hand, and, on the other, Orlando, FL, Phoenix, AZ, and Los Angeles and San Francisco, CA; under a continuing contract(s) with Casual Conner, Inc.; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Casual Corner, Inc., 107 Phoenix Ave., Enfield, CT 06082. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 145515 (Sub-7TA), filed October 9, 1979. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Avenue, Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. (1) *Paper and paper products*, (a) from Lithonia, GA and Belleville, IL to points in AL, MS, and TN, and (b) from Jackson, MS to points in AL and TN; (2) *Materials, equipment and supplies used to manufacture and distribute paper and paper products*, (a) from AL, MS, and TN to Lithonia, GA and Belleville, IL and (b) from AL and TN to Jackson, MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, 1547 Helton Drive, Florence, AL 35630. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616 2121 Building, Birmingham, AL 35203.

MC 145875 (Sub-5TA), filed October 24, 1979. Applicant: SWAIN & SONS TRANSPORTS, INC., 208 Poplar Ave., Memphis, TN 38103. Representative: William R. Swain, Jr., 208 Poplar Ave., Memphis, TN 38103. *Sugar*, in packages, except in bulk, from Gramercy, LA to Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack this authority it presently holds in No. MC-145875. Supporting shipper(s): Colonial Sugars, Borde, Inc., Gramercy, LA 70052. Send protests to: Floyd A. Johnson, Rm. 2006—100 N. Main St., Memphis, TN 38103.

MC 146074 (Sub-1TA), filed September 26, 1979. Applicant: FORT TRANSFER CO., 225 So. Maple, Morton, IL 61550. Representative: Roger Kahler (same as address as applicant). *Farm Chemicals*, from Pekin, IL to IN, IA, MI, OH and WI

for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146214 (Sub-3TA), filed September 13, 1979. Applicant: JAKE BAUMAN Representative: d.b.a. JAKE BAUMAN TRUCKING, Rural Route No. 1, Congerville, IL 61729. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier:* irregular routes: *Farm Wagons, farm tillage equipment, fertilizer spreading equipment, woodburning systems, truck bumper cushions, for the account of DMI, Inc., from Goodfield, IL to points in IA, MO, MN, ND and SD for 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): DMI, Inc., Rt. 150 East, Goodfield, IL 61742. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn, Room 1386, Chicago, IL 60604.

MC 147795 (Sub-1TA), filed October 15, 1979. Applicant: BRUNER TRANSFER & STG., INC., P.O. Box 98, Lincolnton, NC 28092. Representative: H. L. Bruner, Sr., P.O. Box 98, Lincolnton, NC 28092. *Household goods as described by the Commission between points in NC, SC, TN, VA, GA and FL, for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fiber Industries, Inc., Shelby, NC 28150. Regal Manufacturing Company, P.O. Box 2363, Hickory, NC 28601. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 147954 (Sub-2TA), filed October 24, 1979. Applicant: CARRIERS CARTAGE CO., 3335 U.S. 27th South, P.O. Box 1021, Sebring, FL 33870. Representative: Jacob P. Billig, Suite 300, 2033 K Street NE., Washington, D.C. 20006. *Fruit, fruit juice, fruit juice concentrate, fruit in jars and cans, fruit product beverages and beverage preparations, and fruit products, between Brevard, Broward, Dade, Duval, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Polk, St. Lucie, and Seminole Counties, FL for 180 days.* An underlying ETA seeks 90 days authority. Applicant requests authority to interline. Supporting Shipper(s): Citrus World, Inc., P.O. Box 111, Lake Wales, FL 33853. Treesweet Products Co., P.O. Box 189, Ft. Pierce, FL 33450. Carolina Freight Carrier Corp., 6900 Broadway Ave., Jacksonville, FL. Central Truck Lines, Inc., P.O. Box 18464, Tampa, FL 33679. Send protests to: Donna M. Jones, T/A,

ICC—BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 148184 (Sub-1TA), filed September 19, 1979. Applicant: SUMMIT TRUCK LINES, INC., 218 North 23rd Street, Coeur d'Alene, ID 83814. Representative: Philip J. Carstens, Jr., 1600 Washington Trust Financial Center, Spokane, WA 99204. *Canned or preserved foodstuffs, from the facilities of Heinz USA at Muscatine and Iowa City, IA to the facility of Heinz USA at Grand Prairie, TX, for 180 days.* An underlying ETA seeks 90 days authority. Supporting Shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148315 (Sub-1TA), filed September 17, 1979. Applicant: NORBERT & BARBARA DONNELLY d.b.a. RYAN TRUCKING COMPANY, 7379 Laurel Court, W. Bloomfield, MI 48033. Representative: Norbert Donnelly, 7379 Laurel Court, W. Bloomfield, MI 48033. *Concrete poles and bracket arms; from Highland, MI to MI, IL, MO, OH, PA, KY, NY, IA, TN, WI, MN, CO, NE, ND and SD. For 180 days.* An underlying ETA seeks 90 days authority. Supporting shipper(s): Great Lakes Concrete Pole Corp., 909 N. Milford Rd., Highland, MI 48031. Send protests to: C. R. Flemming, D/S, ICC, 201 Corr Building, 300 E. Michigan Avenue, Lansing, MI 48933.

MC 148354 (Sub-1TA), filed September 28, 1979. Applicant: TWIN CITY DISTRIBUTING INC., P.O. Box 637, Greeley, CO 80631. Representative: Fred Cantonwine, 6785 East 50th Ave., Commerce City, CO 80022. *Contract carrier: Meat and meat by-products used as or in the manufacture of animal feed and feed ingredients, (except hides and commodities in bulk, in tank vehicles), from Greeley, CO to Livingston, Los Angeles and San Diego, CA; Kankakee, IL; Algona, Ft. Dodge and Des Moines, IA; Topeka, KS; Independence, Kansas City and St. Joseph, MO; Crete, Fremont, Hasting, Lincoln, Omaha, York, NE; Forest Grove, Portland, OR; and Jefferson, WI for 180 days.* An underlying ETA seeks authority for 90 days. Supporting shipper(s): Valley Feed & Provision Co., P.O. Box 958, Greeley, CO 80631. Send protests to: District Supervisor R.L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 148374 (Sub-1TA), filed October 10, 1979. Applicant: MUSIC TRANSPORT, INC., 356 S. Mission Road, Los Angeles, CA 90033. Representative: Robert B. Conway (same address as applicant). *Contract: Irregular: Pianos and related show*

props, between Los Angeles, CA and points in NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Liberace, 4993 Wilbur Avenue, Las Vegas, NV. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 148375 (Sub-1TA), filed October 3, 1979. Applicant: LOWER COLUMBIA TRUCKING, INC., Route 1, Box 217, Cathlamet, WA 98612. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210. *Common, regular, general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk between Portland, OR and Ilwaco, WA serving all intermediate points between Kelso, WA, and Ilwaco, WA and the off-route points of Altoona, Rosburg, Deep River Camp, Puget Island, Long Beach, Seaview, Chinook and Megler, WA; and serving all commercial zones, from Portland, OR to Kelso, WA over Interstate Hwy 5, then over Washington Hwy 4 to Junction US Hwy 101, then over US Hwy 101 to Ilwaco, WA and returned over the same route.* Restriction: Service is not authorized between Longview, WA, and Kelso, WA on the one hand, and, on the other, Portland, OR and Vancouver, WA, for 180 days. An underlying ETA seeks 90 days authority. Applicant request authority to interline at Portland, OR and Longview/Kelso, WA. Supporting shipper(s): There are 10 supporting shippers. As attached. Send protests to: D. Merine Galbraith, Transportation Asst., Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 148394 (Sub-1TA), filed October 5, 1979. Applicant: MCKINLEY TRUCKING CO., INC., 652 Williams Street, Carson City, MI 48811. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933. *Contract carrier: Irregular routes: Petroleum and petroleum products, between the facilities of Crystal Refining Company at Carson City, MI; on the one hand, and, on the other, Cleveland and Toledo, OH; Chicago and Lemont, IL; Indianapolis, East Chicago, Fort Wayne and Hammond, IN and their respective commercial zones, under continuing contract or contracts with Crystal Refining Company, for 180 days.* Supporting shipper(s): Crystal Refining Company, Carson, MI 48811. Send protests to: C. R. Flemming, D/S, I.C.C., 201 Corr Building, 300 Michigan Avenue, Lansing, MI 48933.

MC 148405 (Sub-1TA), filed October 10, 1979. Applicant: BODIE CORP., 3350 Olive Avenue, Long Beach, CA 90807. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Contract: Irregular: (1) Sucker rods and accessories, from Tulsa County, OK to points in CA; and (2) sub-surface pump barrels, from CA and NM to Tulsa County, OK, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Dover Corporation/Norris Division, 4801 W. 49th Street, Tulsa, OK 74101. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.*

MC 148424 (Sub-1TA), filed October 12, 1979. Applicant: TBC TRUCKING, INC., 2501 Aztec, N.E., Albuquerque, NM 87101. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract carrier: Irregular routes: Vinyl floor covering, carpeting and ceramic or clay tile, from Lancaster, Landisville, Marcus Hook, Whitehall and Marietta, PA and Keyport, Kearney, Trenton and Salem, NJ, to the facilities of Standard Brands Paint Co., Inc., located at Torrance, CA, under a continuing contract(s) with Standard Brands Paint Co. of Torrance, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Standard Brands Paint Co., Inc., 4300 W. 190th St., Torrance, CA 90509. Send protests to: DS/ICC, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.*

MC 148425 (Sub-1TA), filed October 24, 1979. Applicant: SUNDANCE STAGE LINES, INC., 5920 Mission Gorge Road, San Diego, CA 92120. Representative: Roger Curtis McKee, 110 West "C" Street, Suite 1803, San Diego, CA 92101. *Contract: Irregular: Passengers including baggage of passengers in the same vehicle with passengers; both special and charter operations, between the greater San Diego, CA area and the greater Las Vegas, NV area, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Globe Trotter Travel, Vice-President/Director of Group Sales, 6171 Mission Gorge Rd., San Diego, CA 92120. Adventure Tours Ltd., Owner, Tour Manager, 4886 Sparks Avenue, San Diego, CA 92110. Dave Tour Service, General Manager, 2641 E. Beyer Blvd., San Ysidro, CA 97073. Send protests to: Irene Carlos, TA, ICC, 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.*

MC 148555 (Sub-1TA), filed October 9, 1979. Applicant: J.T. & S. TRANSFER, INC., Rt. No. 4 Circle Creek Drive, Stockbridge, GA 30281. Representative: Archie B. Culbreth and John P. Tucker,

Jr., 2200 Century Parkway, Suite 202, Atlanta, GA 30345. *Plywood, wood paneling, lumber, wood related building materials and veneer products between the facilities of Woodcraft Incorporated at or near Madison, GA, on the one hand, and, points in AL, AR, FL, GA, MS, LA, IN, IL, KY, NC, OH, SC, TX, TN, VA, WI, MI, PA, WV, MD, on the other hand, for 180 days. Supporting shipper(s): Woodcraft, Incorporated, P.O., Box 2489, Peachtree City, GA 30269. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.*

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-35892 Filed 11-20-79; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29149]

Northmont Industries, Inc.; Lease of Everette Railroad Co.

November 15, 1979.

AGENCY: Interstate Commerce
Commission.

ACTION: Supplemental notice.

SUMMARY: Northmont Industries, Inc. proposes to lease and operate the Everette Railroad Company. Northmont is now the owner of Mercersburg Railway, Inc. and the proposed transaction would give it control of two railroads. A petition was filed on September 28, 1979, for exemption from 49 U.S.C. 11343, which requires prior consideration and approval of the transaction by the Interstate Commerce Commission. On November 8, 1979, the Commission announced the institution of a proceeding to consider the request for exemption. The notice appeared in Volume 44, page 64953 of the *Federal Register*. It provided that comments should be submitted to the Commission on or before December 10, 1979. The purpose of this supplemental notice is to advise those persons submitting comments to serve a copy of their comments on petitioner's representative: Steven Kalish, Suite 1105, 1750 Pennsylvania Ave. NW, Washington, DC 20006.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-35881 Filed 11-20-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register

Vol. 44, No. 226

Wednesday, November 21, 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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[M-255, Amdt. 5; Nov. 16, 1979]

CIVIL AERONAUTICS BOARD.

Deletion of items from the November 15, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., November 15, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

6. Docket 35568, Final rule to deregulate foreign air freight forwarders; (Memo 8698-C, BIA, OGC, BDA, BAL, BCP)

16. Docket 34774, Petition for reconsideration of Order 79-8-53 filed by the Texas Aeronautics Commission, the Chamber of Commerce of Lamar County, Texas, and the City of Paris, Texas, and the appeal to this order filed by Ponca City, Oklahoma; (Memo 8060-G, BDA, OCC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Items 6 and 16 are being deleted from the November 15, 1979 agenda because revisions are going to be made on these items. Accordingly, the following Members have voted that Items 6 and 16 be deleted from the November 15, 1979 agenda and that no earlier announcement of these deletions was possible:

Chairman, Marvin S. Cohen
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-2266-79 Filed 11-19-79; 2:26 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, November 30, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-2260 Filed 11-19-79; 10:12 am]

BILLING CODE 6351-01-M

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, November 20, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Commission Open Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—3—Creation of Advisory Committee on AM Broadcasting in Region 2.

Renewal—2—Title: Educational Broadcasting Corporation's application for renewal of license of Station WNET(TV) with a continuation of the waiver of the Commission's main studio location rules. Summary: The proposed Order considers WNET's application for renewal of its license with a continuation of the waiver of the Commission's main studio location rules; considers WNET's New Jersey studio proposal; and, directs WNET to submit a revised proposal affording it unimpaired non-preemptible access to its New Jersey studio.

Broadcast—3—Pre-U.S. release of television programs in Canada, Docket No. 20649. The Commission will consider: (1) its jurisdiction, under Section 325(b) of the Communications Act, over the exportation of U.S. network television programs for release by Canadian border stations before they are broadcast within the United States; (2) pending industry proposals that the FCC prohibit program exportation for such "Canadian pre-release" and bar cable carriage of pre-released programs.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

November 16, 1979.

[S-2263-79 Filed 11-19-79; 11:55 am]

BILLING CODE 6712-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 26, 1979, to consider the following matters:

Disposition of minutes of previous meetings.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Schall, Boudreau & Gore, San Diego, California, in connection with the receivership of United States National Bank, San Diego, California.

Reynolds, Ridings & Hargis, Oklahoma City, Oklahoma, in connection with the liquidation of International City Bank and Trust Company, New Orleans, Louisiana.

Hughes, Hubbard & Reed, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York.

Kayé, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the liquidation of Franklin National Bank, New York, New York. (TWO MEMORANDA)

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

Morgan, Lewis & Bockius, Philadelphia, Pennsylvania, in connection with the liquidation of Centennial Bank, Philadelphia, Pennsylvania.

Memorandum and Resolution re: Amendments to Parts 303 and 304 of the Corporation's rules and regulations—Model Agreement Governing Pledge of Assets by Foreign Banks.

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.

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.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W. Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 19, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-2264-79 Filed 11-19-79; 2:26 pm]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, November 26, 1979, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of title 5, United States Code, to consider the following matters:

Applications for Federal deposit insurance:

Arlington State Bank, a proposed new bank, to be located at approximately 150 feet west of the northwest corner of the intersection of Poly Webb Road and Little Road, Arlington, Texas, for Federal deposit insurance.

Bank of Hapoolim B.M., a United States branch of a foreign bank, located at 3 Penn Center Plaza, Philadelphia, Pennsylvania, for Federal deposit insurance.

Application for consent to establish a branch:

Banco Popular de Puerto Rico, San Juan (Hato Rey), Puerto Rico, for consent to establish a branch on Road 189, at Km 1.1, El Condado Urbanization, Caguas, Puerto Rico.

Application for consent to move a branch:

Banco Central y Economias, San Juan (Hato Rey), Puerto Rico, for consent to relocate its branch office from Mayaguez Shopping Center to Mendez Vigo and Las Nereidas Streets, both addresses within Mayaguez, Puerto Rico.

Application for consent to merge and establish branches:

The New York Bank for Savings, New York (Manhattan), New York, an insured mutual savings bank, for consent to merge with Guardian Federal Savings and Loan Association, Northport, New York, a Federally insured mutual savings and loan association, under the charter and title of The New York Bank for Savings, and to establish the seven offices of Guardian Federal Savings and Loan Association as branches of the resultant bank.

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. 44,132-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 44,133-L—Franklin National Bank, New York, New York.

Case No. 44,134-L—State Bank of Clearing, Chicago, Illinois.

Case No. 44,135-L—Franklin National Bank, New York, New York.

Case No. 44,138-L—Northern Ohio Bank, Cleveland, Ohio.

Case No. 44,139-L—The Bank of Bloomfield, Bloomfield, New Jersey.

Case No. 44,142-L—The Drovers' National Bank of Chicago, Chicago, Illinois.

Memorandum re: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico.

Recommendation with respect to payment of legal services rendered and expenses incurred by Sullivan & Worcester, Boston, Massachusetts, in connection with the receivership of Surety Bank and Trust Company, Wakefield, Massachusetts.

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)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Request for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389-4425.

Dated: November 19, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-2265-79 Filed 11-19-79; 2:26 pm]

BILLING CODE 6714-01-M

6

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER CITATION" OF PREVIOUS ANNOUNCEMENT: 44 FR 65697, November 14, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Friday, November 16, 1979.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a meeting on November 7, 1979.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 16, 1979.

Theodore E. Allison,
Secretary of the Board.

[S-2259 Filed 11-16-79; 4:03 pm]

BILLING CODE 6210-01-M

7

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Monday, November 26, 1979.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: November 19, 1979.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-2262-79 Filed 11-19-79; 11:54 am]

BILLING CODE 6210-01-M

8

PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: Monday, November 19, 1979, at 1 p.m.

PLACE: Room 818, 320 First Street, N.W., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 15 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst; (202) 724-3094.

[S-2261-79 Filed 11-19-79; 10:53 am]

BILLING CODE 4410-01-M

தமிழகப் பத்திரிகை

Department of the Interior

Indian Education Policies, Correction;
Transfer of Indian Education Functions,
Correction; Grants for Tribally Controlled
Community Colleges and Navajo
Community College

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 31a

Indian Education Policies; Correction

November 15, 1979.

AGENCY: Bureau of Indian Affairs, Department of the Interior.**ACTION:** Correction to final rule.

SUMMARY: Beginning on page 29832 of the May 22, 1979, Federal Register (44 FR 29832), there was published a notice of proposed rulemaking to add a new Part 31a to Chapter 1, Subchapter E, of Title 25 of the Code of Federal Regulations. Part 31a, Indian Education Policies, prescribes the policies for the administration of all BIA education programs, including the operation of the BIA school system. These changes are required by sections 1130 and 1133 of the Education Amendments of 1978 (Pub. L. 95-561; 25 U.S.C. 2010 and 2013).

The final rule published on Tuesday, October 9, 1979 (44 FR 58096), contained an effective date of November 8, 1979, which is erroneous. The final rule shall not become effective less than 45 days from the date on which it was transmitted to Congress.

EFFECTIVE DATE: The regulations shall become effective not less than 45 days from the date on which they were transmitted to Congress. (See Section 431 of the General Education Provisions Act (20 U.S.C. 1232 and 25 U.S.C. 2018).) To determine the effective date, contact the person below. The Bureau will publish a document confirming the effective date of this regulation at a later date.

FOR FURTHER INFORMATION CONTACT: Rick C. Lavis, Deputy Assistant Secretary, Department of the Interior, 18th and C Streets, NW., Washington, D.C., (202) 343-7163.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-35866 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-02-M

25 CFR Part 31b

Transfer of Indian Education Functions; Correction

November 15, 1979.

AGENCY: Bureau of Indian Affairs, Department of the Interior.**ACTION:** Correction of final rule.

SUMMARY: Beginning on page 29834 of the May 22, 1979, Federal Register (44 FR

29834), there was published a notice of proposed rulemaking to add a new Part 31b to Chapter 1, Subchapter E, of Title 25 of the Code of Federal Regulations. Part 31b, Transfer of Indian Education Functions, changes the line authority for the administration of the education program and functions of the Bureau of Indian Affairs and prescribes regulations to be followed in transferring control over Agency and Area education functions from the Commissioner of Indian Affairs to the Director, Office of Indian Education Programs, and his/her subordinates. These changes are required by sections 1126 and 1127 of the Education Amendments of 1978 (Pub. L. 95-561; 25 U.S.C. 2006).

The final rule published on Tuesday, October 9, 1979 (44 FR 58101), contained an effective date of November 8, 1979, which is erroneous. The final rule shall not become effective less than 45 days from the date on which it was transmitted to Congress.

EFFECTIVE DATE: The regulations shall become effective not less than 45 days from the date on which they were transmitted to Congress. (See Section 431 of the General Education Provisions Act (20 U.S.C. 1232) and 25 U.S.C. 2018). To determine the effective date, contact the person below. The Bureau will publish a document confirming the effective date of this regulation at a later date.

FOR FURTHER INFORMATION CONTACT: Rick C. Lavis, Deputy Assistant Secretary, Department of the Interior, 18th and C Streets, NW., Washington, D.C. (202) 343-7163.

Rick C. Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 79-35866 Filed 11-19-79; 8:45 am]

BILLING CODE 4310-02-M

25 CFR Part 32b

Grants for Tribally Controlled Community Colleges and Navajo Community College

November 14, 1979.

AGENCY: Bureau of Indian Affairs, Department of the Interior.**ACTION:** Final rule.

SUMMARY: Beginning on page 29857 of the May 22, 1979 Federal Register (44 FR 29857), the Bureau of Indian Affairs published a notice of proposed rulemaking to add a new Part 33 to Chapter 25 of the Code of Federal Regulations. Part 33 was previously assigned to another regulation and inadvertently reassigned to this regulation. For this reason, the Part

number for this regulation is now changed to 32b and all sections are changed to read 32b. The rules in Part 32b implement the provisions of Public Law 95-471, the Tribally Controlled Community College Assistance Act of 1978.

EFFECTIVE DATE: November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Rick C. Lavis, Deputy Assistant Secretary—Indian Affairs, Department of the Interior, 18th & C Streets, N.W., Rm. 6352, Washington, D.C. 20240, (202) 343-7163.

SUPPLEMENTARY INFORMATION: The Assistant Secretary—Indian Affairs' authority to issue these regulations is Public Law 95-471 and 209 DM 8.

On May 22, 1979 the Bureau of Indian Affairs published proposed regulations to provide grants and technical assistance for the operation and improvement of Tribally Controlled Community Colleges and the Navajo Community College. The public was invited to offer comments on the proposed rules on or before July 6, 1979. Numerous comments were received from the public. Each of the comments was carefully considered by Task Force No. 12, which was constituted by the Assistant Secretary—Indian Affairs to oversee the preparation of these regulations. Some changes in the proposed regulations were made by the Task Force in response to public comment. Other changes were made as a result of departmental review in order to conform the regulations to statutory authority or to meet administrative concerns. Changes in the proposed regulations are summarized below.

A. Comments Adopted.

§ 32b.3 Various commentators proposed changes to clarify definitions and make them more specific. In response to one comment, the Task Force rewrote the definition of "Operating Expenses" under section 32b.3(1) to clarify the term.

§ 32b.7 A commenter felt the language in this section giving the factors to be considered in feasibility studies was discriminatory and potentially divisive. The Task Force agreed with this assessment and has changed the wording for factors (1) and (2). Another commenter felt that the 90 days or more allowed for completion of a feasibility study was excessive and that 60 days would be adequate. The Task Force agreed with this recommendation and has revised the section to allow only 60 days.

§ 32b.8 One commenter felt that a college eligible for funding during Fiscal Year 1980 should not have to wait for

"the academic year commencing after the date of approval of its application" to receive a grant. The Task Force agreed with this idea, and the section has been changed to allow colleges qualifying in F.Y. 1980 to receive grants for the 1979-1980 academic year. Another commenter believed that subparagraph 32b.8(d)(2) should be modified. This subparagraph stated: "a further priority for awarding grants among them shall be given to those who appear to have the best operations or operating proposals." The commenter felt that this statement created competition and was not in keeping with the Act. The Task Force agreed with this assessment and has modified this section so that further priority is given "to those who appear to be in the best position to fulfill the purpose of the Act and to those whose continued existence would be threatened if they did not receive such a grant."

B. Comments Not Adopted.

§ 32b.3 Many comments suggesting changes in definitions were considered but not adopted by the Task Force. Some of these comments, such as one suggesting an added definition of "duly authorized representative," were rejected as being unnecessary. Other comments suggesting that the definition of "Community College" be expanded were rejected because the definition of "Community College" is fixed by statute.

§ 32b.4 A commenter felt that this section should state that college by-laws, constitutions and policies should adhere to Tribal policies. The Task Force did not agree this was necessary because Tribally Controlled Community Colleges are chartered by the Tribe, which is therefore in the best position to ensure that tribal policies are adhered to.

§ 32b.5 A comment suggesting that Community Colleges be allowed indirect costs was rejected as not being authorized by the Act.

§ 32b.6 A suggestion that a section be added to establish a branch of Community Colleges under the Director was rejected because internal organization is more appropriate for inclusion in the Bureau Manual.

§ 32b A commenter recommended that this section establish a deadline date for the BIA and HEW to enter into an agreement on the development of feasibility studies. The Task Force rejected this recommendation because the BIA and HEW are already negotiating an agreement which will allow the studies to be conducted as soon as these regulations are final and appropriated funds are available.

§ 32b.7 One commentator suggested that the Director of Education be given authority to waive the requirement for a feasibility study if a college has been awarded candidacy status by a regional accreditation association. The Task Force rejected this suggestion because the law requires feasibility studies and make no provision for waivers of any type. Another commentator suggested that the rule state that funding for feasibility studies may be drawn from the Secretary's general administrative fund. The Task Force rejected this suggestion because this is a matter of administrative discretion and therefore not appropriately included in a rule. A comment suggesting that "institutional status" studies be allowed in lieu of feasibility studies was rejected because the law specifies feasibility studies. Another comment on feasibility studies suggested "clarifying" their relationship to older colleges. This comment was also rejected because the law requires that all colleges, whether previously established or not, undergo feasibility studies before becoming eligible for grants. A comment suggesting a change of wording in subsection (d) was rejected.

§ 32b.8 A commentator suggested including a definition of "education program" in subparagraph (d)(1). The Task Force rejected this comment because "education program" is already defined in § 32b.3.

§ 32b.10 A commenter recommended that this section mention that funding for technical assistance is limited by Public Law 95-471 to appropriations specifically designated for that purpose. The Task Force rejected this recommendation because Public Law 95-471 already states the limitation and no regulatory language is needed.

§ 32b.12 A commenter recommended that this section be expanded to detail line items for feasibility studies, operational grants, and technical assistance for 1980 and beyond. The Task Force rejected this recommendation because specifying line items might provide more money for one of the three activities at the expense of limiting money available for one or more of the others.

C. Other Changes

§ 32b.1 That portion of the statement of policy which did not directly relate to the Department's functions with respect to Indian education has been omitted.

§ 32b.3 The definition of "FTE" and "Academic term" have been revised for clarity and to conform them to the statutory language. Definitions of "Academic year" and "part time/full time" have been added. Under the

regulations, a college will determine the number of FTE Indian students registered at the end of the sixth week of each academic term.

The FTE for an academic term is determined by the formula:

$$FTE = FT + PTCR/12$$
 where FT is the number of full time Indian students (those carrying 12 or more credit hours at the end of the sixth week of the term) and PTCR is the sum of credit hours for which part-time students are registered at the end of the sixth week of the term. Grant calculations under § 32b.8 are determined by adding the Indian FTE for each academic term and dividing by the number of terms in the academic year and multiplying that figure times \$4,000. For example, in a school operating on a two semester basis and the following enrollments, the FTE and grant calculations would be as follows:

Fall	FT = 275 students	PTCR = 800 hours
Spring	FT = 225 students	PTCR = 720 hours

$$\begin{aligned} \text{Fall FTE} &= 275 + \frac{800}{12} \\ &= 275 + 66.67 \\ &= 341.67 \\ \text{Spring FTE} &= 225 + \frac{720}{12} \\ &= 225 + 60 \\ &= 285 \\ \text{Annual grant} &= \frac{\text{Fall FTE} + \text{Spring FTE}}{2} \times \$4,000 \\ &= \frac{341.67 + 285}{2} \times \$4,000 \\ &= \frac{626.67}{2} \times \$4,000 \\ &= 313.33 \times \$4,000 \\ &= \$1,253,320.00 \end{aligned}$$

In addition, the definition of "institution of higher education" in § 32b.3(j) has been changed. The definition is fixed by statute and includes (1) accredited colleges, (2) unaccredited colleges with respect to which the Commissioner of Education (DHEW) has annually determined will meet accreditation standards within a reasonable time, and (3) unaccredited colleges whose credits are accepted on transfer by three accredited colleges. Determinations of institutional status under the law are the responsibility of DHEW, which under current practice uses regional advisory groups to evaluate colleges and publishes lists of qualifying institutions.

§ 32b.6 This section, dealing with the role of HEW in conducting feasibility studies has been rewritten for clarity, but there was no substantive change other than designating the Assistant Secretary, rather than the Director, as the official responsible for entering into the agreement.

§ 32b.7 Subsection (b) of this section was revised to make it clear that the Act requires Indian tribes, not the colleges, to request a feasibility study and that a feasibility study may be undertaken even before a college is formally established. Also, mention of giving priority in scheduling feasibility studies has been deleted. Also, subsection (c) was added: "The Director of Education will issue guidelines for conducting the feasibility studies." This is in keeping with the practice of treating the implementation of technical procedures with greater detail in a separate document.

§ 32b.8 Subsection (b) of this section was revised to require applications to contain the listed information. Subsection (c)(3) was revised to include appeal procedures similar to those under § 32b.7, in case of disapproval of grant applications. The provisions relating to calculation of the grant have been clarified. The date for payment of the first installment of grant funds in subsection (e) has been changed from September 1 to October 1 or the first day on which appropriated funds are available, whichever is later, in order to accommodate budgetary concerns. Subsection (g) of this section was omitted to make it clear that funding under the regulations requires annual submission and approval of an application for assistance. A new subsection (g) has been added to provide for adjustment or recovery of grant overpayments due to fraud or mistake.

§ 32b.9 The last sentence has been revised to clarify that periodic reporting of FTE counts is required. The reports are necessary to calculate advance installments on the grants.

The regulations in Subpart B applicable to the Navajo Community College have been revised to make them conform to the changes made in Subpart A.

These regulations are being promulgated as effective immediately upon publication, rather than after 30 days, under 5 U.S.C. 553(d)(3) in order that eligible colleges may apply for and receive funding as soon as possible after appropriated funds become available and because these regulations impact primarily upon only a few Indian tribes and colleges who have had full opportunity to comment and not upon the public generally.

The Department of the Interior has determined that these regulations are not a major Federal action within the scope of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c).

The Department of Interior has determined that this is not a significant

rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The primary author of this document is Leroy Clifford, Steering Committee Member and Task Force No. 12 Chairman. Address: 1626 High Street, Denver, Colorado 80218. Telephone: (302) 321-5909.

With the above changes, a new Part 32b of Chapter 1 Title 25 of the Code of Federal Regulations is adopted as set forth below:

PART 32b—GRANTS TO TRIBALLY CONTROLLED COMMUNITY COLLEGES AND NAVAJO COMMUNITY COLLEGE

Subpart A—Tribally Controlled Community Colleges

- Sec.
- 32b.1 Purpose.
 - 32b.2 Scope.
 - 32b.3 Definitions.
 - 32b.4 Eligible Recipients.
 - 32b.5 Eligible Activities.
 - 32b.6 HEW Participation.
 - 32b.7 Feasibility Studies.
 - 32b.8 Grants.
 - 32b.9 Reports.
 - 32b.10 Technical Assistance.
 - 32b.11 General Provisions.
 - 32b.12 Annual Budget.
 - 32b.13 Criminal Penalties.

Subpart B—Navajo Community College

- 32b.20 Purpose.
- 32b.21 Scope.
- 32b.22 Definitions.
- 32b.23 Eligible Activities.
- 32b.24 Grants.
- 32b.25 Reports.
- 32b.26 Technical Assistance.
- 32b.27 General Provisions.
- 32b.28 Criminal Penalties.

Authority: Sections 114 and 203(a) of Public Law 95-471, 25 U.S.C. 1815, 25 U.S.C. 640c-1(c).

Subpart A—Tribally Controlled Community Colleges

§ 32b.1 Purpose.

The policy of the Department of the Interior is to support and encourage the establishment, operation, and improvement of tribally controlled community colleges to ensure continued and expanded educational opportunities for Indian students. The regulations in this Subpart prescribe procedures for providing financial and technical assistance to this end under the Tribally Controlled Community College Assistance Act of 1978 (Pub. L. 95-471, 92 Stat. 1325, 25 U.S.C. 1801 et seq.).

§ 32b.2 Scope.

The regulations in this Subpart are applicable to the provision of financial and technical assistance to Community

Colleges under Title I of the Act. They do not apply to the provision of assistance to Navajo Community College. Subpart B of this Part applies to assistance to Navajo Community College under Title II of the Act.

§ 32b.3 Definitions.

As used in this Subpart A:

(a) "Academic Term" means a semester, trimester, or other such period (not less than six (6) weeks in duration) into which a community college normally subdivides its academic year, but does not include a summer term.

(b) "Academic Year" means a twelve month period established by a community college and approved by the Director of Education as the annual period for the operation of the college's education programs.

(c) "The Act" means the Tribally Controlled Community College Assistance Act of 1978 (Pub. L. 95-471, 92 Stat. 1325, 25 U.S.C. 1801 et seq.).

(d) "Assistant Secretary" means the Assistant Secretary for Indian Affairs of the Department of the Interior, or his/her duly authorized representative.

(e) "Community College" means an institution of higher education which (1) is formally controlled or operated and managed by the governing body of an Indian Tribe or by the governing bodies of two or more Indian Tribes, or (2) is established or is otherwise sanctioned or chartered by resolution, ordinance, or other official action (which is still in full force and effect) of such governing body or bodies. However, for purposes of this definition, only one such institution shall be recognized with respect to any one Tribe. A Community College that meets the requirements of this definition with respect to more than one Tribe must meet such requirements with respect to at least one Tribe that has no other currently formally controlled, operated and managed, established, sanctioned, or chartered Community College.

(f) "Director of Education" means the Director of the Office of Indian Education Programs of the Bureau of Indian Affairs, or his/her duly authorized representative.

(g) "Full Time Equivalent" or "FTE", means the number of Indian students (1) enrolled full-time for an entire academic term at a community college, calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term, plus (2) the full-time equivalent of the number of other Indian students who are enrolled part-time for an entire academic term at a community college (determined on the basis of the quotient of the sum of credit hours for which all such part-time students are registered during such academic term,

divided by twelve (12)), calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term. The formula for calculating the Indian FTE for an academic term is expressed mathematically as $FTE = FT + PTCR/12$ where FT is the number of full time Indian students (those carrying 12 or more credit hours at the end of the sixth week of the academic term) and PTCR is the number of credit hours for which part-time Indian students are registered at the end of the sixth week of an academic term.

(h) "Indian" means a person who is a member of an Indian Tribe and is eligible to receive services from the Secretary of the Interior because of his/her status as an Indian.

(i) "Indian Tribe" means an Indian tribe, band, nation, pueblo, rancheria, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(j) "Institution of Higher Education" as defined in Pub. L. 95-471 (incorporating in part § 1201 of the Higher Education Act of 1965), means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (3) is a public or other nonprofit institution, and (4) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner of Education has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited. Such term also

includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (3), and (4). Such term also includes a public or nonprofit private educational institution in any State which, in lieu of the requirement in clause (1), admits as regular students persons who are beyond the age of compulsory school attendance in the State in which the institution is located and who have the ability to benefit from the training offered by the institution.

(k) "National Indian Organization" means any organization of Indians, found by the Director of Education to be nationally based, representing a substantial Indian constituency, and expert in the field of Indian education. Notice of such findings shall be published in the Federal Register with an opportunity for comment from the public and no such finding shall be effective earlier than 30 days after publication.

(l) "Operating Expenses of Education Programs" means the obligations and expenditures of a community college for post-secondary activities, including administration, instruction, attendance, health and other student services, operation, maintenance and repair of plant, fixed charges, and other related expenses, but not including expenditures for the acquisition or construction of academic facilities. (The term "academic facilities" means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs of an institution of higher education or as dormitories or student services buildings, and maintenance, storage, support, or utility facilities essential to operation of the foregoing facilities.)

(m) "Part-time" means registered for less than twelve (12) credit hours for an academic term; "full-time" means registered for twelve (12) or more credit hours for an academic term.

(n) "Unused Portion of Received Funds" means the amount of financial assistance provided under this Subpart to a Community College for an academic year which has not been obligated or expended by the Community College by July 1 of that academic year.

§ 32b.4 Eligible recipients.

Financial assistance under this Subpart shall be available only to a Community College which:

(a) Is governed by a board of directors, regents, or trustees, a majority of whom are Indians;

(b) Demonstrates its adherence to stated goals, a philosophy, or a plan of operation which is directed to meet the needs of Indians, and has formally adopted, in writing, such goals, philosophy, or plan of operation, which may be in the form of a constitution, by-laws, or policy statement of the Community College;

(c) If in operation for more than one year, has students a majority of whom are Indian; and

(d) Upon completion of a feasibility study, receives a positive determination, and;

(e) Is not in violation of § 32b.11 of this Subpart.

§ 32b.5 Eligible activities.

Financial assistance under this Subpart shall be available to defray only the operating expenses of education programs of Community Colleges. Financial assistance under this Subpart shall not be used for religious worship or sectarian instruction, but nothing in this Subpart shall be construed as barring instruction in comparative religions or cultures or in languages of Indian tribes.

§ 32b.6 HEW participation.

The Assistant Secretary for Indian Affairs is authorized to enter into an agreement with the Assistant Secretary for Education, Department of Health, Education, and Welfare, and to revise such agreement as necessary, to assist the Director of Education in the development of plans, procedures, and criteria for feasibility studies under this Subpart, and to provide the Director with technical assistance in conducting such feasibility studies, including determinations as to the reasonable number of students required to support a Community College.

§ 32b.7 Feasibility studies.

(a) Grants under § 32b.8 of this Subpart may be made to a Community College only after a positive determination of feasibility as provided in this section.

(b) Within thirty (30) days of receiving a resolution or other duly authorized request from the governing body of one or more Indian Tribes, the Director of Education shall initiate a feasibility study to determine whether there is justification to encourage and maintain a Community College for such tribe or tribes. The feasibility study shall give consideration to the following factors:

(1) Financial feasibility based upon potential enrollment;

(2) Evidence of low tribal levels of tribal matriculation in and graduation from postsecondary educational institutions;

(3) Tribal, linguistic, or cultural differences;

(4) Isolation;

(5) Presence of alternate education sources;

(6) Proposed curriculum;

(7) The benefits of continued and expanded educational opportunities for Indian students.

(c) The Director of Education will issue detailed guidelines for conducting and analyzing the feasibility studies.

(d) Feasibility studies under this section shall be conducted in consultation with the tribal governing body or bodies involved or their designated representatives. Each feasibility study shall be completed and filed by the Director of Education within sixty (60) days after the feasibility study has been initiated. The study shall be filed with (1) the Assistant Secretary, (2) the tribal governing body or bodies requesting the studies, and (3) with the board of directors, regents, or trustees of the Community College, if already established.

(e) In the case of any feasibility study which results in a negative determination by the Director of Education, a Tribe requesting the study may within thirty (30) days of receipt of the study or of notice of such determination file a notice of appeal with the Assistant Secretary. Following the timely filing of a Tribe's notice of appeal, the Tribe and Community College shall have a right to a formal review of the feasibility study, including a hearing upon reasonable notice within sixty (60) days before the Assistant Secretary (or his/her designee, other than the Director of Education or any federal employee under the Director's supervision). At the hearing, the appealing Tribe or the Community College (or both) may present additional evidence or arguments to justify feasibility. Within thirty (30) days of the hearing, the Assistant Secretary shall issue a written ruling either confirming, modifying, or reversing the original determination. The ruling, which shall be final for the Department, shall be mailed or otherwise delivered to the appealing Tribe and the Community College within one week of its issuance.

In any case where the original negative determination is not reversed, the Assistant Secretary's ruling shall specify the grounds for the decision and state the manner in which the determination related to each of the factors specified.

(f) A negative determination shall not prevent a Tribe from requesting another feasibility study, but no more than one feasibility study shall be requested for any given Community College per year.

§ 32b.8 Grants.

(a) Each Community College which has received a positive feasibility study determination under § 32b.7 of this Subpart shall be entitled to apply for financial assistance under this Subpart.

(b) Except with respect to applications for grants for the 1979-1980 academic year, each Community College shall make an application to the Director of Education before January 31, of the year preceding the academic year for which financial assistance is requested. Each application must contain the following information:

(1) The name and address of the Community College and the names of the members of the governing board and the number of its members who are Indian;

(2) A statement that the Community College has received a positive feasibility determination and the date thereof;

(3) A written statement of the goals, philosophy, or proposed plan of operation sufficient to demonstrate that its education program or proposed program is designed to meet the needs of Indians;

(4) In the case of a Community College which has been in operation for more than one year, a statement of the total number of FTE Indian students and the total number of all FTE students;

(5) If the Community College has not yet begun operations, a statement of expected enrollment, including the total number of FTE students and the number of FTE Indian students;

(6) The name and address of the Indian Tribe or Tribes which control or operate and manage, or have established, sanctioned, or chartered the Community College, and a statement as to which of those Tribes have not done so with respect to any other Community College;

(7) A curriculum, which may be in the form of a college catalog or like publication;

(8) A proposed budget, showing total expected operating expenses of education programs and expected revenues from all sources for the academic year to which the information applies;

(9) An assurance that the Community College will not deny admission to any Indian student because that student is not a member of a specific tribe or because such student is a member of a specific tribe, and will comply with the

requirements set forth in § 32b.11 of this Subpart together with any request and justification for a specific waiver of any requirement of 25 CFR Part 276 which the Community College believes to be inappropriate;

(10) Certification by the chief executive officer of the Community College that the information on the application is complete and correct and that the application has been filed with the governing body or bodies of the Tribe or Tribes which control or have sanctioned or chartered it.

(c)(1) Within thirty (30) days of receiving an application required under subsection (b) of this section, the Director of Education shall review the application submitted by the Community College and any comments with respect thereto filed by the Tribe(s) or by any national Indian organization(s) whose assistance has been requested by the Community College, and make a grant award in an amount determined under subsection (d) of this section to the Community College if the application qualifies the Community College to receive a grant.

(2) In the case of any Community College whose application is not approved, the Director shall promptly send a notice of such action to the Community College. Such notice shall include a statement of the specific reasons for not approving the application and a statement advising the College of its right within thirty (30) days to amend or supplement the application on file to rectify the defect.

(3) Final disapproval of a grant application by the Director after the thirty day period referred to in subsection (c)(2), or a failure of the Director of Education to approve an application within thirty (30) days of its receipt may be appealed by a Community College in the same manner as provided in subsections (d) and (f) of § 32b.7.

(4) A Grant award under an approved application shall be evidenced by a grant agreement, signed by the Director of Education, incorporating the application and the provisions required by § 32b.11.

(d)(1) In fiscal year 1980, each Community College which qualifies for a grant will receive a grant for academic year 1979-80; thereafter each Community College which qualifies for a grant shall receive a grant for the academic year commencing after the date of approval of its application. Except as provided in subsection (d)(3) grants shall be in an amount equal to \$4,000 multiplied by the number of FTE Indian students in attendance at such college during each academic term

divided by the number of academic terms in the academic year, except that no such grant shall exceed the annual operating expenses of the education programs provided by the Community College. The mathematical formula for calculating the base grant is BG (Base Grant)=

$$\frac{\$4000 \times \text{TERM 1} + \text{FTE TERM 2} + \dots + \text{FTE TERM N}}{N}$$

where FTE is the Indian FTE for each of the academic terms during the academic year calculated in conformity with § 32b.3(g) of this Subpart and N is the number of academic terms in the academic year.

(2) For the first Federal fiscal year for which funds are appropriated for grants under this Subpart, not less than eight (8) nor more than fifteen (15) grants shall be approved; priority in awarding such grants shall be given to Community Colleges which are operating on October 17, 1978, and which have a history of service to the Indian people. (If more than fifteen (15) Community Colleges meeting these two (2) conditions submit applications for the first fiscal year, a further priority for awarding grants among them shall be given to those who appear to be in the best position to fulfill the purpose of the Act and to those whose continued existence would be threatened if they did not receive such a grant).

(3) All grants under this section shall be subject to the availability of appropriations and the amount thereof shall be ratably reduced for all Community Colleges if the sums appropriated for any fiscal year for financial assistance under this Subpart are not sufficient to pay the full amounts to which the eligible Community Colleges are otherwise entitled under subsection (d)(1).

(e) The Director of Education shall authorize payments to each such Community College in advance installments by letter of credit or Treasury check in an amount equal to fifty percent (50%) of the grant amount available for allotment to such Community College for such academic year under subsection (d) of this section on or before October 1st of such College's academic year (except for 1979-80) or the first day on which appropriations for the fiscal year beginning on such date are available for obligation by BIA whichever occurs later, based on the number of FTE Indian students calculated on the basis of registrations as in effect at the conclusion of the sixth week of the final academic term of the preceding

academic year. On or before January 1st (or such other date that is the first day of the fifth month) of such College's academic year, payments shall be made in the form of advance installments to each Community College in an amount equal to seventy-five percent (75%) of the grant amount available for allotment to such Community College for such academic year under subsection (d) of this section, calculated on the basis of registrations at the conclusion of sixth week of the academic year, less the amount previously advanced for such academic year. On or before July 1st (or such other date that is the first day of the eleventh month) of each such academic year the balance of the grant amount to which each College is entitled under subsection (d) of this section shall be paid to such College. In the event that additional sums are appropriated to which such Community Colleges are entitled under section 110(a) of the Act and subsection (d) of this section, these amounts shall be included in such final payments.

(f) If with respect to any academic year the amounts of financial assistance hereunder have been ratably reduced as provided in subsection (d)(3) of this section and additional funds have not been appropriated to pay the full amount of such reductions on or before June 1st of such year, the Director of Education shall notify each Community College of such fact in writing, and each Community College shall report in writing to the Director of Education on or before July 1st of such year the amount of unused portion of received funds. The total of such reported unused portions of received funds shall be reallocated by the Director of Education in proportion to the amount of financial assistance to which each Community College is entitled under subsection (d) but which has not been provided due to the ratably reductions provided for therein, (except that no Community College shall receive more than the total annual cost of the education programs provided by such College) and payments shall be made reflecting such reallocations on or before August 1st of such academic year.

(g) If the Director of Education determines that a Community College has received, through mistake or fraud, payments of financial assistance under this Subpart to which it was not entitled, the Director shall promptly notify the college, which may appeal the Director's determination under the procedures set forth in § 32b.7, and adjust the amount of payments to the college under this Subpart for the same or subsequent academic years to compensate for such

overpayments or otherwise attempt to recover such overpayments.

(h) Eligibility for grants under this Subpart shall not, by itself, bar a Community College from qualifying for or receiving financial assistance under any other Federal program for which it may qualify.

§ 32b.9 Reports.

Each Community College receiving financial assistance under this Subpart shall provide to the Director of Education on or before December 1st of each year a report which shall include an accounting of the amounts and purposes for which such financial assistance was expended during the preceding academic year; the annual cost of education programs of the Community College from all sources for such academic year; and a final report of the performance based upon the criteria set forth in the Community College's stated goals, philosophy or plan of operation. Upon reasonable cause, the Director of Education may extend the period for submitting the annual report. Each Community College shall in addition report to the Director of Education its FTE Indian student enrollment for each academic term of the academic year within three weeks of the date such FTE calculation is made.

§ 32b.10 Technical assistance.

The Director of Education shall furnish technical assistance either directly or through contract to any Community College requesting it. Such assistance shall be initiated within thirty (30) days of a Community College's request in writing. In any case, where the type and source of technical assistance is specified in the request, the Director, to the extent possible or feasible, shall provide the type of technical assistance through the source so specified. Technical assistance may include, but is not limited to, consulting services for the development of programs, plans, and feasibility studies and accounting, and other technical advice. In awarding of contracts for technical assistance, preference shall be given to an organization designated by the Community College to be assisted.

Denials of requests for technical assistance under this section shall be made in writing and sent to the applicant within thirty (30) days of the request, together with a statement of the reason for denial. An appeal under this section may be undertaken in the same manner as in the case of negative determinations of feasibility under § 32b.7 of this Subpart.

§ 32b.11 General Provisions.

The general requirements for grant administration in this section are applicable to all grants provided under this Subpart to Community Colleges:

(a) Services or assistance provided to Indians by Community Colleges aided under this Subpart shall be provided in a fair and uniform manner, and admission to any such Community College shall not be denied to any Indian student because such individual is not a member of a specific Indian tribe or because such individual is a member of a specific Indian tribe.

(b) Except as may be otherwise provided in this Subpart, any Community College receiving financial assistance under this Subpart shall comply with Part 276 of this Title, subject to any express waiver of specific inappropriate provisions of Part 276 that may be granted by the Assistant Secretary after request and justification by the Community College.

(c) A Community College shall have the right to appeal any adverse decision of the Director of Education under a grant agreement to the Assistant Secretary by filing written notice of appeal with the Assistant Secretary within thirty (30) days after the adverse decision. Within thirty (30) days after receiving notice of appeal, the Assistant Secretary shall conduct a formal hearing at which time the College may present evidence and argument to support its appeal. Within thirty (30) days of the hearing, the Assistant Secretary shall issue a written ruling on the appeal confirming, modifying, or reversing the Director of Education's decision. The Assistant Secretary shall state in detail the basis for his/her ruling. The ruling of the Assistant Secretary on an appeal shall be final for the Department of the Interior.

§ 32b.12 Annual Budget.

Appropriations under Title I of the Tribally Controlled Community College Assistance Act of 1978 shall be separately identified in the Bureau of Indian Affairs Budget Justification. Funds appropriated for grants under this Subpart shall not be commingled with other funds expended by the Bureau of Indian Affairs.

§ 32b.13 Criminal Penalties.

Persons submitting or causing to be submitted to the Bureau any false information in connection with any application, report, or other document, upon which the provision of Federal financial assistance or any other payment of Federal funds is based, may be subject to criminal prosecution under

provisions such as sections 287, 371, or 1001 of Title 18, U.S. Code.

Subpart B—Navajo Community College**§ 32b.20 Policy.**

It is the policy of this Department to support and encourage the establishment, operation, and improvement of tribally controlled community colleges in order to ensure continued and expanded educational opportunities for Indian students. The regulations in this Subpart prescribe procedures for providing financial and technical assistance to this end for the Navajo Community College under the Navajo Community College Act, as amended (25 U.S.C. 640a-c).

§ 32b.21 Scope.

The regulations in this Subpart are applicable to the provision of financial and technical assistance to Navajo Community College pursuant to the Navajo Community College Act of December 15, 1971 (Pub. L. 92-189, 85 Stat. 646, 25 U.S.C. 640a-c) as amended by the Navajo Community College Assistance Act of 1978, Title II of the Tribally Controlled Community College Assistance Act of 1978 (Pub. L. 95-471, 92 Stat. 1325, 1329, 25 U.S.C. § 640c). Regulations applicable to Tribally Controlled Community Colleges other than Navajo Community College are found in Subpart A of this Part 32b.

§ 32b.22 Definitions.

As used in this Subpart:

(a) "Academic Term" means a semester, trimester, or other such period (not less than six (6) weeks in duration) into which the college normally subdivides its academic year, but does not include a summer term.

(b) "Academic Year" means a twelve month period established by the college and approved by the Director of Education as the annual period for the operation of the college's education programs.

(c) "The Act" means the Navajo Community College Act of December 15, 1971 (Pub. L. 92-189, 85 Stat. 646) as amended by the Navajo Community College Assistance Act of 1978, (Pub. L. 95-471, Title II, 92 Stat. 1329, 25 U.S.C. § 640a et seq.).

(d) "Assistant Secretary" means the Assistant Secretary for Indian Affairs of the Department of the Interior or his/her duly authorized representative.

(e) "College" means the institution known as Navajo Community College established by the Navajo Tribe.

(f) "Director of Education" means the Director of the Office of Indian

Education Programs of the Bureau of Indian Affairs, or his/her duly authorized representative.

(g) "Full Time Equivalent" or "FTE" means the number of Indian students (1) enrolled full-time for an entire academic term at the College, calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term, plus (2) the full-time equivalent of the number of other Indian students who are enrolled part-time for an entire academic term at the College (determined on the basis of the quotient of the sum of credit hours for which all such part-time students are registered during such academic term divided by (12)), calculated on the basis of registrations as in effect at the conclusion of the sixth week of an academic term. The formula for calculating the Indian FTE for an academic term is expressed mathematically as $FTE = FT + PT/12$ where FT is the number of full time Indian students (those carrying 12 or more credit hours at the end of the sixth week of the academic term) and PT is the number of credit hours for which part-time Indian students are registered at the end of the sixth week of an academic term.

(h) "Indian" means a person who is a member of an Indian tribe and is eligible to receive services from the Secretary of the Interior because of his/her status as an Indian.

(i) "Indian Tribe" means an Indian tribe, band, nation, pueblo, rancheria, or other organized group or community, including any Alaskan Native Village or Regional or Village Corporation as defined in or established under the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(j) "Operating and Maintenance Expenses of Education Programs" means the obligation and expenditures by the College for post-secondary education activities including administration, instruction, attendance, health and other student services, operation, maintenance and repair of plant, and fixed charges, and other related expenses, but not including obligations or expenditures for the acquisition or construction of academic facilities (as defined in § 32b.3(1) of Subpart A).

§ 32b.12 Eligible Activities.

Financial assistance under this Subpart shall be available to defray only the operating and maintenance expenses of education programs of the College. Financial assistance under this

Subpart shall not be used for religious worship or sectarian instruction, but nothing in this Subpart shall be construed as barring instruction in comparative religions or cultures or in languages of Indian tribes.

§ 32b.24 Grants.

(a) Navajo Community College is entitled to annual grants for operation and maintenance of the College in amounts based upon the number of Full-Time Equivalent Indian students in attendance.

(b) Annually, in the manner and within the deadline established by the Director of Education, the Navajo Community College shall submit an application in the form of a statement of its FTE enrollment (total and Indian) for the next academic year. The statement shall include a description of the College's curriculum, which may be in the form of a College catalog or like publication, and a proposed budget showing total expected operating expenses of educational programs and expected revenue from all sources for the academic year for which the information applies. The statement shall be certified by the chief executive officer of the College and shall certify that a copy of that statement has been submitted to the Navajo Tribe.

(c) Annual budget request for the College shall be separately identified in the Bureau of Indian Affairs Budget Justifications. Funds appropriated for grants under this subpart shall not be commingled with other funds appropriations historically expended by the Bureau of Indian Affairs for programs and projects normally provided on the Navajo Reservation for Navajo beneficiaries.

(d) Within thirty (30) days of submission of the statement required under subsection (b) of this section, the Director of Education shall make a grant award to the College in an amount determined under subsection (e) of this section. The grant award shall be evidenced by a grant agreement signed by the Director of Education, incorporating the grant application and including the provisions required by § 32b.27 of this Subpart.

(e) The College shall be eligible to receive a grant for the fiscal year beginning October 1, 1979, and for each succeeding year, in an amount equal to \$4,000 multiplied by the number of FTE Indian students in attendance at the College during each academic term divided by the number of academic terms in the academic year, except that no such grant shall exceed the annual operating expenses of the education programs provided by the College. The

mathematical formula for calculating the base grant is BG (Base Grant)=

$$\$4000 \times \frac{\text{FTE TERM 1} + \text{FTE TERM 2} + \dots + \text{FTE TERM N}}{N}$$

where FTE is the Indian FTE for each of the academic terms during the academic year calculated in conformity with section 32b.22(g) of this Subpart and N is the number of academic terms in the academic year. The amount and payment of such grants shall be subject to the availability of annual appropriations.

(f) The Director of Education shall authorize payments to the College in advance installments by letter of credit or Treasury check in an amount equal to fifty percent (50%) of the grant amount available for allotment to the College for such academic year under subsection (e) of this section on or before October 1st of such academic year (except 1979-80) or the first day on which appropriations for the fiscal year beginning on such date are available for obligation by BIA, whichever occurs later, based on the number of FTE Indian students calculated on the basis of registrations as in effect at the conclusion of the sixth week of the final academic term of the preceding year. On or before January 1st (or such other date that is the first day of the fifth month) of such academic year, payment shall be made in the form of such advance installments to the College in an amount equal to seventy-five percent (75%) of the grant amount available for allotment to the College for such academic year under subsection (e) of this section, calculated on the basis of registrations as in effect at the conclusion of the sixth week of the academic year, less the amount previously advanced for such academic year. On or before July 1st (or such other date that is the first day of the eleventh month) of such academic year, the balance of the grant amount to which the College is entitled under subsection (e) of this section shall be paid to the College. In the event that additional sums are appropriated for the benefit of the College, these sums shall be included in the final payment.

(g) Overpayments of grants under this Subpart may be recovered in the manner provided by § 32b.8(g) of Subpart A.

(h) Payments to the Navajo Community College under this Subpart shall not disqualify the College from applying for or receiving grants or contracts under any other Federal programs for which it may qualify.

§ 32b.25 Reports.

The Navajo Community College shall provide the Director of Education on or before September 1st of each year a report which shall include an accounting of the amounts and purposes for which financial assistance under this Subpart was expended during the preceding academic year, the annual cost of the education programs of the College from all sources for such academic year, and a final report of the performance based upon the criteria set forth in the College's stated goals, philosophy or plan of operation. Upon reasonable cause, the Director of Education may extend the period for submitting the annual report. The college shall in addition report to the Director of Education its FTE Indian Student enrollment for each academic term of the academic year within three weeks of the date such FTE calculation is made.

§ 32b.26 Technical Assistance.

The Director of Education shall furnish technical assistance, either directly or through contract, to the College when requested in writing. Such assistance shall be initiated within thirty (30) days of the College's request. In any case in which the form and source of technical assistance is specified in the request, the Director of Education shall to the extent possible or feasible provide technical assistance in the form requested and through the source so specified. Technical assistance may include, but is not limited to, consulting services in the development of annual statements and reports required under this Subpart and accounting, and other technical advice and assistance.

§ 32b.27 General Provisions.

The general requirements for grant administration in this section are applicable to all grants provided under this Subpart to the Navajo Community College.

(a) Services or assistance provided to Indians by the College with the financial assistance provided under this Subpart shall be provided in a fair and uniform manner, and admission to the College shall not be denied any Indian student because such individual is not a member of a specific Indian tribe or because such individual is a member of a specific Indian tribe.

(b) Except as may be otherwise provided in this Subpart, the College shall comply with Part 276 of this Title, subject to express waiver of specific inappropriate provisions of Part 276 that may be granted, after request and justification by the College by the Assistant Secretary.

(c) In addition to any other right the college may have under this Subpart, the College shall have the right to appeal any adverse decision of the Director of Education under a grant agreement to the Assistant Secretary by filing written notice of appeal with the Assistant Secretary within thirty (30) days of the adverse decision. Within thirty (30) days after receiving notice of appeal, the Assistant Secretary shall conduct a formal hearing at which time the College may present evidence and argument to support its appeal. Within thirty (30) days of the hearing, the Assistant Secretary shall issue a written ruling on the appeal confirming, modifying or reversing the decision of the Director of Education. In the case of a ruling not reversing the Director of Education's decision, the Assistant Secretary shall state in detail the basis for his/her ruling. The ruling of the Assistant Secretary on an appeal shall be final for the Department of the Interior.

§ 32b.28 Criminal Penalties.

Persons submitting or causing to be submitted to the Bureau any false information in connection with any application, report, or other document, upon which the provision of the Federal financial assistance, or any other payment of Federal funds, is based, may be subject to criminal prosecution under provisions such as sections 287, 371, or 1001 of Title 18, U.S. Code.

Forrest J. Gerard,

Assistant Secretary, Indian Affairs.

[FR Doc. 79-35867 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-02-M

Test Report Federal Reserve

Wednesday
November 21, 1979

Part III

Commission of Fine Arts

Procedures and Policies; Final
Rulemaking

COMMISSION OF FINE ARTS

45 CFR Parts 2101, 2102, and 2103

Procedures and Policies

AGENCY: The Commission of Fine Arts.

ACTION: Final rule.

SUMMARY: As established by Congress in 1910, the Commission of Fine Arts is a small independent advisory body made up of seven Presidentially appointed "well qualified judges of the arts" whose primary role is architectural review of designs for buildings, parks, monuments and memorials erected by the Federal or District of Columbia Governments in Washington, D.C. In addition to architectural review, the Commission considers and advises on the designs for coins, medals and foreign U.S. memorials. The Commission also advises the District of Columbia Government on private building projects within the Georgetown Historic District, the Rock Creek Park perimeter and the Monumental Core area. The Commission advises Congress, the President, Federal agencies, and the District of Columbia Government on the general subjects of design, historic preservation and on orderly planning on matters within its jurisdiction. The Commission hereby adopts these regulations to set forth its procedures and policies and to facilitate and clarify the relationship of the Commission and its staff with those parties subject to the Commission's jurisdiction.

EFFECTIVE DATE: November 21, 1979.

FOR FURTHER INFORMATION CONTACT: Charles H. Atherton, Secretary, Commission of Fine Arts, 708 Jackson Place, N.W., Washington, D.C. 20006 (202) 566-1066.

SUPPLEMENTARY INFORMATION: On 20 July 1979 the Commission published (44 FR 42728) a proposed rule, and it received only one comment involving a technical correction which has been made. Other changes from the proposed rule have been made merely to correct errors or omissions, to clarify the intent of certain provisions, and to reschedule the regular time for monthly meetings. Accordingly, there is established a new Chapter XXI, Commission of Fine Arts, Rules and Regulations, in 45 Code of Federal Regulations consisting at this time of Parts 2101, 2102 and 2103 as set forth below.

PART 2101—FUNCTIONS AND ORGANIZATION

Subpart A—Functions and Responsibilities of the Commission

Sec.

- 2101.1 Statutory and Executive order authority.
2101.2 Relationships of Commission's functions to responsibilities of other government units.

Subpart B—General Organization

- 2101.10 The Commission.
2101.11 Secretary to the Commission.
2101.12 Georgetown Board of Review.

Subpart A—Functions and Responsibilities of the Commission

§ 2101.1 Statutory and Executive Order Authority.

The Commission of Fine Arts (referred to as the "Commission") functions pursuant to statutes of the United States and Executive Orders of Presidents, as follows:

(a) *Public buildings, other structures, and parklands.* (1) For public buildings to be erected in the District of Columbia by the federal government and for other structures to be so erected which are important to the appearance of the city, the Commission comments and advises on the plans and on the merits of the designs before final approval or action;

(2) For statues, fountains and monuments to be erected in the District of Columbia under authority of the federal government, the Commission advises upon their location in public squares, streets, and parks, upon the selection of models and upon the merits of the designs;

(3) For monuments to be erected at any location pursuant to the American Battle Monuments Act, the Commission approves the designs and materials before they are accepted by the Monuments Commission;

(4) For parks within the District of Columbia, when plans of importance are under consideration, the Commission advises upon the merits of the designs; and

(5) For the selection by the National Capital Planning Commission of lands suitable for development of the National Capital park, parkway, and playground system in the District of Columbia, Maryland, and Virginia, the Commission provides advice.

(36 Stat. 371 (40 U.S.C. 104) as amended by 74 Stat. 128 (40 U.S.C. 106); Executive Order (E.O.) 1259 of October 25, 1910; E.O. 1862 of November 28, 1913; and E.O. 3524 of July 28, 1921; 60 Stat. 317 (36 U.S.C. 124) and 66 Stat. 781 (40 U.S.C. 72))

(b) *Private buildings bordering certain public areas in Washington, D.C.* For

buildings to be erected or altered¹ in locations which border the Capitol, the White House, the intermediate portion of Pennsylvania Avenue, the Mall Park System, Lafayette Park, the Zoological Park, Rock Creek Park or Parkway, or Potomac Park or Parkway, or are otherwise within areas defined by the official plats prepared pursuant to Sec. 2 of the Shipstead-Luce Act, the Commission reviews the plans as they relate to height and appearance and to color and texture of the exteriors, and makes recommendations to the government of the District of Columbia, including ones for changes as in the judgement of the Commission are necessary to prevent reasonably avoidable impairment of the public values represented by the areas along which the buildings border. (The Shipstead-Luce Act, 46 Stat. 366 as amended (40 U.S.C. 121; D.C. Code 5-410).)

(c) *Georgetown buildings.* For buildings to be constructed, altered, reconstructed, or razed within the area of the District of Columbia known as "Old Georgetown." The Commission reviews and reports to the District of Columbia Government on proposed exterior architectural features, height, appearance, color, and texture of exterior materials as would be seen from public space; and the Commission makes recommendations to such government as to the effect of the plans on the preservation and protection of places and areas that have historic interest or that manifest exemplary features and types of architecture, including recommendations for any changes in plans necessary in the judgement of the Commission to preserve the historic value of Old Georgetown, and takes any such actions as in the judgement of the Commission are right or proper in the circumstances. (Old Georgetown Act, 64 Stat. 903 (D.C. Code 5-801).)

(d) *United States medals, insignia, and coins.* On medals, insignia, and coins to be produced by an executive department of the United States, the Commission advises as to the merits of their designs; and if requested to do so, the Commission advises the Heraldic Branch, Quartermaster Corps, Department of the Army, on merits of designs it proposes for medals, insignia,

¹ Alteration does not include razing of a building (*Commissioner of the District of Columbia v. Bennenson*, D.C. Ct. of App., 1974, 329 A. 2d 437). Partial demolition, however, is viewed as an alteration (*The Committee to Preserve Rhodes Tavern and the National Processional Route v. Oliver T. Carr Company, et al.*, U.S. Ct. of App. for D.C. Cir., 1979, 79-1457, Dept. Justice Brief for Fed. Appellee).

seals, and the like. (E.O. 3254 of July 28, 1921 and 71 Stat. 589 (10 U.S.C. 4954))

(e) *Questions of art with which the federal government is concerned.* When required to do so by the President or by either House of Congress, the Commission advises generally on questions of art, and whenever questions of such nature are submitted to it by an officer or department of the federal government the Commission advises and comments. (36 Stat. 371 (40 U.S.C. 104) and E.O. 1862 of November 28, 1913)

§ 2101.2 Relationships of Commission's functions to responsibilities of other government units.

(a) *Projects involving the Capitol building and the Library of Congress.* Plans concerning the Capitol building and the buildings of the Library of Congress are outside the purview of the Commission except as to questions on which the Congress requires the Commission to advise.

(b) *Other United States Government projects.* Officers and departments of the United States Government responsible for finally approving or acting upon proposed projects within the purview of the Commission's functions as described in § 2101.1 (a) and (d) are required first to submit plans or designs for such projects to the Commission and obtain its advice and comments.

(c) *Projects within the jurisdiction of the District of Columbia Government.* The District of Columbia seeks Commission advice on exterior alteration or new construction of public buildings or major public works within its boundaries. The District of Columbia Government also shall seek Commission advice on certain private construction requiring building or demolition permits from the D.C. Permit Branch (D.C. Law 5-422). These include certain actions by the District of Columbia Government pursuant to either D.C. Law 5-422 or D.C. Law 2-144 within areas subject to the Shipstead-Luce or Old Georgetown Acts (§ 2101.1 (b) and (c)) prior to the issuance of a permit.² Lot subdivision, alteration of buildings, demolition, or new construction at individually designated landmarks or within historic districts are further subject to the permit requirements of the Historic Landmark and Historic District Protection Act of 1978 (D.C. Law 2-144).³

²Provisions of the Shipstead-Luce Act (§ 2101.1(b)) do not include full demolition, though partial demolition is viewed as an alteration.

³The Historic Sites Subdivision Amendment of 1978 (D.C. Law 1-80) purported to give the Commission advisory authority over subdivision permits within the areas covered by the Shipstead-Luce Act and the Old Georgetown Act, but the law was repealed by the 1978 Act (D.C. Law 2-144).

Subpart B—General Organization

Authority.—36 Stat. 371 as amended (40 U.S.C. 104 and 106); sec. 3, 64 Stat. 903 (D.C. Code 5-801)

§ 2101.10 The Commission.

The Commission is composed of seven members, each of whom is appointed by the President and serves for a period of four years or until his or her successor is appointed and qualifies. The Chairman is elected by the members. The Commission is assisted by a staff as authorized by the Commission.

§ 2101.11 Secretary to the Commission.

Subject to the direction of the Chairman, the Secretary to the Commission is responsible for providing secretarial and record-keeping services by the staff to support the functions of the Commission; for preparing the agenda of Commission meetings; for organizing the presentation before the Commission of plans, designs, or questions upon which it is to advise, comment, or respond; for interpreting the Commission's conclusions, advice, or recommendations on each matter submitted to it; and for maintaining custody of the Commission's records. The Assistant Secretary of the Commission shall carry out duties delegated to him by the Secretary and shall act in place of the Secretary during his absence or disability.

§ 2101.12 Georgetown Board of Architectural Consultants.

To assist the Commission in carrying out the purposes of the Old Georgetown Act (§ 2101.1(c)), a committee of three architects appointed for a term of three years by the Commission serves as the Board of Architectural Consultants without expense to the United States. This committee advises the Commission regarding designs and plans referred to it.

PART 2102—MEETINGS AND PROCEDURES OF THE COMMISSION

Subpart A—Commission Meetings

Sec.

- 2102.1 Times and places of meetings.
- 2102.2 Actions outside of meetings.
- 2102.3 Public notice of meetings.
- 2102.4 Public attendance and participation.
- 2102.5 Records and minutes; public inspection.

Subpart B—Procedures on Submissions of Plans or Designs

- 2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings or other structures.

Sec.

- 2102.11 Scope and content of submissions for proposed medals, insignia, coins, seals, and the like.
- 2102.12 Responses of Commission to submissions.

Authority.—Sec. 10, 86 Stat. 770 as amended (5 U.S.C., App. 1, Federal Advisory Committee Act 10); OMB Circular No. A-63 (36 FR 2306, January 23, 1973) as amended.

Subpart A—Commission Meetings.

§ 2102.1 Times and places of meetings.

Regular meetings of the Commission, open to the public, are held monthly on the second Tuesday of the month, beginning at 10:00 o'clock a.m., in its offices at 708 Jackson Place, N.W., Washington, D.C. 20006, except that by action of the Commission a regular meeting in any particular month may be omitted or it may be held on another day or at a different time or place. A special meeting, open to the public, may be held in the interval between regular meetings upon call of the Chairman and five days' written notice of the time and place mailed to each member who does not in writing waive such notice. On all matters of official business, the Commission shall conduct its deliberations and reach its conclusions at such open meetings except as stated in § 2101.12 provided, however, that Commission members may receive staff briefings or may have informal background discussions among themselves and the staff outside of such meetings.

§ 2102.2 Actions outside of meetings.

Between meetings in situations of emergency, the Commission may act through a canvass by the Secretary of individual members, provided that any action so taken is brought up and ratified at the next meeting. In addition, the Commission members may convene away from the Commission's offices to make inspections at the site of a proposed project or at the location of a mock-up for the project and may then and there reach its conclusions respecting such project which shall be recorded in the minutes of the meeting held on the same day or, if none was then held, in the minutes of the next meeting.

§ 2102.3 Public notice of meetings.

Notice of each meeting of the Commission shall be made at least one week in advance by posting in the lower lobby of the Commission's offices and by submission for publication in the Federal Register.

§ 2102.4 Public attendance and participation.

Interested persons are permitted to attend meetings of the Commission, to file statements with the Commission at or before a meeting, and to appear before the Commission when it is in meeting, provided that an appearance will be permitted only if it is germane to the functions and policies of the Commission and to the matter or issues then before the Commission and only if the presentation or argument is made in a concise manner within reasonable time limits and it avoids duplicating information or views already before the Commission. A decision of the Chairman as to the order of appearances and as to compliance with these regulations by any person shall be final unless the Commission determines otherwise.

§ 2102.5 Records and minutes; public inspection.

A detailed record of each meeting shall be made and kept which shall contain names of persons who appeared before the Commission, information or arguments presented orally, discussions held and conclusions reached, together with copies of all written, printed, or graphic materials presented. The Secretary shall also prepare minutes of each meeting which shall state the time and place it was held and attendance by Commission members and staff and which shall contain a complete summary of matters discussed and conclusions reached and an explanation of the extent of public participation, including names of persons who presented oral or written statements and an estimate of the number of members of the public who attended; and he shall send a copy to each member of the Commission. The accuracy of all such minutes shall be certified by the Chairman. The minutes and any completed reports, studies, agenda or other documents made available to, or prepared for or by, the Commission shall be available for public inspection and, at the requesting party's expense, for copying at the offices of the Commission.

Subpart B—Procedures on Submissions of Plans or Designs**§ 2102.10 Timing, scope and content of submissions for proposed projects involving land, buildings, or other structures.**

(a) A party proposing a project which is within the purview of the Commission's functions under § 2101.1 (a), (b), or (c) should make a submission when preliminary plans for the project

are ready but before detailed plans and specifications or working drawings are prepared. In order to assure that a submission will be considered at the next scheduled meeting of the Commission, it should be delivered to the Commission's offices not later than five (5) days before the meeting; if it is a project subject to review first by the Georgetown Board, not later than three (3) days before the Georgetown Board meeting. The Commission will attempt to consider a submission which is not made in conformity with this schedule, but it reserves the right to postpone consideration until its next subsequent meeting.

(b) Each submission should state or disclose (1) the nature, location, and justification of the project, including any relevant historical information about a building or other structure to be altered or razed, (2) the identity of the owner or developer (or for public buildings, the governmental unit with authority to approve or act upon the plans) and of the architect, (3) the functions, uses, and purpose of the project, and (4) other information to the extent it is relevant, such as area studies, site plans, building and landscape schematics, renderings, models, depictions or samples of exterior materials and components, and photographs of existing conditions to be affected by the project. Alternative proposals may be included within one submission. The information submitted shall be sufficiently complete, detailed, and accurate as will enable the Commission to judge the ultimate character, siting, height, bulk, and appearance of the project, in its entirety, including the grounds within the scope of the project, its setting and environs, and its effect upon existing conditions and upon historical and prevailing architectural values.

(c) If a project consists of a first or intermediate phase of a contemplated larger program of construction, similar information about the eventual plans should accompany the submission. Even though a submission relates only to approval for razing or removal of a building or other structure, the project will be regarded as part of phased development, and the submission is subject to such requirement.

(d) If the project involves a statue, fountain or a monument within the purview of the Commission under § 2101.1(a)(2), partial submissions should be made as appropriate to permit the Commission to advise on each aspect of the project starting with the selection of any artist to be employed.

(e) The Commission staff will advise owners and architects concerning the scope and content of particular

submissions. Material relevant to the functions and policies of the Commission varies greatly depending upon the nature, size, and importance of the project to be reviewed by the Commission. Also, it is the policy of the Commission not to impose unnecessary burdens or delay on persons who make submissions to the Commission. However, the Commission at any meeting may decline to reach a conclusion about a proposed project if it deems the submission inadequate for its purposes, or it may condition its conclusions on the submission of further information to it at a later meeting or, in its discretion, to the staff of the Commission only.

(f) The Commission staff, members of the Georgetown Board, interested members of the public, or the submitting party may augment any submission by additional relevant information made available to the Commission before or at the meeting where the submission is considered. The Commission staff should also make available to the Commission at the meeting where a submission is considered information concerning prior considerations or conclusions of the Commission concerning the same project or earlier versions of it.

§ 2102.11 Scope and content of submissions for proposed medals, insignia, coins, seals, and the like.

Each submission of the design for a proposed item which is within the Commission's purview under § 2101.1(d) should identify the sponsoring government unit and disclose the uses and purposes of the item, the size and forms in which it will be produced, and the materials and finishes to be used, including colors if any, along with a sketch, model, or prototype.

§ 2102.12 Responses of Commission to submissions.

(a) The Commission before disposing of any project presented to it may ask for the proposed plans or designs to be changed in certain particulars and resubmitted or for the opportunity to review plans, designs, specifications in certain particulars at a later stage in their development and to see samples or mock-ups of materials or components; and when appropriate in the matter of a statue or other object of art, the Commission may ask for the opportunity to see a larger or full-scale model. All conclusions, advice or comments of the Commission which lead to further development of plans, designs, and specifications or to actual carrying out of the project are made in contemplation that such steps will conform in all

substantial respects with the plans or designs submitted to the Commission including only such changes as the Commission may have recommended; and any other changes in plans or designs require further submission to the Commission.

(b) In the case of plans for a project subject to the Old Georgetown Act (§ 2101.1(c)), if the Commission does not respond with a report on such plans within forty-five days after their submission, its approval shall be assumed and a permit may be issued by the government of the District of Columbia.

Dated: October 23, 1979. Washington, D.C.

Charles H. Atherton,
Secretary.

[FR Doc. 79-35876 Filed 11-20-79; 8:45 am]

BILLING CODE 6330-01-M

PART 2103—STATEMENTS OF POLICY

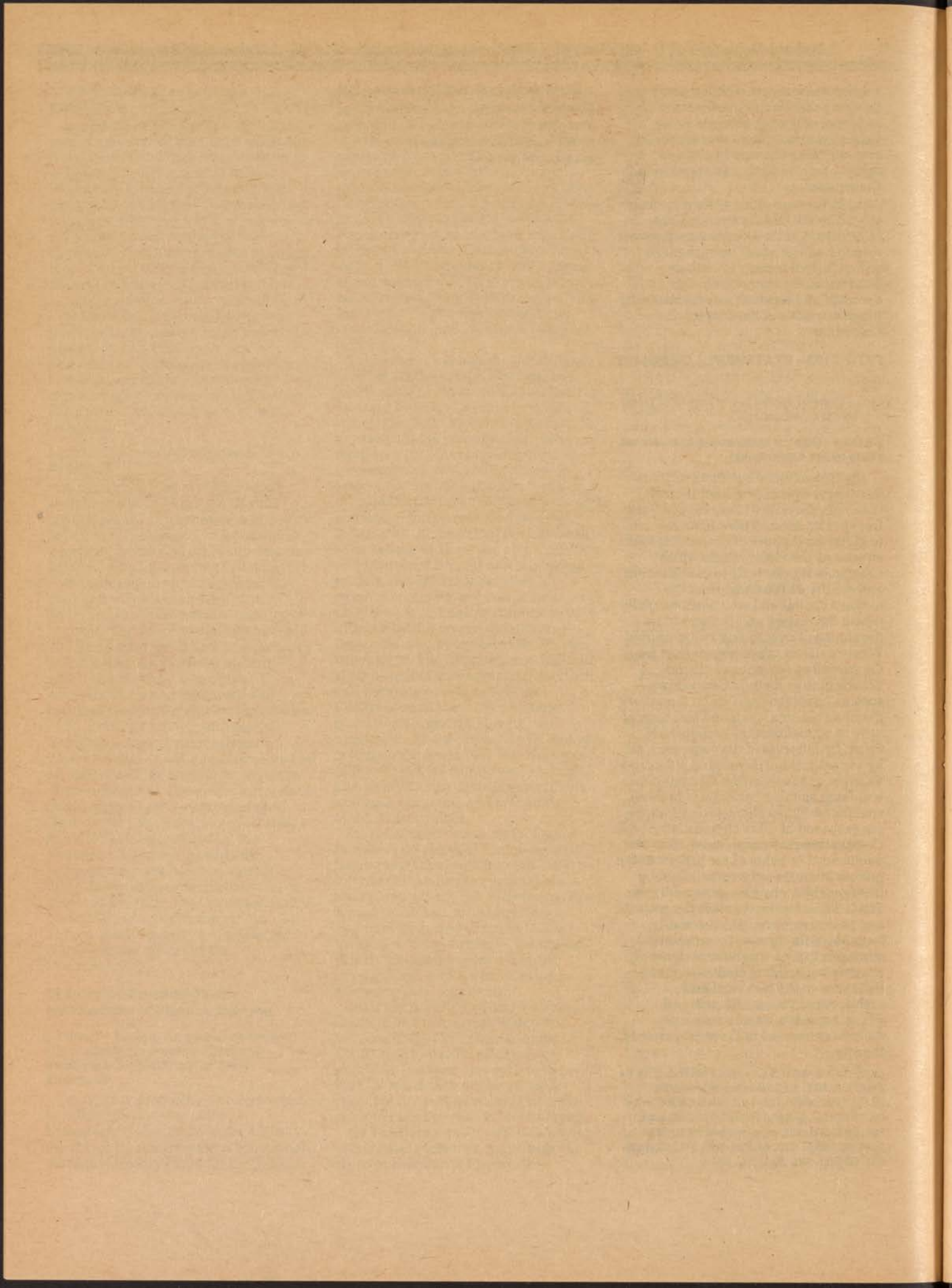
Sec.

2103.1 General approaches to review of plans by the Commission.

§ 2103.1 General approaches to review of plans by the Commission.

The Commission functions relate to the appearance of proposed projects within its purview as they may be seen from public space. These functions are to serve the purpose of conserving and enhancing the visual assets which contribute significantly to the character and quality of Washington as the nation's capital and which meaningfully reflect the history and features of its development over nearly two centuries. Where existing conditions detract from the overall appearance of official Washington or historic Georgetown—such as conditions caused by temporary, deteriorated, or abandoned buildings of little or no historical or architectural value, by interrupted developments, or by vacant lots not devoted to public use as parks or squares—the Commission will favor suitable corrections to these conditions. When changes or additions are proposed in other circumstances, the Commission may consider whether the public need or value of the project or the private interests to be served thereby justify making any change or addition, and it will consider whether the project can be accomplished in reasonable harmony with the nearby area, with a minimum loss of attractive features of the existing building or site, with due deference to the historical and architectural values affected, and without creating an anomalous or disturbing element in the public view of the city.

(36 Stat. 371, 40 U.S.C. 104, as amended by 74 Stat. 128, 40 U.S.C. 106; Executive Order, (E.O.) 1259 of Oct. 25, 1910; E.O. 1862 of Nov. 28, 1913; E.O. 3524 of July 28, 1921; 46 Stat. 386, 40 U.S.C. 121, as amended by 53 Stat. 1144, 40 U.S.C. 121; 64 Stat. 903, D.C. Code 5-801; 66 Stat. 781, 40 U.S.C. 72)



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**Department of the
Interior**

Abandoned Mine Reclamation Fund; Final Rule

Department of the Interior
Bureau of Land Management

Washington, D.C.
20240

Part 11

Department of the Interior
Bureau of Land Management

Office of Surface Mining Reclamation and
Enforcement

Attention: Mine Reclamation Unit
Room 1000

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 872

Abandoned Mine Reclamation Funds

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

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

EFFECTIVE DATE: The amendment shall be effective December 21, 1979.

ADDRESS: Office of Surface Mining, Administrative Record—Room 135, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

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

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

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

Under the present rule, OSM has provided for advance funds to be available for preparation of State and Indian tribe reclamation plans (30 CFR

872.11(b)(5)(vi)). Funds will now be available for developing a State or Indian tribe first annual work plan for implementation of specific reclamation projects. As a result, development of the first annual work plan can begin prior to a State or Indian tribe reclamation plan being approved. This provision will hasten implementing a State or Indian tribe reclamation program by providing for the collection of data and budgetary information necessary for prompt implementation of the program. In the event a State or Indian tribe fails to obtain approval of their permanent regulatory program, and a Federal Reclamation Program must be instituted this amendment provides a means to implement Federal Reclamation Programs immediately.

Two comments were received; one from the State of Alabama and one from the State of Missouri. Both comments were favorable to amending the Final Rules.

Drafting Information: The principal author of this amendment was Charles L. Crawford, Chief, Division of State and Indian Reclamation Programs, Abandoned Mine Lands, Office of Surface Mining Reclamation and Enforcement, with legal advice from Chris Warner, Office of the Solicitor.

Amendment

PART 872—ABANDONED MINE RECLAMATION FUNDS

30 CFR 872.11(b)(5)(vi) is amended to read as follows:

§ 872.11 Abandoned Mine Reclamation Fund.

* * * * *

(b) * * *

(5) * * *

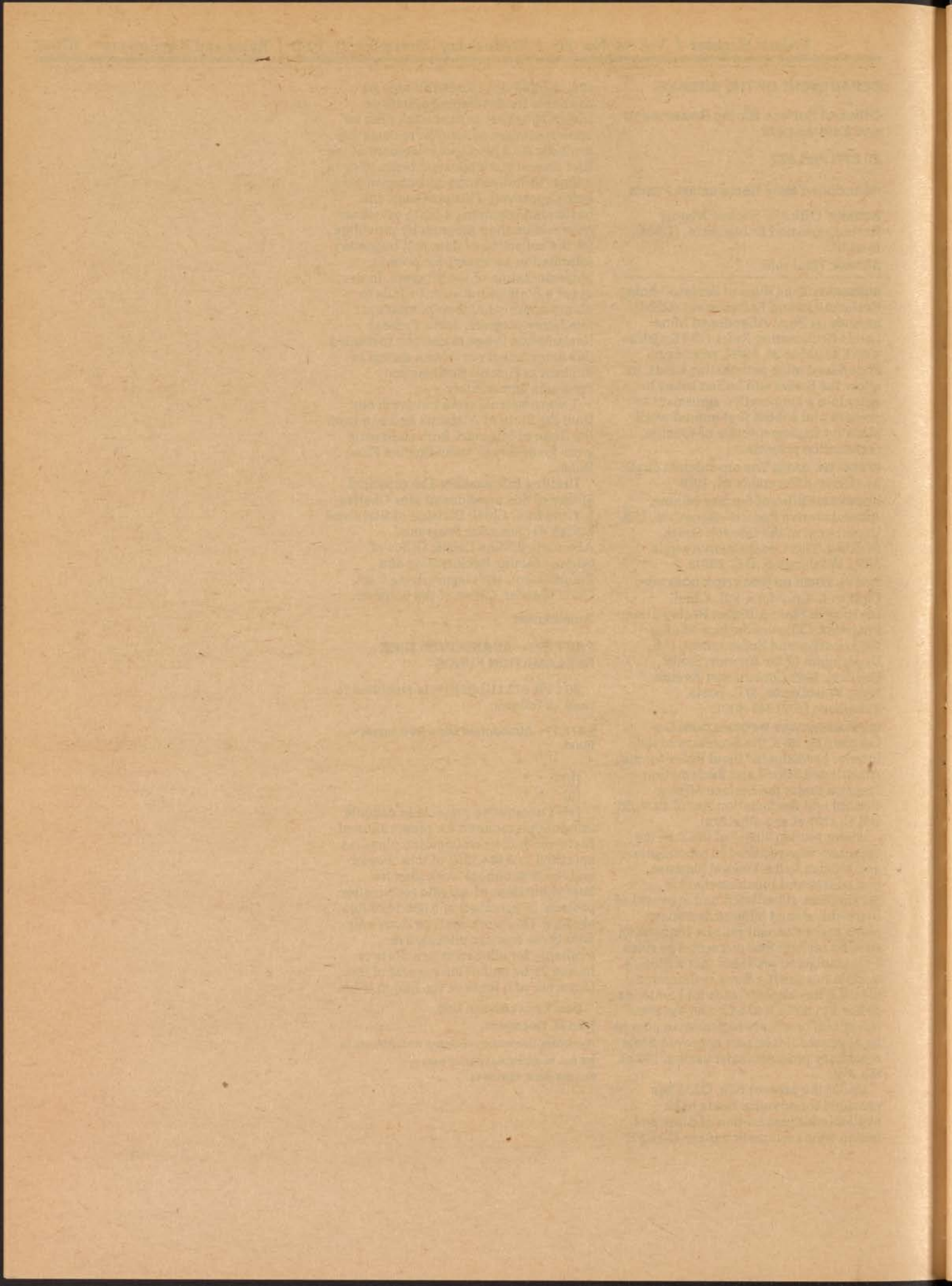
(vi) Cooperative projects to compile information required for preparation of State and Indian reclamation plans, as specified in § 884.13(f) of this chapter and the first annual work plan for implementation of specific reclamation projects as specified in § 886.14 of this chapter. This work shall be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

Dated: November 9, 1979.

Joan M. Davenport,
Assistant Secretary—Energy and Minerals.

[FR Doc. 79-35957 Filed 11-20-79; 8:45 am]

BILLING CODE 4310-05-M



Testis Federal

Wednesday
November 21, 1979

Part V

Council on Wage and Price Stability

Anti-Inflationary Pay and Price Standards
and Procedural Rules for the Second
Year Program; Changes; Corrections; and
Questions and Answers

COUNCIL ON WAGE AND PRICE STABILITY**6 CFR Parts 705 and 706****Anti-Inflationary Pay and Price Standards and Procedural Rules; Changes and Corrections**

AGENCY: Council on Wage and Price Stability.

ACTION: Changes and Corrections to Parts 705 and 706.

SUMMARY: On November 8, 1979, the Council on Wage and Price Stability published final price standards and final procedural rules for the second program year in Parts 705 and 706 of Title 6 of the *Code of Federal Regulations*. After reviewing these parts, the Council has found several typographical errors and, in addition, has decided to make two changes to the standards in response to public comments.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Questions concerning these changes should be addressed to: Office of Price Monitoring, Council on Wage and Price Stability, 600 17th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Industries, Contact Person, and Telephone No.

Metals, Machinery and Equipment, Eugene Roberts, 456-7784.

Food, Agriculture and Trade, Stephen Hiemstra, 456-7740.

Energy, Chemicals, Utilities and Transportation, John Keith, 456-7747.

Construction and Building Materials, Joseph Lackey, 456-7156.

Health, Insurance and Other Services, Arthur Corazzini, 456-7730.

Exceptions, Walter Leibowitz/David Wagner, 456-7733.

SUPPLEMENTARY INFORMATION: In addition to making three typographical corrections, the Council is making two changes in the price standards. The first of these provides an exemption for compliance units that were exempt from coverage of the price standards during the first year because they failed to meet the 25-percent threshold of Section 705A-5 of the first-year standards, and whose base-year revenues from products not excluded under §§ 705.4(a)1-7 and 705.4(b) were no more than \$25 million.

The Council did not provide for continuation of the original exception because it concluded that this exemption and the flexibility afforded companies in reorganizing for compliance purposes resulted in significant slippage in the price standard. Nonetheless, the Council has

been persuaded that a *de minimus* test is appropriate to avoid needless administrative burden on companies whose nonexempt operations are a small part of their overall operations and small relative to the focus of the anti-inflation program. One of the questions and answers issued today (I.G. Q&A 3), makes it clear that companies cannot reorganize during the second program year to take advantage of the new *de minimus* test. Thus, this change should minimize administrative burdens of the program without resulting in significant slippage.

The Council is also amending § 705.45 to delete reference to SIC Code 4932. Inclusion of this reference inadvertently excluded from coverage of the gross-margin standard for utilities certain natural-gas utilities (e.g., interstate natural gas pipelines) that were eligible for the standard during the first year. Reference to the code has therefore been deleted.

Issued in Washington, D.C., November 16, 1979.

R. Robert Russell,

Director, Council on Wage & Price Stability.

Accordingly, 6 CFR Parts 705 and 706 are amended as follows:

Changes in the Price Standards.

1. Section 705.5(a) should read as follows:

§ 705.5 Special Situations.

(a) *Insufficient Product Coverage.*

(1) A compliance unit that was exempt from coverage of the price standards during the first program year because adjusted net revenues during the four quarters prior to the first program year were less than 25 percent of that unit's net revenues is also exempt from coverage of the second-year price standards if its base-year revenues from products not excluded under §§ 705.4 (a) 1-7 and 705.4 (b) were no more than \$25 million.

(2) If products excluded under § 705.4(a)(8) through (10) account for one-third or more of a compliance unit's total revenue for the first two program years minus revenue from the sale of products excluded under §§ 705.4(a) (1) through (7) and 705.4 (b), the compliance unit should

(i) Comply with the two-year and intermediate price limitations in §§ 705.2 and 705.3 for those products not excluded under § 705.4, unless those products account for less than \$50 million in sales during each of the first program years, and

(ii) Comply with the profit limitation in § 705.6 (a) for the compliance unit as a whole.

§ 705.45 Gross margin standard for electric, gas, and water utilities. [Amended]

(2) Section 705.45(a) is amended by deleting "(1972 Standard Industrial Classification Code 4832)".

Typographical Corrections**§ 705.5 [Amended]**

1. In § 705.5 (c), change "dividend" to "divested" in paragraph (c) to read:

(c) *Divestitures.* A company should exclude the data for any divested entity from all calculations.

§ 705.3 [Amended]

2. In § 705.3(b), change "of the 18-month price change" to "if the 18-month price change" in paragraph (b) to read:

(b) If a compliance unit was granted or properly self-administered a profit-margin exception during the first program year, it complies with the 18-month price change if the 18-month price change does not exceed the two-year price limitation less one half of the difference between the two-year price limitation and the price change realized during the first program year.

3. In § 706.76, change "disposition" to "disposition" so that this section reads:

§ 706.76 Stays pending reconsideration.

A request for reconsideration submitted within seven days of the Council's decision of noncompliance under § 706.53 will stay the placing of a compliance unit's name on a list of noncompliers pending the disposition of the request.

[FR Doc. 79-35960 Filed 11-20-79; 8:45 am]

BILLING CODE 3175-01-M

6 CFR Parts 705 and 706**Questions and Answers on the Anti-Inflationary Price Standards and Procedural Rules for the Second Program Year**

AGENCY: Council on Wage and Price Stability.

ACTION: Questions and Answers on the anti-inflationary price standards and procedural rules.

SUMMARY: This is a compilation of the Questions and Answers that relate to the Part 705 Price Standards and Part 706 Procedural Rules for the second program year, which have been

published in final form (44 FR 64276, November 6, 1979). These Questions and Answers are intended to clarify or interpret the standards and procedures, and those affected by the anti-inflation program can and should rely on them in developing and implementing compliance plans.

DATES: The effective date of these Questions and Answers is October 1, 1979.

ADDRESS: Written comments or suggested additional Questions and Answers should be submitted to the Office of General Counsel, Council on Wage and Price Stability, 600 17th Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Procedural Rules:

David Henderson, Jane Campana—(202) 456-6286

Price Standards:

Metals, Machinery and Equipment Eugene Roberts—(202) 456-7784.

Food, Agriculture and Trade Stephen Hiemstra—(202) 456-7740

Energy, Chemicals, Utilities and Transportation John Keith—(202) 456-7747

Construction and Building Materials Joseph Lackey—(202) 456-7156

Health, Insurance and Other Services Arthur Corazzini—(202) 456-7730

Exceptions Walter Laibowitz, David Wagner—(202) 456-7733

SUPPLEMENTARY ANALYSIS: During the first year of the anti-inflation program the Council published clarifications of the standards and procedures in the form of Questions and Answers (Q & A's). At the beginning of the second year, the standards and procedures were revised. Some materials previously appearing in first-year Q & A's are now incorporated into the standards or rules. Some of the first-year Q & A's are no longer relevant; others are not applicable to the second-year standards. First-year Q & A's that are applicable are published below, in their original form or edited to reflect Council policy in the second program year. Also set forth below are edited versions of the Q & A's published since the effective date of the second-year standards or rules (44 FR 58891 and 44 FR 60251) and new Q & A's not previously published. The council will publish additional Q & A's on a regular basis as questions of general applicability arise.

These Q & A's clarify and interpret the standards and procedures, and as such should be considered an integral part of the standards and procedures. Accordingly, those affected by the program can and should rely on the Q & A's when formulating compliance plans or taking any action under the standards. The Council will hold

companies responsible for knowledge of the Q & A's as of the day they are published in the *Federal Register* and will evaluate compliance on that basis.

Issued in Washington, D.C., November 16, 1979.

R. Robert Russell,

Director, Council on Wage and Price Stability.

I. The Price Standard

A. Coverage of the Price Standard

Q1. Do the standards apply to companies in United States territories and possessions?

A. Yes. The standards apply to operations of domestic or foreign companies in Puerto Rico, Guam, American Samoa, and the Virgin Islands. They do not apply to companies in United Nations Trust Territories administered by the United States.

Q2. Are imports covered?

A. Goods sold to a domestic company by a foreign entity are not included in the program. Subsequent sales of imported goods by domestic companies are covered regardless of where the goods are when title changes.

Q3. Are taxes covered by the price standards?

A. No.

Q4. How are the price standards applied to an agricultural cooperative?

A. Agricultural cooperatives that provide only a marketing function for their farmer members are not covered by the price standards. An agricultural cooperative that is also a food processor is covered by the price standards. If the cooperative complies with the gross-margin standard in § 705.43 or the profit limitation in § 705.6(a), it should use market prices of farm inputs in lieu of payments to farmers in calculating costs.

Q5. Are U.S. operations of foreign companies included?

A. Yes. U.S. subsidiaries of foreign companies are covered.

Q6. Are foreign operations of U.S. companies included?

A. No. The standards apply only to domestic operations of these companies.

Q7. Does the program apply to tuition and fees?

A. Yes. Schools, colleges, and nonprofit organizations are expected to comply with the pay and price standards. Increases in tuition and fees, however, are averaged in with other charges such as room and board. Universities that receive government subsidies are subject to a modified price standard that takes into account changes in the subsidy (see § 705.47).

Q8. Are outside-director fees covered by the pay or the price standard?

A. Since outside directors are not employees, they are not covered by the pay standard. Although such directors formally do not come under the professional-fee standard, which covers only specified SIC groups, it would be consistent with the intent of the program to apply the 13.5-percent professional-fee standard to director fees.

Q9. Are gas and petroleum (crude and refined product) pipelines and sewage treatment authorities covered by the price standards?

A. Yes.

B. Company Organization

Q1. One company has many operating subsidiaries and divisions; another company is equally complex, but is not divided into subsidiaries and divisions. Can both of these companies disaggregate units for compliance purposes?

A. In both cases, at the option of the company, one or more of its operations may be treated as a separate compliance unit if each unit meets the four criteria for disaggregation in the definition of a compliance unit (§ 705.64). If a company historically has maintained separate accounting records for the entities it wants to disaggregate, it may continue to follow that practice for purposes of measuring compliance with the program. If a firm has maintained records that allow it to disaggregate historical accounting data, such data may be used for disaggregating its entities. Newly adopted accounting procedures, however, cannot be used to rework accounting data into new formats for the purpose of separating units.

Q2. May a firm aggregate an unconsolidated subsidiary?

A. No. Aggregation is allowed only for those entities that normally would be consolidated in accordance with SEC reporting requirements (17 CFR 210.4-01 to 09).

Q3. Can a company comply with the standards by meeting the price limitation (or one of the alternative standards) for some compliance units and the profit limitation for others?

A. Yes, if the separate compliance units for which the profit-limitation exception is sought are eligible.

Q4. How are joint ventures to be treated?

A. A joint venture may be combined with a firm that owns more than 50 percent of that venture's equity. If no one firm owns more than 50 percent of a joint venture, the joint venture should comply with the program as a separate compliance unit.

Q5. Is a divestiture treated differently from a discontinued product under the standards?

A. Divestiture is the sale of all or part of a business entity, normally with separate accounting records, that would be reported under the Securities and Exchange Commission regulations for a publicly held company. The operations of that entity should be excluded from all calculations made with respect to the price standards. Discontinued products are products that constitute a portion of an entity's operations and for which separate accounting records do not exist. Those products are excluded from price calculations only for the period during which they were discontinued.

C. Time Periods

Q1. During the first program year a company had the option of selecting the last fiscal or calendar quarter completed before October 2, 1978, for its base quarter; if it chose to use the last calendar quarter, may it now choose to use the last fiscal quarter, or vice versa?

A. No. During the second year a compliance unit should use the same base quarter that it used during the first year.

D. Price Calculations

Q1. Does the fact that the price standard applies to the *average* percentage price increase for all goods and services sold by a compliance unit mean that there is no constraint on individual product prices?

A. Price increases for individual products can exceed the price standard as long as these increases are offset by lower price increases for other products.

Q2. In computing the two-year price change, how should a price increase announced and effective before October 2, 1978, be treated?

A. The date a price increase is announced, or the date it is effective, does not determine how it is treated. The benchmark for measuring price change in the program year is the *average* price level of the *last fiscal or calendar quarter* before October 2, 1978. Therefore, a price increase announced sometime during that quarter influences the base only to the extent that it affects average prices during the quarter. The new price schedule does not become the base just because it was announced, or made effective, before October 2, 1978.

Q3. In calculating the base-period and the two-year price changes, must a compliance unit use the prices of all of its products?

A. Some product prices can be omitted if the number of omitted products is small and they account for a small percentage of sales, and it would

be extremely difficult to include the omitted products in the calculations. Second, if the compliance unit sells a very large number of products and if inclusion of prices of all of those products would create an onerous burden, the Council permits the use of a sample of those products in computing base-period and two-year price changes. The sample however, must be based on standard, widely accepted statistical procedures that produce data that are representative of all of the compliance unit's sales.

Q4. Does the Council insist that a company base its calculations of product prices on the revenues and quantities associated with all of the transactions that occurred during a quarter?

A. No. A company may create a sample of all of its records for transactions during a quarter and base its calculations of product prices on this smaller set of records. A company that does this should use a method of sampling that produces data that are representative of all of the company's transactions. Generally, the company should rely on standard, widely accepted statistical procedures in this regard.

Q5. Price changes over the base period and over the first two program years compare prices in one quarter with prices in another quarter. How should these quarterly prices be computed?

A. The compliance unit should calculate average realized prices for the quarter by dividing total revenue from the sales of each product by the number of units sold during the quarter. If computing average quarterly prices for some products would be burdensome, then end-of-period prices for those products may be used, but only if they are representative of average prices realized for the entire quarter.

Q6. May a compliance unit use list prices in making price calculations?

A. Ordinarily, actual realized prices, net of discounts and other adjustments, should be used in price calculations, if discounts and other adjustments are uncommon for certain products, list prices for those products may be used if their use would provide representative measures of changes in actual prices charged.

Q7. If business is done on a contract basis, should prices be evaluated when the contract is signed, when payment is received, or when delivery is made?

A. Prices determined by contract should be evaluated when delivery is made.

Q8. How should a compliance unit value a cost-plus-fixed-fee contract for

purposes of complying with the price standard?

A. The price for such a contract is defined as the cost plus the fixed fee. However, if the seller is acting only as a purchasing agency with a fixed dollar fee, the transaction can be defined to include only the fee since the seller is filling a role similar to that of a wholesaler or retailer.

Q9. Prices determined by contracts entered into before October 2, 1978, were excluded from the first-year price limitation. Should prices determined by long-term contracts signed in the first program year for delivery in the second program year be excluded from the two-year price computations?

A. No.

Q10. According to § 705.60, if seasonal factors are important, the revenue shares (S) used to compute the base-period price change may be calculated using the data for the entire base period. Must a compliance unit use data for both years of the base period?

A. Yes. However, if there is a compelling reason for not using data for the entire base period, the compliance unit should use data for the fiscal year ending in 1977.

Q11. Are new companies that cannot compute a base-period price change assigned a two-year price limitation of ten percent?

A. Companies formed during the base period or before the base quarter are assigned a two-year price limitation of ten percent (§ 705.2(b)). Companies formed during the base quarter or the first or second program year need not comply with either the price limitation (§ 705.2) or the profit limitation (§ 705.6(a)). They are, however, requested to comply with the spirit of the program.

Q12. Sales by U.S. companies to foreign subsidiaries are normally made at other than arms-length transactions. How should these prices be determined for purposes of price and profit calculations?

A. The transfer-price policy of the company must be consistent with past practices.

E. Intermediate Price Limitations

Q1. Price increases in excess of the intermediate price limitations can be justified on grounds of seasonal variations in business operations, historical business practices, or unusual business conditions. What are examples of these conditions?

A. "Seasonal variations" in business operations refers to conditions such as once-a-year sales or time-of-year pricing (e.g., seasonal pricing by utilities). "Historical business practices" refers to

phenomena such as price increases following the signing of labor contracts of regular duration. "Unusual business conditions" refers to changes in costs that cannot be attributed to seasonality or historical patterns and that are not expected to persist throughout the second program year. Unusually strong demand does not constitute a justification for exceeding the intermediate limitations.

Q2. In documenting seasonality of price variations, may a compliance unit consider only a select set of product prices (for example, only those that it thinks may exhibit seasonal variations) or should it calculate seasonal factors for all its products?

A. The calculations should be made for all of the product prices covered by the standard.

Q3. Section 705.3(d) provides that a compliance unit may exceed the intermediate price limitations if it can demonstrate that its price increases are justified on grounds of seasonal variations, historical business practices, or unusual business conditions. If a compliance unit exceeds the limitations on one of these bases, is there any limit on its allowable intermediate price increases?

A. Yes. If the price increase in excess of the basic intermediate limitation is based on seasonality or historical business practices, the increase should be consistent with normal seasonal patterns or historical practices. If the excess price increase is based on unusually large cost increases (unusual business conditions), the price increase should be limited to a simple dollar-for-dollar passthrough of the costs directly attributable to the unusual conditions.

Q4. Must a compliance unit that was granted or properly self-administered a profit-margin exception during the first program year and whose realized price change during the first program year exceeds the two-year price limitation reduce its prices during the second program year in order to comply with the price limitation?

A. Yes. However, unless its total unit costs are expected to fall in the second program year, it should again qualify for the profit limitation on the basis of uncontrollable cost increases.

F. Exclusions

Q1. Is an agricultural product price that is excluded from price calculations under § 705.4(a)(1) also excluded if some processing of the product takes place before the first sale?

A. No, it is not excluded from price calculations.

Q2. May a compliance unit exclude a processed product from its price

calculations if the product's price is tied to quotes from a price reporting service, but the product is not traded on an organized exchange market?

A. No.

Q3. May a compliance unit exclude a processed product from its price calculations if that product's price is closely related to the price of a raw material that in turn is excluded because its price is determined by an organized exchange market?

A. No. To qualify for this exclusion, the processed product itself must be traded on an organized exchange market. Moreover, any product that is brand-name identified does not qualify for this exclusion.

Q4. Should producers of primary-copper shapes exclude the revenue from the sales of these products from their price calculations under § 705.4(a)(3)?

A. Copper (cathode, ingot, wirebar, rod, cake, and billet) should be excluded under § 705.4(a)(3) because major copper producers have adopted the practice of tying their prices to closing prices on the New York Commodity Exchange. As long as this linkage is maintained (particularly over periods of falling as well as rising prices), the exclusion will continue to apply. The exclusion does not apply to revenues from the sale of fabricated copper products.

Q5. Are air fares that U.S. citizens pay to foreign carriers covered?

A. As imports, they are excluded.

Q6. What freight rates and passenger fares should a U.S. air carrier exclude as exports in making its price calculations?

A. It should exclude all international fares and rates as reported to the Civil Aeronautics Board on CAB Form 41. International fares are excluded because an individual carrier has no practical way to distinguish exports from domestic sales in its international activities. Also, these prices are set in an international market and must have the approval of foreign governments with which we have bilateral agreements.

Q7. In making price-change calculations, what freight rates and passenger fares should be excluded by U.S.-operated ocean carriers engaged in international transport?

A. They should exclude all rates on international movements of goods and people. These rates are excluded because of the difficulty involved in distinguishing sales to foreign residents and firms from sales to domestic residents and firms. Also, international ocean-liner freight rates are set in conferences that include carriers of foreign countries.

Q8. Since export prices are excluded, are the prices of goods intended for export that are first sold to a domestic firm also excluded?

A. No. All domestic sales are included regardless of plans for resale.

Q9. Do engineering services performed in the United States (design, drafting, calculations) on behalf of a foreign client and for use in a foreign country qualify as "exports of services" under § 705.4(a)(5)?

A. Yes.

Q10. Is a product sold to the U.S. Government but delivered overseas considered an export and therefore excluded from price calculations?

A. No. All sales to the U.S. Government, regardless of place of delivery, are considered domestic transactions.

Q11. Does the term "contract" as used in § 705.4(b) include purchase orders of routine or normally recurring purchased items?

A. No.

Q12. If a compliance unit sells a product to the Department of Defense (DOD) based on DOD-generated and directed specifications that are subject to modification, may the compliance unit treat this item as a custom product?

A. If the compliance unit can net out the costs associated with the changes, it should net out the changes to make the product comparable to the products previously sold. If this approach is not feasible, the compliance unit may treat the item as a custom product.

Q13. May compliance units that purchase products excluded under § 705.4 deduct the costs of those products from prices in making their price calculations?

A. No. Compliance units may exclude from their price calculations only those products excluded under § 705.4 that they produce.

Q14. How do custom products differ from new products in applying the price standards?

A. Custom products and new products are treated the same under the standards.

Q15. If all of a compliance unit's products are excluded under § 705.4, is that compliance unit subject to the price standards?

A. No. Such compliance units are subject to neither the two-year price limitation nor the two-part profit limitation.

G. Special Situations

Q1. How does a compliance unit that was excluded during the first program year under the "75-percent" rule (705A-5(a)) comply with the second-year standards?

A. It should comply with a one-year price limitation in the second program year equal to 8.5 percent or the base-period rate of price change, as defined in the first-year price standard, plus 0.5 percentage point, whichever is less. However, a company with a second-program-year rate of price change of 3 percent or less will be considered to be in compliance with the price limitation regardless of its base-period rate of price change.

In addition, the compliance unit should not exceed one half of its one-year price limitation in either the first or second quarter of the second program year and it should not exceed its one-year price limitation in the third quarter of the second program year.

Q2. If an acquired company is combined with the acquiring company into a single compliance unit, for what period(s) should data for the acquired company be included with the acquiring company data?

A. The acquired company data must be included on a consistent basis for all periods for which computations are made.

Q3. Is a compliance unit that is newly formed for the second program year eligible for the insufficient-product-coverage exemption in § 705.5(a)(1)?

A. No.

H. Profit Limitation

Q1. One of the grounds for eligibility for an exception to the price standard is uncontrollable cost increases. How does a compliance unit demonstrate that it is eligible for the profit limitation, whether it self-administers or requests Council approval for that exception?

A. To qualify for an exception on the basis of uncontrollable cost increases, a compliance unit first must demonstrate that the two-year rate of increase in total cost per unit of output has exceeded and is expected to continue to exceed the compliance unit's two-year price limitation after allowing for normal gains in productivity.

Secondly, the compliance unit must demonstrate that a substantial proportion of the increase in total cost per unit of output is uncontrollable.

Lastly, the compliance unit must demonstrate that, if it were held to its two-year price limitation, the increase in total unit costs would result in a significant erosion in its profit margin (i.e., its profit margin in the second program year will be significantly below the base-year profit margin).

Total costs are equivalent to the difference between net sales and/or revenues and profit (as defined in § 705.76). The cost-of-goods sold component of total costs should be

measured in a manner consistent with the compliance unit's customary inventory accounting methods. The uncontrollable components of the total-unit-cost increase should be enumerated by disaggregating total unit costs into labor costs, overhead costs, and costs of purchased materials and services.

To qualify for an exception based on uncontrollable cost increases, a compliance unit eligible for one of the gross-margin standards must demonstrate that total costs excluding those subtracted from revenues in computing gross margins have risen since the base quarter at an annual rate in excess of that allowed by the respective standard and that those costs are expected to continue to do so by an amount that would result in a significant erosion of the profit margin if the compliance unit were held to the gross-margin standard. In making its calculations, the compliance unit must adjust for normal gains in productivity. It must also demonstrate that a substantial proportion of the increase in total costs is uncontrollable.

Q2. Are pay-rate increases in excess of the pay standard considered uncontrollable?

A. No.

Q3. To monitor compliance with the profit limitation, compliance units will need to project their profit performance during the program year. Since even good estimates may be in error because of unforeseen circumstances, how will the Council determine compliance with the profit limitation?

A. Firms applying the profit limitation are expected to estimate prospective profits based on reasonable assumptions about economic and other conditions during the program year. If a compliance unit does not, in fact, satisfy the profit limitation, the Council will consider it noncompliant unless appropriate corrective action is initiated promptly.

Q4. The two-year price limitation allows carryover of unused allowable increases from the first year to the second program year. Is carryover of unused allowable increases in dollars of profits and gross margin also allowable?

A. Carryover is implicit in the limitations on growth of dollar profits and dollar gross margins, just as it is implicit in the two-year price limitation. That is, the limitation on dollar profit growth and the limitation on growth in dollar gross margins are also two-year limitations, since they limit growth from the base year or base quarter to the second program year or the last quarter of the second program year, respectively, to 13.5 percent (6.5 percent compounded). Thus, if growth in the first

year were 5 percent, the allowable increase in the second year would be 8 percent (since 5 percent and 8 percent compounded is 13.5 percent).

Q5. How does the profit limitation apply to nonprofit organizations?

A. A nonprofit organization that is eligible for this exception would be expected to comply with an operating-surplus limitation, where operating surplus is defined as operating funds less total costs and expenses, including wages. The operating margin is operating surplus divided by operating funds.

Q6. How do cooperatives comply with the profit limitation?

A. As nonprofit organizations, cooperatives that are eligible for the exception should comply with the operating-surplus limitation. For these organizations, operating surplus includes patronage dividends and retained earnings.

Q7. How does the profit limitation apply to government enterprises?

A. Government entities that are covered by the price standards and that are eligible for the exception should use the operating-surplus limitation that applies to nonprofit organizations.

I. Profit Calculations

Q1. The second part of the profit limitation states that second-program-year profit should not exceed base-year profit by more than 13.5 percent plus any positive percentage growth in physical volume from the base year to the second program year. Should the volume adjustment be multiplicative or additive?

A. Either method is acceptable.

Q2. When computing profit according to the definition in § 705.76, does interest include interest expense in carrying accounts receivable or discounts on receivables?

A. Interest expense includes all payments of interest regardless of purpose; discounts on receivables are defined as an interest expense for purposes of determining compliance with the profit limitation.

Q3. Should the profit limitation be applied to domestic operations only, or must it be applied to all operations, domestic and foreign?

A. Foreign operations should be excluded from profit calculations. However, foreign sales from domestic operations should be included in profit and cost calculations.

Q4. May a compliance unit exclude from profit calculations the profits earned on sales excluded from price calculations under § 705.4?

A. No.

Q5. How should a change in depreciation accounting methods that affects profits be treated?

A. If a compliance unit has changed depreciation accounting methods between the preceding period and the second program year, it should compute its profits for the two periods using the same revised depreciation method.

Q6. Are the proceeds from the sale of a compliance unit's productive assets, such as plant and equipment, included as revenues in determining compliance with the profit limitation?

A. No.

Q7. How should a compliance unit that produces custom construction work (meeting the definition in § 705.4(a)(10)) measure changes in physical volume?

A. It should provide a measure of volume growth that is appropriate to its own operations. This could be a measure of output (such as a sum across projects of square footage weighted by the fraction of each project completed during the measurement period) or a measure of input usage (such as an index of labor and material inputs used over the period). Any measure used should reasonably reflect the physical volume of activity over the second program year relative to the base year.

Q8. Should a nonprofit organization include depreciation as a cost in determining its operating surplus and operating margin?

A. It should do so only if it has historically included depreciation in its current expenses account.

J. Undue Hardship and Gross Inequity [Reserved]

II. Modified Price Standards for Selected Industries

A. Wholesale and Retail Trade and Food Manufacturing and Processing

Q1. Should all manufacturing or processing operations of wholesale and/or retail companies be disaggregated for compliance purposes?

A. No. Disaggregation is necessary only if the wholesale or retail entity elects to apply the percentage-gross-margin standard for its wholesale or retail operations and the manufacturing or processing operations account for \$50 million or more of the entity's base-year sales. If these conditions are met, a separate compliance unit should be established for the manufacturing and processing operations even if there are no outside sales. The separate unit may elect to comply with the two-year price limitation standard in 705A or a modified price standard in 705C, if appropriate.

Q2. Consider a company that owns and operates several manufacturing

and/or processing operations, each of which accounted for less than \$50 million in sales during the base year, but taken together they account for \$50 million or more. Furthermore, the company owns and operates wholesaling and retailing operations that will comply with the percentage-gross-margin standard (§ 705.42). May any or all of the manufacturing and/or processing operations be aggregated into the retailing and wholesaling compliance unit?

A. No. A compliance unit that elects to comply with the percentage-gross-margin standard may include its manufacturing and/or processing operations if and only if all of those operations collectively account for \$50 million or less in sales during the base year.

Q3. If a food manufacturer or processor is unable to compute its gross margin because of inability to disaggregate cost of food products from cost of other material inputs, how should it proceed?

A. The compliance unit should consult with the Council for assistance in developing appropriate alternative computation procedures.

Q4. How does a food-manufacturing company that applies the gross-margin standard (§ 705.43) to its food operations treat its nonfood products?

A. The Council encourages such a company to disaggregate and to apply the price limitations to its nonfood sales. If it is unable to do so and it is eligible for the gross-margin standard it may apply this standard to all of its operations, in which case the gross margin is calculated by deducting from sales the cost of food products used in the food-processing operations.

Q5. How is the cost of food products (§ 705.43) defined for a vertically integrated company that produces both raw and processed products?

A. The company can use an estimate of the market price of raw agricultural products, based on price quotations from an organized market, to determine the cost of raw agricultural products for purposes of applying the margin standard. If such price quotations are not available, the cost of inputs at the farm level can be used instead of the cost of raw agricultural products.

Q6. Because of changes in the mix of product sales, improvement in loss experience ("shrinkage"), or changes in the rates of movement of merchandise at initial mark-ups versus marked-down prices, a retailer might fail to satisfy the percentage-gross-margin standard for reasons beyond its control. Will the compliance unit be judged to be out of compliance?

A. As long as a compliance unit makes a good-faith effort to comply with the standard, an inadvertent overshooting of the margin target will not result in a determination of noncompliance. A good-faith effort requires that retailers adopt a mark-up (and markdown) policy than can be expected to generate percentage margins that comply with the standard. If there is no change in policy regarding markdowns, shrinkage, etc., the retailer can simply project past experience regarding these factors. However, a change in policy or practice regarding any of these factors should be reflected in the mark-up policy. Finally, if a company inadvertently exceeds the intermediate or first-year margin limitation, it should adjust its mark-up policy in the remaining quarters of the second program year to compensate for the earlier margin excesses.

Q7. In computing its gross margin, should a wholesaler include service fees?

A. Yes. All service fees, stop or order charges, adjustments to "sell price", etc., should be added to sales in computing the gross margin.

Q8. How do inventory changes of retailers and wholesalers affect the computation of gross margins?

A. Gross margins are adjusted for changes in finished-goods inventories. Any method of calculating inventory valuation is acceptable as long as generally accepted accounting principles and procedures are applied consistently for a given compliance unit.

Q9. Should the revenues or costs for goods and services excluded from price calculations under § 705.4 be excluded in the calculation of the gross margin?

A. No.

B. Petroleum Refiners

Q1. Are all of a company's petrochemical operations required to be aggregated with its petroleum-refining operations if the company elects to use the refiner's gross-margin standard?

A. No. Only the petroleum products, petrochemicals, and petrochemical feedstocks produced in refining operations shall be included, whether such products are sold to third parties or transferred to other compliance units.

Q2. In determining the gross margin or profit margin of a compliance unit, must the revenues or costs for all products delivered to or received from another compliance unit be included?

A. Yes, they should be included at arms-length transfer prices.

Q3. Should the revenues or costs for goods and services excluded from price calculations under § 705.4 be excluded in the calculation of the gross margin?

A. No.

C. Gas, Electric, and Water Utilities

Q1. The first-year utility standard included material about the role of State Utility Commissions. Does the omission of this material from the second-year standard reflect a change in Council policy with respect to those matters?

A. No.

Q2. What is the Council's relationship with State Utility Commissions in the second program year?

A. State Utility Commissions should continue to function in the second year as they did in the first. The Council is again asking Commissions to determine compliance with the standards and to rule on the applicability of exceptions. The Council also wishes to receive quarterly reports from Commissions on their progress in implementing the standards. Finally, the Council asks that Commissions phase in rate increases to ease their inflationary impact.

Q3. May utility companies subject to § 705.45 combine their utility and nonutility operations (if any) into a single compliance unit?

A. No, notwithstanding the definition of compliance unit used in § 705.64, such aggregation is not permitted.

Q4. Does the utility standard apply to municipal, cooperative, and publicly owned utilities that meet the eligibility test, even though they are not regulated by a public utility commission?

A. Yes.

Q5. For purposes of determining compliance with the gross-margin standard, how should utilities treat revenues attributable to inclusion in the rate base of additions to construction work in progress or new facilities transferred to plant in service?

A. Such revenues are included unless the commission grants an exception to the gross-margin standard.

D. Professional Fees

Q1. How is the professional-fee standard applied by firms that also sell products or services to which the basic price limitation applies?

A. These firms should comply separately with the standard appropriate for each segment of their business.

Q2. Are hospital-based physicians and other health professionals covered under the pay standard or under the professional-fee standard?

A. Physicians paid on a salary basis are included in one of the employee units identified by the hospital for purposes of the pay standard. Physicians paid on a fee-for-service or proportion-of-department-revenue basis (e.g. radiologists, pathologists,

emergency-room physicians) should comply with the professional-fee standard. If billing for such services is done through the hospital, both the hospital and the physician are responsible for compliance with the professional-fee standard.

If professional earnings are based on some combination of salary and fee-for-service or proportion-of-department-revenue, the hospital and the physicians should comply with the respective standards for the respective portions of professional earnings.

Q3. Architectural and engineering companies may determine fees on a fixed percentage basis. Under the professional-fee standard, are such companies allowed to increase the percentage fee by 13.5 percent?

A. No. The 13.5-percent professional-fee standard applies only to fixed dollar fees charged for particular services.

Q4. Would an architectural or engineering company that determined fees as a percentage of total project construction costs be in compliance with the professional-fee standard if it could demonstrate that the pattern of percentage fees charged during the second program year is no higher than the pattern used for projects before October 2, 1978?

A. Yes.

Q5. How might a compliance unit comply with the professional-fee standard if the prices of its services are calculated by adding to the costs incurred an additional fee that is determined as a percentage of direct labor costs?

A. In this situation, a compliance unit could demonstrate compliance by showing (i) that the pattern of percentage multipliers used during the second program year is no higher than the patterns used before October 2, 1978, and (ii) that the firm is in compliance with the pay standard.

Q6. How might a compliance unit comply with the professional-fee standard if its prices are based on cost-plus-fixed-fee arrangements (where contract prices are based on expenses—direct labor costs, a percentage markup over direct labor costs to cover overhead, and other direct expenses—plus a negotiated percentage fixed fee)?

A. In this situation, a compliance unit would be considered to be in compliance if (i) the pattern of percentage direct-labor multipliers used during the second program year is no higher than the pattern used before October 2, 1978, (ii) the firm is in compliance with the pay standard, and (iii) the pattern of percentage fixed fees negotiated during the second program

year is no higher than the pattern negotiated before October 2, 1978.

Q7. Firms such as architectural and engineering firms may negotiate lump-sum or firm fixed prices for particular services. These contract prices are often determined in a manner similar to cost-plus-fixed-fee arrangements. For example, the lump-sum fee may be set by adding to direct labor costs a percentage markup to cover overhead and other expenses, plus an amount to cover risk and pre-tax profit. How does the professional-fee standard apply to this kind of pricing arrangement?

A. Such compliance units are treated generally the same as a cost-plus-fixed-fee arrangement. They would be considered to be in compliance if (i) the pattern of percentage direct-labor multipliers used during the second program year is no higher than the pattern used before October 2, 1978, (ii) the firm is in compliance with the pay standard, and (iii) the pattern of amounts negotiated during the second program year to cover risk and pre-tax profit does not exceed the pattern negotiated prior to October 2, 1978, for similar classes of jobs by more than 6.5 percent.

Q8. What price or pay standards apply to physicians who provide services to health maintenance organizations (HMOs)?

A. Since there is a variety of physician-compensation arrangements for HMOs, the following standards apply:

- Physicians who are salaried by an HMO are covered under the pay standard.

- Physicians who are paid by an HMO on a fee-for-service basis are covered under the professional-fee standard.

- Physicians who are members of a medical group that contracts with an HMO are covered under the pay standard. If the pay arrangements between the physician and the medical group include components for physician compensation, risk, office expenses, and other types of expenses, then the physician-compensation component should meet the pay standard. The formula or means of determining compensation for the other components should not be altered to circumvent the pay standard.

E. State and Local Government Enterprises, Private Nonprofit Enterprises, and Government-Subsidized Private Companies

Q1. In computing subsidy-adjusted price changes, what payments should be included as subsidies?

A. Any direct government grant or payment that enables an enterprise to charge a lower price for its services is generally considered a subsidy. For example, payments to transit companies or universities to cover deficits in operating expenses would be subsidies. On the other hand, a student-aid grant that allows a student to pay tuition but does not result in a lower tuition level is not a subsidy. Similarly, a government contract for specific goods or services rendered to the government is not a subsidy.

Q2. Are any explicit provisions made for nonprofit organizations with operating deficits in the base period—such as allowing those compliance units to raise the prices of their goods and services so that they can attain a balanced budget or reduced deficit and still comply with the operating-margin limitation?

A. No such general provision has been provided, although compliance units in this situation may qualify for an undue-hardship exception. A blanket hardship exception would be inappropriate since, in spite of base-period and current deficit situations, many institutions are financially viable due to accumulated reserves or endowments that are not restricted legally from current operating use.

F. Insurance

Q1. How is the insurance standard applied by firms that also sell products or services to which the basic price limitation applies?

A. These firms should comply separately with the standard appropriate for each segment of their business.

G. Financial Institutions

(Reserved)

III. Procedures

A. General Provisions

Q1. What procedures apply to matters pending before the Council as of October 1, 1979, that relate to the first program year?

A. The second-year procedures apply to all matters pending as of October 1, 1979.

Q2. Are the first year Q & A's still valid for evaluating a company's compliance during the first program year?

A. Yes.

Q3. Are "employee units" the same as "compliance units" under the pay standard?

A. No. "Compliance units" refers to the organizational structure of the company. Within a compliance unit,

there may be one or more "employee units"—for management employees, employees subject to collective-bargaining agreements, and all others.

B. Reports and Notifications

Q1. Will a company's failure to file its organizational or periodic reports requested under Part 706, Subpart B, result in a determination of noncompliance?

A. No. A company will be determined to be out of compliance only if it fails to comply with the substantive price or pay standards. However, the Council may make public the fact that the company has failed to furnish the requested reports, initiate further investigation of the company's compliance, or use the compulsory processes provided by statute either to order submission of the requested reports or to subpoena the necessary information.

Q2. Do the reporting requirements of §§ 706.21 and 706.22 apply to private universities and other nonprofit institutions?

A. Yes. These entities satisfy the definition of company in § 705.63.

Q3. Under the procedures for the first year, companies were encouraged to report the same organizational structure for pay and price purposes unless this would involve substantial administrative costs. Does this policy continue to apply?

A. No. Under § 706.21(a), a company's organizational structure may be different for pay and price compliance without regard to administrative costs.

Q4. What is the date by which a company should choose its company organization for compliance purposes?

A. Consistent with § 706.21 (b) and (c), all companies are expected to organize for compliance purposes by December 1, 1979.

Q5. If a company was not required to file reports with the Council during the first program year but now meets the reporting thresholds under §§ 706.21 and 706.22, must it now compute and submit data for the first program year?

A. No, except to the extent that first-year data are necessarily part of the reports for the second program year.

Q6. In computing its net sales or revenues for the reporting thresholds of §§ 706.21 and 706.22, should a company include the net sales or revenues of unconsolidated subsidiaries?

A. Yes. All subsidiaries are within the definition of "company" in § 705.63. Under § 705.64, however, unconsolidated subsidiaries *must* be treated as separate compliance units.

Q7. Are companies with at least \$250 million in sales or revenues that intend to treat their entire organization as one

unit for purposes of compliance requested to notify the Council of their organizational structure under § 706.21(b)?

A. Yes. Even if a company does not disaggregate into smaller compliance units, it is still requested to notify the Council of its organization, as well as to submit data on its major lines of business.

Q8. Are companies with at least \$250 million in sales or revenues that do not intend to change their structure for compliance purposes for the second program year requested to notify the Council of their organizational structure under § 706.21(b)?

A. Yes.

Q9. If a company meets the reporting threshold of §§ 706.21 and 706.22 but all of its products are excluded under § 705.4, should it report its company organization?

A. Yes.

Q10. Should a State or local government entity that meets the threshold reporting requirements of § 706.21 report its company organization?

A. Yes, if the entity is a government enterprise as defined in § 705.47(b).

Q11. Should a company with total sales or revenues of \$250 million or more, but whose domestic operations (as distinguished from domestic sales) account for less than \$250 million in sales or revenues, report its company organization or file Form PM-1's?

A. Not unless it is specifically requested by the Council to do so.

Q12. Should a company with domestic operations of \$250 million or more, but whose domestic sales account for less than \$250 million, report its company organization or file Form PM-1's?

A. Yes.

Q13. Should a foreign company whose U.S. business operations account for less than \$250 million in sales or revenues report its company organization or file Form PM-1's?

A. Not unless it is specifically requested by the Council to do so.

Q14. Should a foreign company that owns or controls U.S. business operations accounting for \$250 million or more in sales or revenues report its company organization or file Form PM-1's?

A. Only the U.S. business operations of the foreign company should do so.

Q15. Should the sales and revenues of operations divested during the company's last complete fiscal year before October 2, 1979, be included in determining whether a company meets the \$250 million threshold?

A. No.

Q16. Should the sales and revenues of operations divested after the close of the company's last complete fiscal year before October 2, 1979, be included in determining whether a company meets the \$250 million threshold?

A. Yes.

Q17. In its Form CO-1 (Price), a company should indicate which standard each of its compliance units will comply with. May a company that is eligible for a modified price standard change its choice of the standard (e.g., from the price limitation to a gross-margin standard, or from a gross-margin standard to the price limitation) after the filing of the Form CO-1 (Price)?

A. No.

Q18. Are employees excluded under the low-wage exemption to be counted in meeting the 5,000-employee threshold for reporting company organization under § 706.21 or filing Form PAY-1's under § 706.22?

A. Yes. A compliance unit should count all permanent employees, including part-time workers and those earning less than the low-wage exemption (even though the latter are not included for pay-computation purposes). Seasonal or temporary employees, however, need not be counted.

Q19. Should colleges and universities count graduate assistants and part-time student help for purposes of the 5,000 employee threshold in §§ 706.21 and 706.22?

A. Only permanent part-time workers are included in determining the size of the unit for reporting purposes; temporary part-time workers are not included.

Q20. Should a company file Form PAY-1 if at any time during any calendar quarter of its last complete fiscal year before October 2, 1979, it had 5,000 or more employees, or only if the average number of employees in any such quarter was 5,000 or more?

A. Under § 706.22, a compliance unit should file Form PAY-1 if, during any calendar quarter of its last complete fiscal year before October 2, 1979, the average number of employees was 5,000 or more.

Q21. What forms should electric, gas, and water utilities file with the Council?

A. Those utilities that meet the reporting thresholds should file all requested reports except Form PM-1. If a utility has non-utility operations, it should file Form PM-1 for those operations.

Q22. Should petroleum (crude and refined product) pipelines and sewage treatment authorities file reporting forms with the Council?

A. They should file if they meet the thresholds of §§ 706.21 and 706.22 and are not subject to the jurisdiction of a public utility commission.

C. Requests for Approval of Exceptions

Q1. Should a company with net sales or revenues of \$250 million or more in its last complete fiscal year before October 2, 1979, apply for approval of an exception if it exceeds an intermediate price, profit, or gross-margin limitation because of seasonal variations in business operations, historical business practices, or unusual business conditions?

A. No. Sections 705.3(d), 705.42(f), 705.43(f) and 705.44(f) do not treat exceeding intermediate price or gross-margin limitations as an exception. Under Subpart C of Part 707, however, a company should attach to its Form PM-1 documentation justifying the excess.

Q2. Should electric, gas, and water utilities whose rates are subject to State or Federal regulation seek approval of exceptions from the Council?

A. No. Such utilities should seek approval of exceptions to the price standards by the applicable regulatory agencies.

Q3. What types of employees should be counted in the § 706.31(a) thresholds for numbers of employees in employee units or collective-bargaining units?

A. All permanent employees should be counted, including part-time workers and those earning less than the low-wage exemption (even though the latter are not included for pay computation purposes). Seasonal or temporary employees, however, need not be counted.

Q4. Does § 706.31(a)(2) mean that a company need not request approval of an exception to the pay standard if the affected collective-bargaining unit has fewer than 1,000 employees?

A. No. Since a collective-bargaining unit is an employee unit, approval of the exception should be requested if the collective-bargaining agreement covers a unit of 100 or more employees in a company with 1,000 or more employees. In addition, if a multi-employer collective-bargaining agreement covers more than 1,000 employees, approval of the exception should be requested regardless of the number of employees in an individual company's employee units.

Q5. Section 706.31(d) states that a compliance unit granted an exception for the first program year should submit a new request if it seeks to continue that exception for the second program year. Does this provision apply to compliance units that were required to seek approval of exceptions but were

authorized by the Council to self-administer price exceptions during the first program year?

A. Yes.

Q6. Must a compliance unit that received a tandem exception in the first program year reapply for this exception for the second program year?

A. Yes. Under § 706.31(d), the compliance unit should submit a new request for approval of the exception. However, to show that the employee unit still qualifies, it suffices to show that the historical relationship in pay-rate increases between the leader and follower units was continued through the first program year and that the leader unit is in compliance or exempt from the standard.

Q7. A compliance unit did not meet the first-year threshold for advance approval of exceptions by the Council and self-administered an exception, but now meets the threshold in § 706.31(a). Should it apply to the Council for approval in order to continue using the exception in the second program year?

A. Yes. Compliance units that meet or exceed the thresholds of § 706.31(a) should seek approval of an exception from the Council, even if they self-administered the exception in the first program year.

Q8. If a compliance unit submits a request for approval of an exception but does not provide sufficient supporting data, what action may the Council take?

A. The Council may deny the request or, at its option, ask for additional data. If the Council asks for additional data, it may specify a time certain for submission of that data.

Q9. Section 706.36 does not include any time limit on requests for conferences. Does this mean that the request for a conference need not be made at the time the request for approval of an exception is submitted?

A. Yes.

D. Special Investigations [Reserved]

E. Determination of Noncompliance

Q1. If a company self-administers an exception when it should have applied to the Council for approval, may it assert that it is entitled to that exception as a defense in a non-compliance proceeding?

A. Yes. If the company is entitled to the exception, the company may use the exception as a defense. If the company is not entitled to the exception, however, the fact that the company should have applied for approval and did not do so reflects on its good faith.

Q2. Is it a defense to a Notice of Probable Noncompliance that a

company made a good-faith effort to comply with the standards?

A. Yes. Companies failing to comply despite a good-faith effort will not be determined to be out of compliance under § 706.52(b) if appropriate corrective actions are initiated promptly.

Q3. If a company chooses to treat one of its subsidiaries as a separate compliance unit and the subsidiary is found to be out of compliance, will that affect the compliance of the parent corporation?

A. No. However, the compliance unit may be identified as a subsidiary of the parent company.

F. The List of Noncompliers

Q1. Will a compliance unit that is determined to be out of compliance during the first program year, but will be in compliance on a two-year basis, be listed as a noncomplier?

A. Yes. Until the compliance unit takes corrective action that will compensate for its excess in the first year, it will be listed as noncompliant.

G. Reconsideration [Reserved]

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This is the second of three planned cumulative lists of public laws for the first session of the 96th Congress. Upon adjournment, the third and final list will be printed. Public law numbers will continue to be

announced after enactment in the "Reader Aids" section of the **Federal Register** under the heading "List of Public Laws." Comments are still welcome and should be mailed to the Director, Office of the Federal Register, Washington, D.C. 20408.

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
Jan. 22	H.J. Res. 1	96-1	93:3	To extend the time for filing the Economic Report.	\$.75
Mar. 7	H.R. 1902	96-2	93:4	To amend the Bank Holding Company Act Amendments of 1970.	.75
	S. 37	96-3	93:5	To repeal a section of Public Law 95-630.	.75
Mar. 30	H.R. 2301	96-4	93:6	To amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the Federal judicial districts in the State of Illinois.	.75
Apr. 2	H.R. 2534	96-5	93:8	To provide for a temporary increase in the public debt limit, and for other purposes.	.75
Apr. 3	H.R. 1147	96-6	93:10	To extend temporarily the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.	.75
Apr. 9	H.R. 2439	96-7	93:11	To rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96-46), transmitted pursuant to the Impoundment Control Act of 1974.	.75
Apr. 10	H.R. 2479	96-8	93:14	Taiwan Relations Act.	.75
Apr. 19	H.J.Res. 283	96-9	93:22	Reaffirming the United States commitment to the North Atlantic Alliance.	.75
May 10	H.R. 2283	96-10	93:23	To amend the Council on Wage and Price Stability Act to extend the authority granted by such Act to September 30, 1980, and for other purposes.	.75
May 18	H.J.Res. 262	96-11	93:25	To declare May 18, 1979 to be "National Museum Day".	.75
May 23	S.J.Res. 80	96-12	93:26	To confer certain powers on the Presidential Commission appointed to investigate the Three Mile Island nuclear powerplant accident.	.75
May 24	S.J.Res. 71	96-13	93:28	To authorize and request the President to proclaim the week of May 6 through 12, 1979, as "National Historic Preservation Week".	.75
	S. 532	96-14	93:29	Pension Policy Commission Act.	.75
May 26	S. 631	96-15	93:32	To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to John Wayne.	.75
June 4	H.R. 1787	96-16	93:33	To authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development.	.75
	H.R. 2520	96-17	93:34	To amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980.	.75
June 8	H.R. 3404	96-18	93:35	To amend the Federal Reserve Act to authorize Federal Reserve banks to lend certain obligations to the Secretary of the Treasury to meet the short-term cash requirements of the Treasury, and for other purposes.	.75
June 13	H.R. 2805	96-19	93:37	To make technical and conforming changes to the financial disclosure provisions in the Ethics in Government Act of 1978.	.75
	S. 348	96-20	93:45	To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Ben Abruzzo, Maxie Anderson, and Larry Newman.	.75
	S. 613	96-21	93:46	Authorizing the President of the United States to present a gold medal to the widow of Hubert H. Humphrey.	.75
	S. 7	96-22	93:47	Veterans' Health Care Amendments of 1979.	1.25
	S. 709	96-23	93:68	To authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes.	.75

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
June 19	H.R. 3915	96-24	93:70	To amend title IV of the Employee Retirement Income Security Act of 1974 to postpone for 10 months the date on which the corporation must pay benefits under terminated multiemployer plans.	.75
	S. 199	96-25	93:71	Shipping Act Amendments of 1979.	.75
June 21	H.R. 3577	96-26	93:74	To amend section 8 of the National Advisory Committee on Oceans and Atmosphere Act of 1977 to authorize appropriations to carry out the provisions of such Act for fiscal year 1980, and for other purposes.	.75
	H.R. 3879	96-27	93:75	To authorize additional appropriations for the Temporary Commission on Financial Oversight of the District of Columbia, and for other purposes.	.75
June 22	S. 869	96-28	93:76	To amend section 207 of title 18, United States Code.	.75
June 27	S. 429	96-29	93:78	Department of Defense Supplemental Appropriation Authorization Act, 1979.	.75
June 30	S. 1317	96-30	93:80	To extend the existing antitrust exemption for oil companies that participate in the Agreement on an International Energy Program.	.75
July 7	S. 984	96-31	93:81	To provide the Secretary of Agriculture with authority to reduce marketing penalties for peanuts.	.75
July 10	S.J.Res. 14	96-32	93:82	To amend the Public Health Service Act and related health laws to correct printing and other technical errors.	.75
July 16	H.R. 4556	96-33	93:86	To amend section 1521 of the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to extend conditional designations of State health planning and development agencies.	.75
July 17	H.J.Res. 353	96-34	93:87	Congratulating the men and women of the Apollo program upon the tenth anniversary of the first manned landing on the Moon and requesting the President to proclaim the period of July 16 through 24, 1979, as "United States Space Observance".	.75
July 20	S. 1007	96-35	93:89	Special International Security Assistance Act of 1979.	.75
	S. 927	96-36	93:94	To authorize the Smithsonian Institution to plan for the development of the area south of the original Smithsonian Institution Building adjacent to Independence Avenue at Tenth Street, Southwest, in the city of Washington.	.75
July 23	H.R. 3978	96-37	93:95	To amend the Federal Trade Commission Act to exempt savings and loan institutions from the application of certain provisions contained in such Act.	.75
July 25	H.R. 4289	96-38	93:97	Supplemental Appropriations Act, 1979.	2.00
July 26	H.R. 4537	96-39	93:144	Trade Agreements Act of 1979.	4.00
July 30	H.R. 3661	96-40	93:318	To increase the authorization of appropriations under the Act of December 22, 1974 (88 Stat. 1712).	.75
	H.R. 2154	96-41	93:319	Strategic and Critical Materials Stock Piling Revision Act of 1979.	.75
July 31	H.R. 4712	96-42	93:326	To delay conditionally the effective date of certain rules of procedure and evidence proposed by the United States Supreme Court, and for other purposes.	.75
Aug. 2	S. 961	96-43	93:327	Speedy Trial Act Amendments of 1979.	.75
	H.R. 2729	96-44	93:333	National Science Foundation Authorization Act for Fiscal Year 1980.	.75
Aug. 3	H.J.Res. 373	96-45	93:336	Recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II.	.75
Aug. 6	H.R. 4591	96-46	93:338	To make technical corrections and miscellaneous amendments in certain education laws contained in the Education Amendments of 1978, and for other purposes.	.75
Aug. 8	S. 976	96-47	93:344	To authorize appropriations for the international affairs functions of the Department of the Treasury for fiscal year 1980.	.75
	H.R. 1786	96-48	93:345	National Aeronautics and Space Administration Act, 1980.	.75
Aug. 13	H.R. 4476	96-49	93:351	Higher Education Technical Amendments of 1979.	.75
	H.J.Res. 19	96-50	93:356	National Lupus Week.	.75
	H.J.Res. 209	96-51	93:357	National Diabetes Week.	.75

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
	S. 1318	96-52	93:358	To amend title 13 of the United States Code to provide a limited exemption to the Bureau of the Census from the provisions of section 322 of the Act of June 30, 1932.	.75
Aug. 14	H.R. 3324	96-53	93:359	International Development Cooperation Act of 1979.	1.25
	H.R. 4616	96-54	93:381	To make certain technical and clerical amendments to title 5, United States Code.	.75
	H.R. 4811	96-55	93:386	For the relief of the city of Nenana, Alaska, and to amend the Act of January 2, 1976, as amended, and for other purposes.	.75
	H.R. 2807	96-56	93:387	To amend the Bankruptcy Act to provide for the nondischargeability of certain student loan debts guaranteed or insured by the United States.	.75
	H.R. 3914	96-57	93:388	To amend the National Capital Transportation Act of 1969 to remove the limitation on the amount authorized for District of Columbia contributions for the cost of construction of the rapid transit system of the National Capital Region.	.75
	H.R. 4057	96-58	93:389	To increase the fiscal year 1979 authorization for appropriations for the food stamp program, and for other purposes.	.75
	S. 41	96-59	93:394	To require the Secretary of Agriculture to convey a reversionary interest held by the United States in certain lands located in Bell County, Kentucky, to the Board of Education, Bell County, Kentucky.	.75
Aug. 15	H.R. 3363	96-60	93:395	To authorize appropriations for fiscal years 1980 and 1981 for the Department of State, the International Communication Agency, and the Board for International Broadcasting.	1.00
	S. 917	96-61	93:407	To authorize appropriations to carry out the Fishery Conservation and Management Act of 1976 during fiscal years 1980, 1981, and 1982, and for other purposes.	.75
Sept. 6	H.J.Res. 244	96-62	93:410	National Grandparents Day.	.75
	S. 1146	96-63	93:411	To extend for three fiscal years the authorizations for appropriations under the Safe Drinking Water Act.	.75
Sept. 14	S. 1646	96-64	93:412	To amend the International Banking Act of 1978 (Public Law 95-369) to extend the time for foreign banks to obtain required deposit insurance with respect to existing branches in the United States.	.75
Sept. 19	H.J.Res. 367	96-65	93:413	To authorize and request the President to proclaim the week of September 16 through 22, 1979, as "National Meals on Wheels Week".	.75
Sept. 21	H.R. 2774	96-66	93:414	To authorize appropriations for fiscal years 1980 and 1981 under the Arms Control and Disarmament Act, and for other purposes.	.75
	S. 1019	96-67	93:415	To amend the International Development and Food Assistance Act of 1978 and the Foreign Assistance and Related Programs Appropriations Act, 1979, by striking out certain prohibitions relating to Uganda, and for other purposes.	.75
Sept. 24	H.R. 4392	96-68	93:416	Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1980.	1.25
Sept. 25	H.R. 4388	96-69	93:437	Energy and Water Development Appropriation Act, 1980.	1.00
Sept. 27	H.R. 111	96-70	93:452	Panama Canal Act of 1979.	2.25
Sept. 28	S.J.Res. 105	96-71	93:501	To provide for a temporary extension of certain Federal Housing Administration authorities, and for other purposes.	.75
Sept. 29	S. 737	96-72	93:503	Export Administration Act of 1979.	1.75
	H.R. 3996	96-73	93:537	To amend the Rail Passenger Service Act to extend the authorization of appropriations for Amtrak for 2 additional years, and for other purposes.	1.25
	H.R. 4393	96-74	93:559	Treasury, Postal Service, and General Government Appropriations Act, 1980.	1.25
	H.R. 5380	96-75	93:578	To continue in effect any authority provided under the Department of Justice Appropriation Authorization Act, Fiscal Year 1979, for a certain period.	.75
	S. 230	96-76	93:579	To amend title VIII of the Public Health Service Act to extend through fiscal year 1980 the program of assistance for nurse training, and for other purposes.	1.00

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
	H.J.Res. 406	96-77	93:588	To extend by one hundred and twenty days the expiration date of the Defense Production Act of 1950.	.75
	H.R. 5369	96-78	93:589	To provide for a temporary increase in the public debt limit, and to amend the Rules of the House of Representatives to make possible the establishment of the public debt limit in the future as a part of the congressional budget process.	.75
Oct. 4	S. 544	96-79	93:592	Health Planning and Resources Development Amendments of 1979.	2.25
Oct. 6	H.J.Res. 303	96-80	93:641	Authorizing and requesting the President of the United States to issue a proclamation designating the seven calendar days beginning October 7, 1979, as "National Port Week".	.75
	S. 721	96-81	93:642	Civil Rights Commission Authorization Act of 1979.	.75
Oct. 10	S. 237	96-82	93:643	Federal Magistrate Act of 1979.	.75
	S. 756	96-83	93:648	Office of Federal Procurement Policy Act Amendments of 1979.	.75
	H.R. 3920	96-84	93:653	To amend the Unemployment Compensation Amendments of 1976 with respect to the National Commission on Unemployment Compensation, and for other purposes.	.75
	S. 233	96-85	93:655	To amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes.	.75
Oct. 12	H.J.Res. 412	96-86	93:656	Making continuing appropriations for the fiscal year 1980, and for other purposes.	.75
	H.R. 5419	96-87	93:664	To authorize the Secretary of the Interior to provide for the commemoration of the efforts of Goodloe Byron to protect the Appalachian Trail, and for other purposes.	.75
Oct. 17	S. 210	96-88	93:668	Department of Education Organization Act.	1.50
Oct. 19	S. 817	96-89	93:697	To amend the Act of July 2, 1940, as amended, to increase the amount authorized to be appropriated for the Canal Zone Biological Area.	.75
Oct. 23	H.R. 1301	96-90	93:698	To amend title 18 of the United States Code to allow the transportation or mailing to a foreign country of material concerning a lottery authorized by that foreign country, and for other purposes.	.75
Oct. 25	S. 567	96-91	93:700	To amend title 28 of the United States Code to allow the United States attorney and assistant United States attorneys for the Eastern District of New York to reside within twenty miles of the district.	.75
Oct. 29	H.R. 3173	96-92	93:701	International Security Assistance Act of 1979	1.00
Oct. 30	H.R. 4580	96-93	93:713	District of Columbia Appropriation Act, 1980.	.75
Oct. 31	H.R. 5506	96-94	93:720	To amend the Energy Policy and Conservation Act to extend for two months certain authorities relating to the international energy program.	.75
	H.R. 1825	96-95	93:721	Archaeological Resources Protection Act of 1979.	.75
	H.R. 5386	96-96	93:729	To amend the Higher Education Act of 1965 to provide that any reduction in the amount appropriated for fiscal year 1980 pursuant to section 101(a) of such Act from the amount so appropriated for fiscal year 1979 shall be borne equally by all the States.	.75
	S. 436	96-97	93:730	To amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority.	.75
Nov. 1	H.R. 3923	96-98	93:731	To amend chapter 25 of title 44, United States Code, to extend for one year the authorization of appropriations for the National Historical Publications and Records Commission, and for other purposes.	.75
Nov. 2	H.J.Res. 3	96-99	93:732	Designating November 4, 1979, as "Will Rogers Day".	.75
	S. 975	96-100	93:733	Intelligence and Intelligence-Related Activities Authorization Act for Fiscal Year 1980.	.75
Nov. 4	S. 1905	96-101	93:736	Milwaukee Railroad Restructuring Act.	1.00
Nov. 5	S. 1030	96-102	93:749	Emergency Energy Conservation Act of 1979.	1.25
	H.R. 4394	96-103	93:771	Department of Housing and Urban Development--Independent Agencies Appropriation Act, 1980.	1.25

Approval Date	Bill No.	Public Law No.	U.S. Statutes at Large	Subject Matter	Price
	H.R. 2515	96-104	93:789	To authorize on a temporary basis certain business and agricultural loans, notwithstanding interest limitations in State constitutions or statutes, and for other purposes.	.75
Nov. 8	S.J.Res. 117	96-105	93:794	To provide for a temporary extension of certain Federal Housing Administration authorities, and for other purposes.	.75
Nov. 9	H.R. 4249	96-106	93:796	To amend title 23 of the United States Code, the Surface Transportation Assistance Act of 1978, and for other purposes.	.75
	S. 428	96-107	93:803	Department of Defense Authorization Act, 1980.	1.25
	H.R. 4387	96-108	93:821	Making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1980, and for other purposes.	1.25
	H.R. 5218	96-109	93:842	To amend the Foreign Assistance Act of 1961 to authorize special Caribbean hurricane relief assistance.	.75
Nov. 13	H.R. 4955	96-110	93:843	To authorize additional appropriations for migration and refugee assistance for the fiscal years 1980 and 1981 and to authorize humanitarian assistance for the victims of the famine in Cambodia.	.75
Nov. 15	S. 1281	96-111	93:845	To revitalize the pleasure cruise industry by clarifying and waiving certain restrictions in the Merchant Marine Act, 1936, and the Merchant Marine Act, 1920, to permit the entry of the steamship vessel United States, steamship vessel Oceanic Independence, steamship vessel Santa Rosa, and the steamship vessels Mariposa and Monterey into the trade.	.75
Nov. 16	S. 640	96-112	93:847	Maritime Appropriation Authorization Act for Fiscal Year 1980.	.75
	H.R. 998	96-113	93:850	To amend the Agricultural Adjustment Act of 1938, as amended, to exempt State prison farms from paying of marketing quota penalties.	.75
	H.R. 2196	96-114	93:851	Congressional Award Act.	.75
	H.J.Res. 68	96-115	93:856	To authorize the President to issue a proclamation designating the week beginning on November 18, 1979, as "National Family Week".	.75
	H.R. 5279	96-116	93:857	To provide for the distribution within the United States of the International Communication Agency film entitled "Reflections: George Meany".	.75

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

*NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Federal Energy Regulation Commission—

- 61338 10-25-79 / Changes in permanent curtailment provisions

FEDERAL COMMUNICATIONS COMMISSION

- 59546 10-16-79 / Aviation services; Providing a frequency for use by helicopters for air-to-air communications

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

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

- 60934 10-22-79 / Neighborhood Self-help development program requirements

INTERIOR DEPARTMENT

Fish and Wildlife Service—

- 60962 10-22-79 / Manatee; establishment of protection areas

NUCLEAR REGULATORY COMMISSION

- 43280 7-24-79 / Safeguard requirements for special nuclear material of moderate and low strategic significance

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

- 64087 11-6-79 / Milk marketing order; Inland Empire; comments by 11-26-79

Agricultural Stabilization and Conservation Service—

- 55183 9-25-79 / Emergency conservation program; comments by 11-25-79

Animal and Plant Health Inspection Service—

- 65080 11-9-79 / Quarantine notices; Hawaiian fruits and vegetables; comments by 11-30-79

- Federal Crop Insurance Corporation—
61352 10-25-79 / Tobacco ("Dollar Plan") crop insurance provisions; comments by 11-26-79
61366 10-25-79 / Tobacco (guaranteed production) crop insurance regulations; comments by 11-26-79
61359 10-25-79 / Tobacco (Quota Plan) crop insurance regulations; comments by 11-26-79
Food and Nutrition Service—
62289 10-30-79 / Summer Food Service Program; authority given to States to determine "rural pockets" in standard metropolitan statistical areas; comments by 11-26-79
Rural Electrification Administration—
55890 9-28-79 / Specifications for service entrance and station protector installations; comments by 11-27-79
Soil and Conservation Service—
53176 9-13-79 / Soil surveys; cartographic operations; comments by 11-30-79
BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM
55911 9-28-79 / Workshop certification provisions; comments by 11-30-79
CIVIL AERONAUTICS BOARD
52847 9-11-79 / Carriers in U.S. Mainland—Alaska and intra-Alaska market fares; reply comments by 11-28-79
55383 9-26-79 / Prohibition on discrimination against air travelers on the basis of age; comments by 11-26-79
COMMERCE DEPARTMENT
Maritime Administration—
65616 11-14-79 / Operating-differential subsidy for dry bulk cargo; comment period extended from 10-29-79 to 11-30-79
[Originally published at 44 FR 52002, Sept. 6, 1979]
National Oceanic and Atmospheric Administration—
53191 9-13-79 / Atlantic mackerel fishery; Approval and partial disapproval of the fishery management plan; comments by 11-30-79
61982 10-29-79 / Tanner Crab off Alaska; management plan; comments by 11-30-79

- Office of the Secretary—
56230 9-28-79 / Criteria for accrediting laboratories that test thermal insulation materials, freshly mixed field concrete or carpet; comments by 11-27-79
- COMMUNITY SERVICES ADMINISTRATION**
50982 8-30-79 / Grantee Program Management System. Volume 1; comments by 11-28-79
- CONSUMER PRODUCT SAFETY COMMISSION**
55892 9-28-79 / Exemption of isosorbide dinitrate in certain forms from child protection packaging requirements; comments by 11-27-79
59914 10-17-79 / Partial revocation of standard concerning accelerated environmental durability testing of plastic glazing materials; comments by 11-26-79
 [See also 44 FR 55386, Sept. 26, 1979]
- DEFENSE DEPARTMENT**
 Office of the Secretary—
62295 10-30-79 / Civilian Health and Medical Program of the Uniformed Services; expanded benefits for CAT scanning diagnostic services; comments by 11-29-79
- ENERGY DEPARTMENT**
 Economic Regulatory Administration—
50072 8-27-79 / Availability of propane deregulation draft regulatory analysis; comments by 12-1-79
 Federal Energy Regulatory Commission—
61950 10-29-79 / Interim rules defining and deregulating certain highcost natural gas; comments by 11-26-79
61205 10-24-79 / Small power production cogeneration—qualifying status; comments by 12-1-79
61190 10-24-79 / Small power production and cogeneration—rates and exemptions; comments by 12-1-79
 Office of the Secretary—
55774 9-27-79 / Appropriate Technology Small Grants Program; comments by 11-26-79
- ENVIRONMENTAL PROTECTION AGENCY**
62296 10-30-79 / Air quality implementation plans; revision of Maricopa County, Ariz., urban planning area nonattainment area plan for ozone; comments by 11-29-79
55210 9-25-79 / Arizona process weight regulation; comments by 11-26-79
62260 10-29-79 / General pretreatment regulations for new and existing users of publicly owned treatment works; comments by 11-28-79
58923 10-12-79 / Hazardous waste guidelines; comments by 11-26-79
55401 9-26-79 / Leather tanning and finishing industry point source category; availability of technical and economic development documents; comments by 11-26-79
62543 10-31-79 / Proposed delayed compliance order for Koppers Co., Inc.; comments by 11-30-79
61384 10-25-79 / Proposed revision to Missouri State Implementation Plan; comments by 11-26-79
59764 10-16-79 / Reproposal of premanufacture notice form and provisions of rules; comments by 11-30-79
- EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
65082 11-9-79 / "706 Agencies"; proposed designation; comments by 11-26-79
55907 9-28-79 / Coordination of Federal equal employment opportunity programs; comments by 11-26-79
- FEDERAL COMMUNICATIONS COMMISSION**
37522 6-27-79 / Creation of an additional personal radio service; comments by 11-30-79
- 61214** 10-24-79 / Eliminating semi annual reports and to provide for the submission of revised and corrected data in the annual reports overseas telecommunications traffic data; reply comments by 12-1-79
58764 10-11-79 / FM broadcast station in Lockhart, Tex.; changes in table of assignments; comments by 11-28-79
55603 9-27-79 / Multiple ownership of AM, FM and TV, broadcast stations; comments by 11-27-79
62307 10-30-79 / Nighttime power limitations and antenna systems for Class IV AM broadcast stations; comments by 11-29-79
26772 5-7-79 / Provisions for noncommercial educational FM broadcast stations; reply comments period extended to 11-30-79
 [Originally published at 43 FR 27682, June 7, 1978]
58762 10-11-79 / Table assignment of class A FM channel to Coffeyville, Kans.; comments by 11-30-79
- HEALTH, EDUCATION AND WELFARE DEPARTMENT**
 Food and Drug Administration—
51226 8-31-79 / Lead in food; comments by 11-29-79
65080 11-9-79 / Standards of identity and quality for canned pears; comments by 11-28-79
 Health Care Financing Administration—
55316 9-25-79 / Medicaid program quality control system error rate; comments by 11-26-79
 Health Care Financing Administration—
 Social Security Administration—
55314 9-25-79 / Fiscal disallowance for erroneous payments in the aid to families with dependent children and medicaid programs; comments by 11-26-79
 Public Health Service—
55378 9-26-79 / Grants for fluoridation of water for communities and schools; comments by 11-26-79
 Social Security Administration—
55318 9-25-79 / Aid to families with dependent children; fiscal disallowance for erroneous payments; comments by 11-26-79
55899 9-28-79 / Federal old-age survivors' and disability insurance benefits; wage credits for veterans and members of the uniformed services; comments by 11-27-79
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
 Community Planning and Development, Office of the Assistant Secretary—
55562 9-27-79 / Section 312 Rehabilitation Loan Program; interim rule; comments by 11-26-79
 Fair Housing and Opportunity, Assistant Secretary—
55522 9-26-79 / Nondiscrimination and equal opportunity in housing under E.O. 11063; comments by 11-26-79
 Federal Housing Commissioner, Office of Assistant Secretary for Housing—
56608 10-1-79 / Management and Disposition of HUD-owned multifamily housing projects; comments by 11-30-79
55198 9-25-79 / Multifamily dwellings; life safety requirements; comments by 11-26-79
55392 9-26-79 / Section 8 Housing Assistance Program; elimination of rent reduction incentive; comments by 11-26-79
55518 9-26-79 / Transfer from nonprofit to profit-motivated ownership for multifamily housing projects with HUD-insured or HUD-held mortgages; comments by 11-26-79
 Office of the Secretary—
55528 9-26-79 / Nondiscrimination in fair housing advertising; comments by 11-26-79
- INTERIOR DEPARTMENT**
 Fish and Wildlife Service—
56618 10-1-79 / Endangered and threatened wildlife and plants; proposed endangered status for the black rhinoceros; comments by 11-30-79

- Land Management Bureau—
56176 9-28-79 / Oil and gas leasing provisions; comments by 11-27-79
 Office of the Secretary—
64095 11-6-79 / Requirement for equal opportunity during construction and operation of the Alaska Natural Gas Transportation System, meeting, Barrow, Alaska (open), 11-30-79
- INTERNATIONAL TRADE COMMISSION**
59392 10-15-79 / Procedures for the Conduct of Investigations of Whether Injury to Domestic Industries Results from Imports sold at less than fair value or from subsidized exports to the United States; comments by 11-29-79
- INTERSTATE COMMERCE COMMISSION**
60122 10-18-79 / Modification of provisions for adequacy of intercity motor common carrier passenger service; comments by 11-28-79
- JUSTICE DEPARTMENT**
 Parole Commission—
58507 10-10-79 / Parole, release, supervision, and recommitment of prisoners, youth offenders and juvenile delinquents; comments by 12-1-79
- LABOR DEPARTMENT**
 Occupational Safety and Health Administration—
55274 9-25-79 / Electrical standards; comments by 11-30-79
59561 10-16-79 / Occupational safety and health standards; guarding of low-pitched-roof perimeters during roofing work; comments extended to 11-26-79
 [Originally published at 44 FR 48275, Aug. 17, 1979]
 Pension and Welfare Benefit Programs Office—
62316 10-30-79 / Employee benefit plans; acquisitions, sales, or leases of property; comment period extended to 11-30-79
 [Originally published at 44 FR 50367, Aug. 28, 1979]
55205 9-25-79 / Employee retirement income security, reporting and disclosure requirements; comments by 11-26-79
61618 10-26-79 / Fiduciary responsibility; plan assets and trust establishment; comments by 11-29-79
 [Originally published at 44 FR 50363, Aug. 28, 1979]
- NATIONAL CREDIT UNION ADMINISTRATION**
61189 10-24-79 / Mergers of credit unions; comments by 11-26-79
- SECURITIES AND EXCHANGE COMMISSION**
62912 11-1-79 / Extension of filing date for annual reports by mutual and subsidiary service companies to May 1 of each year; comments by 11-26-79
58521 10-10-79 / Mergers and consolidations involving registered investment companies; comments by 11-30-79
61974 10-29-79 / National securities exchanges and associations; notification of changes in membership; comments by 11-30-79
- SMALL BUSINESS ADMINISTRATION**
44881 7-31-79 / Petition concerning disclosure of relationships between attorneys and registrants; comments by 11-30-79
53426 9-13-79 / Shareholder communications, shareholder participation in the corporate electoral process and corporate governance generally; comments by 11-30-79
- TRANSPORTATION DEPARTMENT**
 Coast Guard—
64844 11-8-79 / Design standards for tank barges to preventive oil pollution and existing tank barges to prevent oil pollution; comments by 12-1-79
 [First published at 44 FR 34440, June 14, 1979]
61978 10-29-79 / White River, Arkansas; drawbridge operations; comments by 11-26-79

- Federal Highway Administration—
55766 9-27-79 / Federally funded research and development; proposed revision of regulations; comments by 11-26-79
55592 9-27-79 / National maximum speed limit; certification and monitoring requirements; comments by 11-26-79
55598 9-27-79 / Uniformity of traffic control devices on all streets and highways; comments by 11-26-79
- National Highway Traffic Safety Administration—
56389 10-1-79 / Consumer information, uniform tire quality grading; comments by 11-26-79
55612 9-27-79 / Motor vehicle safety standards; motorcycle helmets; comments by 11-26-79
55592 9-27-79 / National maximum speed limit; certification and monitoring requirements; comments by 11-26-79
- Research and Special Programs Administration—
53185 9-13-79 / Transportation of gas or liquid by pipeline; Temperature limits on cold expanded steel pipe; comments by 12-1-79
- TREASURY DEPARTMENT**
 Customs Service—
59742 10-16-79 / Customs regulations relating to antidumping duties; proposed revision; comments by 11-30-79
- VETERANS ADMINISTRATION**
61396 10-25-79 / Procurement provisions; revision of contract clauses; comments by 11-26-79
61619 10-26-79 / Veterans' Education; approval of courses; comments by 11-26-79
50864 8-30-79 / VA Home Loans; delegation of authority; comments by 11-26-79

Next Week's Meetings

- AGRICULTURE DEPARTMENT**
 Forest Service—
61623 10-26-79 / State and Private Forestry Advisory Committee, Washington, D.C. (open), 11-26 through 11-28-79
65111 11-9-79 / Targhee Forest Grazing Advisory Board, St. Anthony, Idaho (open), 11-30-79
 Office of the Secretary—
61237 10-24-79 / Structure of Agriculture, Huntsville, Ala. (open), 11-29-79
61237 10-24-79 / Structure of Agriculture, Fayetteville, N.C. (open), 11-28-79
61237 10-24-79 / Structure of Agriculture, Montpelier, Vt. (open), 11-27-79
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
65825 11-15-79 / Arts National Council, Washington, D.C. (partially open), 11-30 through 12-2-79
65583 11-5-79 / Expansion Arts Panel, Washington, D.C. (partially open), 11-27 through 11-29-79
65584 11-5-79 / Theatre Panel, Los Angeles, Calif. (closed), 11-27 and 11-28-79
65830 10-22-79 / Opera-Musical Theatre Panel, Washington, D.C. (open and closed), 11-27 through 11-29-79
- CIVIL RIGHTS COMMISSION**
65801 11-15-79 / Alaska Advisory Committee, Anchorage, Alaska (open), 11-30-79
65115 11-9-79 / California Advisory Committee, Los Angeles, Calif. (open), 12-1-79
63126 11-2-79 / Illinois Advisory Committee, Chicago, Ill. (open), 11-26-79
65115 11-9-79 / Maine Advisory Committee, Augusta, Maine (open), 11-29-79

- 63126 11-2-79 / Missouri Advisory Committee, Kansas City, MO. (open), 11-29 and 11-30-79
- 62552 10-31-79 / Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 11-27-79
- 65116 11-9-79 / Pennsylvania Advisory Committee, Philadelphia, Pa. (open), 11-30-79
- 65115 11-9-79 / Rhode Island Advisory Committee, Providence, R.I. (open), 11-28-79
- 63127 11-2-79 / South Carolina Advisory Committee, Columbia, S.C. (open), 11-27-79
- 65116 11-9-79 / Vermont Advisory Committee, Montpelier, Vt. (open), 11-28-79
- 65115 11-9-79 / Virginia Advisory Committee, Richmond, Va. (open), 11-29-79
- COMMERCE DEPARTMENT**
Industry and Trade Administration—
- 64480 11-7-79 / Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially open), 11-28-79
- 64961 11-8-79 / GATT and Multilateral Trade Agreements Subcommittee of the Presidents' Export Council, Atlanta, Ga. (open), 11-30-79
- 65803 11-15-79 / Management-Labor Textile Advisory Committee, Washington, D.C. (open), 11-30-79
- 63128 11-2-79 / Numerically Controlled Machine Tool Technically Advisory Committee, Washington, D.C. (partially closed), 11-27-79
- 65620 11-14-79 / President's Export Council, Subcommittee on Agriculture, Washington, D.C. (open), 11-29-79
- 65427 11-13-79 / President's Export Council, Subcommittee on Export Administration, Washington, D.C. (open), 11-28-79
- National Oceanic and Atmospheric Administration—
- 63558 11-5-79 / Caribbean Fishery Management Council, Lajas, P.R. (open), 11-27 through 11-29-79
- 52711 9-10-79 / Mid-Atlantic Fishery Management Council's Surf Clam/Ocean Quahog Resources Subpanel, Dover, Del. (open), 11-30-79
- 65616 11-14-79 / New England Fishery Management Council and Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 11-28-79
- 65620 11-14-79 / North Pacific Fishery Management Council's Scientific and Statistical Committee, Anchorage, Alaska (open), 11-27 and 11-28-79
- 60351 10-19-79 / South Atlantic Fishery Management Council, Islamorada, Fla. (open), 11-27-79
- 64481 11-7-79 / Western Pacific Fishery Management Council, Maui, Hawaii (open), 11-29 and 11-30-79
- 64481 11-7-79 / Western Pacific Fishery Management Council, Scientific and Statistical Committee, Maui, Hawaii (open), 11-27 and 11-28-79
- DEFENSE DEPARTMENT**
Air Force Department—
- 62323 10-30-79 / USAF Scientific Advisory Board, Wright-Patterson, AFB, Ohio (closed), 11-28 and 11-29-79
- Army Department—
- 64884 11-8-79 / U.S. Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Parasitic Diseases, Washington, D.C. (partially open), 11-30-79
- 64484 11-7-79 / Army Science Board, Washington, D.C. (open), 11-29 and 11-30-79
- 64484 11-7-79 / Army Science Board, Washington, D.C. (closed), 11-27 and 11-28-79
- Corps of Engineers, Department of the Army—
- 65124 11-9-79 / Environmental Advisory Board, Huntsville, Ala. (open), 11-28, 11-29, and 11-30-79

- Office of the Secretary—
- 64102 11-8-79 / Defense Advisory Committee on Women in the Services (DACOWITS), Executive Committee, Washington, D.C. (open), 11-28 and 11-27-79
- EDUCATIONAL RESEARCH, NATIONAL COUNCIL**
- 24244 4-24-79 / Meeting, Washington, D.C., 11-30-79
- ENERGY DEPARTMENT**
Economic Regulatory Administration—
- 65625 11-14-79 / Industry Advisory Board, Paris, France, 11-27 and 11-28-79
- Office of the Secretary—
- 63562 11-5-79 / National Petroleum Council, Task Group of Committee on Unconventional Gas Sources, Dallas, Tex. (open), 11-28 and 11-29-79
- ENVIRONMENTAL PROTECTION AGENCY**
- 65665 11-14-79 / Administrator's Toxic Substances Advisory Committee, Washington, D.C. (open), 11-29 and 11-30-79
- 65672 11-14-79 / Federal Insecticide, Fungicide and Rodenticide Act Scientific Advisory Panel, Arlington, Va. (open), 11-29-79
- FEDERAL COMMUNICATIONS COMMISSION**
- 64942 11-8-79 / Radio Technical Commission for Aeronautics (RTCA); Special Committee 137—Airborne Area Navigation Systems, Wash., D.C. (open), 11-27 through 11-29-79
- 64942 11-8-79 / Radio Technical Commission for Aeronautics (RTCA); Special Committee 143—Ground Based Automated Weather Observation Equipment, Wash., D.C. (open), 11-30-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
Alcohol, Drug Abuse, and Mental Health Administration—
- 59962 10-17-79 / Mental Health Small Grant Review Committee, Rockville, Md. (open and closed), 11-29, 11-30 and 12-1-79
- Education Office—
- 64572 11-7-79 / Ad Hoc Committee on the Media in Continuing Education of the National Advisory Council, Washington, D.C. (open), 11-28 and 11-29-79
- 64916 11-8-79 / Community Education Advisory Council (open), Cambridge, Mass., 11-28-79 and Boston, Mass., 11-27-79
- Food and Drug Administration—
- 63154 11-2-79 / Consumer participation, San Francisco, Calif. (open), 11-27-79
- 65479 11-13-79 / Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity, Rockville, Md. (open), 11-30-79
- 58967 10-12-79 / Microbiology Devices Section of the Immunology and Microbiology Devices Panel, Washington, D.C. (open), 11-29-79
- Health Resources Administration—
- 64119 11-8-79 / Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 11-29 and 11-30-79
- National Institutes of Health—
- 55420 9-26-79 / Board of Scientific Counselors, Bethesda, Md. (partially open), 11-29 and 11-30-79
- 62955 11-1-79 / Cancer Control Merit Review Committee, Bethesda, Md. (partially open), 11-28 through 11-30-79
- 65479 11-13-79 / Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity, Rockville, Md. (open), 11-30-79
- 61461 10-25-79 / Heart, Lung, and Blood Research Review Committees A and B, Bethesda, Md. (partially open), 11-30 through 12-1-79 (2 documents)

- 65481 11-13-79 / National Cancer Advisory Board and its Subcommittees, Bethesda, Md. (open), 11-26 through 11-28-79
- 61462 10-25-79 / National Heart, Lung, and Blood Advisory Council, Bethesda, Md. (partially open), 11-29 and 11-30-79
- 56401 10-1-79 / National Institute of Dental Research Programs Advisory Committee, Subcommittee on Dental Caries, Bethesda, Md. (open), 11-27 and 11-28-79
Office of the Secretary—
- 65192 11-9-79 / Education Statistics Advisory Council, Washington, D.C. (open), 11-28-79
- 60415 10-19-79 / White House Conference on Families, Washington, D.C. 11-30 and 12-1-79
Social Security Administration—
- 54128 9-18-79 / Social Security For Your Future, Atlanta, Ga., 11-30-79
- 54128 9-18-79 / Social Security For Your Future, Denver, Colo., 11-27-79

INTERIOR DEPARTMENT

- Land Management Bureau—
- 61463 10-25-79 / Ely District Grazing Advisory Board, Ely, Nev. (open), 11-30-79
- 61660 10-26-79 / Mount Dome Grazing Management Plan, California, scoping meetings:
Dorris, Calif., 11-28-79
Tulelake, Calif., 11-29-79
- 57229 10-4-79 / Oregon; proposed decision on intensive wilderness inventory of selected areas; public meetings:
Eugene, Ore., 11-27-79
Portland, Ore., 11-29-79
National Park Service—
- 65205 11-9-79 / Boston National Historical Park Advisory Commission, Boston, Mass. (open), 11-30-79
- 62965 11-1-79 / Cuyahoga Valley National Recreation Area Advisory Commission, Sagamore Hills, Ohio (open), 11-29-79
- 65205 11-9-79 / Public discussion on General Management Plan for Boston area park sites, Charlestown and Boston, Mass. (open), 11-28, 11-27, and 11-29-79
Office of the Secretary—
- 64095 11-6-79 / Requirement for equal opportunity during construction and operation of the Alaska Natural Gas Transportation System, meeting, Anchorage, Alaska (open), 11-28-79

JUSTICE DEPARTMENT

- Law Enforcement Assistance Administration—
- 65686 11-14-79 / National Advisory Committee for Juvenile Justice and Delinquency Prevention, Biloxi, Miss. (open), 11-29 thru 12-1-79

LABOR DEPARTMENT

- Occupational Safety and Health Administration—
- 64154 11-6-79 / Advisory Committee on Construction Safety and Health, and Subgroup on Health Standards, Washington, D.C. (open), 11-26, 11-27, and 11-28-79

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

- 62384 10-30-79 / NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Pasadena, Calif. (open), 11-27 and 11-28-79

NATIONAL SCIENCE FOUNDATION

- 65224 11-9-79 / Earth Sciences Advisory Committee, Geology, Geochemistry and Geophysics Subcommittees, Berkeley, Calif. (closed), 11-30 and 12-1-79

- 65225 11-9-79 / Engineering and Applied Science Advisory Committee, Applied Physical, Mathematical, and Biological Sciences and Engineering Sciences Subcommittee, Washington, D.C. (closed), 11-26 and 11-27-79
- 65225 11-9-79 / Engineering and Applied Science Advisory Committee, Applied Social and Behavioral Sciences Subcommittee, Washington, D.C. (closed), 11-29 and 11-30-79
- 65225 11-9-79 / Ocean Sciences Advisory Committee, Executive Committee, Washington, D.C. (open), 11-28 and 11-29-79
- 65224 11-9-79 / Science and Society Advisory Committee, Oversight Subcommittee, Washington, D.C. (closed), 11-30-79

NUCLEAR REGULATORY COMMISSION

- 65686 11-14-79 / Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors, Albuquerque, N. Mex., 11-29 and 11-30-79
- 65226 11-9-79 / Regional State Liaison Officers' meeting, Dallas, Tex. (open), 11-28 and 11-29-79

PENSION POLICY, PRESIDENT'S COMMISSION

- 42831 7-20-79 / Meeting, Washington, D.C. (open), 11-30-79
- 42831 7-20-79 / Study Group on Pension Policy and the Economy, Washington, D.C. (open), 11-29-79
- 42831 7-20-79 / Study Groups on Present and Future Income Needs of Retired and Disabled Population, and the Ability of Present U.S. Pension Systems to Meet Needs of Retired, Disabled, and Survivors, Washington, D.C. (open), 12-1-79

SMALL BUSINESS ADMINISTRATION

- 61126 10-23-79 / Region V Advisory Council, Indianapolis, Ind. (open), 11-27-79
- 61126 10-23-79 / Region IX Advisory Council, Las Vegas, Nev. (open), 11-27-79

TRANSPORTATION DEPARTMENT

- Federal Aviation Administration—
- 56369 10-1-79 / Proposed Kahului, Hawaii, terminal control area, Kahului, Hawaii, 11-29-79, Honolulu, Hawaii, 11-30-79

TREASURY DEPARTMENT

- Internal Revenue Service—
- 65230 11-9-79 / Commissioner's Advisory Group, Washington, D.C. (open), 11-28 and 11-27-79

UNEMPLOYMENT COMPENSATION, NATIONAL COMMISSION

- 65223 11-9-79 / Washington, D.C., 11-30 and 12-1-79

VETERANS ADMINISTRATION

- 53602 9-14-79 / Wage Committee, Washington, D.C. (closed), 11-29-79

Next Week's Public Hearings**ADMINISTRATIVE CONFERENCE OF THE UNITED STATES**

- 64852 11-8-79 / Remedial Order procedures of the Energy Department; tentative recommendations, Washington, D.C. 11-28-79

CIVIL AERONAUTICS BOARD

- 64100 11-6-79 / Interim essential air transportation at Plattsburgh, Massena, Watertown, Saranac Lake/Lake Placid, Ogdensburg, N.Y. and Rutland, Vt., oral argument, Washington, D.C., 11-30-79

COMMERCE DEPARTMENT

- National Oceanic and Atmospheric Administration—
- 61983 10-29-79 / Draft fishery management plan, hearing, Kodiak, Alaska, 11-29-79

- 61983 10-29-79 / Draft fishery management plan, Anchorage, Alaska, 11-30-79
- 64443 11-7-79 / Gulf of Mexico Fishery Management Council, Brownsville, Tex., and Cameron, La., 11-26-79
- 64443 11-7-79 / Gulf of Mexico Fishery Management Council, Corpus Christi, Tex. and Delcambre, La., 11-27-79
- 64443 11-7-79 / Gulf of Mexico Fishery Management Council, Freeport, Tex., and Houma, La., 11-28-79
- 64443 11-7-79 / Gulf of Mexico Fishery Management Council, New Orleans, La., 11-29-79
- DEFENSE DEPARTMENT**
- Navy Department—
- 65623 11-14-79 / Naval Discharge Review Board, Salt Lake City Utah; San Diego, Calif.; San Francisco, Calif., 11-25-79—12-1-79
- DELAWARE RIVER BASIN COMMISSION**
- 60134 10-18-79 / Draft final report of Delaware River Basin Comprehensive (level B) study and its draft environmental impact statement, Willingboro, N.J., 11-27-79
- ENERGY DEPARTMENT**
- 61188 10-24-79 / Federal loan guarantees for alternative fuel demonstration facilities, Washington, D.C., 11-28-79
- Economic Regulatory Administration—
- 60236 10-18-79 / Voluntary guideline for solar energy and renewable resources implementing standards of the Public Utility Regulatory Policies Act of 1978, Kansas City, Mo., 11-29-79
- Federal Energy Regulatory Commission—
- 61977 10-29-79 / Small power production and cogeneration rates and exemptions, New York, NY, 11-28-79
- 61977 10-29-79 / Small power production and cogeneration rates and exemptions, Denver, Colo., 11-30-79
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- EDUCATION OFFICE—**
- 59291 10-15-79 / National Advisory Council on Vocational Education, Atlanta, Ga., 11-27 and 11-28-79
- Food and Drug Administration—
- 65479 11-13-79 / Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity, Rockville, Md., 11-30-79
- National Institutes of Health—
- 65479 11-13-79 / Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity, Rockville, Md., 11-30-79
- Office of the Secretary—
- 56029 9-28-79 / White House Conference on families, Washington, D.C. (open), 11-30 and 12-1-79
- INTERIOR DEPARTMENT**
- Surface Mining Office—
- 63737 11-5-79 / Abandoned mine lands reclamation program; draft environmental impact statement:
- Austin, Tex., 11-28-79
- Alcoa, Tex., 11-28-79
- Indianapolis, Ind., 11-27-79
- Denver Colo., 11-28-79
- INTERSTATE COMMERCE COMMISSION**
- 63121 11-2-79 / Transportation of household goods in interstate and foreign commerce; review of the regulation of carriers, Los Angeles, Calif., 11-27 and 11-28-79
- LABOR DEPARTMENT**
- Employment and Training Administration—
- 59890 10-16-79 / Adverse effect wage rate methodology, Yakima, Wash., 11-26 and 11-27-79

- 59890 10-16-79 / Adverse effect wage rate methodology, Bakersfield, Calif., 11-29 and 11-30-79

SOCIAL SECURITY NATIONAL COMMISSION

- 35324 6-19-79 / Social security, Austin, Tex., 11-27-79
- 35324 6-19-79 / Social security, Phoenix, Ariz., 11-27-79

List of Public Laws

Last Listing November 20, 1979

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

- H.J. Res. 199 / Pub. L. 96-117 To amend the Act of October 21, 1978 (92 Stat. 1675; Public Law 95-498). (Nov. 16, 1979; 93 Stat. 858) Price \$7.75.

- S. 838 / Pub. L. 96-118 To authorize appropriations for fiscal years 1980, 1981, and 1982 to carry out cooperative programs with the States for the conservation of anadromous fish, and for other purposes. (Nov. 16, 1979; 93 Stat. 859) Price \$7.75.

- H.J. Res. 428 / Pub. L. 96-119 Designating December 1979 as "National Child Abuse Prevention Month". (Nov. 16, 1979; 93 Stat. 861) Price \$7.75

- S. 1728 / Pub. L. 96-120 To designate the United States Federal Courthouse Building located at 655 East Durango, San Antonio, Texas, as the "John H. Wood, Jr., Federal Courthouse". (Nov. 16, 1979; 93 Stat. 862) Price \$7.75.

- S. 1160 / Pub. L. 96-121 To authorize appropriations for the Federal Fire Prevention and Control Act of 1974, and for other purposes. (Nov. 16, 1979; 93 Stat. 863) Price \$7.75.

- S. 1037 / Pub. L. 96-122 "District of Columbia Retirement Reform Act". (Nov. 17, 1979; 93 Stat. 866) Price \$2.50.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

- 65950 11-15-79 / HUD/CPD—Community development block grants technical amendments; interim rule; effective 12-17-79; comments by 1-14-80

APPLICATIONS DEADLINES

- 65714 11-14-79 / USDA/SEA—Special Research Grants for Fiscal Year 1980, apply by 1-21-80 (Soybean Research, 1-28-80) (Alcohol Research, 1-28-80) (Animal Health Research, 2-4-80) (Energy Research, 1-28-80)

- 65803 11-15-79 / Commerce/NOAA—Ocean dumping grants competitive applications; apply by 12-26-79

MEETINGS

- 65481 11-13-79 / HEW/NIH—Bladder and Prostatic Cancer Review Committee, Boston, Mass. (partially open), 12-6 and 12-7-79

- 65481 11-13-79 / HEW/NIH—Cancer Control Intervention Programs Review Committee, Bethesda, Md. (partially open), 12-14-79

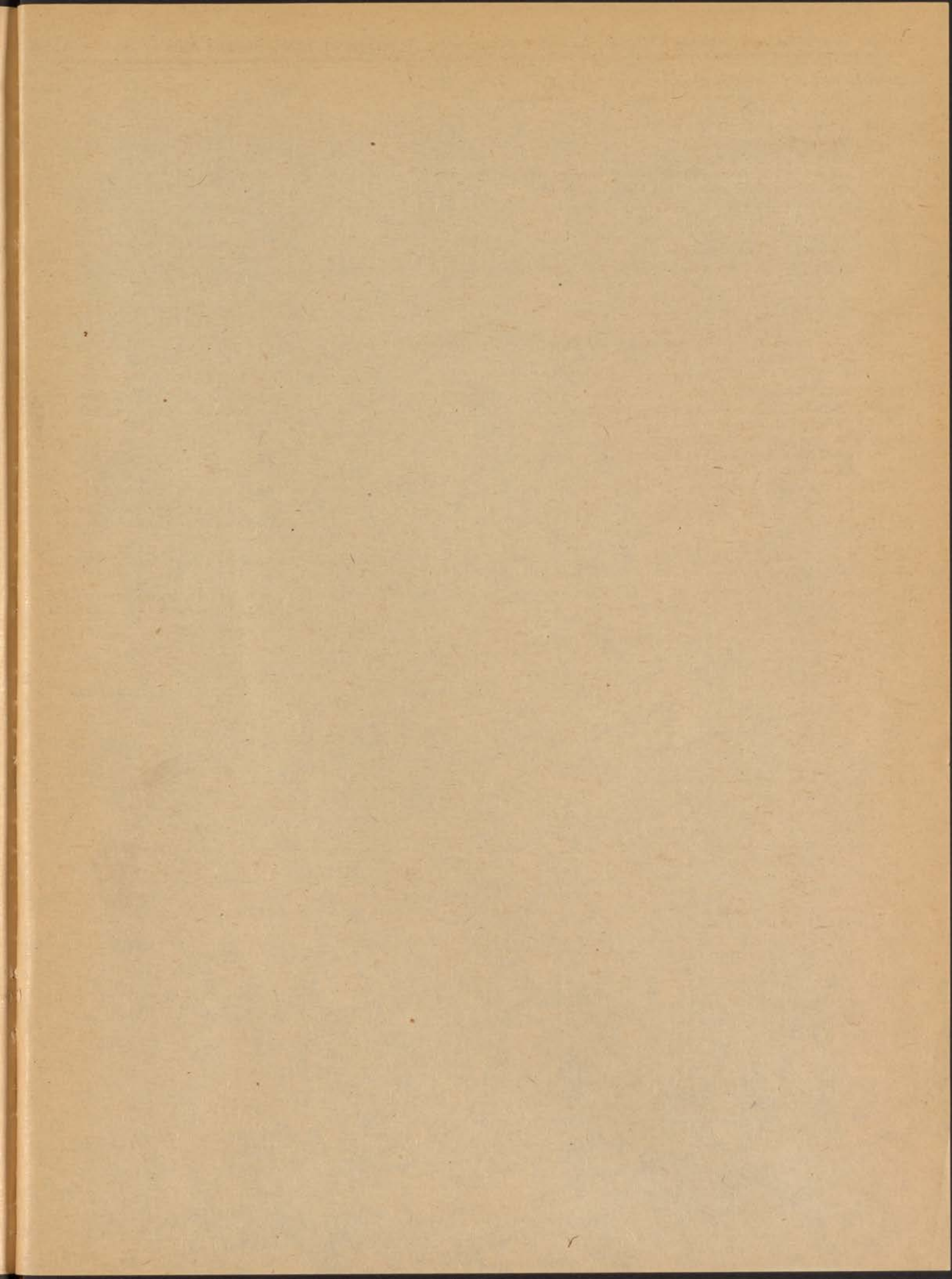
- 65481 11-13-79 / HEW/NIH—Cancer Control Merit Review Committee, Bethesda, Md. (partially open), 12-12 through 12-14-79

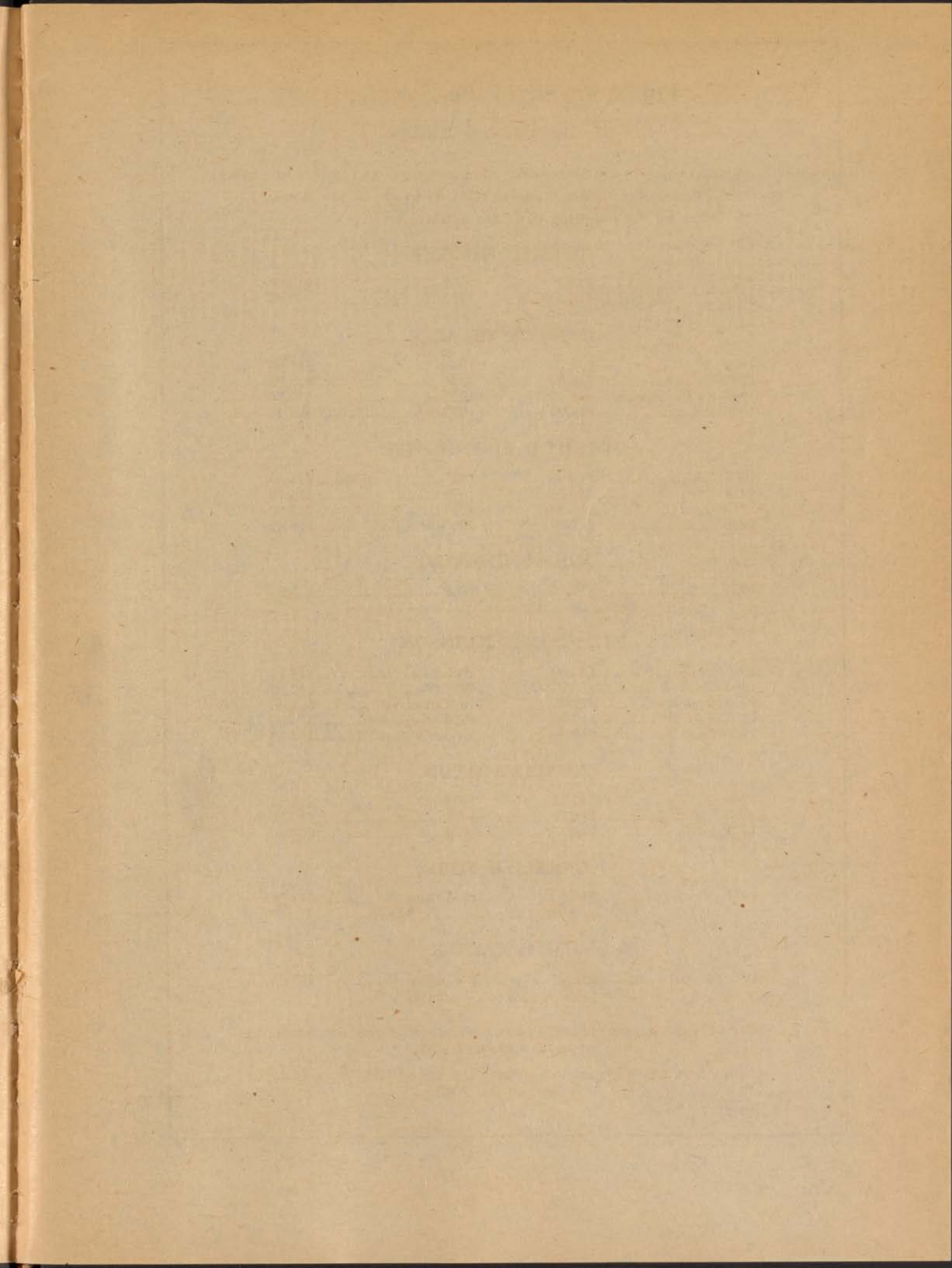
- 65480 11-13-79 / HEW/NIH—Clinical Trials Review Committee (partially open):

Chicago, Ill., 12-4 and 12-5-79

Tampa, Fla., 12-5 and 12-6-79

- 65481 11-13-79 / HEW/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Subcommittee, Houston, Tex. (partially open), 12-6 and 12-7-79
- 65482 11-13-79 / HEW/NIH—Indian Education National Advisory Council, Denver, Colo. (open), 11-30 through 12-2-79
- 65481 11-13-79 / HEW/NIH—National Cancer Advisory Board and its Subcommittees, Bethesda, MD. (open), 11-26 through 11-28-79
- 65825 11-15-79 / NFAH—Arts National Council, Washington, D.C. (partially open), 11-30 through 12-2-79
- 65825 11-15-79 / NFAH—Media Arts Advisory Panel (Production Aid), Washington, D.C. (closed), 12-10 through 12-12-79
- 65494 11-13-79 / NFAH—Music Panel (Orchestra Section), Washington, D.C. (partially open), 12-3 through 12-6-79
- 65494 11-13-79 / Visual Arts Panel, (Artists Spaces), Washington, D.C. (closed), 12-3 through 12-5-79
- 65494 11-13-79 / NFAH—Visual Arts Panel (Photography Surveys), Washington, D.C. (closed), 12-4 and 12-5-79
- OTHER ITEMS OF INTEREST**
- 65806 11-15-79 / Commerce/NOAA—Financial assistance for fisheries development; proposals by 1-15-80 and 4-1-80
- 65776 11-15-79 / HUD/Sec'y—Community development block grants for Indian Tribes and Alaska natives; Transmittal of interim rule to Congress





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