



# Registered Federal Order

## highlights

<b>CIVIL SERVICE COMMISSION AND LABOR— MANAGEMENT IN THE FEDERAL SERVICE</b>	
Executive order (Part V of this issue) .....	1055
<b>EMPLOYEE RETIREMENT INCOME SECURITY ACT TRANSFERS</b>	
Executive order (Part V of this issue) .....	1065
<b>FEDERAL PHYSICIANS COMPARABILITY ALLOWANCE</b>	
Executive order (Part V of this issue) .....	1067
<b>FEDERAL ADVISORY COMMITTEES</b>	
Executive order continuing certain committees (Part V of this issue) .....	1069
<b>EQUAL EMPLOYMENT ENFORCEMENT FUNCTIONS</b>	
Executive order transferring (Part V of this issue) .....	1053
<b>PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM</b>	
Commerce/National Telecommunications and Information Ad- ministration issues advance notice of proposed rulemaking concerning the issuance of grants for the planning and con- struction; comments by 1-22-79 .....	896
<b>INCOME TAX</b>	
Treasury/IRS adopts rules concerning exemption from with- holding for certain commissions paid to nonresident aliens .....	870
Treasury/IRS adopts rule concerning taxable years of mem- bers of controlled groups of corporations .....	871
<b>INVESTMENT SECURITIES</b>	
Treasury/Comptroller of the Currency issues rules on eligibil- ity for purchase, dealing in, underwriting and limitations on hold- ings .....	762
<b>OUTER CONTINENTAL SHELF—WATER POLLUTION</b>	
FMC proposes rule on financial responsibility, comments by 1-24-79 .....	915
<b>BANK LOANS</b>	
FRS proposes to amend rules concerning loans by a member bank to executive officers, directors and principal shareholders of that bank; comments by 1-29-79 .....	893
<b>LABOR SURPLUS AREAS</b>	
Labor/ETA modifies rules for classification; effective 1-1-79..	1046
<b>IMPROVING GOVERNMENT REGULATIONS</b>	
DOE/Secy issues notice of plan for regulatory reform during 1979; effective 12-18-78 (Part III of this issue) .....	1031

## 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 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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 January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

**federal register**

Area Code 202 Phone 523-5240



Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$5.00 per month or \$50 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

## INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

### FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO) .....	202-783-3238
Subscription problems (GPO).....	202-275-3054
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C. ....	202-523-5022
Chicago, Ill .....	312-663-0884
Los Angeles, Calif .....	213-688-6694
Scheduling of documents for publication.	202-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections .....	523-5237
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
<b>Public Briefings: "How To Use the Federal Register."</b>	523-5235
<b>Code of Federal Regulations (CFR)..</b>	523-3419
	523-3517
Finding Aids.....	523-5227

### PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents.....	523-5235
Index.....	523-5235

### PUBLIC LAWS:

Public Law numbers and dates.....	523-5266
	523-5282
Slip Law orders (GPO) .....	275-3030
U.S. Statutes at Large.....	523-5266
	523-5282
Index.....	523-5266
	523-5282

<b>U.S. Government Manual .....</b>	523-5230
<b>Automation .....</b>	523-3408
<b>Special Projects .....</b>	523-4534

### HIGHLIGHTS—Continued

#### FEDERAL PROPERTY MANAGEMENT

DOE publishes final rules; effective 1-1-79 (Part II of this issue)..... 986

#### FEDERAL CREDIT UNIONS

NCUA proposes rule on the authorization of refunds of interest; comments by 1-17-79 ..... 895

#### RAILROADS—MAJOR SYSTEMS

ICC announces policy statement for consolidation procedures; effective 2-2-79..... 883

#### ATLANTIC GROUND FISH—COD, HADDOCK AND YELLOWTAIL FLOUNDER

Commerce/NOAA issues rules to govern domestic fishing; effective 12-29-78 ..... 885

#### PRODUCTION INCENTIVES FOR MARGINAL PROPERTIES

DOE/ERA requests additional comments on or before 1-29-79 ..... 892

#### TREASURY BONDS OF 1994

Treasury invites tenders for U.S. securities..... 967

#### COTTON, WOOL, AND MANMADE TEXTILE PRODUCTS FROM THAILAND

CITA establishes import restraint levels; effective 1-1-79..... 932

#### COTTON, WOOL, AND MANMADE TEXTILE PRODUCTS FROM MALAYSIA

CITA establishes import restraint levels; effective 1-1-79..... 930

#### COTTON, WOOL, AND MANMADE TEXTILES FROM POLAND

CITA establishes import restraint levels; effective 1-1-79..... 931

#### COTTON, WOOL AND MAN-MADE TEXTILE PRODUCTS FROM THE REPUBLIC OF SINGAPORE

CITA establishes import restraint levels; effective 1-1-79..... 932

#### COTTON, WOOL, AND MANMADE TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA

CITA establishes import restraint levels; effective 1-1-79 (2 documents) ..... 933,934

#### TRANSPORTATION OF HOUSEHOLD GOODS

ICC modifies rules governing agency relationships of household goods carriers; effective 7-1-79 ..... 879

#### GRADUATED PAYMENT MORTGAGES

FRS issues final official staff interpretation on the use of instructions and tables for computation of annual percentage rate; effective 1-3-79..... 767

#### MEETINGS—

CRC: Maryland Advisory Committee; 1-17 and 1-27-79 (2 documents) .....	927
Pennsylvania Advisory Committee, 1-11-79 .....	928
Washington Advisory Committee; 1-27-79 .....	928

**HIGHLIGHTS—Continued**

Commerce-ITA: Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; 1-22-79.....	928
DOE: National Petroleum Council; 1-11, 1-18, and 1-25-79. Interior/SMRE: Mining and Mineral Resources Research Advisory Committee, 1-16-79.....	935
Joint Board for the Enrollment of Actuaries: Advisory Committee on Actuarial Examinations; 1-24-79.....	960
NFAH: Humanities Panel Advisory Committee 1-12-79.....	960
SBA: Region III Philadelphia Advisory Council; 1-17-79.....	963
USDA: Committee meetings on developing a national policy concerning soil and water conservation; 1-4-79.....	927

**HEARINGS**

DOT/FRA: General Safety Inquiry; 1-17 and 1-18-79 changed to 2-21 and 2-22-79 .....	925
DOE/ERA: Interim rule to permit classification of certain powerplants and installations as existing facilities; effective 1-15-79; comments by 1-15-79 .....	761

**SEPARATE PARTS OF THIS ISSUE**

Part II, DOE .....	986
Part III, DOE .....	1032
Part IV, Labor/ETA.....	1046
Part V, The President (5 documents).....	1053

# contents

<b>THE PRESIDENT</b>			
<b>Executive Orders</b>			
Civil Service Commission and labor-management in the Federal service .....	1055		
Employee Retirement Income Security .....	1065		
Federal physicians comparability allowance .....	1067		
Federal advisory committees; continuance of certain .....	1069		
Equal employment enforcement functions, transfer .....	1053		
<b>EXECUTIVE AGENCIES</b>			
<b>ACTUARIES, JOINT BOARD FOR ENROLLMENT</b>			
<b>Notices</b>			
<b>Meetings:</b>			
Joint Board Actuarial Examinations Advisory Committee .....	960		
<b>AGENCY FOR INTERNATIONAL DEVELOPMENT</b>			
<b>Notices</b>			
<b>Authority delegations:</b>			
Latin America Region, Mission Directors, et al.; loans, grants, and guarantee agreements .....	965		
<b>AGRICULTURE DEPARTMENT</b>			
<i>See Federal Crop Insurance Corporation; Forest Service; Soil Conservation Service.</i>			
<b>ARTS AND HUMANITIES, NATIONAL FOUNDATION</b>			
<b>Notices</b>			
<b>Meetings:</b>			
Humanities Panel .....	960		
<b>CIVIL AERONAUTICS BOARD</b>			
<b>Proposed Rules</b>			
Air carriers, certificated route, and foreign route air carriers; freight loss and damage claims data reporting; CFR Part removal; correction .....	896		
<b>Notices</b>			
All-cargo air service certificate applications:			
Amerford Airways, Inc .....	927		
<b>CIVIL RIGHTS COMMISSION</b>			
<b>Notices</b>			
<b>Meetings, State advisory committees:</b>			
Maryland (2 documents) .....	927		
Pennsylvania .....	928		
Washington .....	928		
<b>COMMERCE DEPARTMENT</b>			
<i>See Industry and Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.</i>			
<b>COMMODITY FUTURES TRADING COMMISSION</b>			
<b>Notices</b>			
Meetings; Sunshine Act .....	983		
<b>COMPTROLLER OF CURRENCY</b>			
<b>Rules</b>			
<b>Investment securities:</b>			
Bank holdings, purchases, dealings, underwritings; limitations, etc .....	762		
<b>CONSUMER PRODUCT SAFETY COMMISSION</b>			
<b>Rules</b>			
Adhesives and lead containing paint, ban; correction .....	792		
<b>ECONOMIC REGULATORY ADMINISTRATION</b>			
<b>Rules</b>			
Powerplant and industrial fuel use:			
Transitional facilities; interim rule; hearing .....	761		
<b>Proposed Rules</b>			
Petroleum allocation and price regulations, mandatory:			
Production incentives for marginal properties; request for additional comments .....	892		
<b>Notices</b>			
Crude oil, domestic, allocation program; 1978; entitlement notices:			
October; correction .....	936		
Natural gas importation; petitions:			
Northwest Pipeline Corp .....	936		
<b>EDUCATION OFFICE</b>			
<b>Notices</b>			
Privacy Act; systems of records .....	957		
<b>EMPLOYMENT AND TRAINING ADMINISTRATION</b>			
<b>Rules</b>			
Employment service system, provisions and responsibilities; classifying labor surplus areas .....	1046		
<b>ENDANGERED SPECIES COMMITTEE</b>			
<b>Notices</b>			
Grayrocks Dam and Reservoir Project; hearing; correction ...	935		
<b>ENERGY DEPARTMENT</b>			
<i>See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department.</i>			
<b>Rules</b>			
Property management .....	986		
<b>Notices</b>			
Improving Government regulations .....	1031		
<b>Meetings:</b>			
National Petroleum Council ...	935		
<b>ENVIRONMENTAL QUALITY COUNCIL</b>			
<b>Rules</b>			
National Environmental Policy Act; implementation; procedural provisions; correction ...	873		
<b>FARM CREDIT ADMINISTRATION</b>			
<b>Notices</b>			
Improving Government regulations; correction .....	953		
<b>FEDERAL COMMUNICATIONS COMMISSION</b>			
<b>Proposed Rules</b>			
<b>Radio frequency devices:</b>			
Television receiver noise figures; measurement techniques; inquiry; extension of time .....	924		
<b>FEDERAL CROP INSURANCE CORPORATION</b>			
<b>Rules</b>			
Crop insurance, designated counties and crops for 1979 crop year .....	749		
<b>FEDERAL ENERGY REGULATORY COMMISSION</b>			
<b>Notices</b>			
<b>Hearings, etc.:</b>			
Anadarko Production Co. ....	937		
Columbia Gas Transmission Corp. et al .....	937		
El Paso Natural Gas Co. et al .....	938		
High Island Offshore System. et al .....	944		
High Island Offshore System et al .....	942		
Lawrence Hydroelectric Associates et al .....	945		
McCulloch Gas Processing Corp .....	945		
McCulloch Interstate Gas Corp .....	946		
Mid Louisiana Gas Co .....	946		
Minnesota Power & Light Co. et al .....	947		
Montana-Dakota Utilities Co .....	947		
Panhandle Eastern Pipe Line Co .....	947		
South Georgia Natural Gas Co .....	948		
Southern Indiana Gas & Electric Co .....	948		
Stingray Pipeline Co .....	948		
Texas Eastern Transmission Corp. (2 documents) .....	949		
Transcontinental Gas Pipe Line Corp. et al .....	950		
Upper Peninsula Power Co .....	951		
Meetings; Sunshine Act .....	983		
<b>Natural Gas Policy Act:</b>			
Determination process report receipts .....	949		

**CONTENTS**

**FEDERAL INSURANCE ADMINISTRATION**

**Rules**  
 Flood elevation determinations:  
 Arizona ..... 841  
 California (2 documents)..... 841, 842  
 Florida (2 documents) ..... 842, 857  
 Illinois (6 documents) ..... 843,  
 844, 860, 861  
 Indiana ..... 844  
 Iowa ..... 862  
 Kansas ..... 862  
 Kentucky ..... 845  
 Massachusetts (2 documents)..... 846, 870  
 Michigan (2 documents) ..... 846, 863  
 Minnesota (4 documents) .... 864, 865  
 Mississippi ..... 858  
 Missouri ..... 866  
 New Hampshire (4 documents)..... 847, 867  
 New Jersey (6 documents).... 848-851  
 New York (6 documents) ..... 851-  
 854, 858  
 Ohio ..... 868  
 Pennsylvania ..... 854  
 South Carolina ..... 855  
 Tennessee ..... 856  
 Texas (4 documents) ..... 856,  
 859, 868, 869  
 Wyoming ..... 857  
 Flood insurance; communities  
 eligible for sale:  
 California et al ..... 792  
 Flood insurance; special hazard  
 areas:  
 Alabama et al ..... 801  
 Illinois et al ..... 795  
 Flood insurance; special hazard  
 areas; maps withdrawn:  
 California et al ..... 815

**FEDERAL MARITIME COMMISSION**  
**Proposed Rules**  
 Outer Continental Shelf, finan-  
 cial responsibility for water  
 pollution ..... 915

**Notices**  
 Freight forwarder licenses:  
 Mateus Shipping Corp. et al .. 953  
 Thomas, Edward R ..... 953

**FEDERAL RAILROAD ADMINISTRATION**  
**Proposed Rules**  
 Practice rules:  
 Safety regulatory program; in-  
 quiry; change in hearing  
 dates ..... 925

**FEDERAL RESERVE SYSTEM**  
**Rules**  
 Truth-in-lending (Regulation  
 Z):  
 Graduated payment mort-  
 gages, computation of annu-  
 al percentage rate; official  
 staff interpretation ..... 767

**Proposed Rules**  
 Loans to executive officers of  
 member banks:  
 Loans to insiders and related  
 interests; additional require-  
 ments ..... 893

**Notices**  
 Applications, etc.:  
 Citizens Bancorporation ..... 955  
 Treleco, Inc ..... 955

**FEDERAL TRADE COMMISSION**  
**Proposed Rules**  
 Consent orders:  
 Cavanagh Communities  
 Corp., et al ..... 899  
 Motor vehicles, used, sale of;  
 staff report, publication; ex-  
 tension of time ..... 914

**FISH AND WILDLIFE SERVICE**  
**Notices**  
 Endangered and threatened  
 spe-  
 cies permits; applications (6  
 documents) ..... 959, 960

**FOREST SERVICE**  
**Proposed Rules**  
 Grazing:  
 Livestock on National Forest  
 System lands; fees; correc-  
 tion ..... 914

**Notices**  
 Roadless area review and eval-  
 uation (RARE II), inventory  
 list ..... 926

**GENERAL ACCOUNTING OFFICE**  
**Notices**  
 Regulatory reports review; pro-  
 posals, approvals, etc. (CAB,  
 ICC, NRC, OSM) (2 docu-  
 ments) ..... 956

**GENERAL SERVICES ADMINISTRATION**  
**Rules**  
 Property management, Federal:  
 Motor vehicles; Treasury De-  
 partment exemptions from  
 use of tags and identifica-  
 tion ..... 874

**HEALTH, EDUCATION, AND WELFARE  
 DEPARTMENT**  
 See Education Office.

**HEARINGS AND APPEALS OFFICE,  
 ENERGY DEPARTMENT**  
**Notices**  
 Applications for exception:  
 Cases filed ..... 951  
 Decisions and orders ..... 952

**HOUSING AND URBAN DEVELOPMENT  
 DEPARTMENT**  
 See Federal Insurance Adminis-  
 tration.

**INDUSTRY AND TRADE ADMINISTRATION**  
**Notices**  
 Meetings:  
 Computer Peripherals, Com-  
 ponents and Related Test  
 Equipment Technical Advi-  
 sory Committee ..... 928

Scientific articles; duty free en-  
 try:  
 Boston University School of  
 Medicine; withdrawn ..... 929  
 National Institutes of Health,  
 et al ..... 929  
 University of Illinois ..... 930

**INTERIOR DEPARTMENT**  
 See Fish and Wildlife Service;  
 Surface Mining Reclamation  
 and Enforcement Office.

**INTERNAL REVENUE SERVICE**  
**Rules**  
 Income tax:  
 Controlled groups of corpora-  
 tions; taxable years of mem-  
 bers ..... 871  
 Nonresident aliens, commis-  
 sions paid to; withholding  
 exemption ..... 870

**INTERSTATE COMMERCE COMMISSION**  
**Rules**  
 Motor carriers:  
 Household goods transporta-  
 tion, agency relationships ... 879  
 Railroad car service orders; var-  
 ious companies:  
 Atlanta & West Point Rail  
 Road Co., et al ..... 874  
 Consolidated Rail Corp ..... 874  
 Hillsdale County Railway Co.,  
 Inc ..... 878  
 Lenawee County Railroad Co.,  
 Inc ..... 877  
 Massachusetts Central Rail-  
 road Corp ..... 879  
 West Virginia Railroad Main-  
 tenance Authority ..... 877  
 Railroad consolidation proce-  
 dures; acquisitions, mergers,  
 controls, leases, etc.; policy  
 statement ..... 883

**Notices**  
 Hearing assignments ..... 968  
 Motor carriers:  
 Platform study, 1977-1978;  
 conference ..... 971  
 Temporary authority applica-  
 tions ..... 974  
 Petitions filing:  
 Manfredi Motor Transit Co .... 973  
 Railroad operation, acquisition,  
 construction, etc.:  
 West Virginia Railroad Main-  
 tenance Authority ..... 971  
 Railroad services abandonment:  
 Burlington Northern, Inc ..... 972  
 Chicago & North Western  
 Transportation Co. (2 docu-  
 ments) ..... 969  
 Detroit, Toledo & Ironton  
 Railroad Co ..... 970  
 Illinois Central Gulf Railroad  
 Co ..... 970  
 Louisville & Nashville Rail-  
 road Co ..... 972  
 Maine Central Railroad Co ..... 970

**LABOR DEPARTMENT**  
 See Employment and Training  
 Administration.

**CONTENTS**

<b>NATIONAL CREDIT UNION ADMINISTRATION</b>		forcement and suspensions; correction .....	915	<b>SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE</b>	
<b>Proposed Rules</b>				<b>Notices</b>	
<b>Federal Credit Unions:</b>		<b>SECURITIES AND EXCHANGE COMMISSION</b>		<b>Meetings:</b>	
Refund of interest .....	895	<b>Notices</b>		Mining and Mineral Resources Research Advisory Committee .....	960
<b>NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION</b>		Hearings, etc.:			
<b>Rules</b>		Shell Oil Co. et al .....	962	<b>TENNESSEE VALLEY AUTHORITY</b>	
<b>Fishery conservation and management:</b>		<b>SMALL BUSINESS ADMINISTRATION</b>		<b>Notices</b>	
Atlantic groundfish .....	885	<b>Notices</b>		Meetings: Sunshine Act .....	984
<b>NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION</b>		Applications, etc.:		<b>TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE</b>	
<b>Proposed Rules</b>		Pooled Resources Investing in Minority Enterprises, Inc ....	963	<b>Notices</b>	
Public telecommunications facilities program; construction and planning grants; advance notice .....	896	Authority delegations:		Cotton, wool and man-made textiles:	
		Field Offices, surety guarantee program activities .....	963	Malaysia .....	930
		Meetings; advisory councils:		Poland .....	931
		Philadelphia .....	963	Singapore .....	932
				Thailand .....	932
<b>NUCLEAR REGULATORY COMMISSION</b>		<b>SOIL CONSERVATION SERVICE</b>		Cotton textiles:	
<b>Notices</b>		<b>Notices</b>		Romania .....	933
Applications, etc.:		Meetings:		Man-made and wool textiles:	
Consolidated Edison Co. of New York, Inc .....	961	Soil and water resources conservation .....	927	Romania .....	934
Portland General Electric Co. et al .....	961			<b>TRANSPORTATION DEPARTMENT</b>	
<b>POSTAL SERVICE</b>		<b>STATE DEPARTMENT</b>		<i>See</i> Federal Railroad Administration.	
<b>Proposed Rules</b>		<i>See also</i> Agency for International Development.		<b>TREASURY DEPARTMENT</b>	
Restrictions on private carriage of letters:		<b>Notices</b>		<i>See also</i> Comptroller of Currency; Internal Revenue Service.	
Private express statutes; en-		Fishing permits, applications:		<b>Notices</b>	
		Japan et al .....	964	Bonds, Treasury:	
				1994 series .....	967

# list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>			
<b>EXECUTIVE ORDERS:</b>			
8743 (Amended by EO 12107) ....	1055	11648 (Amended by EO 12107) ..	1055
8744 (Amended by EO 12107) ....	1055	11721 (Amended by EO 12107) ..	1055
9230 (Amended by EO 12107) ....	1055	11744 (Amended by EO 12107) ..	1055
9712 (Amended by EO 12107) ....	1055	11787 (Amended by EO 12107) ..	1055
9830 (Amended by EO 12107) ....	1055	11817 (Amended by EO 12107) ..	1055
9932 (Amended by EO 12107) ....	1055	11849 (Revoked by EO 12110) ....	1069
9961 (Amended by EO 12107) ....	1055	11830 (Amended by EO 12106) ..	1069
10000 (Amended by EO 12107) ..	1055	1890 (Amended by EO 12107) ....	1055
10242 (Amended by EO 12107) ..	1055	11895 (Amended by EO 12107) ..	1055
10422 (Amended by EO 12107) ..	1055	11899 (Amended by EO 12107) ..	1055
10450 (Amended by EO 12107) ..	1055	11935 (Amended by EO 12107) ..	1055
10459 (Amended by EO 12107) ..	1055	11938 (Amended by EO 12107) ..	1055
10530 (Amended by EO 12107) ..	1055	11948 (Superseded by EO 12110) ..	1069
10540 (Amended by EO 12107) ..	1055	11955 (Amended by EO 12107) ..	1055
10549 (Revoked by EO 12107) ....	1055	11971 (Revoked by EO 12110) ....	1069
10550 (Amended by EO 12107) ..	1055	11973 (Revoked by EO 12110) ....	1069
10552 (Amended by EO 12107) ..	1055	11998 (Revoked by EO 1210) ....	1069
10556 (Amended by EO 12107) ..	1055	12004 (Amended by EO 12107) ..	1055
10561 (Revoked by EO 12107) ....	1055	12008 (Amended by EO 12107) ..	1055
10577 (Amended by EO 12107) ..	1055	12014 (Amended by EO 12107) ..	1055
10641 (Amended by EO 12107) ..	1055	12015 (Amended by EO 12107) ..	1055
10647 (Amended by EO 12107) ..	1055	12027 (Amended by EO 12107) ..	1055
10717 (Amended by EO 12107) ..	1055	12043 (Amended by EO 12107) ..	1055
10763 (Amended by EO 12107) ..	1055	12049 (Amended by EO 12107) ..	1055
10774 (Amended by EO 12107) ..	1055	12067 (Amended by EO 12107) ..	1055
10804 (Amended by EO 12107) ..	1055	12070 (Amended by EO 12107) ..	1055
10826 (Amended by EO 12107) ..	1055	12089 (Amended by EO 12107) ..	1055
10880 (Amended by EO 12107) ..	1055	12105 (Amended by EO 12107) ..	1055
10903 (Amended by EO 12107) ..	1055	12106 .....	1053
10927 (Amended by EO 12107) ..	1055	12107 .....	1055
10973 (Amended by EO 12107) ..	1055	12108 .....	1065
10982 (Amended by EO 12107) ..	1055	12109 .....	1067
11022 (Amended by EO 12106) ..	1053	12110 .....	1069
11103 (Amended by EO 12107) ..	1055		
11171 (Amended by EO 12107) ..	1055	<b>7 CFR</b>	
11183 (Amended by EO 12107) ..	1055	401 .....	749
11203 (Amended by EO 12107) ..	1055		
11219 (Amended by EO 12107) ..	1055	<b>10 CFR</b>	
11222 (Amended by EO 12107) ..	1055	515 .....	761
11228 (Amended by EO 12107) ..	1055		
11264 (Amended by EO 12107) ..	1055	<b>PROPOSED RULES:</b>	
11315 (Amended by EO 12107) ..	1055	211 .....	892
11348 (Amended by EO 12107) ..	1055	212 .....	892
11355 (Amended by EO 12107) ..	1055		
11422 (Amended by EO 12107) ..	1055	<b>12 CFR</b>	
11434 (Amended by EO 12107) ..	1055	1 .....	762
11438 (Amended by EO 12107) ..	1055	226 .....	767
11451 (Amended by EO 12107) ..	1055		
11478 (Amended by EO 12106) ..	1053	<b>PROPOSED RULES:</b>	
11480 (Amended by EO 12106) ..	1053	215 .....	893
11482 (Revoked by EO 12110) ....	1069	701 .....	895
11490 (amended by EO 12107) ...	1055		
11491 (Amended by EO 12107) ..	1055	<b>14 CFR</b>	
11512 (Amended by EO 12107) ..	1055		
11521 (Amended by EO 12107) ..	1055	<b>PROPOSED RULES:</b>	
11534 (Amended by EO 12107) ..	1055	239 .....	896
11552 (Revoked by EO 12110) ....	1069		
11561 (Amended by EO 12107) ..	1055	<b>15 CFR</b>	
11570 (Amended by EO 12107) ..	1055		
11579 (Amended by EO 12107) ..	1055	<b>PROPOSED RULES:</b>	
11589 (Amended by EO 12107) ..	1055	Subtitle A .....	896
11603 (Amended by EO 12107) ..	1055		
11609 (Amended by EO 12107) ..	1055	<b>16 CFR</b>	
11636 (Amended by EO 12107) ..	1055	1302 .....	792
11639 (Amended by EO 12107) ..	1055	1303 .....	792
		<b>PROPOSED RULES:</b>	
		13 .....	899
		455 .....	914
		<b>24 CFR</b>	
		1914 .....	792
		1915 (3 documents) .....	794, 801, 815
		1917 (50 documents) .....	841-870
		<b>26 CFR</b>	
		1 .....	870
		5 .....	871
		<b>36 CFR</b>	
		<b>PROPOSED RULES:</b>	
		222 .....	914
		231 .....	914
		<b>39 CFR</b>	
		<b>PROPOSED RULES:</b>	
		310 .....	915
		320 .....	915
		<b>40 CFR</b>	
		1500 .....	873
		1501 .....	873
		1504 .....	873
		1506 .....	874
		1508 .....	874
		<b>41 CFR</b>	
		101-38 .....	874
		109-1 .....	986
		109-14 .....	995
		109-25 .....	995
		109-26 .....	997
		109-27 .....	997
		109-28 .....	997
		109-29 .....	1002
		109-30 .....	1002
		109-36 .....	1002
		109-38 .....	1003
		109-39 .....	1016
		109-42 .....	1017
		109-43 .....	1018
		109-44 .....	1021
		109-45 .....	1022
		109-46 .....	1026
		109-48 .....	1026
		109-50 .....	1026
		109-51 .....	1029
		<b>46 CFR</b>	
		<b>PROPOSED RULES:</b>	
		544 .....	915
		<b>47 CFR</b>	
		<b>PROPOSED RULES:</b>	
		15 .....	924
		<b>49 CFR</b>	
		1033 (6 documents) .....	874-879
		1056 .....	879
		1111 .....	883
		<b>PROPOSED RULES:</b>	
		Chapter II .....	925
		<b>50 CFR</b>	
		651 .....	885

**CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JANUARY**

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

<b>1 CFR</b>		<b>3 CFR—Continued</b>	<b>12 CFR—Continued</b>
Ch. I.....	5	11561 (Amended by EO 12107).....1055	<b>PROPOSED RULES:</b>
<b>3 CFR</b>		11570 (Amended by EO 12107).....1055	215..... 893
<b>PROCLAMATIONS:</b>		11579 (Amended by EO 12107).....1055	701..... 60, 63, 895
4547 (See Proc. 4631).....	1	11589 (Amended by EO 12107).....1055	<b>13 CFR</b>
4631.....	1	11603 (Amended by EO 12107).....1055	121..... 34
<b>EXECUTIVE ORDERS:</b>		11609 (Amended by EO 12107).....1055	<b>14 CFR</b>
8743 (Amended by EO 12107).....	1055	11636 (Amended by EO 12107).....1055	39..... 36, 37
8744 (Amended by EO 12107).....	1055	11639 (Amended by EO 12107).....1055	47..... 38
9230 (Amended by EO 12107).....	1055	11648 (Amended by EO 12107).....1055	71..... 39, 40, 300
9712 (Amended by EO 12107).....	1055	11721 (Amended by EO 12107).....1055	75..... 40, 300
9830 (Amended by EO 12107).....	1055	11744 (Amended by EO 12107).....1055	97..... 41
9932 (Amended by EO 12107).....	1055	11787 (Amended by EO 12107).....1055	<b>PROPOSED RULES:</b>
9961 (Amended by EO 12107).....	1055	11817 (Amended by EO 12107).....1055	47..... 63
10000 (Amended by EO 12107).....	1055	11830 (Amended by EO 12106).....1055	71..... 68
10242 (Amended by EO 12107).....	1055	11849 (Revoked by EO 12110).....1069	73..... 68
10422 (Amended by EO 12107).....	1055	11890 (Amended by EO 12107).....1055	239..... 896
10450 (Amended by EO 12107).....	1055	11895 (Amended by EO 12107).....1055	<b>15 CFR</b>
10459 (Amended by EO 12107).....	1055	11899 (Amended by EO 12107).....1055	371..... 43
10530 (Amended by EO 12107).....	1055	11935 (Amended by EO 12107).....1055	374..... 44
10540 (Amended by EO 12107).....	1055	11938 (Amended by EO 12107).....1055	377..... 44
10549 (Revoked by EO 12107).....	1055	11948 (Superseded by EO 12110).....1069	<b>PROPOSED RULES:</b>
10550 (Amended by EO 12107).....	1055	11955 (Amended by EO 12107).....1055	Subtitle A..... 896
10552 (Amended by EO 12107).....	1055	11971 (Revoked by EO 12110).....1069	<b>16 CFR</b>
10556 (Amended by EO 12107).....	1055	11973 (Revoked by EO 12110).....1069	1302..... 792
10561 (Revoked by EO 12107).....	1055	11998 (Revoked by EO 12110).....1069	1303..... 792
10577 (Amended by EO 12107).....	1055	12004 (Amended by EO 12107).....1055	<b>PROPOSED RULES:</b>
10641 (Amended by EO 12107).....	1055	12008 (Amended by EO 12107).....1055	13..... 899
10647 (Amended by EO 12107).....	1055	12014 (Amended by EO 12107).....1055	419..... 69
10717 (Amended by EO 12107).....	1055	12015 (Amended by EO 12107).....1055	455..... 914
10763 (Amended by EO 12107).....	1055	12027 (Amended by EO 12107).....1055	<b>21 CFR</b>
10774 (Amended by EO 12107).....	1055	12043 (Amended by EO 12107).....1055	81..... 45
10804 (Amended by EO 12107).....	1055	12049 (Amended by EO 12107).....1055	<b>PROPOSED RULES:</b>
10826 (Amended by EO 12107).....	1055	12067 (Amended by EO 12107).....1055	175..... 69
10880 (Amended by EO 12107).....	1055	12070 (Amended by EO 12107).....1055	<b>23 CFR</b>
10903 (Amended by EO 12107).....	1055	12089 (Amended by EO 12107).....1055	<b>PROPOSED RULES:</b>
10927 (Amended by EO 12107).....	1055	12105 (Amended by EO 12107).....1055	635..... 69
10973 (Amended by EO 12107).....	1055	12106.....1053	<b>24 CFR</b>
10982 (Amended by EO 12107).....	1055	12107.....1055	1914..... 792
11022 (Amended by EO 12106).....	1053	12108.....1065	1915..... 794, 801, 815
11103 (Amended by EO 12107).....	1055	12109.....1067	1917..... 841-870
11171 (Amended by EO 12107).....	1055	12110.....1069	<b>25 CFR</b>
11183 (Amended by EO 12107).....	1055	<b>5 CFR</b>	251..... 46
11203 (Amended by EO 12107).....	1055	2400..... 5	<b>26 CFR</b>
11219 (Amended by EO 12107).....	1055	<b>7 CFR</b>	1..... 870
11222 (Amended by EO 12107).....	1055	225..... 8	5..... 871
11228 (Amended by EO 12107).....	1055	401..... 29, 749	<b>36 CFR</b>
11264 (Amended by EO 12107).....	1055	910..... 30	<b>PROPOSED RULES:</b>
11315 (Amended by EO 12107).....	1055	928..... 30	222..... 914
11348 (Amended by EO 12107).....	1055	<b>PROPOSED RULES:</b>	231..... 914
11355 (Amended by EO 12107).....	1055	989..... 47	<b>39 CFR</b>
11422 (Amended by EO 12107).....	1055	<b>10 CFR</b>	<b>PROPOSED RULES:</b>
11434 (Amended by EO 12107).....	1055	440..... 31	310..... 915
11438 (Amended by EO 12107).....	1055	515..... 761	320..... 915
11451 (Amended by EO 12107).....	1055	<b>PROPOSED RULES:</b>	
11478 (Amended by EO 12106).....	1053	211..... 892	
11480 (Amended by EO 12106).....	1053	212..... 892	
11482 (Revoked by EO 12110).....	1069	430..... 49	
11490 (Amended by EO 12107).....	1055	<b>12 CFR</b>	
11491 (Amended by EO 12107).....	1055	1..... 762	
11512 (Amended by EO 12107).....	1055	226..... 767	
11521 (Amended by EO 12107).....	1055		
11534 (Revoked by EO 12110).....	1069		
11552 (Amended by EO 12107).....	1055		

FEDERAL REGISTER

<b>40 CFR</b>		<b>41 CFR—Continued</b>		<b>47 CFR</b>	
1500 .....	873	109-38 .....	1003	<b>PROPOSED RULES:</b>	
1501 .....	873	109-39 .....	1016	15 .....	924
1504 .....	873	109-42 .....	1017	<b>48 CFR</b>	
1506 .....	874	109-43 .....	1018	<b>PROPOSED RULES:</b>	
1508 .....	874	109-44 .....	1021	2 .....	70
<b>41 CFR</b>		109-45 .....	1022	8 .....	70
101-38 .....	874	109-46 .....	1026	17 .....	70
109-1 .....	986	109-48 .....	1026	<b>49 CFR</b>	
109-14 .....	995	109-50 .....	1026	1033 (6 documents) .....	874-879
109-25 .....	995	109-51 .....	1029	1056 .....	879
109-26 .....	997	<b>PROPOSED RULES:</b>		1111 .....	883
109-27 .....	997	101-47 .....	70	<b>PROPOSED RULES:</b>	
109-28 .....	997	<b>46 CFR</b>		Ch. II .....	925
109-29 .....	1002	<b>PROPOSED RULES:</b>		<b>50 CFR</b>	
109-30 .....	1002	544 .....	915	651 .....	885
109-36 .....	1002				

FEDERAL REGISTER PAGES AND DATES—JANUARY

<i>Pages</i>	<i>Date</i>
1-748 .....	Jan. 2
749-1070 .....	3

# 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

DOT/CG—Requirements for mobile offshore drilling ..... 56788; 12-4-78  
NHTSA—New pneumatic tires; passenger cars..... 56668; 12-4-78  
Treasury/Customs—Importation of motor vehicles and motor vehicle equipment.... 56655; 12-4-78

## Next Week's Deadlines for Comments On Proposed Rules

### AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—  
Rice; determinations regarding set-aside program and land diversion payments for 1979; comments by 1-11-79.  
58094; 12-12-78  
Commodity Credit Corporation—  
1979 rice price support program; determinations; comments by 1-11-79.  
58095; 12-12-78  
Office of the Secretary—  
Natural gas; essential agricultural uses; comments by 1-8-79 ..... 54938; 11-24-78

### CIVIL AERONAUTICS BOARD

Classification and exemption of air taxi operators; comments by 1-8-79 ..... 52182; 11-8-78  
Terms, conditions, and limitations of foreign air carrier permits, reply comments by 1-8-79 ..... 54665; 11-22-78

### COMMERCE DEPARTMENT

Economic Development Administration—  
Special Economic Development and Adjustment Assistance Program provisions; comments by 1-1-79 ..... 57918; 12-11-78

### COMMODITY FUTURES TRADING COMMISSION

Amendment of definition of "Proprietary Account"; comments by 1-10-79 ..... 56904; 12-5-78  
Freedom of Information Act and Government in the Sunshine Act, form and rules changes; comments by 1-8-79 ..... 57284; 12-7-78

### ENERGY DEPARTMENT

Energy measures and energy audits; grant programs for schools and hospitals, and buildings owned by units of local government and public care institutions; comments by 1-12-79 ..... 58158; 12-12-78

Request for interpretation of provisions of "normal business practices rule" applicable to commissions paid by suppliers of propane to consignee agents who qualify as wholesale purchaser-resellers; comments by 1-10-79 ..... 57627; 12-8-78  
Economic Regulatory Administration—  
Amendment to allow refiners to allow increased costs to gasoline on greater than pro rata volumetric basis; comments by 1-12-79 ..... 57609; 12-8-78

### ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; proposed delayed compliance order:  
Minnesota Pollution Control Agency; comments by 1-8-79 ..... 57306; 12-7-78  
Ohio Environmental Protection Agency; comments by 1-8-79 .. 57306; 12-7-78  
Ohio; comments by 1-10-79 ..... 57926; 12-11-78  
Aldicarb; tolerances in or on raw agricultural commodities; comments by 1-8-79.  
57623; 12-8-78  
Particulate emission limitations for sewage sludge incinerators; comments by 1-12-79 ..... 58203; 12-13-78  
State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; comments by 1-12-79 ..... 58204; 12-13-78  
Valdez, Alaska; designation as nonattainment area for primary sulfur dioxide national ambient air quality standard; comments by 1-12-79 ..... 54960; 11-24-78

### FEDERAL COMMUNICATIONS COMMISSION

FM Broadcast stations; table of assignments:  
Clinton, La.; comments by 1-8-79.  
54110; 11-20-78  
Dabach, La.; comments by 1-8-79.  
54109; 11-20-78  
Roma-Los Saenz, Tex.; comments by 1-9-79 ..... 54111; 11-20-78  
San Diego, Calif.; comments by 1-12-79 ..... 59404; 12-20-78  
National Telecommunications System; future role of low-power televisions broadcasting and television translators; comments period extended to 1-10-79 ..... 58100; 12-12-78  
[Originally published at 43 FR 38436, 8-28-78]  
Protection of the National Defense and Security; telephone network; registration requirements of equipment and systems; extension of time; reply comments by 1-12-79 ..... 54666; 11-22-78

### FEDERAL DEPOSIT INSURANCE CORPORATION

Community Reinvestment Act regulations; comments by 1-8-79 ..... 57259; 12-7-78

### FEDERAL HOME LOAN BANK BOARD

Community Reinvestment Act regulations; comments by 1-8-79 ..... 57259; 12-7-78

### FEDERAL MINE SAFETY AND HEALTH COMMISSION

Rules of Procedure; comments period extended to 1-8-79 ..... 58097; 12-12-78  
[Originally published at 43 FR 50712, 10-31-78]

### FEDERAL RESERVE SYSTEM

Community Reinvestment Act regulations; comments by 1-8-79 ..... 57259; 12-7-78

### FEDERAL TRADE COMMISSION

Public information; fees for members of the public; comments by 1-8-79 ..... 57593; 12-8-79

### HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—  
Antiperspirant drug products for over-the-counter human use; establishment of a monograph; comments by 1-8-79 ..... 46694; 10-10-78  
Chlorofluorocarbon propellants in self-pressurized containers; essential uses; comments by 1-8-79 .. 57617; 12-8-78  
Revision of administrative practices and procedures; comments by 1-8-79 ..... 51966; 11-7-78  
Health Care Financing Administration—  
Federal health insurance for the aged and disabled; comments by 1-8-78.  
52256; 11-9-78  
Suppliers of ESRD services; revocation of requirements for emergency generator and ground fault interrupters; comments by 1-8-79 ..... 51822; 11-7-78  
Public Health Service—  
Participation in health professions student loans program by health professions schools; comments by 1-12-79.  
52487; 11-13-78

### INTERIOR DEPARTMENT

Land Management Bureau—  
Wetland-Riparian Area protection and management, policy and protection procedures—interim guidelines; comments by 1-8-79 ..... 52179; 11-8-79

### INTERSTATE COMMERCE COMMISSION

Rail general increase proceedings, data requirements; comments by 1-8-79.  
57309; 12-7-78

### JUSTICE DEPARTMENT

Drug Enforcement Administration—  
Piperidine reporting and purchaser identification provisions; comments by 1-10-79 ..... 57922; 12-11-78

**REMINDERS—Continued**

**LABOR DEPARTMENT**

Occupational Safety and Health Administration—  
Occupational exposure to pesticides; comments by 1-8-79 ..... 54955; 11-24-78

**NATIONAL MEDIATION BOARD**

Rules of procedure; comments by 1-8-79 ..... 52032; 11-8-78

**POSTAL SERVICE**

Form requirement for key rate second-class publications; comments by 1-10-79 ..... 57924; 12-11-78  
Prohibition of refusal of solicited mail after delivery; comments by 1-10-79 ..... 57925; 12-11-78

**SMALL BUSINESS ADMINISTRATION**

Small coal mining firm; establishment of small business size; comments by 1-8-79 ..... 57611; 12-8-78

**TRANSPORTATION DEPARTMENT**

Federal Highway Administration—  
Effects of delayed or halted highway projects; comments by 1-12-79 ..... 58243; 12-13-78  
National Highway Traffic Safety Administration—  
Record retention; comments by 1-12-79 ..... 53479; 11-16-78

**TREASURY DEPARTMENT**

Comptroller of the Currency—  
Community Reinvestment Act regulations; comments by 1-8-79 ..... 57259; 12-7-78  
Internal Revenue Service—  
Income tax; income of foreign governments; comments outlines by 1-10-79 ..... 51648; 11-6-78

**VETERANS ADMINISTRATION**

Provisions for safeguarding personal information in Veterans Administration records; comments by 1-8-79 ... 57923; 12-11-78

**Next Week's Meetings**

**ACTION**

National Consumer Cooperative Bank Federal Interagency Task Force, Washington, D.C. (open), 1-9 through 1-11-79. 59855; 12-22-78

**AGRICULTURE DEPARTMENT**

Forest Service—  
National Forest Management Act Committee of Scientists, Houston, Tex. (open), 1-8 through 1-10-79 ..... 49028; 10-20-78  
National Forest System Land and Resource Management Planning, Committee of Scientists, Houston, Tex., 1-8 through 1-10-79 ..... 58593; 12-15-78  
[Originally published at 43 FR 49028; 10-20-78]  
Science and Education Administration—  
Joint Council on Food and Agricultural Sciences, Washington, D.C. (open), 1-10 through 1-12-79 ..... 59856; 12-22-78

National Agricultural Research and Extension Users Advisory Board, Washington, D.C. (open), 1-8 and 1-9-79 ..... 59856; 12-22-78

**ARTS AND HUMANITIES, NATIONAL FOUNDATION**

Advisory Committee Humanities Panel, Washington, D.C. (closed), 1-8 through 1-13-79 (2 documents) ..... 58126-58127; 12-12-78  
Federal-State Partnership Advisory Panel, Washington, D.C. (open), 1-10 through 1-12-79 ..... 59182; 12-19-78  
Humanities Panel, Washington, D.C. (closed), 1-9 through 1-12-79 ..... 59932; 12-22-78  
Media Arts panel (Production Aid/Radio), Washington, D.C. (closed), 1-8 and 1-9-79 ..... 58875; 12-18-78  
Opera/Musical Theatre Panel, Washington, D.C. (partially open), 1-8 and 1-9-79 ..... 58575; 12-18-78

**CIVIL RIGHTS COMMISSION**

Iowa Advisory Committee, Des Moines, Iowa (open), 1-9-79 ..... 58605; 12-15-78  
Virginia Advisory Committee, Richmond, Va. (open), 1-11-79 ..... 58606; 12-15-78

**COMMERCE DEPARTMENT**

National Bureau of Standards—  
Visiting Committee, Gaithersburg, Md. (open), 1-12 and 1-13-79 ..... 59866; 12-22-78  
National Oceanic and Atmospheric Administration—  
Gulf of Mexico Fishery Management Council, Tampa, Fla. (open), 1-9 through 1-12-79 ..... 58400; 12-14-78  
Mid-Atlantic Fishery Management Council Norfolk, Va. (open), 1-10 through 1-12-79 ..... 58607; 12-15-78  
Pacific Fishery Management Council, Jack Mackerel Advisory Subpanel, San Diego, Calif., 1-10-79 ..... 58401; 12-14-78  
Pacific Management Council Scientific and Statistical Committee, Billfish Advisory Subpanel and Jack Mackerel Advisory Subpanel, San Diego, Calif. (partially open), 1-10 through 1-12-79 ..... 57173; 12-6-78  
United States Fire Administration—  
Board of Visitors for the National Academy for Fire Prevention and Control, Washington, D.C. (open), 1-11-79 ..... 59115; 12-19-78

**COMMODITY FUTURES TRADING COMMISSION**

Meeting, Washington, D.C. (open), 1-9-79 ..... 59968; 12-22-78

**DEFENSE DEPARTMENT**

Defense Science Board Task Force on High Energy Lasers, Los Angeles, Calif. (closed), 1-12 and 1-13-79 ..... 59421; 12-20-78  
Air Force Department—  
Scientific Advisory Board, Seymour Johnson Air Force Base, N.C. (closed), 1-11 and 1-12-79 ..... 59869; 12-22-78

**Army Department—**

Command and General Staff College Advisory Committee, Leavenworth, Kans. (open), 1-10 through 1-12-79 .. 59116; 12-19-78  
National Board for the Promotion of Rifle Practice, the Pentagon, Va. (partially open), 1-11-79 ..... 58851; 12-18-78  
Office of the Secretary—  
DOD Advisory Group on Electron Devices, New York, N.Y. (closed), 1-11-79. 55277; 11-27-78  
Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed) 1-11-79 ..... 58113; 12-12-78  
Wage Committee, Washington, D.C. (closed), 1-9-79 ..... 54680; 11-22-78

**ENERGY DEPARTMENT**

Office of the Secretary—  
National Petroleum Council, Refinery Capability Task Group of the Committee on Refinery Flexibility, Washington, D.C. (open), 1-10-79 ..... 55815; 11-29-78  
National Petroleum Council, Oil Supply, Demand and Logistics Task Group and the Coordinating Subcommittee of the Committee on Refinery Flexibility, San Francisco, Calif. (open), 1-11-79. 58609; 12-15-78

**ENVIRONMENTAL PROTECTION AGENCY**

Interagency Toxic Substances Data Committee, Washington, D.C. (open), 1-9-79. 58622; 12-15-78  
[Originally published at 43 FR 22776; 5-26-78]  
National Air Pollution Control Techniques Advisory Committee, Alexandria, Va. (open), 1-10 and 1-11-79 ..... 58227; 12-13-78  
Science Advisory Board, Environmental Pollutant Movement and Transformation Committee, Arlington, Va. (open), 1-8 and 1-9-79 ..... 57656; 12-8-78  
Science Advisory Board Health Effects Research Review Group, Washington, D.C. (open), 1-8-79 ..... 58626; 12-15-78  
Science Advisory Board, Subcommittee on Arsenic as a Possible Hazardous Air Pollutant, Arlington, Va. (open), 1-10-79. 58428; 12-14-78

**FEDERAL PREVAILING RATE ADVISORY COMMITTEE**

Washington, D.C. (open), 1-11-79 ... 59433; 12-20-78

**GOVERNMENT PRINTING OFFICE**

Micropublishing Advisory Council to the Public Printer, Washington, D.C. (open), 1-12-79 ..... 58231; 12-13-78

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Aging, Federal Council—  
Long Term Care Committee, Washington, D.C., 1-12-79 ..... 58636; 12-15-78  
Education Office—  
Vocational Education National Advisory Council, Washington, D.C. (open), 1-11 and 1-12-79 ..... 58629; 12-15-78  
Food and Drug Administration—  
Allergenic Extracts Panel, Rockville, Md. (open), 1-12 and 1-13-79 ..... 58629; 12-15-78

**REMINDERS—Continued**

Gastroenterology and Urology Devices Section of the General Devices Panel, Washington, D.C. (open), 1-12-79. 58629; 12-15-78

General and Plastic Surgery Section of the Surgical and Rehabilitation Devices Panel, Washington, D.C. (open), 1-12-79. 58629; 12-15-78

Ophthalmic Section of the Ophthalmic Ear, Nose, and Throat; and Dental Devices Panel, Washington, D.C. (partially open), 1-8 and 1-9-79 ..... 59136; 12-19-78

Health Resources Administration—  
Graduate Medical Education National Advisory Committee, Washington, D.C. (open), 1-11 and 1-12-79 ..... 58870; 12-18-78

Health Planning and Development National Council, Washington, D.C. (open), 1-12-79 ..... 59907; 12-22-78

Implementation and Administration Subcommittee of the National Council on Health Planning and Development, Washington, D.C. (open), 1-11-79. 59907; 12-22-78

National Guidelines, Goals, Priorities, and Standards Subcommittee of the Health Planning and Development National Council, Washington, D.C. (open), 1-11-79 ..... 59907; 12-22-78

Technology and Productivity Subcommittee of the National Council on Health Planning and Development, Washington, D.C. (open), 1-11-79 ..... 59907; 12-22-78

Human Development Services Office—  
Model Adoption Legislation and Procedures Advisory Panel, Washington, D.C. (open), 1-8 through 1-10-79 ..... 58636; 12-15-78

National Institutes of Health—  
Clinical Applications and Prevention Advisory Committee (partially open), 1-12-79 ..... 57977; 12-11-78

Communicative Disorders Review Committee, Bethesda, Md. (open), 1-12 and 1-13-79 ..... 59437; 12-20-78

National Advisory Neurological and Communicative Disorders and Stroke Council Planning Subcommittee, Bethesda, Md. (partially open), 1-11-79 ..... 57978; 12-11-78

National Arthritis Advisory Board, Arlington, Va. (open), 1-11 and 1-12-79. 59439; 12-20-78

National Diabetes Advisory Board, Executive Committee, Houston, Tex. (open), 1-10-79 ..... 56734; 12-4-78

**INTERIOR DEPARTMENT**

Indian Affairs Bureau—  
Cedar City District Grazing Advisory Board, St. George, Utah (open), 1-11-79. 57353; 12-7-78

National Park Service—  
Golden Gate National Recreation Area Advisory Commission, San Francisco, Calif. (open), 1-10-79 ..... 59913; 12-22-78

Snowmobile management policy, Medford, Oreg., 1-9-79 ..... 57352; 12-7-78

Snowmobile management policy, San Francisco, Calif., 1-9-79 ..... 57352; 12-7-78

Snowmobile management policy, Seattle, Wash., 1-10-79 ..... 57352; 12-7-78

**JUSTICE DEPARTMENT**

United States Circuit Judge Nominating Commission, Eight Circuit Panel, St. Louis, Mo. (partially open), 1-8-79 ..... 59914; 12-22-78

United States Circuit Judge Nominating Commission, Fourth Circuit Panel, Richmond, Va. (closed), 1-8-79 ..... 59914; 12-22-78

**LABOR DEPARTMENT**

Labor-Management Services Administration—

Employee Protection Program of the Airline Deregulation Act of 1978, Washington, D.C., 1-8 and 1-10-79 ..... 58642; 12-15-78

**MINIMUM WAGE STUDY COMMISSION**

Meeting, Washington, D.C. (open), 1-9-79 ..... 59932; 12-22-78

**NUCLEAR REGULATORY COMMISSION**

Reactor Safeguards Advisory Committee, Subcommittee on Extreme External Phenomena, Las Vegas, N. Mex. (open), 1-9-79 ..... 59933; 12-22-78

Subcommittee of Advisory Committee on Reactor Safeguards, Washington, D.C. (partially open), 1-9-79 ..... 54147; 11-20-78

**STATE DEPARTMENT**

Agency for International Development—  
International Food and Agricultural Development Board Joint Research Committee, Arlington, Va. (open), 1-9 and 1-10-79 ..... 59946; 12-22-78

International Food and Agricultural Development Board Joint Committee, Washington, D.C. (open), 1-8 and 1-9-79 ..... 59946; 12-22-78

U.S. Organization for the International Radio Consultative Committee, Study Group 7, Washington, D.C., 1-10-79. 58437; 12-14-78

**TRANSPORTATION DEPARTMENT**

Coast Guard—  
Chemical Transportation Advisory Committee, New York, N.Y. (open), 1-10-79 ..... 57995; 12-11-78

National Highway Traffic Safety Administration—  
National Highway Safety Advisory Committee, Washington, D.C. (open), 1-9-79 ..... 58877; 12-18-78

National Highway Safety Advisory Committee, Task Force on Motorcycle-Mopeds, Washington, D.C. (open), 1-11-79. 56123; 11-30-78

**VETERANS ADMINISTRATION**

Health Services Research and Development, Merit Review Board, Washington, D.C. (partially open), 1-10 through 1-12-79. 55307; 11-27-78

Wage Committee, Washington, D.C. (closed), 1-11-79 ..... 58438; 12-14-78

**Next Week's Public Hearings**

**ENDANGERED SPECIES COMMITTEE**

Grayrocks Dam and Reservoir Project; consideration of exemption, 1-8-79 ... 59871; 12-22-78

Tellico Dam and Reservoir Project; consideration of exemption, Washington, D.C. and Knoxville, Tenn., 1-8-79 ..... 59871; 12-22-78

**ENERGY DEPARTMENT**

Energy Measures and Energy Audits; grant programs for schools and hospitals, and buildings owned by units of local government and public care institutions, Washington, D.C., San Francisco, Calif., and Chicago, Ill., 1-8 through 1-10-79. 58158; 12-12-78

Economic Regulatory Administration—  
Entitlements program to reduce the level of benefits received under the small refiner bias, San Francisco, Calif., 1-9-79 ..... 54652; 11-22-78

Production incentives for marginal properties, Austin, Tex., 1-9-79 ..... 52186; 11-8-78

Production incentives for marginal properties, Los Angeles, Calif., 1-11-79. 52186; 11-8-78

Federal Energy Regulatory Commission—  
Natural gas, priority for essential agricultural uses, Washington, D.C., 1-10-79. 59091; 12-19-78

Natural Gas Policy Act of 1978; interim regulations, New York, N.Y., 1-10-79. 59836; 12-22-78

**FEDERAL HOME LOAN BANK BOARD**

Savings and loan holding companies; forms and procedures, Washington, D.C., 1-10-79 ..... 54942; 11-24-78

**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

Universal Social Security Coverage Study, Baton Rouge, La., 1-10-79 ..... 54698; 11-22-78

Education Office—  
Career Education Incentive Programs, Washington, D.C., 1-12-79 ..... 58912; 12-18-78

**INTERIOR DEPARTMENT**

Fish and Wildlife Service—  
Mammalian predator damage management for livestock protection in the western U.S., Salt Lake City, Utah, 1-10-79, and Washington, D.C., 1-12-79. 55293; 11-27-78

**LABOR DEPARTMENT**

Wage and Hour Division—  
Age Discrimination in Employment Act; exemption for certain executive and high policymaking employees, Washington, D.C., 1-8-79 ..... 58148; 12-12-78

Age Discrimination in Employment Act; exemption for certain tenured employees at institutions of higher learning, Washington, D.C., 1-8-79.. 58154; 12-12-78

**TRANSPORTATION DEPARTMENT**

Coast Guard—  
Offshore oil pollution liability and compensation, Washington, D.C., 1-8-79. 56840; 12-4-78

Proposed interpretative rule on manning of towing vessels, Portland, Oreg., 1-10-79 ..... 58394; 12-14-78

**REMINDERS—Continued**

**TREASURY DEPARTMENT**

Internal Revenue Service—  
Minimum funding standards asset valuation, Washington, D.C., 1-11-79. 52734; 11-14-78

**VETERANS ADMINISTRATION**

Station Committee on Educational Allowances, Winston-Salem, N.C., 1-12-79 ..... 58883; 12-18-78

**List of Public Laws**

NOTE: A complete listing of all public laws from the second session of the 95th Congress was published as Part II of the issue of December 4, 1978. (Price: 75 cents. Order by stock number 022-003-00960-4 from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, Telephone 202-275-3030.)

The continuing listing will be resumed upon enactment of the first public law for the first session of the 96th Congress, which will convene on Monday, January 15, 1979.

**Documents Relating to Federal Grants Programs**

This is a list of documents relating to Federal grants programs which were published in the FEDERAL REGISTER during the previous week.

**Rules Going Into Effect:**

HUD/CPD—Community Development Block Grants; discretionary grants from Secretary's Fund in behalf of new communities; effective 12-28-78; comments by 1-29-79 ..... 60744; 12-28-78  
Urban Homesteading Program; requirements for HUD, local grants, and local government agencies regarding applications, transfers of Secretary-owned properties, property disposition assistance, HUD program evaluation, performance review and other applicable laws and regulations; effective 1-29-79. 61154; 12-29-78

**Deadlines for Comments on Proposed Rules:**

EPA—Urban air quality planning grants under section 175 of the Clean Air Act, availability; comments by 1-25-79 ..... 60215; 12-26-78  
HUD/CPD—Community Development Block Grants; use of debarred, suspended or ineligible contractors; comments by 1-29-79 ..... 60769; 12-28-78

**Meetings:**

NFAH—Museum Advisory Panel, Washington, D.C. (partially open), 1-16 and 1-17-79 ..... 60676; 12-28-78

Music Advisory Panel (Composer/Librettist Section), Washington, D.C. (partially open), 1-25 through 1-28-78 .... 61052; 12-29-78

**Other Items of Interest:**

**ENVIRONMENTAL PROTECTION AGENCY**

Grants for construction of treatment works, policy for increased use of minority consultants and construction contractors. 60220; 12-26-78  
HEW-OE—Higher Education Act of 1965; reauthorization; hearings on programs to be held in various regions in January and February 1979 ..... 60667; 12-28-78  
HUD/CPD—Urban development action grants; revised minimum standards for physical and economic distress for metropolitan cities and urban counties. 61017; 12-29-78

**JUSTICE DEPARTMENT**

LEAA—Law Enforcement and Criminal Justice National Institute, solicitation regarding competitive research grant program. 60242; 12-26-78  
NIC—Grant and control review process; procedures ..... 61033; 12-29-78

# rules and regulations

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.

[3410-08-M]

## Title 7—Agriculture

### CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. No. 1011]

#### PART 401—FEDERAL CROP INSURANCE

##### Subpart—Regulations for the 1969 and Succeeding Crop Years

##### COUNTIES AND CROPS DESIGNATED FOR CROP INSURANCE FOR THE 1979 CROP YEAR

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule provides the complete listing of counties and crops approved by the Board of Directors of the Federal Crop Insurance Corporation and designated under 7 CFR Part 401 for crop insurance effective for the 1979 and succeeding crop years. This list is provided for the convenience and information of all interested parties as a base list. Any additions or deletions of counties or crops in this or succeeding crop years will be made by amendment to this list.

EFFECTIVE DATE: January 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Section 401.101 of the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years (32 FR 15911, November 21, 1967) provides that, before insurance is offered in any county under Part 401, there shall be published by appendix to § 401.101, the name of the counties in which, and the crops on which the insurance will be offered.

In accordance with these regulations, the Federal Crop Insurance Corporation has published annually the full list of counties and crops eligible under Part 401 for crop insurance for the particular crop year, repeating the

entire process each successive crop year. This has been accomplished by publishing appendices to § 401.101 of the regulations.

The Board of Directors of the Federal Crop Insurance Corporation has determined that it would be more effective administratively, less costly, and less time consuming if the full roster of counties and crops insured by the Corporation under Part 401 were to be published as a document to remain in effective indefinitely and amended when necessary to add or delete counties and/or crops. Inasmuch as the publication of counties and crops insured by the Corporation merely provides guidance for the general public, and publication as described above will be beneficial to present and potential policyholders, it is found and determined that compliance with the procedure for notice and public participation in the proposed rule making process would be impracticable, unnecessary, and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

#### FINAL RULE

Under the authority contained in the Federal Crop Insurance Regulations for the 1969 and Succeeding Crop Years (32 FR 15911, November 21, 1967), § 401.101 of such regulations as found in 7 CFR Part 401 is hereby amended effective with the 1979 and succeeding crop years by adding the following appendix to § 401.101 effective with the 1979 and succeeding crop year.

#### APPENDIX

The counties where crop insurance is authorized to be offered and the crops upon which such insurance is offered under the provisions of 7 CFR Part 401 are as follows:

##### COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

ARIZONA	
Maricopa	Yuma
Pinal	

Colusa
Fresno
Kern
Kings
Madera
Merced
Modoc
Monterey

Boulder
Larimer

Ada
Bannock
Benewah
Bingham
Bonneville
Camas
Canyon
Caribou
Cassia
Franklin
Premont
Gooding
Idaho
Jefferson

Carolina
Kent

Becker
Big Stone
Chippewa
Clay
Douglas
Grant
Kittson
Mahnomen
Marshall
Norman

Big Horn
Blaine
Carbon
Cascade
Chouteau
Daniels
Dawson
Fallon
Fergus
Gallatin
Garfield
Glacier
Golden Valley
Hill
Judith Basin
Liberty

#### CALIFORNIA

Sacramento
San Benito
San Joaquin
Solano
Stanislaus
Sutter
Tulare
Yolo

#### COLORADO

Morgan
Weld

#### IDAHO

Jerome
Kootenai
Latah
Lewis
Lincoln
Madison
Minidoka
Nez Perce
Oneida
Owyhee
Power
Teton
Twin Falls

#### MARYLAND

Queen Annes
-------------

#### MINNESOTA

Otter Tail
Pennington
Polk
Pope
Red Lake
Roseau
Stevens
Swift
Traverse
Wilkin

#### MONTANA

McCone
Musselshell
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Valley
Wheatland
Yellowstone

## RULES AND REGULATIONS

## NORTH DAKOTA

Adams	McClellan
Barnes	Mercer
Benson	Morton
Billings	Mountrail
Bottineau	Nelson
Bowman	Oliver
Burke	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Divide	Richland
Dunn	Rolette
Eddy	Sargent
Emmons	Sheridan
Foster	Sioux
Golden Valley	Slope
Grand Forks	Stark
Grant	Steele
Griggs	Stutsman
Hettinger	Towner
Kidder	Traill
La Moure	Walsh
Logan	Ward
McHenry	Wells
McIntosh	Williams
McKenzie	

## OREGON

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

## PENNSYLVANIA

Adams	Franklin
Chester	Lebanon
Cumberland	York
Dauphin	

## SOUTH DAKOTA

Beadle	Grant
Brookings	Gregory
Brown	Hamlin
Brule	Jerard
Campbell	Kingsbury
Clark	Lake
Codington	McPherson
Day	Marshall
Deuel	Miner
Edmunds	Roberts
Faulk	Spink

## UTAH

Cache	Utah
Davis	Weber
Salt Lake	

## WASHINGTON

Adams	Klickitat
Asotin	Lincoln
Columbia	Spokane
Franklin	Walla Walla
Garfield	Whitman
Grant	

## WYOMING

Big Horn	Park
Goshen	Washakie

## COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

State and county	Class(es) of dry beans insured
COLORADO	
Boulder.....	Pinto
Kit Carson.....	Do.
Larimer.....	Do.
Logan.....	Do.
Morgan.....	Do.
Phillips.....	Do.
Sedgewick.....	Do.
Washington.....	Do.
Weld.....	Do.
Yuma.....	Do.
IDAHO	
Ada.....	Pinto
Canyon.....	Great northern, pink, pinto, red kidney, small red. <sup>1</sup>
Cassia.....	Do. <sup>1</sup>
Gooding.....	Do. <sup>1</sup>
Jerome.....	Do. <sup>1</sup>
Lincoln.....	Do.
Minidoka.....	Do. <sup>1</sup>
Owyhee.....	Do.
Twin Falls.....	Do. <sup>1</sup>
KANSAS	
Sherman.....	Pinto
MICHIGAN	
Bay.....	Pea and medium white, light and dark red kidney, cranberry, turtle, pinto.
Genessee.....	Do.
Gratiot.....	Do.
Huron.....	Do.
Saginaw.....	Do.
Sanilac.....	Do.
Shiawassee.....	Do.
Tuscola.....	Do.
NEBRASKA	
Box Butte.....	Great northern, pink, pinto.
Morrill.....	Do.
Scotts Bluff.....	Do.
Sheridan.....	Do.
WASHINGTON	
Adams.....	Great northern, pink, pinto, small flat whites, small red.
Franklin.....	Do.
Grant.....	Do.
WYOMING	
Big Horn.....	Great northern, pinto.
Goshen.....	Do.
Park.....	Do.
Platte.....	Do.

<sup>1</sup> Insurance is also provided on bush varieties of garden seed beans.

## COUNTIES DESIGNATED FOR CORN CROP INSURANCE

ALABAMA	
DeKalb	Marshall
Jackson	Pike
Lawrence	
COLORADO	
Adams	Morgan
Baca	Phillips
Boulder	Prowers
Cheyenne	Sedgwick
Kit Carson	Washington
Larimer	Weld
Logan	Yuma
DELAWARE	
Kent	Sussex
New Castle	
FLORIDA	
Suwannee	
GEORGIA	
Colquitt	Mitchell
Houston	
ILLINOIS	
Adams	Logan
Bond	McDonough
Boone	McHenry
Brown	McLean
Bureau	Macon
Carroll	Macoupin
Cass	Madison
Champaign	Marion
Christian	Marshall
Clark	Mason
Clay	Menard
Clinton	Mercer
Coles	Monroe
Crawford	Montgomery
Cumberland	Morgan
De Kalb	Moultrie
De Witt	Ogle
Douglas	Peoria
Edgar	Piatt
Effingham	Perry
Fayette	Pike
Ford	Putnam
Fulton	Randolph
Greene	Richland
Grundy	Rock Island
Hamilton	St. Clair
Hancock	Sangamon
Henderson	Schuyler
Henry	Scott
Iroquois	Shelby
Jasper	Stark
Jefferson	Stephenson
Jersey	Tazewell
Jo Daviess	Vermilion
Kane	Warren
Kankakee	Washington
Kendall	Wayne
Knox	White
La Salle	Whiteside
Lawrence	Will
Lee	Winnebago
Livingston	Woodford

INDIANA

Adams  
Allen  
Bartholomew  
Benton  
Blackford  
Boone  
Carroll  
Cass  
Clay  
Clinton  
Daviss  
Decatur  
De Kalb  
Delaware  
Elkhart  
Fayette  
Fountain  
Franklin  
Fulton  
Gibson  
Grant  
Greene  
Hamilton  
Hancock  
Hendricks  
Henry  
Howard  
Huntington  
Jackson  
Jasper  
Jay  
Johnson

Knox  
Kosciusko  
Lagrange  
La Porte  
Madison  
Marion  
Marshall  
Miami  
Montgomery  
Morgan  
Newton  
Noble  
Parke  
Posey  
Pulaski  
Putnam  
Randolph  
Ripley  
Rush  
Shelby  
Sullivan  
Vigo  
Tippecanoe  
Tipton  
Union  
Vermillion  
Warren  
Wayne  
Wells  
White  
Whitley

IOWA

Adair  
Adams  
Allamakee  
Appanoose  
Audubon  
Benton  
Black Hawk  
Boone  
Bremer  
Buchanan  
Buena Vista  
Butler  
Calhoun  
Carroll  
Cass  
Cedar  
Cerro Gordo  
Cherokee  
Grundy  
Guthrie  
Hamilton  
Hancock  
Hardin  
Harrison  
Henry  
Howard  
Humboldt  
Ida  
Iowa  
Jackson  
Jasper  
Jefferson  
Johnson  
Jones  
Keokuk

Kossuth  
Lee  
Linn  
Louisa  
Lucas  
Lyon  
Madison  
Mahaska  
Marion  
Marshall  
Mills  
Mitchell  
Monona  
Monroe  
Montgomery  
Muscatine  
O'Brien  
Osceola  
Page  
Palo Alto  
Plymouth  
Pocahontas  
Polk  
Pottawattamie  
Powashiek  
Ringgold  
Sac  
Scott  
Shelby  
Sioux  
Story  
Tama  
Taylor  
Union  
Van Buren

IOWA—Continued

Wapello  
Washington  
Wayne  
Webster  
Winnebago

Atchison  
Bourbon  
Brown  
Cheyenne  
Crawford  
Decatur  
Doniphan  
Douglas  
Edwards  
Finney  
Ford  
Franklin  
Gove  
Grant  
Gray  
Greeley  
Hamilton  
Haskell  
Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson  
Kearney  
Lane  
Leavenworth

KANSAS

Winneshiek  
Woodbury  
Worth  
Wright

Linn  
Logan  
Lyon  
Marshall  
Meade  
Miami  
Morton  
Nemaha  
Osage  
Pawnee  
Pottawattamie  
Pratt  
Rawlins  
Republic  
Scott  
Seward  
Shawnee  
Sheridan  
Sherman  
Stanton  
Stevens  
Thomas  
Wallace  
Washington  
Wichita

KENTUCKY

Christian  
Daviss  
Henderson  
Hopkins

McLean  
Todd  
Union

LOUISIANA

Pointe Coupee

MARYLAND

Caroline  
Kent

Queen Annes  
Talbot

MICHIGAN

Branch  
Calhoun  
Cass  
Clinton  
Eaton  
Genessee  
Gratiot  
Hillsdale  
Ingham  
Ionia  
Jackson

Kalamazoo  
Lenawee  
Livingston  
Monroe  
Saginaw  
St. Clair  
St. Joseph  
Shiawassee  
Tuscola  
Washtenaw

MINNESOTA

Anoka  
Benton  
Big Stone  
Blue Earth

Brown  
Carver  
Chippewa  
Chisago

MINNESOTA—Continued

Cottonwood  
Dakota  
Dodge  
Douglas  
Faribault  
Fillmore  
Freeborn  
Goodhue  
Grant  
Houston  
Isanti  
Jackson  
Kandiyohi  
Lac qui Parle  
Le Sueur  
Lincoln  
Lyon  
McLeod  
Martin  
Meeker  
Mille Lacs  
Morrison  
Mower  
Murray  
Nicollet  
Nobles

Olmstead  
Otter Tail  
Pipestone  
Pope  
Ramsey  
Redwood  
Renville  
Rice  
Rock  
Scott  
Sherburne  
Sibley  
Stearns  
Steele  
Stevens  
Swift  
Todd  
Traverse  
Wabasha  
Wadena  
Waseca  
Washington  
Watonwan  
Winona  
Wright  
Yellow Medicine

MISSISSIPPI

Calhoun  
Tippah

MISSOURI

Adair  
Andrew  
Atchison  
Audrain  
Barton  
Bates  
Boone  
Buchanan  
Butler  
Caldwell  
Callaway  
Cape Girardeau  
Carroll  
Cass  
Chariton  
Clark  
Clay  
Clinton  
Cooper  
Daviss  
De Kalb  
Dunklin  
Franklin  
Gentry  
Grundy  
Harrison  
Henry  
Holt  
Howard  
Jackson  
Jasper  
Johnson  
Knox

Lafayette  
Lawrence  
Lewis  
Lincoln  
Linn  
Livingston  
Macon  
Marion  
Mercer  
Mississippi  
Monroe  
Montgomery  
New Madrid  
Nodaway  
Pemiscot  
Perry  
Pettis  
Pike  
Platte  
Putnam  
Ralls  
Randolph  
Ray  
St. Charles  
Saline  
Schuyler  
Scotland  
Scott  
Shelby  
Stoddard  
Sullivan  
Vernon  
Worth

RULES AND REGULATIONS

NEBRASKA

Adams Johnson  
 Antelope Kearney  
 Boone Knox  
 Buffalo Lancaster  
 Burt Lincoln  
 Butler Madison  
 Cass Merrick  
 Cedar Nance  
 Chase Nemaha  
 Clay Nuckolls  
 Colfax Otoe  
 Cuming Pawnee  
 Custer Phelps  
 Dakota Pierce  
 Dawson Platte  
 Dixon Polk  
 Dodge Red Willow  
 Douglas Richardson  
 Dundy Saline  
 Fillmore Sarpy  
 Franklin Saunders  
 Frontier Scotts Bluff  
 Furnas Seward  
 Gage Sherman  
 Gosper Stanton  
 Hall Thayer  
 Hamilton Thurston  
 Harlan Washington  
 Hitchcock Wayne  
 Holt York  
 Howard

NEW YORK

Chautauqua Ontario  
 Niagara Yates

NORTH CAROLINA

Anson Pamlico  
 Beaufort Pitt  
 Brunswick Robeson  
 Columbus Rowan  
 Hyde Scotland  
 Nash Union  
 Northampton Washington

NORTH DAKOTA

Cass Sargent  
 Ransom Traill  
 Richland

OHIO

Allen Logan  
 Ashland Lucas  
 Auglaize Madison  
 Butler Marion  
 Champaign Medina  
 Clark Mercer  
 Clinton Miami  
 Crawford Montgomery  
 Darke Morrow  
 Defiance Ottawa  
 Delaware Paulding  
 Erie Pickaway  
 Fairfield Preble  
 Fayette Putnam  
 Franklin Richland  
 Fulton Sandusky  
 Greene Seneca  
 Hancock Shelby  
 Hardin Union  
 Henry Van Wert  
 Highland Wayne  
 Huron Williams  
 Knox Wood  
 Licking Wyandot

OKLAHOMA

Cimarron Texas

PENNSYLVANIA

Adams Franklin  
 Chester Lancaster  
 Cumberland Lebanon  
 Dauphin Perry  
 Erie York

SOUTH CAROLINA

Calhoun Orangeburg

SOUTH DAKOTA

Aurora Hanson  
 Beadle Hutchinson  
 Bon Homme Jerauld  
 Brookings Kingsbury  
 Brule Lake  
 Charles Mix Lincoln  
 Clark McCook  
 Clay Miner  
 Codrington Minnehaha  
 Davison Moody  
 Day Roberts  
 Deuel Sanborn  
 Douglas Turner  
 Grant Union  
 Gregory Yankton  
 Hamlin

TENNESSEE

Crockett Oblion  
 Franklin

TEXAS

Bailey Hansford  
 Castro Lamb  
 Dallam Moore  
 Deaf Smith Parmer  
 Gaines Williamson

VIRGINIA

Nansemond Southampton

WISCONSIN

Barron Lafayette  
 Brown Manitowoc  
 Buffalo Marathon  
 Calumet Monroe  
 Chippewa Outagamie  
 Clark Pepin  
 Columbia Pierce  
 Crawford Polk  
 Dane Portage  
 Dodge Racine  
 Dunn Richland  
 Eau Claire Rock  
 Fond du Lac St. Croix  
 Grant Sauk  
 Green Sheboygan  
 Iowa Trempealeau  
 Jackson Vernon  
 Jefferson Walworth  
 Kenosha Waukesha  
 Kewaunee Winnebago  
 La Crosse Wood

WYOMING

Goshen

COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

State and county	Crop(s)
NORTH DAKOTA	
Barnes .....	Barley, flax, oats, rye, wheat.
Grand Forks .....	Barley, flax, oats, wheat.
Pierce .....	Barley, flax, oats, rye, wheat.
Ransom .....	Barley, flax, oats, wheat.
Richland .....	Barley, flax, oats, rye, soybeans, wheat.
Sargent .....	Barley, flax, oats, wheat.
Steele .....	Barley, flax, oats, wheat.

COUNTIES DESIGNATED FOR COTTON CROP INSURANCE

ALABAMA	
Blount	Hale
Cherokee	Jackson
Chilton	Lauderdale
Colbert	Lawrence
Conecuh	Limestone
Covington	Madison
Cullman	Marshall
Dallas	Morgan
De Kalb	Pickens
Escambia	Shelby
Etowah	Tuscaloosa

ARIZONA

Maricopa Yuma  
 Pinal

ARKANSAS

Arkansas Lee  
 Ashley Lincoln  
 Chicot Lonoke  
 Clay Mississippi  
 Craighead Monroe  
 Crittenden Phillips  
 Cross Poinsett  
 Desha Prairie  
 Greene Randolph  
 Jackson St. Francis  
 Jefferson Woodruff  
 Lawrence

CALIFORNIA

Fresno Madera  
 Imperial Merced  
 Kern Riverside  
 Kings Tulare

GEORGIA

Ben Hill Lee  
 Brooks Miller  
 Clay Mitchell  
 Colquitt Randolph  
 Cook Sumter  
 Crisp Terrell  
 Decatur Thomas  
 Dooly Tift  
 Early Turner  
 Houston Worth  
 Irwin

KENTUCKY

Fulton

LOUISIANA

Acadia  
Avoyelles  
Bossier  
Caddo  
Caldwell  
Catahoula  
Concordia  
Evangeline  
Franklin  
Lafayette

Madison  
Morehouse  
Natchitoches  
Pointe Coupee  
Rapides  
Richland  
St. Landry  
Tensas  
West Carroll

MISSISSIPPI

Alcorn  
Benton  
Bolivar  
Calhoun  
Carroll  
Chickasaw  
Coahoma  
De Soto  
Hinds  
Holmes  
Humphreys  
Issaquena  
Lee  
Leflore

Madison  
Monroe  
Panola  
Pontotoc  
Prentiss  
Quitman  
Sharkey  
Sunflower  
Tallahatchie  
Tippah  
Tunica  
Union  
Washington  
Yazoo

MISSOURI

Butler  
Dunklin  
Mississippi  
New Madrid

Pemiscot  
Scott  
Stoddard

NEW MEXICO

Chaves  
Dona Ana  
Eddy

Lea  
Roosevelt

NORTH CAROLINA

Anson  
Edgecombe  
Halifax  
Hoke  
Nash

Northampton  
Robeson  
Scotland  
Union

OKLAHOMA

Beckham  
Caddo  
Grady  
Harmon

Jackson  
Kiowa  
Tillman  
Washita

SOUTH CAROLINA

Aiken  
Allendale  
Anderson  
Bamberg  
Barnwell  
Calhoun  
Chester  
Chesterfield  
Clarendon  
Darlington  
Dillon  
Dorchester  
Edgefield

Florence  
Hampton  
Kershaw  
Laurens  
Lee  
Lexington  
Marion  
Marlboro  
Orangeburg  
Spartanburg  
Sumter  
Williamsburg  
York

TENNESSEE

Carroll  
Chester  
Crockett  
Dyer  
Fayette  
Franklin  
Gibson  
Giles  
Hardeman  
Haywood  
Henderson

Lake  
Lauderdale  
Lawrence  
Lincoln  
McNairy  
Madison  
Obion  
Shelby  
Tipton  
Weakley

TEXAS

Austin  
Bailey  
Bell  
Bosque  
Brazos  
Briscoe  
Burlleson  
Calhoun  
Cameron  
Castro  
Childress  
Cochran  
Collin  
Collingsworth  
Crosby  
Dawson  
Deaf Smith  
Denton  
Ellis  
El Paso  
Falls  
Fannin  
Floyd  
Fort Bend  
Gaines  
Garza  
Grayson  
Hale  
Hall  
Haskell  
Hidalgo  
Hill

Hockley  
Hudspeth  
Hunt  
Knox  
Lamar  
Lamb  
Limestone  
Lubbock  
Lynn  
Matagorda  
McClennan  
Milam  
Navarro  
Nueces  
Parmer  
Pecos  
Presidio  
Reeves  
Refugio  
Robertson  
San Patricio  
Stonewall  
Swisher  
Terry  
Travis  
Victoria  
Wharton  
Willbarger  
Willacy  
Williamson  
Yoakum

VIRGINIA

Southampton

COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

MINNESOTA

Becker  
Big Stone  
Chippewa  
Clay  
Grant  
Kittson  
Lac qui Parle  
Lincoln  
Lyon  
Mahnomon  
Marshall  
Murray  
Nobles  
Norman

Otter Tail  
Pennington  
Pipestone  
Polk  
Pope  
Red Lake  
Redwood  
Roseau  
Stevens  
Swift  
Traverse  
Wilkin  
Yellow Medicine

NORTH DAKOTA

Barnes  
Benson  
Bottineau  
Burleigh  
Cass  
Cavalier  
Dickey  
Eddy  
Emmons  
Foster  
Grand Forks  
Griggs  
Kidder  
La Moure  
Logan  
McHenry  
McIntosh  
McLean

Mountrail  
Nelson  
Pembina  
Pierce  
Ramsey  
Ransom  
Renville  
Richland  
Rolette  
Sargent  
Sheridan  
Steele  
Stutsman  
Towner  
Traill  
Walsh  
Ward  
Wells

SOUTH DAKOTA

Brookings  
Brown  
Campbell  
Clark  
Codington  
Corson  
Day  
Deuel  
Edmunds  
Grant

Hamlin  
Kingsbury  
Lake  
McPherson  
Marshall  
Minor  
Moody  
Roberts  
Walworth

COUNTIES DESIGNATED FOR GRAIN SORGHUM CROP INSURANCE

ARIZONA

Maricopa  
Pinal  
Yuma

CALIFORNIA

Colusa  
Madera  
Sacramento  
Solano  
Yolo

COLORADO

Baca  
Kit Carson  
Prowers

KANSAS

Allen  
Anderson  
Atchison  
Barton  
Bourbon  
Brown  
Butler  
Chase  
Cheyenne  
Cherokee  
Clay  
Cloud  
Coffey  
Cowley  
Crawford  
Dickinson  
Doniphan  
Douglas  
Elk  
Ellis  
Ellsworth  
Finney  
Ford  
Franklin  
Geary  
Grant  
Gray  
Greenwood  
Harvey  
Haskell  
Jackson  
Jefferson  
Jewel  
Johnson  
Kearny  
Kingman  
Labette  
Leavenworth  
Lincoln  
Linn  
Lyon  
Marion  
Marshall  
McPherson  
Meade  
Miami  
Mitchell  
Montgomery  
Morris  
Morton  
Nemaha  
Neosho  
Osage  
Osborne  
Ottawa  
Pawnee  
Phillips  
Pottawatomie  
Pratt  
Reno  
Republic  
Rice  
Riley  
Rooks  
Rush  
Russell  
Saline  
Scott  
Sedgwick  
Seward  
Shawnee  
Sheridan  
Smith  
Stafford  
Stanton  
Stevens  
Sumner  
Wabaunsee  
Wallace  
Washington  
Wichita  
Wilson  
Woodson

MISSOURI

Atchison  
Barton  
Bates  
Cass  
Cooper  
Henry  
Jasper  
Johnson  
Monroe  
Platte  
Vernon



SOUTH DAKOTA

Aurora	Hutchinson
Beadle	Hyde
Bon Homme	Jerauld
Brookings	Kingsbury
Brown	Lake
Brule	Lincoln
Campbell	Lyman
Charles Mix	McCook
Clark	McPherson
Clay	Marshall
Codington	Miner
Davison	Minnehaha
Day	Moody
Deuel	Potter
Douglas	Roberts
Edmunds	Sanborn
Faulk	Spink
Grant	Sully
Gregory	Tripp
Hamlin	Turner
Hand	Union
Hanson	Walworth
Hughes	Yankton

WISCONSIN

Barron	Lafayette
Brown	Manitowoc
Buffalo	Marathon
Calumet	Monroe
Chippewa	Outagamie
Clark	Pepin
Columbia	Pierce
Crawford	Polk
Dane	Portage
Dodge	Racine
Dunn	Richland
Eau Claire	Rock
Fond du Lac	St. Croix
Grant	Sauk
Green	Sheboygan
Iowa	Trempealeau
Jackson	Vernon
Jefferson	Walworth
Kenosha	Waukesha
Kewaunee	Winnebago
La Crosse	Wood

COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

State and County and Type(s) of Peanuts Insured

ALABAMA

Barbour	Runner, Southeast Spanish, Virginia
Coffee	Do.
Conecuh	Do.
Covington	Do.
Crenshaw	Do.
Dale	Do.
Geneva	Do.
Henry	Do.
Houston	Do.
Pike	Do.

FLORIDA

Jackson	Runner, Southeast Spanish, Virginia
Santa Rosa	Do.

GEORGIA

Baker	Runner, Southeast Spanish, Virginia
Ben Hill	Do.
Bulloch	Do.
Calhoun	Do.
Clay	Do.
Coffee	Do.
Colquitt	Do.

GEORGIA—Continued

Cook	Do.
Crisp	Do.
Decatur	Do.
Dodge	Do.
Dooly	Do.
Early	Do.
Grady	Do.
Houston	Do.
Irwin	Do.
Laurens	Do.
Lee	Do.
Miller	Do.
Mitchell	Do.
Randolph	Do.
Seminole	Do.
Sumter	Do.
Terrell	Do.
Thomas	Do.
Tift	Do.
Toombs	Do.
Turner	Do.
Wilcox	Do.
Worth	Do.

NEW MEXICO

Roosevelt	Valencia
-----------	----------

NORTH CAROLINA

Bertie	Runner, Virginia
Bladen	Virginia
Chowan	Do.
Edgecombe	Runner, Virginia
Gates	Virginia
Hallfax	Runner, Virginia
Hertford	Virginia
Martin	Runner, Virginia
Nash	Virginia
Northampton	Runner, Virginia
Pitt	Virginia
Washington	Do.

OKLAHOMA

Bryan	Southwest Spanish
Caddo	Do.
Grady	Do.

SOUTH CAROLINA

Lee	Virginia
Sumter	Do.

TEXAS

Atacosa	Southwest Spanish, Runner
Brown	Do.
Comanche	Do.
Eastland	Do.
Erath	Do.
Fannin	Southwest Spanish
Frio	Southwest Spanish, Runner
Gaines	Southwest Spanish
Grayson	Do.
Hood	Southwest Spanish, Runner
Lee	Southwest Spanish
Wilson	Southwest Spanish, Runner

VIRGINIA

Dinwiddle	Virginia
Greensville	Do.
Isle of Wight	Do.
Nansemond	Do.
Prince George	Do.
Southampton	Do.
Surrey	Do.
Sussex	Do.

COUNTIES DESIGNATED FOR POTATO CROP INSURANCE

IDAHO

Canyon
--------

NORTH DAKOTA

Walsh
-------

WASHINGTON

Grant
-------

COUNTIES DESIGNATED FOR RICE CROP INSURANCE

ARKANSAS

Arkansas	Jackson
Ashley	Jefferson
Chicot	Lonoke
Clay	Monroe
Craighead	Poinsett
Crittenden	Prairie
Cross	St. Francis
Desha	Woodruff
Greene	

CALIFORNIA

Colusa	Sutter
Sacramento	Yolo
Solano	

LOUISIANA

Acadia	Lafayette
Calcasieu	Morehouse
Evangeline	St. Landry
Jefferson Davis	Vermillion

MISSISSIPPI

Bolivar	Washington
Leflore	

TEXAS

Brazoria	Matagorda
Fort Bend	Wharton

COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

ALABAMA

Baldwin	Lauderdale
Colbert	Lawrence
Dallas	Limestone
De Kalb	Madison
Escambia	Marshall
Hale	Morgan
Jackson	Shelby

ARKANSAS

Arkansas	Lee
Ashley	Lincoln
Chicot	Lonoke
Clay	Mississippi
Craighead	Monroe
Crittenden	Phillips
Cross	Poinsett
Desha	Prairie
Greene	Randolph
Jackson	St. Francis
Jefferson	White
Lawrence	Woodruff

DELAWARE

Kent	Sussex
New Castle	

GEORGIA

Bullock	Houston
Colquitt	Mitchell

## ILLINOIS

Adams  
Bond  
Boone  
Brown  
Bureau  
Carroll  
Cass  
Champaign  
Christian  
Clark  
Clay  
Clinton  
Coles  
Crawford  
Cumberland  
De Kalb  
De Witt  
Douglas  
Edgar  
Effingham  
Fayette  
Ford  
Fulton  
Greene  
Grundy  
Hamilton  
Hancock  
Henderson  
Henry  
Iroquois  
Jasper  
Jefferson  
Jersey  
Jo Daviess  
Kane  
Kankakee  
Kendall  
Knox  
La Salle  
Lawrence  
Lee  
Livingston

## INDIANA

Adams  
Allen  
Bartholomew  
Benton  
Blackford  
Boone  
Carroll  
Cass  
Clay  
Clinton  
Davies  
Decatur  
De Kalb  
Delaware  
Elkhart  
Fayette  
Fountain  
Franklin  
Fulton  
Gibson  
Grant  
Greene  
Hamilton  
Hancock  
Henry  
Hendricks  
Howard  
Huntington  
Jackson  
Jasper  
Jay  
Johnson

Logan  
McDonough  
McHenry  
McLean  
Macon  
Macoupin  
Madison  
Marion  
Marshall  
Mason  
Menard  
Mercer  
Monroe  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Perry  
Pitt  
Pike  
Putnam  
Randolph  
Richland  
Rock Island  
St. Clair  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermillion  
Warren  
Washington  
Wayne  
White  
Whiteside  
Will  
Winnebago  
Woodford

Knox  
Kosciusko  
Lagrange  
La Porte  
Madison  
Marion  
Marshall  
Miami  
Montgomery  
Morgan  
Newton  
Noble  
Parke  
Posey  
Pulaski  
Putnam  
Randolph  
Ripley  
Rush  
Shelby  
Sullivan  
Tippecanoe  
Tipton  
Union  
Vermillion  
Vigo  
Wabash  
Warren  
Wayne  
Wells  
White  
Whitley

Adair  
Adams  
Allamakee  
Appanoose  
Audubon  
Benton  
Black Hawk  
Boone  
Bremer  
Buchanan  
Buena Vista  
Butler  
Calhoun  
Carroll  
Cass  
Cedar  
Cerro Gordo  
Cherokee  
Chickasaw  
Clarke  
Clay  
Clayton  
Clinton  
Crawford  
Dallas  
Davis  
Decatur  
Delaware  
Des Moines  
Dickinson  
Dubuque  
Emmet  
Fayette  
Floyd  
Franklin  
Fremont  
Greene  
Grundy  
Guthrie  
Hamilton  
Hancock  
Hardin  
Harrison  
Henry  
Howard  
Humboldt  
Ida  
Iowa  
Jackson  
Jasper

Allen  
Anderson  
Atchison  
Bourbon  
Brown  
Cherokee  
Coffey  
Crawford  
Doniphan  
Douglas  
Franklin  
Greenwood  
Jackson  
Jefferson  
Johnson

Calloway  
Davies  
Fulton  
Graves  
Henderson

## IOWA

Jefferson  
Johnson  
Jones  
Keokuk  
Kossuth  
Lee  
Linn  
Louisa  
Lucas  
Lyon  
Madison  
Mahaska  
Marion  
Marshall  
Mills  
Mitchell  
Monona  
Monroe  
Montgomery  
Muscatine  
O'Brien  
Osceola  
Page  
Palo Alto  
Plymouth  
Pocahontas  
Polk  
Pottawattamie  
Poweshiek  
Ringgold  
Sac  
Scott  
Shelby  
Sioux  
Story  
Tama  
Taylor  
Union  
Van Buren  
Wapello  
Warren  
Washington  
Wayne  
Webster  
Winnebago  
Winneshiek  
Woodbury  
Worth  
Wright

## KANSAS

Labette  
Leavenworth  
Linn  
Lyon  
Marshall  
Miami  
Montgomery  
Nemaha  
Neosho  
Osage  
Pottawattamie  
Shawnee  
Wilson  
Woodson

## KENTUCKY

Hopkins  
McLean  
Ohio  
Union

## LOUISIANA

Acadia  
Avoyelles  
Bossier  
Caddo  
Calcasieu  
Caldwell  
Catahoula  
Concordia  
Evangeline  
Franklin  
Jefferson Davis

Lafayette  
Madison  
Morehouse  
Natchitoches  
Pointe Coupee  
Rapides  
Richland  
St. Landry  
Tensas  
West Carroll

Caroline  
Kent

## MARYLAND

Queen Annes  
Talbot

## MICHIGAN

Branch  
Cass  
Clinton  
Genessee  
Gratiot  
Hillsdale

Lenawee  
Monroe  
Saginaw  
St. Joseph  
Shiawassee  
Washtenaw

## MINNESOTA

Anoka  
Becker  
Benton  
Big Stone  
Blue Earth  
Brown  
Carver  
Chippewa  
Chisago  
Clay  
Cottonwood  
Dakota  
Dodge  
Douglas  
Fairbault  
Fillmore  
Freeborn  
Goodhue  
Grant  
Houston  
Isanti  
Jackson  
Kandiyohi  
Lac qui Parle  
Le Sueur  
Lincoln  
Lyon  
McLeod  
Martin  
Meeker  
Mille Lacs  
Morrison

Mower  
Murray  
Nicollet  
Nobles  
Norman  
Olmstead  
Otter Tail  
Pipestone  
Pope  
Ramsey  
Redwood  
Renville  
Rice  
Rock  
Scott  
Sherburne  
Sibley  
Stearns  
Steele  
Stevens  
Swift  
Todd  
Traverse  
Wabasha  
Wadena  
Waseca  
Washington  
Watsonwan  
Wilkin  
Winona  
Wright  
Yellow Medicine

## MISSISSIPPI

Benton  
Bolivar  
Calhoun  
Carroll  
Chickasaw  
Coahoma  
De Soto  
Hinds  
Holmes  
Humphreys  
Issaquena  
Lee  
Leflore  
Madison

Monroe  
Panola  
Pontotoc  
Prentiss  
Quitman  
Sharkey  
Sunflower  
Tallahatchie  
Tippah  
Tunica  
Union  
Washington  
Yazoo

MISSOURI

Adair  
Andrew  
Atchison  
Audrain  
Barton  
Bates  
Boone  
Buchanan  
Butler  
Caldwell  
Callaway  
Cape Girardeau  
Carroll  
Cass  
Chariton  
Clark  
Clay  
Clinton  
Cooper  
Daviss  
De Kalb  
Dunklin  
Gentry  
Grundy  
Harrison  
Henry  
Holt  
Howard  
Jackson  
Jasper  
Johnson  
Knox  
Lafayette  
Lewis  
Lincoln  
Linn  
Livingston  
Macon  
Marion  
Mercer  
Mississippi  
Monroe  
Montgomery  
New Madrid  
Nodaway  
Pemiscot  
Perry  
Pettis  
Pike  
Platte  
Putnam  
Ralls  
Randolph  
Ray  
St. Charles  
Saline  
Schuyler  
Scotland  
Scott  
Shelby  
Stoddard  
Sullivan  
Vernon  
Worth

NEBRASKA

Burt  
Butler  
Cass  
Cedar  
Colfax  
Cuming  
Dakota  
Dixon  
Dodge  
Douglas  
Lancaster  
Madison  
Nemaha  
Otoe  
Pierce  
Platte  
Richardson  
Saunders  
Sarpy  
Stanton  
Thurston  
Washington  
Wayne

NORTH CAROLINA

Anson  
Beaufort  
Brunswick  
Columbus  
Craven  
Hyde  
Johnston  
Jones  
Pamlico  
Pitt  
Robeson  
Union  
Washington

OHIO

Allen  
Ashland  
Auglaize  
Butler  
Champaign  
Clark  
Clinton  
Crawford  
Darke  
Defiance  
Delaware  
Erie  
Fairfield  
Fayette  
Franklin  
Fulton  
Greene  
Hancock  
Hardin  
Henry  
Highland  
Huron  
Knox  
Licking  
Logan  
Lucas  
Madison  
Marion

OHIO—Continued

Medina  
Mercer  
Miami  
Montgomery  
Morrow  
Ottawa  
Paulding  
Pickaway  
Preble  
Putnam  
Richland  
Sandusky  
Seneca  
Shelby  
Union  
Van Wert  
Wayne  
Williams  
Wood  
Wyandot

OKLAHOMA

Craig  
Ottawa

SOUTH CAROLINA

Aiken  
Allendale  
Bamberg  
Barnwell  
Calhoun  
Clarendon  
Darlington  
Dillon  
Dorche  
Florence  
Hampton  
Horry  
Kershaw  
Lee  
Lexington  
Marion  
Marlboro  
Orangeburg  
Sumter  
Williamsburg

SOUTH DAKOTA

Bon Homme  
Brookings  
Charles Mix  
Clay  
Deuel  
Grant  
Hamlin  
Hutchinson  
Kingsbury  
Lake  
Lincoln  
McCook  
Minnehaha  
Moody  
Roberts  
Turner  
Union  
Yankton

TENNESSEE

Carroll  
Chester  
Crockett  
Dyer  
Fayette  
Gibson  
Hardeman  
Haywood  
Lake  
Lauderdale  
Madison  
Obion  
Shelby  
Tipton  
Weakley

VIRGINIA

Nansemond  
Southampton

WISCONSIN

Buffalo  
Dane  
Dunn  
Jackson  
Jefferson  
Kenosha  
Pepin  
Pierce  
Polk  
Racine  
Rock  
St. Croix  
Trempealeau  
Walworth

COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

ARIZONA

Maricopa  
Pinal

CALIFORNIA

Colusa  
Fresno  
Imperial  
Kern  
Kings  
Madera  
Merced  
Monterey  
Sacramento  
San Benito  
San Joaquin  
Solano  
Stanislaus  
Sutter  
Tulare  
Yolo

COLORADO

Adams  
Boulder  
Kit Carson  
Larimer  
Logan  
Morgan  
Phillips  
Sedgwick  
Weld  
Yuma

IDAHO

Ada  
Bannock  
Bingham  
Bonneville  
Canyon  
Cassia  
Franklin  
Jerome  
Minidoka  
Owyhee  
Power  
Twin Falls

KANSAS

Finney  
Grant  
Kearney  
Sherman  
Stanton  
Wallace

MICHIGAN

Bay  
Huron  
Saginaw  
Tuscola

MINNESOTA

Chippewa  
Clay  
Faribault  
Grant  
Kandiyohi  
Kittson  
Lac qui Parle  
Marshall  
Norman  
Polk  
Redwood  
Renville  
Swift  
Traverse  
Wilkin  
Yellow Medicine

MONTANA

Carbon  
Custer  
Dawson  
Prairie  
Richland  
Rosebud  
Stillwater  
Treasure  
Yellowstone

NEBRASKA

Box Butte  
Morrill  
Scotts Bluff

NORTH DAKOTA

Cass  
Grand Forks  
McKenzie  
Pembina  
Richland  
Trall  
Walsh  
Williams

OHIO

Hancock  
Henry  
Lucas  
Ottawa  
Putnam  
Sandusky  
Wood

OREGON

Malheur

UTAH

Box Elder  
Cache  
Davis  
Salt Lake  
Utah  
Weber

WASHINGTON

Adams  
Benton  
Franklin  
Grant  
Yakima

WYOMING		KENTUCKY		Craven.....	12
Big Horn	Park	Adair.....	31	Cumberland.....	13
Goshen	Washakie	Allen.....	31, 35	Davidson.....	11a
COUNTIES DESIGNATED FOR CANNING AND FREEZING SWEET CORN CROP INSURANCE		Anderson.....	31	Davie.....	11a
MINNESOTA		Barren.....	31	Duplin.....	12
Renville		Bath.....	31	Durham.....	11b
WISCONSIN		Boone.....	31	Edgecombe.....	12
Dodge		Bourbon.....	31	Forsythe.....	11a
COUNTIES DESIGNATED FOR SUNFLOWER CROP INSURANCE		Boyle.....	31	Franklin.....	11b
MINNESOTA		Bracken.....	31	Gates.....	12
Becker	Norman	Brenkinridge.....	31	Granville.....	11b
Big Stone	Otter Tail	Caldwell.....	22, 31, 35	Greene.....	12
Clay	Pennington	Calloway.....	23, 35	Guilford.....	11a
Grant	Polk	Carroll.....	31	Halifax.....	12
Kittson	Red Lake	Casey.....	31	Harnett.....	11b
Mahnomen	Traverse	Christian.....	22, 31, 35	Haywood.....	31
Marshall	Wilkin	Clark.....	31	Hertford.....	12
NORTH DAKOTA		Daviss.....	31, 36	Hoke.....	13
Barnes	Pembina	Fayette.....	31	Iredell.....	11a
Cass	Ransom	Fleming.....	31	Johnston.....	12
Dickey	Richland	Franklin.....	31	Jones.....	12
Eddy	Sargent	Garrard.....	31	Lee.....	11b
Foster	Steele	Grant.....	31	Lenoir.....	12
Grand Forks	Stutsman	Graves.....	23, 31, 35	Madison.....	31
Griggs	Trall	Green.....	31	Martin.....	12
Lamoure	Walsh	Harrison.....	31	Mitchell.....	31
Nelson	Wells	Hart.....	31	Montgomery.....	11b
SOUTH DAKOTA		Henderson.....	31, 36	Moore.....	11b
Roberts		Henry.....	31	Nash.....	12
COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE		Hopkins.....	31, 36	Northampton.....	12
<i>State, County and Type(s)</i>		Jessamine.....	31	Onslow.....	12
FLORIDA		Larue.....	31	Orange.....	11b
Alachua.....	14	Lewis.....	31	Pamlico.....	12
Columbia.....	14	Lincoln.....	31	Pender.....	12
Hamilton.....	14	Logan.....	22, 31, 35	Person.....	11a
Madison.....	14	McLean.....	31, 36	Pitt.....	12
Suwanee.....	14	Madison.....	31	Randolph.....	11a
GEORGIA		Marion.....	31	Richmond.....	11b
Appling.....	14	Marshall.....	23, 31, 35	Robeson.....	13
Atkinson.....	14	Mason.....	31	Rockingham.....	11a
Bacon.....	14	Meade.....	31	Sampson.....	12
Ben Hill.....	14	Mercer.....	31	Scotland.....	13
Berrien.....	14	Metcalfe.....	31	Stokes.....	11a
Brantley.....	14	Montgomery.....	31	Surrey.....	11a
Brooks.....	14	Muhlenburg.....	22, 31, 35	Vance.....	11b
Bulloch.....	14	Nelson.....	31	Wake.....	11b
Candler.....	14	Nicholas.....	31	Warren.....	11b
Coffee.....	14	Ohio.....	31, 36	Washington.....	12
Colquitt.....	14	Owen.....	31	Wayne.....	12
Cook.....	14	Pendleton.....	31	Wilkes.....	11a
Decatur.....	14	Pulaski.....	31	Wilson.....	12
Grady.....	14	Robertson.....	31	Yadkin.....	11a
Irwin.....	14	Russell.....	31	Yancey.....	31
Jeff Davis.....	14	Scott.....	31		
Lanier.....	14	Shelby.....	31	OHIO	
Lowndes.....	14	Simpson.....	22, 31, 35	Adams.....	31
Mitchell.....	14	Spencer.....	31	Brown.....	31
Pierce.....	14	Taylor.....	31	Highland.....	31
Tattnall.....	14	Todd.....	22, 31, 35	PENNSYLVANIA	
Thomas.....	14	Trigg.....	22, 31, 35	Lancaster.....	41
Tift.....	14	Warren.....	31, 35	SOUTH CAROLINA	
Toombs.....	14	Washington.....	31	Chesterfield.....	13
Turner.....	14	Wayne.....	31	Clarendon.....	13
Ware.....	14	Woodford.....	31	Darlington.....	13
Wayne.....	14			Dillon.....	13
Worth.....	14	MISSOURI		Dorchester.....	13
		Buchanan.....	31	Florence.....	13
		Platte.....	31	Georgetown.....	13
		NORTH CAROLINA		Horry.....	13
		Alamance.....	11a	Kershaw.....	13
		Alexander.....	11a	Lee.....	13
		Beaufort.....	12	Marion.....	13
		Bertie.....	12	Marlboro.....	13
		Bladen.....	13	Orangeburg.....	13
		Brunswick.....	13	Sumter.....	13
		Buncombe.....	31	Williamsburg.....	13
		Carteret.....	12		
		Caswell.....	11a	TENNESSEE	
		Chatham.....	11b	Anderson.....	31
		Chowan.....	12	Blount.....	31
		Columbus.....	13		

Carter.....31  
 Claiborne.....31  
 Cocke.....31  
 De Kalb.....31  
 Dickson.....31  
 Franklin.....31  
 Giles.....31  
 Grainger.....31  
 Greene.....31  
 Hamblen.....31  
 Hancock.....31  
 Hawkins.....31  
 Jackson.....31  
 Jefferson.....31  
 Johnson.....31  
 Knox.....31  
 Lawrence.....31  
 Lincoln.....31  
 Loudon.....31  
 McMinn.....31  
 Macon.....31, 35  
 Marshall.....31  
 Maury.....31  
 Monroe.....31  
 Montgomery.....22, 31  
 Putnam.....31  
 Robertson.....22, 31, 35  
 Sevier.....31  
 Smith.....31  
 Stewart.....22, 31  
 Sullivan.....31  
 Sumner.....22, 31, 35  
 Trousdale.....31  
 Unicoi.....31  
 Washington.....31  
 Weakley.....23, 35  
 White.....31  
 Williamson.....31  
 Wilson.....31

VIRGINIA

Amelia.....11a, 21  
 Appomattox.....11a, 21  
 Brunswick.....11a, 21  
 Campbell.....11a, 21  
 Charlotte.....11a, 21  
 Cumberland.....11a, 21  
 Dinwiddie.....11a, 21  
 Franklin.....11a  
 Greenville.....11a  
 Halifax.....11a  
 Henry.....11a  
 Lee.....31  
 Lunenburg.....11a, 21  
 Mecklenburg.....11a  
 Nansemond.....11a  
 Nottoway.....11a, 21  
 Patrick.....11a  
 Pittsylvania.....11a  
 Prince Edward.....11a, 21  
 Russell.....31  
 Scott.....31  
 Smyth.....31  
 Southampton.....11a  
 Sussex.....11a  
 Washington.....31

WISCONSIN

Crawford.....55  
 Dane.....54  
 La Crosse.....55  
 Richland.....55  
 Trempealeau.....55  
 Vernon.....55

COUNTIES DESIGNATED FOR TOMATO CROP

INSURANCE

CALIFORNIA

Monterey San Benito

OHIO

Darke Ottawa  
 Fulton Putnam  
 Henry Sandusky  
 Lucas Wood

COUNTIES DESIGNATED FOR WHEAT CROP

INSURANCE

ARIZONA

Maricopa Yuma  
 Pinal

ARKANSAS

Chicot Desha  
 Clay Greene  
 Craighead Mississippi  
 Crittenden Poinsett  
 Cross St. Francis

CALIFORNIA

Colusa Sacramento  
 Fresno San Joaquin  
 Imperial Stanislaus  
 Kern Solano  
 Kings Sutter  
 Madera Tulare  
 Merced Yolo  
 Modoc

COLORADO

Adams Logan  
 Arapahoe Morgan  
 Baca Phillips  
 Cheyenne Prowers  
 Elbert Sedgewick  
 Kit Carson Washington  
 Larimer Weld  
 Lincoln Yuma

GEORGIA

Houston

IDAHO

Ada Jefferson  
 Bannock Jerome  
 Benewah Kootenai  
 Bingham Latah  
 Bonneville Lewis  
 Camas Lincoln  
 Canyon Madison  
 Caribou Minidoka  
 Cassia Nez Perce  
 Franklin Oneida  
 Fremont Power  
 Gooding Teton  
 Idaho Twin Falls

ILLINOIS

Adams McDonough  
 Bond McLean  
 Brown Macon  
 Cass Macoupin  
 Champaign Madison  
 Christian Marion  
 Clark Mason  
 Clay Menard  
 Clinton Monroe  
 Coles Montgomery  
 Crawford Morgan  
 Cumberland Moultrie  
 Dewitt Perry  
 Douglas Platt  
 Edgar Pike  
 Effingham Randolph  
 Fayette Richland  
 Fulton St. Clair  
 Greene Sangamon  
 Hamilton Schuyler  
 Hancock Scott  
 Iroquis Shelby  
 Jasper Tazewell  
 Jefferson Vermillion  
 Jersey Washington  
 Kane Wayne  
 Kankakee White  
 Lawrence Will  
 Logan

INDIANA

Adams Knox  
 Allen Kosciusko  
 Bartholomew Lagrange  
 Benton Laporte  
 Blackford Madison  
 Boone Marion  
 Carroll Marshall  
 Cass Miami  
 Clay Montgomery  
 Clinton Morgan  
 Daviess Newton  
 Decatur Noble  
 De Kalb Parke  
 Delaware Posey  
 Elkhart Pulaski  
 Fayette Putnam  
 Fountain Randolph  
 Franklin Ripley  
 Fulton Rush  
 Gibson Shelby  
 Grant Sullivan  
 Greene Tippecanoe  
 Hamilton Tipton  
 Hancock Union  
 Hendricks Vermillion  
 Henry Vigo  
 Howard Wabash  
 Huntington Warren  
 Jackson Wayne  
 Jasper Wells  
 Jay White  
 Johnson Whitley

IOWA

Davis Lee  
 Des Moines Mills  
 Fremont Monona  
 Harrison Pottawattamie

## KANSAS

Allen  
Anderson  
Atchison  
Barber  
Barton  
Bourbon  
Brown  
Butler  
Chase  
Chautauqua  
Cherokee  
Cheyenne  
Clark  
Clay  
Cloud  
Coffey  
Comanche  
Cowley  
Crawford  
Decatur  
Dickinson  
Doniphan  
Douglas  
Edwards  
Elk  
Ellis  
Ellsworth  
Finney  
Ford  
Franklin  
Geary  
Gove  
Graham  
Grant  
Gray  
Greeley  
Greenwood  
Hamilton  
Harper  
Harvey  
Haskell  
Hodgeman  
Jackson  
Jefferson  
Jewell  
Johnson  
Kearney  
Kingman  
Kiowa  
Labette  
Lane  
Leavenworth

Lincoln  
Linn  
Logan  
Lyon  
McPherson  
Marion  
Marshall  
Meade  
Miami  
Mitchell  
Montgomery  
Morris  
Morton  
Nemaha  
Neosho  
Ness  
Norton  
Osage  
Osborne  
Ottawa  
Pawnee  
Phillips  
Pottawattamie  
Pratt  
Rawlins  
Reno  
Republic  
Rice  
Riley  
Rooks  
Rush  
Russell  
Saline  
Scott  
Sedgewick  
Seward  
Shawnee  
Sheridan  
Sherman  
Smith  
Stafford  
Stanton  
Stevens  
Sumner  
Thomas  
Trego  
Wabaunsee  
Wallace  
Washington  
Wichita  
Wilson  
Woodson

## KENTUCKY

Christian

## MARYLAND

Caroline  
Kent

Queen Annes

## MICHIGAN

Bay  
Branch  
Calhoun  
Cass  
Clinton  
Eaton  
Genesee  
Gratiot  
Hillsdale  
Huron  
Ingham  
Ionia

Jackson  
Kalamazoo  
Lenawee  
Livingston  
Monroe  
Saginaw  
St. Clair  
St. Joseph  
Sanilac  
Shiawassee  
Tuscola  
Washtenaw

## MINNESOTA

Becker  
Big Stone  
Blue Earth  
Brown  
Carver  
Chippewa  
Clay  
Cottonwood  
Dakota  
Dodge  
Douglas  
Fairbault  
Freeborn  
Goodhue  
Grant  
Kandiyohi  
Kittson  
Lac qui Parle  
Le Sueur  
Lincoln  
Lyon  
McLeod  
Mahnommen  
Marshall  
Meeker  
Mower

Bolivar  
Calhoun  
Coahoma  
Humphreys  
Leflore  
Quitman

Adair  
Andrew  
Atchison  
Audrain  
Barton  
Bates  
Boone  
Buchanan  
Butler  
Caldwell  
Callaway  
Cape Girardeau  
Carroll  
Cass  
Chariton  
Clark  
Clay  
Clinton  
Cooper  
Dade  
Daviss  
De Kalb  
Dunklin  
Franklin  
Gentry  
Harrison  
Henry  
Holt  
Howard  
Jackson  
Jasper

Big Horn  
Blaine  
Carbon  
Cascade

Nicollett  
Norman  
Olmstead  
Otter Tail  
Pennington  
Polk  
Pope  
Red Lake  
Redwood  
Renville  
Rice  
Roseau  
Scott  
Sibley  
Stearns  
Steele  
Stevens  
Swift  
Todd  
Traverse  
Wabasha  
Waseca  
Washington  
Wilkin  
Wright  
Yellow Medicine

## MISSISSIPPI

Sharkey  
Sunflower  
Tallahatchie  
Tunica  
Washington

## MISSOURI

Johnson  
Knox  
Lafayette  
Lawrence  
Lewis  
Lincoln  
Linn  
Livingston  
Macon  
Marion  
Mississippi  
Monroe  
Montgomery  
New Madrid  
Nodaway  
Pemiscot  
Perry  
Pettis  
Pike  
Platte  
Ralls  
Randolph  
Ray  
St. Charles  
Saline  
Scotland  
Scott  
Shelby  
Stoddard  
Sullivan  
Verno

## MONTANA

Chouteau  
Custer  
Daniels  
Dawson

## MONTANA—Continued

Fallon  
Fergus  
Gallatin  
Garfield  
Glacier  
Golden Valley  
Hill  
Judith Basin  
Liberty  
McCone  
Musselshell  
Petroleum  
Phillips  
Pondera

Adams  
Banner  
Box Butte  
Butler  
Cass  
Chase  
Cheyenne  
Clay  
Dawes  
Duel  
Dundy  
Dodge  
Fillmore  
Franklin  
Frontier  
Furnas  
Gage  
Garden  
Gosper  
Hall  
Hamilton  
Harlan  
Hayes  
Hitchcock  
Jefferson  
Johnson

Curry

Adams  
Barnes  
Benson  
Billings  
Bottineau  
Bowman  
Burke  
Burleigh  
Cass  
Cavalier  
Dickey  
Divide  
Dunn  
Eddy  
Emmons  
Foster  
Golden Valley  
Grand Forks  
Grant  
Griggs  
Hettinger  
Kidder  
La Moure  
Logan  
McHenry  
McIntosh  
McKenzie

Prairie  
Richland  
Roosevelt  
Rosebud  
Sheridan  
Stillwater  
Teton  
Toole  
Treasure  
Valley  
Wheatland  
Wibaux  
Yellowstone

## NEBRASKA

Kearney  
Keith  
Kimball  
Lancaster  
Lincoln  
Merrick  
Morrill  
Nance  
Nemaha  
Nuckolls  
Otoe  
Pawnee  
Perkins  
Phelps  
Polk  
Red Willow  
Richardson  
Saline  
Saunders  
Scotts Bluff  
Seward  
Sheridan  
Thayer  
Washington  
Webster  
York

## NEW MEXICO

Roosevelt

## NORTH DAKOTA

McLean  
Mercer  
Morgan  
Mountrail  
Nelson  
Oliver  
Pembina  
Pierce  
Ramsey  
Ransom  
Renville  
Richland  
Rolette  
Sargent  
Sheridan  
Sloux  
Slope  
Stark  
Steele  
Stutsman  
Towner  
Traill  
Walsh  
Ward  
Wells  
Williams

OHIO

Allen Logan  
 Ashland Lucas  
 Auglaize Madison  
 Butler Marion  
 Champaign Medina  
 Clark Mercer  
 Clinton Miami  
 Crawford Montgomery  
 Darke Morrow  
 Defiance Ottawa  
 Delaware Paulding  
 Erie Pickaway  
 Fairfield Preble  
 Fayette Putnam  
 Franklin Richland  
 Fulton Sandusky  
 Greene Seneca  
 Hancock Shelby  
 Hardin Union  
 Henry Van Wert  
 Highland Wayne  
 Huron Williams  
 Knox Wood  
 Licking Wyandot

OKLAHOMA

Alfalfa Jackson  
 Beaver Kay  
 Beckham Kingfisher  
 Blaine Kiowa  
 Caddo Logan  
 Canadian Major  
 Cimarron Mayes  
 Comanche Noble  
 Cotton Nowata  
 Craig Osage  
 Custer Ottawa  
 Delaware Pawnee  
 Dewey Payne  
 Ellis Texas  
 Garfield Tillman  
 Grady Williams  
 Grant Washita  
 Greer Woods  
 Harmon Woodward  
 Harper

OREGON

Gilliam Sherman  
 Jefferson Umatilla  
 Klamath Union  
 Linn Wallowa  
 Malheur Wasco  
 Morrow Wheeler

PENNSYLVANIA

Adams Lancaster  
 Chester Lebanon  
 Cumberland Perry  
 Dauphin York  
 Franklin

SOUTH DAKOTA

Aurora Campbell  
 Beadle Clark  
 Bennett Codington  
 Bon Homme Corson  
 Brown Day  
 Brule Dueil

SOUTH DAKOTA—Continued

Dewey Lake  
 Douglas Lyman  
 Edmunds McPherson  
 Faulk Marshall  
 Grant Melette  
 Gregory Miner  
 Haakon Perkins  
 Hamlin Potter  
 Hand Roberts  
 Hughes Spink  
 Hutchinson Stanley  
 Hyde Sully  
 Jerauld Tripp  
 Jones Walworth  
 Kingsbury

Crockett  
 Dyer  
 Lake  
 Lauderdale  
 Obion  
 Robertson

TENNESSEE

Baylor  
 Carson  
 Castro  
 Collin  
 Collingsworth  
 Cooke  
 Dallam  
 Deaf Smith  
 Denton  
 Fannin  
 Floyd  
 Foard  
 Gray  
 Grayson  
 Hale  
 Hansford  
 Hartley  
 Hutchinson  
 Jones  
 Knox  
 Lipscomb  
 Moore  
 Ochiltree  
 Oldham  
 Parmer  
 Randall  
 Sherman  
 Stonewall  
 Swisher  
 Willbarger  
 Williamson

UTAH

Box Elder  
 Cache  
 Davis  
 Salt Lake  
 Utah  
 Weber

WASHINGTON

Adams  
 Asotin  
 Benton  
 Columbia  
 Douglas  
 Franklin  
 Garfield  
 Grant  
 Klickitat  
 Lincoln  
 Okanogan  
 Spokane  
 Walla Walla  
 Whitman  
 Yakima

WYOMING

Goshen  
 Laramie  
 Platte

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

NOTE.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. 840.

Dated: November 7, 1978.

PETER F. COLE,  
 Secretary, Federal Crop  
 Insurance Corporation.

Dated: December 20, 1978.

Approved by: JAMES D. DEAL,  
 Manager.

[FR Doc. 79-283 Filed 1-2-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

SUBCHAPTER E—ALTERNATE FUEL

[Docket No. ERA-R-78-21]

PART 515 TRANSITIONAL FACILITIES

Hearing on Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Hearing Location.

SUMMARY: The Economic Regulatory Administration hereby announces the location of a second public hearing on its Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities which was published on November 22, 1978 (43 FR 54912).

DATES: Hearing date: January 15, 1979, 9:00 a.m. Requests to speak by January 5, 1979, 4:30 p.m. Written comments on the Interim Rule are due on or before January 15, 1979.

ADDRESSES: Send comments and requests to speak to: Department of Energy, Public Hearing Management, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Docket No. ERA-R-78-21. Hearing location: Center Ballroom, Lord Baltimore Hotel, 20 West Baltimore Street, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, (202) 634-2170.

John L. Gurney (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 6010, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-9766.

Barton House (Fuels Regulation Program Office), Economic Regulatory Administration, Department of

Energy, Room 6128I, 2000 M Street, N.W., Washington, D.C. 20461, (202) 254-3905.

James H. Heffernan (Office of General Counsel), Department of Energy, Room 6144, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461 (202) 633-9296.

**SUPPLEMENTARY INFORMATION:** On November 16, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy issued, effective upon publication (November 22, 1978, 43 FR 54912), interim rules to implement certain provisions of the Powerplant and Industrial Fuel Use Act of 1978 ("the Act"). The interim rules permit ERA to classify certain major fuel burning installations and powerplants which began substantial construction or acquisition after April 20, 1977, and before November 9, 1978, as existing facilities under the Act. ERA held a public hearing on the interim rule on December 13, 1978. ERA has scheduled a second public hearing to be held on January 15, 1979, at the Lord Baltimore Hotel, 20 West Baltimore Street, Baltimore Maryland at 9:00 a.m.

Interested persons who would like to participate should contact the Office of Public Hearing Management, 2000 M Street, N.W. Room 2313, Washington, D.C., (202) 254-5201. A request to participate in the hearing shall be in writing and signed by the person making the request. Please provide a phone number where we may contact you through the day before the hearing. Since we may have to limit the number of speakers, you should include a description of your interest in this proceeding, the anticipated content of the presentation, and why you are a proper representative of a group or class of persons that has an interest in this proceeding. Participants should provide a copy of their testimony and each exhibit to be presented to ERA no later than January 10, 1979. The hearing will be conducted in accordance with the procedures set forth in the November 22, 1978 Interim Rule.

We will notify each person selected to be heard before 4:30 p.m., January 12, 1979.

(Department of Energy Organization Act, Pub. L. 95-91; Powerplant and Industrial Fuel Use Act, Pub. L. 95-620)

Issued in Washington, D.C., December 22, 1978.

DAVID J. BARDIN,  
Administrator, Economic  
Regulatory Administration.

[FR Doc. 78-33562 Filed 12-28-78; 10:59 am]

## [4810-33-M]

### Title 12—Banks and Banking

#### CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

##### PART 1—INVESTMENT SECURITIES REGULATION

###### Eligibility of Securities for Purchase, Dealing in and Underwriting; Limitations on Holdings

**AGENCY:** Comptroller of the Currency, Treasury.

**ACTION:** Final rule.

**SUMMARY:** This amendment adds to 12 CFR Part 1 selected significant investment rulings issued by the Comptroller of the Currency during the past year. The rulings were issued in response to specific requests from banks inquiring as to the applicability of federal banking law and regulations to securities which the bank holds, or desires to purchase, deal in or underwrite. The document also invites public comment on a preliminary proposal which would revise Part 1 and discontinue publication of individual rulings.

**EFFECTIVE DATE:** The rulings became effective when originally issued in letter form. The date of issuance is indicated in parentheses at the end of each ruling.

**ADDRESS:** Send preliminary comments to Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219.

###### FOR FURTHER INFORMATION CONTACT:

Richard H. Neiman, Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1880.

**SUPPLEMENTARY INFORMATION:** 12 CFR 1.9 provides that a bank may request the Comptroller to rule on the applicability of 12 CFR Part 1 or paragraph Seventh of 12 U.S.C. 24 to any security which it holds, or desires to deal in, underwrite, or purchase for its own account.

12 CFR Part 1, beginning at § 1.105, contains those investment rulings issued by the Comptroller since 1962. A number of the rulings have been published in the past which, while important to the requesting bank, were not of significant general interest to the banking industry as a whole. It was for this reason that the Comptroller pledged, in furtherance of the President's Executive Order 12044 on improving government regulations, to review the entire 12 CFR Part 1. The

purpose of the review was to simplify and clarify the regulation where possible and to reduce the number of rulings where they were found to be duplicative or unnecessary. See 43 FR 22324, 43 FR 52121 (May 24, 1978, Nov. 8, 1978).

As a result of the review process, the Comptroller has decided that for this year, only those rulings which have general significant interest will be published in the FEDERAL REGISTER and codified in the Code of Federal Regulations.

It should also be noted that the Comptroller has under consideration a proposal which would discontinue the publication of individual rulings, although such rulings would continue to be issued in letter form in response to bank requests. Instead of publication and codification, the Comptroller would make such rulings available to the public in the same manner as is afforded other significant letters issued by the Comptroller and his staff. In this way the rulings would be obtainable by private reporting services which are widely used by banks and bank counsel. In the event that this proposal is adopted, it is also expected that Part 1 would be revised by developing from the existing individual rulings a general set of principles applicable to bank investment activities. Although any specific revisions to Part 1 would first be published for comment in the FEDERAL REGISTER, the Comptroller at this time invites interested parties to submit any preliminary comments on the contemplated approach to a revision Mr. John E. Shockey, Chief Counsel, Office of the Comptroller of the Currency, Washington, D.C. 20219.

###### DRAFTING INFORMATION

The principal drafter of this document was Mr. Richard H. Neiman, Staff Attorney.

###### ADOPTION OF AMENDMENT

12 CFR Part 1 is amended by changing the subheading immediately preceding § 1.105 to read "Eligibility of Securities for Purchase, Dealing in and Underwriting; Limitations on Holdings" and by adding the following new sections:

- Sec.
- 1.469 Branch Brook Park Housing Association, Inc., Elderly Housing Revenue Bonds Section 8 Assisted.
  - 1.470 Dade County, Florida, Guaranteed Entitlement Revenue Bonds.
  - 1.471 Illinois Educational Facilities Authority (The Art Institute of Chicago).
  - 1.472 Missouri-Kansas-Texas Railroad Guaranteed Collateral Trust Notes.
  - 1.473 New York State Medical Care Facilities Finance Agency and the New York State Housing Finance Agency Health Facilities, Bond Anticipation Notes.

- 1.474 Arkansas Student Loan Authority Student Loan Revenue Bonds.
- 1.475 Marine Leasing Corporation Guaranteed Ship Financing Bonds.
- 1.476 Baytown Area Water Authority Water Supply Contract Revenue Bonds.
- 1.477 County of San Diego, California, 1978 Revenue and Tax Anticipation Notes.
- 1.478 Riverside County (California) Board of Education Service Center Building Corporation Leasehold Mortgage Bonds.
- 1.479 Public Building Commission of the City of Lawrence, Kansas, Public Building Revenue Bonds.
- 1.480 Atascadero (California) Unified School District Educational Facilities Corporation.

AUTHORITY: Sections 1.469-1.480 issued under 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

**§ 1.469 Branch Brook Park Housing Association, Inc., Elderly Housing Revenue Bonds Section 8 Assisted.**

(a) *Request.* Ruling on the eligibility of the \$7,190,000 Branch Brook Park Housing Association, Inc., Elderly Housing Revenue Bonds, Series 1977, Section 8 Assisted for dealing in and underwriting by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the 10 percent limitation thereof.

(b) *Opinion.* (1) The Bonds are being issued by the Branch Brook Park Housing Association, Inc. to permanently finance the acquisition of an 11-story, 200-unit apartment house for elderly persons of low income in Newark, New Jersey. The Association will lease the Project to the Housing Authority of the City of Newark. The Authority will sublet each of the apartment units in the Project to elderly and handicapped individuals and families of low income who are eligible for assistance under Section 8 of the United States Housing Act of 1937, as amended. In addition to the payments which the Authority will make to the Association, the Bonds will be secured by the revenues from the Department of Housing and Urban Development to the Authority pursuant to Section 8.

(2) In addition to general obligations of a State or political subdivision, national banks are permitted to underwrite and deal in revenue bonds subject to limitation of 10% of the bank's capital and surplus provided that such obligations are issued by an agency of a State or political subdivision for housing purposes. 12 U.S.C. 24(7). There is no question that the proceeds of this particular issue are to be used for housing purposes. The critical question is whether the Bonds are issued by an agency of a State or political subdivision.

(3) The Branch Brook Park Housing Association, Inc. is a non profit corporation organized under the laws of the State of New Jersey. This fact alone would not be sufficient to qualify it as

an agency of the State. However, the Association has been deemed by HUD to be an agency of the Housing Authority of the City of Newark in accordance with Section 11(b) of the Housing Act and 24 CFR 811.105 issued August 3, 1977 (42 FR 39205). The Authority is a public body corporate and politic created in accordance with Title 55 of the laws of the State of New Jersey.

(4) The authority to determine whether obligations issued by a public housing agency to finance Section 8 projects are tax exempt under Section 11(b) has been granted to HUD. Section 3 of the Housing Act defines public housing agency as any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing.

(5) In order to receive HUD approval as an agency or instrumentality of a public housing agency, the issuer must establish that it has been designated or created as the duly authorized agency or instrumentality of the parent entity (the public housing agency) and that such creation is not prohibited by State law. 24 CFR 811.105(a). Its activities must be limited to carrying out or assisting in carrying out one or more low-income housing projects, and the assistance may consist only of borrowing and lending funds for the project. HUD regulations also set forth provisions concerning the relationship between the parent and the agency or instrumentality. Such regulations require in part that the parent entity approve the charter and by-laws of the issuer and any amendments to those documents are subject to approval by the parent entity and by HUD; that the parent entity approve each project and projected expenditures of the issuer; that an annual financial audit of the issuer be conducted by an independent certified public accountant with review by the parent entity and submission of a copy of the audit and review to HUD; and that upon dissolution of the issuer, title to or other interest in any real or personal property owned by such issuer shall be vested in the parent entity. In addition, the Branch Brook Park Housing Association, Inc. is governed by a Board of Trustees consisting of five Trustees who are also members or officers of the Housing Authority of the City of Newark.

(6) Though HUD's determination that the issuer is an agency or instrumentality of a public housing agency goes only to whether the obligations of the issuer are tax exempt, the Comptroller has determined that because of the identity that must be established between the agency and the

parent entity, HUD's determination will also serve as evidence that the obligations are issued by an agency of a State or political subdivision for purposes of 12 U.S.C. 24(7). However, in each case a determination must also be made that the obligations are of investment grade and marketable. You have indicated that investment grade ratings have been assigned to the issue by both the national rating services.

(c) *Ruling.* It is our conclusion that the \$7,190,000 Branch Brook Park Housing Association, Inc., Elderly Housing Revenue Bonds, Series 1977, Section 8 Assisted are issued by an agency of a State or political subdivision for housing purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by the Branch Brook Park Housing Association, Inc., the Housing Authority of the City of Newark and any other agencies or instrumentalities of the Housing Authority of the City of Newark. (Letter dated Dec. 20, 1977.)

**§ 1.470 Dade County, Florida, Guaranteed Entitlement Revenue Bonds.**

(a) *Request.* Ruling on the eligibility of the \$65,000,000 Dade County, Florida, Guaranteed Entitlement Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) Dade County is issuing these bonds to refund \$42,250,000 in outstanding capital project bonds and to provide funds for the initial phases of a building project intended to centralize County government operations which are currently scattered in numerous locations.

(2) The bonds are secured by a pledge of funds which the County will receive as guaranteed entitlements under the Revenue Sharing Act of the State of Florida. These funds are derived from state taxes on cigarettes, motor vehicles and intangible personal property. The Act defines guaranteed entitlement to mean the amount of revenue which must be shared with an eligible unit of government. It also provides that local governments shall not pledge for the payment of their bonds or other debts created under this Act in excess of the guaranteed entitlement. The Act, however, does not provide a basis for concluding that the State has undertaken an obligation to do any more than share the revenues which it will receive from a specified group of taxes in accordance with a formula.

(c) *Ruling.* It is our conclusion that the \$65,000,000 Dade County, Florida Guaranteed Entitlement Revenue

Bonds, Series A are not eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of the 12 U.S.C. 24. However, national banks may purchase and hold these bonds for their own account subject to the 10% limitation of paragraph Seventh. (Letter dated Feb. 14, 1978.)

§ 1.471 Illinois Educational Facilities Authority (The Art Institute of Chicago).

(a) *Request.* Ruling on the eligibility of the \$15,000,000 Illinois Educational Facilities Authority, Series 1978 Revenue Bonds (The Art Institute of Chicago) for dealing in underwriting by national banks under paragraph Seventh of 12 U.S.C. 24 subject to the ten percent limitation thereof.

(b) *Opinion.* (1) The Illinois Educational Facilities Authority is a body politic and corporate created by the Illinois Educational Facilities Authority Act of 1969. The Act provides that the Authority is a public instrumentality and that the exercise of its powers shall be deemed to be the performance of an essential public function. The Authority is authorized by the Act to issue bonds to finance and refinance the cost of the construction or acquisition of education facilities for private institutions of higher education.

(2) The proceeds of the Bonds will be used by the Art Institute of Chicago to finance a portion of the costs it incurred in connection with a major construction and renovation project involving the School of the Art Institute of Chicago, and certain museum facilities used by the School and its students.

(3) The Art Institute of Chicago is an Illinois not-for-profit corporation, first incorporated as "The Chicago Academy of Fine Arts" in 1979. Located near downtown Chicago, on Michigan Avenue, the Art Institute houses a museum of art of international renown and stature.

(4) The School of the Art is a unit of the Art Institute, and is directed by the Vice President for Academic Affairs of the Art Institute. The School's existence (as "The Chicago Academy of Design") predates the incorporation of the Art Institute by thirteen years. The School currently enrolls approximately 800 student candidates for the degree of Bachelor of Fine Arts, 200 student candidates for the degree of Master of Fine Arts, and 600 students at large. The School maintains 65 full-time and 45 part-time highly qualified faculty members.

(5) The School of Art is listed by the Illinois Office of Education as a private college or university and as an accredited institution of post secondary education by the American Council on Education.

(6) The construction and renovation project ("the Project") which is being financed was undertaken in 1971 to be completed in 1978 with total costs estimated at approximately \$31,000,000.

(7) The portion of the Project costs to be financed with the proceeds of the Bonds, approximately \$13,547,000, represents that portion of the project financed by the Institute with funds which were diverted or withdrawn from endowment. The remaining portion of the Project costs were financed by the Institute through a fund-raising program for the benefit of the Project and for other purposes.

(8) The Project's principal component was the construction of a new building of a new building of 201,550 square feet to allow the School of Art to consolidate its departments in adequate, permanent facilities. The new building provides classroom, studio, library and office space for the School of Art as well as an auditorium and dining facilities used by the School's students and faculty and visitors to the Institute. The building also provides a new public entrance to the main facilities of the Institute, to which the new building is adjacent. The Project also included the construction and renovation of several galleries in the Museum used in part by the School of Art and its students for research and teaching purposes.

(c) *Rulings.* It is our conclusion that the \$15,000,000 Illinois Educational Facilities Authority, Series 1978 Revenue Bonds (The Art Institute of Chicago) are issued by an agency of a State for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by the Illinois Educational Facilities Authority. (Letter dated Feb. 24, 1978.)

§ 1.472 Missouri-Kansas-Texas Railroad Guaranteed Collateral Trust Notes.

(a) *Request.* Ruling on the eligibility of the \$16,000,000 5% Guaranteed Collateral Trust Notes for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The notes were issued by the Missouri-Kansas-Texas Railroad Company, a corporation duly organized and existing under the laws of the State of Delaware. The extension of the maturity dates of various notes contained in this package have been properly approved as evidenced by the Supplemental Collateral Trust Agreements dated April 30, 1972, and April 30, 1976, respectively. The Corporation issued these notes for the purpose of reimbursement for expenditures from its own funds made after

January 1, 1957, for certain additions and betterments or other capital expenditures.

(2) The notes are secured by \$24,000,000 aggregate principal amount of the Corporation's Prior Mortgage 5% Bonds, Series G due January 1, 2011. These Bonds are held in trust pursuant to the Collateral Trust Agreement dated May 1, 1976, by the Chemical Bank New York Trust Company. In addition, the notes are guaranteed by the Interstate Commerce Commission in accordance with the Transportation Act of 1958. The Transportation Act provides in pertinent part:

\*\*\* The Commission (Interstate Commerce Commission) \*\*\* may guarantee \*\*\* (any) private financing institution or trustee under trust indenture or agreement for the benefit of holders of any securities issued thereunder \*\*\* for the purpose of aiding any common carrier by railroad subject to this Act in financing or refinancing (1) of additions or betterments or other capital expenditures, made after January 1, 1957, or to reimburse the carrier for expenditures, made from its own funds for such additions and betterments or other capital expenditures \*\*\*

(3) In connection with transactions of this nature, the Attorney General has determined that any obligation undertaken by the Interstate Commerce Commission pursuant to the Transportation Act of 1958 will constitute an obligation of the United States. 41 OP. ATTY GEN. 403 (1959).

(c) *Ruling.* It is our conclusion that the \$16,000,000 5% Guaranteed Collateral Trust Notes are general obligations of the United States under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated Apr. 14, 1978.)

§ 1.473 New York State Medical Care Facilities Finance Agency and the New York State Housing Finance Agency Health Facilities, Bond Anticipation Notes.

(a) *Request.* Ruling on the eligibility of the \$24,215,000 New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bond Anticipation Notes, dated May 15, 1978, and the \$6,145,000 New York State Housing Finance Agency Health Facilities Bond Anticipation Notes, dated May 15, 1978 for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Ruling.* Both issues have the same legal basis as the \$43,000,000 New York State Medical Care Facilities Finance Agency Hospital and Nursing Home Project Bond Anticipation Notes dated December 23, 1974 which were the subject of the Comp-

troller's ruling of December 12, 1974 (12 CFR 1.397). Both issues are therefore eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Letter dated May 10, 1978.)

§ 1.474 Arkansas Student Loan Authority Student Loan Revenue Bonds.

(a) *Request.* Ruling on the eligibility of the \$7,500,000 State of Arkansas Student Loan Authority, Student Loan Revenue Bonds, Series 1978, for dealing in and underwriting by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Arkansas Student Loan Authority was established under Arkansas law as an agency of the State of Arkansas to supplement the activities of the Student Loan Guarantee Foundation of Arkansas. The Authority is authorized (i) to make student loans to qualified students attending participating institutions where such loans are guaranteed by the Foundation and in turn federally reinsured under the Higher Education Act of 1965, as amended; (ii) to make student loans to qualified students attending participating institutions where such loans are insured pursuant to provisions of the federally insured student loan program; and (iii) to acquire student loan notes from eligible lenders where such notes are guaranteed by the Foundation and federally reinsured.

(2) In order to provide the necessary funds to carry out these purposes, the Authority is authorized to issue student loan revenue bonds not exceeding \$15,000,000 aggregate principal amount outstanding at anytime. The proceeds of the bonds will be used by the Authority to create a secondary market to acquire federally reinsured student loan notes originated by certain banks and other financial institutions and, where appropriate, to make federally insured student loans to qualified students attending participating institutions. The term "participating institutions" is defined by Arkansas Statutes as any post high school educational institution, public or private, whose students are eligible for guaranteed student loans.

(3) The Foundation is currently eligible for and receives 100% federal reinsurance. However, such 100% reinsurance may be reduced to as low as 80% depending upon the default experience of the Foundation's program. Therefore, even though the loans are currently 100% federally reinsured there is no guaranty that this 100% coverage will remain in effect through maturity of the bonds. We therefore conclude that the subject bonds are not sufficiently supported by the federal insurance program to be consid-

ered obligations of the United States as you have requested.

(4) However, because the bonds are to be issued by an agency of the State to provide financial assistance for students to attend institutions of higher education, it is our conclusion that the bonds are being issued for a university purpose as that term is used in 12 U.S.C. 24 (Seventh). In addition, we also conclude that the bonds are of investment quality.

(c) *Ruling.* It is our conclusion that the \$7,500,000 State of Arkansas Student Loan Authority, Student Loan Revenue Bonds, Series 1978, are issued by an agency of a State for university purposes and are eligible under paragraph Seventh of 12 U.S.C. 24 for purchase, dealing in, underwriting and holding by national banks within the ten percent limitation with respect to aggregate holdings of obligations issued by the Arkansas Student Loan Authority. (Letter dated June 13, 1978.)

§ 1.475 Marine Leasing Corporation Guaranteed Ship Financing Bonds.

(a) *Request.* Ruling on the eligibility of the \$3,450,000 United States Government Guaranteed Ship Financing Bonds issued by the Marine Leasing Corporation for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The bonds will be guaranteed as to principal and interest by the United States of America under Title XI of the Merchant Marine Act of 1936, as amended, 46 U.S.C. 1271 *et seq.* Title XI expressly provides that: "That full faith and credit of the United States is pledged to the payment of all guarantees made under this title with respect to both principal and interest, including interest, as may be provided for in the guarantee, accruing between the date of default under a guaranteed obligation and the payment in full of the guarantee." 46 U.S.C. 1273(d).

(2) In an opinion dated March 26, 1973 given by the Attorney General of the United States to the Secretary of Commerce, the Attorney General concluded: (i) That the guarantees made by the Secretary in conformance with Title XI are valid and binding general obligations of the United States; (ii) that the full faith and credit of the United States is pledged to the payment of all such guarantees with respect to both principal and interest; and (iii) that the validity of such guarantees are incontestable in the hands of the holders of the guaranteed obligations.

(c) *Ruling.* It is our conclusion that the \$3,450,000 United States Government Guaranteed Ship Financing Bonds issued by the Marine Leasing

Corporation are obligations of the United States and are eligible for purchase, dealing in, underwriting, and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 (Letter dated June 23, 1978.)

§ 1.476 Baytown Area Water Authority Water Supply Contract Revenue Bonds.

(a) *Request.* Ruling on the eligibility of the \$11,850,000 Baytown Area Water Authority, Water Supply Contract Revenue Bonds (City of Baytown, Texas Project) Series 1978 for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Authority is issuing these bonds to finance the construction of water treatment and pumping facilities with a capacity of 19.5 million gallons of water daily to enable it to fulfill its contract to supply the City of Baytown with treated surface water for use in the water distribution system of the City. The City has agreed to pay for the water through the establishment of water rates sufficient to pay the authority's costs in applying the water. This contract is secured by the City's pledge of the gross revenues of its utility system.

(2) The Authority has pledged the payments to be made by the City for the payment of the principal of and interest on the bonds. The bonds and interest coupons are special obligations of the authority and are not payable directly or indirectly from funds derived or to be derived by taxation.

(c) *Ruling.* It is our conclusion that the \$11,850,000 Baytown Area Water Authority, Water Supply Contract Revenue Bonds are not general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are not eligible for dealing in, underwriting or unlimited holding by national banks. They are, however, eligible for purchase and holding subject to the 10% limitation of paragraph Seventh. (Letter dated Sept. 12, 1978.)

§ 1.477 County of San Diego, California 1978 Revenue and Tax Anticipation Notes.

(a) *Request.* Ruling on the eligibility of the \$60,000,000 County of San Diego, California, 1978 Revenue and Tax Anticipation Notes for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Constitution of California provides that no county shall incur any indebtedness exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the electors thereof voting at an election. Califor-

nia Statutes authorize a county to issue notes in any fiscal year in an amount not in excess of 85 percent of the estimated amount of the then uncollected taxes, income, revenue, cash receipts and other moneys of the county which will be available for the payment of the notes and the interest thereon. The Statutes authorize the pledge of taxes, income, revenue, cash receipts or other moneys of the county for the payment of the notes and additionally provide that the notes shall be general obligations of the county and to the extent not paid from the funds pledged shall be paid with interest moneys of the county lawfully available therefor.

(2) The Board of Supervisors of the County of San Diego has adopted a resolution directing the County Auditor and Controller to make a segregation of general fund revenues in the amount of 20 percent of the par value of the Notes issued for each of the five 28-day accounting periods subsequent to January 6, 1979. The segregated funds are to be placed into a special debt service fund to be used exclusively for the retirement of the Notes upon maturity. It is estimated that the amount of revenue available for transfer from the general fund to the special debt fund totals \$137,100,000.

(3) As a result of the approval of Proposition 13 and subsequent adoption of implementing legislation, it is estimated that the County of San Diego will incur a revenue loss of \$70,200,000 for 1978-79. However, the State Legislature has appropriated revenue block grants to partially replace the projected revenue losses of local governments. San Diego County is to receive a grant of \$8,900,000. In addition, the State will assume the County's share for a number of health and welfare programs for 1978-79 only, totaling approximately \$51,800,000. The net effect of these changes will be an overall reduction in County resources of \$9,500,000 or 1.7% of the 1978-79 proposed budget. To offset the impact of these changes, the County has taken action to revise various fees and service charges so as to produce additional funds. As a result, it is not anticipated that any major changes in the County's programs or financial position will occur during the 1978-79 fiscal year.

(c) *Ruling.* It is our conclusion that the \$60,000,000 County of San Diego, California, 1978 Revenue and Tax Anticipation Notes are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in underwriting and unlimited holding by national banks. (Letter dated Oct. 5, 1978.)

§ 1.478 Riverside County (California) Board of Education Service Center Building Corporation Leasehold Mortgage Bonds.

(a) *Request.* Ruling on the eligibility of the \$6,320,000 Riverside County (California) Board of Education Service Center Building Corporation Leasehold Mortgage Bonds, Issue of 1978, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Riverside County Board of Education Service Center Building Corporation, a California nonprofit corporation acting on behalf of the Riverside County Board of Education, was created to provide financial assistance to the Board of Education by financing the construction, improvement and remodeling of an administrative facility for use by the Board and the Office of the Riverside County Superintendent of Schools. The Corporation is issuing these bonds to construct such an administrative facility. The completed facility will be leased to and operated by the Board of Education. The lease-rental agreement provides for the Board to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on the Bonds, as well as other necessary expenses. The rental obligations incurred by the Board will be paid from the County School Service Fund. Under the provisions of the lease, the Board covenants to include the total rentals in its annual budget and to make the necessary annual appropriations for such payments.

(2) As a result of the approval of Proposition 13, the Board's entitlement of property tax revenues will be reduced from about \$7.9 million in Fiscal 1977-78 to \$3.6 million in Fiscal 1978-79. The California State Legislature has appropriated \$6.8 million to the Board to replace lost property tax revenues to be used for any purpose determined by the Board in Fiscal 1978-79. However, neither the Board nor the Corporation can predict the actions of the Legislature in subsequent years as to any further State apportionments or as to any restrictions which might be imposed on the use of such apportionments.

(c) *Ruling.* Because of the uncertainty created by Proposition 13 and the lack of assurance that the Board will be able to fund its lease-rental payments through maturity of the Bonds, the Comptroller concludes at this time that the \$6,320,000 Riverside County (California) Board of Education Service Center Building Corporation Leasehold Mortgage Bonds, Issue of 1978, are not general obligations of a State or a political subdivision thereof

under paragraph Seventh of 12 U.S.C. 24 and are not eligible for dealing in, underwriting or unlimited holding by national banks. (Letter dated Oct. 17, 1978.)

§ 1.479 Public Building Commission of the City of Lawrence, Kansas, Public Building Revenue Bonds.

(a) *Request.* Ruling on the eligibility of the \$1,970,000 Public Building Commission of the City of Lawrence Kansas, Public Building Revenue Bonds, Series 1978, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Public Building Commission of the City of Lawrence, Kansas is a municipal corporation created under the laws of the State of Kansas. Among its powers, the Commission is authorized to acquire a site and construct, equip, furnish and operate a building for lease to the City for municipal purposes and to issue revenue bonds to finance such operations. The Commission is issuing these bonds for that purpose. The City of Lawrence has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Commission in an amount sufficient to meet annual interest and principal payments on these bonds, as well as other necessary expenses.

(2) Although the City possesses general powers of property taxation, the City's aggregate tax rate currently equals the maximum amount permitted to be levied under State law. State law authorizes the City to suspend the aggregate tax levy limitation for one year or for a specified number of years whenever a majority of the electors of the City voting in an election vote in favor of such a suspension. In light of the limitations imposed on the City's ability to levy additional taxes, the City's obligation under the lease agreement cannot be regarded as a general obligation of the City for purposes of 12 U.S.C. 24.

(c) *Ruling.* It is our conclusion that the \$1,970,000 Public Building Commission of the City of Lawrence, Kansas, Public Building Revenue Bonds, Series 1978, are not general obligations of a State or a political subdivision under paragraph Seventh of 12 U.S.C. 24 and are therefore not eligible for dealing in, underwriting or unlimited holding by national banks. The Bonds are, however, eligible for purchase and holding subject to the ten percent limitation of paragraph Seventh. (Letter dated Nov. 30, 1978.)

§ 1.480 Atascadero Unified School District Educational Facilities Corporation.

(a) *Request.* Ruling on the eligibility of the \$2,170,000 Atascadero Unified School District Educational Facilities

Corporation, Series of 1978 Bonds, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Atascadero Unified School District Educational Facilities Corporation, a California non-profit Corporation acting on behalf of the Atascadero Unified School District, was created to render financial assistance to the District by financing and constructing public school buildings and facilities. The Corporation is issuing these bonds to finance the construction of Phase II of a project which will add additional classrooms and facilities to the Santa Margarita School in Santa Margarita and the Santa Rosa School and Atascadero Junior school in Atascadero. Phase I of the project was financed by bonds issued in 1977 which were the subject of the Comptroller's ruling of July 22, 1977 (12 CFR 1.459).

(2) The completed project will be leased to and operated by the District. The District has unconditionally promised in the lease rental agreement to pay annual lease rentals to the Corporation in an amount sufficient to meet annual interest and principal payments on the bonds, as well as other necessary expenses.

(3) On June 6, 1978, California voters approved a Constitutional Amendment, commonly known as Proposition 13, which limits to 1% of full cash value the amount of property tax which can be levied by a county and distributed to the districts within the county. Excluded from this limit were taxes to pay interest and redemption charges on any indebtedness approved by the voters prior to July 1, 1978. The State legislation implementing Proposition 13 has interpreted this to mean that in addition to the tax of 1% of full cash value (\$4.00 per \$100 of assessed valuation) which each county shall levy and distribute, any school district (or other eligible local agency) may levy a property tax equal to "the amount needed to (pay) interest and principal on general obligation bonds or other indebtedness approved by the voters prior to July 1, 1978, or the amount levied pursuant to \* \* \* Sections 39308, (and) 39311 \* \* \* of the Education Code." CAL. REV. & TAX CODE § 2237 (1978 Cal. Stats. Chpt. 292, as amended). The applicable provisions of the California Education Code permit a school district to lease permanent school facilities and with the approval of a majority of the voting electorate to increase taxes above the maximum tax rate to provide funds necessary for the lease rental payments. On November 2, 1976, voters in the Atascadero Unified School District, by a 57.5% majority, authorized a maximum increase of 36¢

per \$100 of assessed valuation to be levied as needed for the financing and leasing of new additions at six existing District schools.

(4) The District's principal source of revenue to meet its lease rental payments is expected to be the maximum 39¢ leasing tax rate. Based on current assessed valuation, the estimated leasing tax revenues would provide 1.18 coverage of the maximum total estimated annual rentals for Phases I and II of the project. Because it is expected that the assessed valuation in the District will continue to increase, it is also expected that this coverage margin will widen. In addition, unrestricted general fund revenues of the District may be used to meet rental payments. The District has thus unconditionally promised to make funds available for payment of its lease obligation sufficient to meet principal and interest payments on the bonds.

(c) *Ruling.* It is our conclusion that the \$2,170,000 Atascadero Unified School District Educational Facilities Corporation, Series of 1978 Bonds, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Letter dated Dec. 8, 1978.)

Dated: December 27, 1978.

JOHN G. HEIMAN,  
Comptroller of the Currency.

[FR Doc. 79-209 Filed 1-2-79; 8:45 am]

[6210-01-M]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; FC-0154]

PART 226—TRUTH IN LENDING

Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Official Staff Interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC-0154 of Regulation Z approving the use of certain tables and accompanying instructions to be used to compute the annual percentage rate on graduated payment mortgages under the HUD/FHA Section 245 Program. The agency is taking this action after reviewing the comments received upon publication of the interpretation.

DATE: Effective January 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-3867.

SUPPLEMENTARY INFORMATION:

(1) In the version of FC-0154 published for comment the staff proposed to approve the use of certain tables and accompanying instructions prepared by the U.S. Department of Housing and Urban Development for computing the annual percentage rate on graduated payment mortgages under the HUD/FHA Section 245 Experimental Financing Program.

(2) FC-0154 was published for comment on September 19, 1978, and two comments were received.

(3) In light of the comments received and further consideration by the staff, the final publication contains the following revisions to the instructions which accompany the tables:

(a) The term "prepaid finance charges" has been changed to "prepaid finance charge" so that it will conform to the proper terminology required by Regulation Z.

(b) The explanations of Items (f) and (h) in Example #1, and Item (h) in Examples #2 and #3 have been slightly revised to clarify the relationship between the initial mortgage interest and the prepaid finance charge in the three types of transactions.

(c) The term "interim mortgage interest" in the footnote to Example #2 has been changed to "initial mortgage interest" so that the terminology will be consistent throughout the instructions.

(d) Both the explanations and the figures for Items (e) and (f) in Example #3 have been revised to avoid giving the impression that an interest credit reduces the prepaid finance charge for purposes of Truth in Lending disclosures and to clarify that the interest credit should be reflected in the amount financed on such disclosures.

(e) Because of the revision described in paragraph (d), above, the explanation for computing the adjusted net proceeds in Example #3 has been revised to indicate that the divisor is the "proceeds" of \$35,000 rather than the full "loan amount" of \$35,081.51.

In addition, the following revisions are made to the text of the letter:

(a) The reference to HUD Handbook 4240.2 in the third paragraph has been changed to reflect the more recent, revised edition of that publication which is now available.

(b) A new fourth paragraph has been added to clarify the fact that al-

though the tables include information concerning level payment mortgages, the staff's approval for use of the tables extends only to the graduated payment mortgages.

(c) Minor editorial changes were made.

(4) Official Staff Interpretation FC-0154, as revised is effective immediately.

(5) Authority: 15 U.S.C. 1640(f).

§ 226.5(b)—Approval of tables for computing annual percentage rate for HUD/FHA Section 245 graduated payment mortgages.

DECEMBER 19, 1978.

This letter is in response to our correspondence and conversations concerning proper computation of the annual percentage rate for graduated payment mortgages made under the Department of Housing and Urban Development's FHA Section 245 Experimental Financing Program. You have requested that the Board staff review and verify that the attached tables, when used in accordance with the attached instructions, yield an accurate annual percentage rate for purposes of Regulation Z.

The staff has reviewed the attached materials and concludes that, subject to the limi-

tations set forth below, use of the tables in accordance with the instructions which accompany them results in an accurate annual percentage rate.

It should be noted that this approach may be used only when the first payment period, i.e., the period from the date on which the finance charge begins to accrue to the date of the first payment, falls within the ranges described in the minor irregularities provisions of Regulation Z, § 226.5(d) and Interpretation § 226.503. This means that the first payment must be due not more than 62 days after consummation of the loan in order for use of the tables to yield an accurate annual percentage rate. Use of this method also presumes that the monthly payments have been properly calculated using HUD Handbook 4240.2 Rev., dated June 1978. These tables and instructions cannot be used for graduated payment plans involving private mortgage insurance premiums, unless the calculations involved are made in the same manner as the calculations involved in the FHA Section 245 Graduated Payment Mortgage program, including the computation of the insurance premiums.

Finally, we note that, although the attached tables include information concerning level payment mortgages as well as grad-

uated payment mortgages, the approval contained herein extends only to use of these tables for the graduated payment mortgages. The staff expresses no opinion concerning use of the tables for computing rates for level payment plans.

#### INSTRUCTIONS FOR COMPUTING ANNUAL PERCENTAGE RATES FOR COMPLIANCE WITH REGULATION Z

These instructions are to be used in conjunction with the attached annual percentage rate tables prepared by the Actuarial Division, Department of Housing and Urban Development. The tables are applicable only to FHA-insured 30-year level payment and graduated payment (Section 245) loans where the annual mortgage insurance premium (MIP) is  $\frac{1}{2}$  of 1 percent.

The annual percentage rate (APR) computation in the tables assumes that the closing takes place exactly one month prior to the due date of the first payment. The following three examples show how to adjust the net proceeds when the date of closing is not one month prior to the first payment, in order to provide a more accurate APR.

NOTE.—For purposes of this computation, closings must be not more than 62 days before the due date of the first payment.

[6210-01-C]

EXAMPLE #1. Closings held more than one month prior to due date of first payment and interim interest collected at closing.

(a) Contract Interest Rate	<u>8-3/4%</u>
(b) Loan Type	<u>GPM Plan V</u>
(c) Due Date of 1st Payment	<u>June 1, 1978</u>
(d) Date of Closing	<u>April 10, 1978</u>
(e) Loan Amount	<u>\$42,000.00</u>
(f) Prepaid Finance Charge (Includes Initial Interest (h))	<u>\$2,311.44</u>
(g) Net Proceeds (e-f)	<u>\$39,688.56</u>
(h) Initial Mortgage Interest	<u>\$211.44</u>

Compute adjusted net proceeds per \$100 of face.

$$(\$39,688.56 + \$211.44) \times 100 \div \$42,000 = 95.000$$

$$\begin{array}{l} \text{(Net Proceeds} \\ \text{From (g))} \end{array} + \begin{array}{l} \text{Initial Mortgage} \\ \text{Interest From (h))} \end{array} \times 100 \div \begin{array}{l} \text{Loan Amount} \\ \text{From (e)} \end{array} =$$

Find closest net proceeds per hundred from the APR table for 8-3/4% interest and column for GPM Plan V.

Closest net proceeds per hundred	- <u>95.036</u>
Read across for APR	- <u>9.80%</u>

EXAMPLE #2. Closing held more than one month prior to due date of first payment and interim interest collected with the first payment or one month prior to first payment.

(a) Contract Interest Rate	<u>8-1/2%</u>
(b) Loan Type	<u>GPM Plan III</u>
(c) Due Date of 1st Payment	<u>May 1, 1978</u>
(d) Date of Closing	<u>March 17, 1978</u>
(e) Loan Amount	<u>\$20,000.00</u>
(f) Prepaid Finance Charge	<u>\$1,200.00</u>
(g) Net Proceeds (e-f)	<u>\$18,800.00</u>
(h) Initial Mortgage Interest	<u>\$69.86</u>

Compute adjusted\* net proceeds per \$100 of face.

\*When initial mortgage interest is collected (or rebated) at any time other than at closing, it has not been deducted from Net Proceeds (g) and therefore it is not necessary to add it to (or subtract it from, in the case of a rebate) the Net Proceeds before determining the APR.

## RULES AND REGULATIONS

3

$$\frac{\$18,800}{\text{Net Proceeds From (g)}} \times 100 \div \frac{\$20,000}{\text{Loan Amount From (e)}} = 94.00$$

Find closest net proceeds per hundred from the APR table for 8-1/2% interest and column for GPM Plan III.

Closest net proceeds per hundred - 93.972

Read across for APR - 9.67%

EXAMPLE #3. Closing is held less than one month prior to due date of first payment and interest from date one month prior to first payment date to the closing date is rebated to purchaser at closing.

(a) Contract Interest Rate	<u>8-1/2%</u>
(b) Loan Type	<u>GPM Plan II</u>
(c) Due Date of 1st Payment	<u>April 1, 1978</u>
(d) Date of Closing	<u>March 11, 1978</u>
(e) Loan Amount (Proceeds of \$35,000 + Initial Interest Credit (h))	<u>\$35,081.51</u>
(f) Prepaid Finance Charge	<u>\$1,925.00</u>
(g) Net Proceeds (e-f)	<u>\$33,156.51</u>
(h) Initial Mortgage Interest Paid to Borrower at Closing or Credited to Closing Costs	<u>\$81.51</u>

Compute adjusted net proceeds per \$100 of face.

$$\frac{(\$33,156.51 - \$81.51) \times 100}{\$35,000} = 94.500$$

(Net Proceeds From (g) - Initial Mortgage Interest From (h)) x 100 ÷ Proceeds From (e) =

Find closest net proceeds per hundred from the APR tables for 8-1/2% interest and column for GPM Plan II.

Closest net proceeds per hundred - 94.507

Read across for APR - 9.62%

TABLES SHOWING ANNUAL PERCENTAGE RATES INCLUDING  
MORTGAGE INSURANCE PREMIUMS FOR PHA-INSURED LEVEL  
PAYMENT AND GRADUATED PAYMENT MORTGAGE AMORTIZATION  
PLANS AUTHORIZED UNDER SECTION 245

Description of the Graduated Payment Mortgage (GPM) Plans  
Shown in the Accompanying Tables

<u>PLAN</u>	<u>DESCRIPTION</u>
I	5 years of increasing payments at 2-1/2 percent each year
II	5 years of increasing payments at 5 percent each year
III	5 years of increasing payments at 7-1/2 percent each year
IV	10 years of increasing payments at 2 percent each year
V	10 years of increasing payments at 3 percent each year

Prepared by:  
Actuarial Division  
Office of Housing  
Department of Housing  
and Urban Development

TABLE 1

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 7.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	AFR	PMT	I	II	III	IV	V
8.25	99.999	99.999	99.999	99.999	99.999	99.999	8.60	96.837	96.767	96.703	96.643	96.686	96.613
8.26	99.906	99.905	99.903	99.901	99.900	99.900	8.61	96.749	96.678	96.611	96.549	96.594	96.519
8.27	99.814	99.810	99.806	99.803	99.801	99.801	8.62	96.661	96.588	96.520	96.456	96.502	96.425
8.28	99.721	99.715	99.710	99.704	99.708	99.702	8.63	96.573	96.498	96.428	96.363	96.410	96.331
8.29	99.629	99.621	99.614	99.607	99.611	99.603	8.64	96.486	96.409	96.337	96.270	96.318	96.237
8.30	99.537	99.527	99.517	99.509	99.515	99.504	8.65	96.399	96.320	96.246	96.178	96.227	96.144
8.31	99.445	99.433	99.422	99.411	99.418	99.406	8.66	96.311	96.231	96.155	96.085	96.136	96.051
8.32	99.353	99.339	99.326	99.313	99.322	99.307	8.67	96.224	96.142	96.064	95.993	96.044	95.957
8.33	99.261	99.245	99.230	99.216	99.226	99.209	8.68	96.137	96.053	95.974	95.900	95.953	95.864
8.34	99.170	99.152	99.135	99.119	99.130	99.111	8.69	96.050	95.964	95.883	95.808	95.862	95.771
8.35	99.078	99.058	99.039	99.022	99.034	99.013	8.70	95.964	95.875	95.793	95.716	95.771	95.679
8.36	98.987	98.965	98.944	98.925	98.939	98.915	8.71	95.877	95.787	95.703	95.624	95.681	95.586
8.37	98.896	98.872	98.849	98.828	98.843	98.817	8.72	95.791	95.698	95.613	95.533	95.590	95.494
8.38	98.805	98.779	98.754	98.731	98.748	98.720	8.73	95.704	95.610	95.523	95.441	95.500	95.401
8.39	98.714	98.686	98.659	98.635	98.652	98.623	8.74	95.618	95.522	95.433	95.349	95.410	95.309
8.40	98.623	98.593	98.565	98.539	98.557	98.525	8.75	95.532	95.434	95.343	95.258	95.320	95.217
8.41	98.533	98.500	98.470	98.442	98.462	98.428	8.76	95.446	95.346	95.254	95.167	95.230	95.125
8.42	98.442	98.408	98.376	98.346	98.368	98.331	8.77	95.360	95.259	95.164	95.076	95.140	95.033
8.43	98.352	98.316	98.282	98.250	98.273	98.235	8.78	95.274	95.171	95.075	94.985	95.050	94.942
8.44	98.262	98.223	98.188	98.155	98.178	98.138	8.79	95.189	95.084	94.986	94.894	94.960	94.850
8.45	98.172	98.131	98.094	98.059	98.084	98.042	8.80	95.103	94.997	94.897	94.804	94.871	94.759
8.46	98.082	98.040	98.000	97.964	97.990	97.945	8.81	95.018	94.909	94.808	94.713	94.782	94.667
8.47	97.992	97.948	97.907	97.868	97.896	97.849	8.82	94.933	94.822	94.719	94.623	94.693	94.576
8.48	97.902	97.856	97.813	97.773	97.802	97.753	8.83	94.848	94.735	94.631	94.533	94.604	94.485
8.49	97.813	97.765	97.720	97.678	97.708	97.657	8.84	94.763	94.649	94.542	94.443	94.515	94.395
8.50	97.723	97.673	97.627	97.583	97.614	97.562	8.85	94.678	94.562	94.454	94.353	94.426	94.304
8.51	97.634	97.582	97.534	97.489	97.521	97.466	8.86	94.594	94.476	94.365	94.263	94.337	94.213
8.52	97.545	97.491	97.441	97.394	97.428	97.371	8.87	94.509	94.389	94.277	94.173	94.249	94.123
8.53	97.456	97.400	97.348	97.300	97.334	97.276	8.88	94.425	94.303	94.189	94.084	94.160	94.033
8.54	97.367	97.309	97.255	97.205	97.241	97.180	8.89	94.340	94.217	94.102	93.994	94.070	93.943
8.55	97.278	97.219	97.163	97.111	97.148	97.085	8.90	94.256	94.131	94.014	93.905	93.984	93.853
8.56	97.190	97.128	97.071	97.017	97.056	96.991	8.91	94.172	94.045	93.926	93.816	93.896	93.763
8.57	97.101	97.038	96.979	96.923	96.963	96.896	8.92	94.088	93.959	93.839	93.727	93.808	93.673
8.58	97.013	96.948	96.885	96.830	96.870	96.802	8.93	94.004	93.874	93.752	93.638	93.721	93.584
8.59	96.925	96.857	96.795	96.736	96.778	96.707	8.94	93.921	93.788	93.665	93.549	93.633	93.494

TABLE 1 (CONT.)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 7.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					
	LEVEL PMT	I	II	III	IV		V	LEVEL PMT	I	II	III	IV
8.95	93.837	93.703	93.578	93.461	93.546	93.405	92.599	92.438	92.288	92.148	92.250	92.082
8.96	93.754	93.618	93.491	93.372	93.458	93.316	92.517	92.355	92.203	92.061	92.165	91.995
8.97	93.671	93.533	93.404	93.284	93.371	93.227	92.436	92.272	92.118	91.975	92.080	91.908
8.98	93.587	93.448	93.317	93.196	93.284	93.138	92.355	92.188	92.033	91.889	91.995	91.821
8.99	93.504	93.363	93.231	93.108	93.197	93.049	92.273	92.105	91.949	91.803	91.910	91.734
9.00	93.421	93.278	93.144	93.020	93.111	92.961	92.192	92.023	91.864	91.717	91.825	91.647
9.01	93.339	93.194	93.058	92.932	93.024	92.872	92.111	91.940	91.780	91.631	91.740	91.561
9.02	93.256	93.109	92.972	92.844	92.938	92.784	92.031	91.857	91.696	91.545	91.656	91.475
9.03	93.173	93.025	92.886	92.757	92.851	92.696	91.950	91.775	91.612	91.460	91.571	91.388
9.04	93.091	92.941	92.800	92.669	92.765	92.607	91.869	91.693	91.528	91.374	91.487	91.302
9.05	93.009	92.857	92.715	92.582	92.679	92.520	91.789	91.610	91.444	91.289	91.403	91.216
9.06	92.927	92.773	92.629	92.495	92.593	92.432	91.708	91.528	91.360	91.204	91.319	91.131
9.07	92.844	92.689	92.543	92.408	92.507	92.344	91.628	91.446	91.277	91.119	91.235	91.045
9.08	92.763	92.605	92.458	92.321	92.421	92.257	91.548	91.364	91.193	91.034	91.151	90.959
9.09	92.681	92.521	92.373	92.234	92.336	92.169	91.468	91.283	91.110	90.949	91.067	90.874

TABLE 2

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT				
	I	II	III	IV	V	I	II	III	IV	V
8.50	99.999	99.999	99.999	99.999	99.999	96.882	96.813	96.748	96.688	96.659
8.51	99.908	99.906	99.902	99.904	99.901	96.796	96.724	96.658	96.596	96.566
8.52	99.817	99.809	99.805	99.808	99.804	96.709	96.636	96.568	96.504	96.474
8.53	99.726	99.719	99.709	99.712	99.706	96.623	96.548	96.477	96.412	96.381
8.54	99.635	99.627	99.619	99.617	99.608	96.537	96.458	96.387	96.320	96.289
8.55	99.544	99.534	99.524	99.522	99.511	96.450	96.371	96.298	96.229	96.196
8.56	99.453	99.441	99.430	99.427	99.414	96.364	96.284	96.208	96.137	96.104
8.57	99.363	99.348	99.335	99.332	99.317	96.279	96.196	96.118	96.046	96.012
8.58	99.272	99.256	99.241	99.237	99.220	96.193	96.108	96.029	95.955	95.921
8.59	99.182	99.164	99.147	99.142	99.123	96.107	96.021	95.940	95.864	95.829
8.60	99.092	99.072	99.053	99.048	99.027	96.022	95.933	95.850	95.773	95.737
8.61	99.002	98.980	98.959	98.953	98.930	95.936	95.846	95.761	95.683	95.646
8.62	98.912	98.888	98.865	98.859	98.834	95.851	95.759	95.673	95.592	95.555
8.63	98.822	98.796	98.772	98.765	98.738	95.766	95.672	95.584	95.502	95.463
8.64	98.733	98.704	98.678	98.671	98.642	95.681	95.585	95.495	95.411	95.372
8.65	98.643	98.613	98.585	98.578	98.546	95.596	95.498	95.407	95.321	95.282
8.66	98.554	98.522	98.492	98.484	98.450	95.511	95.412	95.318	95.231	95.191
8.67	98.465	98.431	98.399	98.390	98.354	95.427	95.325	95.230	95.141	95.100
8.68	98.376	98.340	98.306	98.297	98.259	95.342	95.239	95.142	95.052	95.010
8.69	98.287	98.249	98.213	98.204	98.164	95.258	95.152	95.054	94.962	94.920
8.70	98.198	98.158	98.120	98.111	98.069	95.174	95.066	94.966	94.873	94.829
8.71	98.109	98.067	98.028	98.018	97.974	95.089	94.980	94.878	94.783	94.739
8.72	98.021	97.977	97.938	97.925	97.879	95.005	94.895	94.791	94.694	94.650
8.73	97.933	97.887	97.843	97.833	97.784	94.922	94.809	94.703	94.605	94.560
8.74	97.844	97.796	97.751	97.740	97.690	94.838	94.722	94.616	94.516	94.470
8.75	97.756	97.706	97.660	97.648	97.595	94.754	94.638	94.529	94.427	94.381
8.76	97.668	97.616	97.568	97.555	97.501	94.671	94.552	94.442	94.339	94.291
8.77	97.580	97.527	97.476	97.463	97.407	94.587	94.467	94.355	94.250	94.202
8.78	97.493	97.437	97.385	97.372	97.313	94.504	94.382	94.268	94.162	94.113
8.79	97.405	97.347	97.293	97.280	97.219	94.421	94.297	94.182	94.074	94.024
8.80	97.318	97.258	97.202	97.188	97.125	94.338	94.212	94.095	93.986	93.935
8.81	97.230	97.169	97.111	97.097	97.032	94.255	94.128	94.009	93.898	93.847
8.82	97.143	97.080	97.020	97.005	96.938	94.172	94.043	93.922	93.810	93.758
8.83	97.056	96.991	96.929	96.914	96.845	94.090	93.959	93.836	93.722	93.670
8.84	96.969	96.902	96.839	96.823	96.752	94.007	93.874	93.750	93.634	93.581

TABLE 2 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	LEVEL PMT	I	II	GPM PLANS III	IV	V	LEVEL PMT	I	II	GPM PLANS III	IV	V
9.20	93.925	93.790	93.654	93.547	93.434	93.493	92.703	92.542	92.391	92.251	92.356	92.187
9.21	93.843	93.706	93.579	93.460	93.348	93.405	92.623	92.460	92.307	92.165	92.271	92.101
9.22	93.760	93.622	93.493	93.372	93.262	93.317	92.543	92.378	92.224	92.080	92.187	92.015
9.23	93.678	93.538	93.407	93.285	93.176	93.230	92.462	92.296	92.140	91.995	92.103	91.929
9.24	93.597	93.455	93.322	93.198	93.090	93.142	92.382	92.214	92.057	91.910	92.019	91.844
9.25	93.515	93.371	93.237	93.112	93.005	93.055	92.302	92.132	91.973	91.825	91.935	91.758
9.26	93.433	93.288	93.152	93.025	92.919	92.967	92.222	92.050	91.890	91.740	91.852	91.673
9.27	93.352	93.204	93.067	92.938	92.830	92.880	92.143	91.969	91.807	91.655	91.769	91.588
9.28	93.270	93.121	92.982	92.852	92.749	92.793	92.063	91.888	91.724	91.571	91.685	91.503
9.29	93.189	93.038	92.897	92.766	92.663	92.706	91.983	91.806	91.641	91.487	91.602	91.418
9.30	93.108	92.955	92.812	92.680	92.578	92.619	91.904	91.725	91.558	91.402	91.519	91.333
9.31	93.027	92.872	92.728	92.593	92.494	92.533	91.825	91.644	91.475	91.318	91.436	91.248
9.32	92.946	92.789	92.644	92.508	92.409	92.446	91.746	91.563	91.393	91.234	91.353	91.163
9.33	92.865	92.707	92.559	92.422	92.324	92.360	91.666	91.482	91.311	91.150	91.270	91.079
9.34	92.784	92.624	92.475	92.336	92.240	92.273	91.588	91.402	91.228	91.066	91.188	90.994

TABLE 3

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.25 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	LEVEL PMT	I	II	III	IV	V	LEVEL PMT	I	II	III	IV	V
8.75	99.999	99.999	99.999	99.999	99.999	99.999	96.928	96.858	96.793	96.732	96.777	96.705
8.76	99.909	99.907	99.905	99.905	99.903	99.903	96.842	96.771	96.704	96.641	96.688	96.613
8.77	99.819	99.815	99.812	99.808	99.811	99.806	96.757	96.683	96.615	96.551	96.598	96.430
8.78	99.730	99.724	99.718	99.716	99.710	99.710	96.672	96.596	96.526	96.460	96.509	96.430
8.79	99.640	99.632	99.624	99.622	99.614	99.614	96.587	96.509	96.437	96.370	96.420	96.339
8.80	99.551	99.540	99.531	99.522	99.518	99.518	96.502	96.422	96.348	96.279	96.331	96.248
8.81	99.461	99.449	99.438	99.427	99.435	99.422	96.417	96.336	96.260	96.189	96.242	96.157
8.82	99.372	99.358	99.344	99.332	99.341	99.326	96.332	96.249	96.172	96.099	96.153	96.067
8.83	99.283	99.267	99.251	99.237	99.248	99.231	96.248	96.163	96.083	96.009	96.065	95.976
8.84	99.194	99.176	99.159	99.143	99.154	99.135	96.163	96.076	95.995	95.919	95.976	95.885
8.85	99.105	99.085	99.066	99.048	99.061	99.040	96.079	95.990	95.907	95.830	95.888	95.795
8.86	99.016	98.994	98.973	98.954	98.968	98.945	95.995	95.904	95.819	95.740	95.800	95.705
8.87	98.928	98.904	98.881	98.860	98.875	98.850	95.911	95.818	95.732	95.651	95.711	95.615
8.88	98.840	98.813	98.789	98.766	98.783	98.755	95.827	95.732	95.644	95.562	95.623	95.525
8.89	98.751	98.723	98.696	98.672	98.690	98.660	95.743	95.647	95.557	95.473	95.536	95.435
8.90	98.663	98.633	98.604	98.578	98.598	98.566	95.659	95.561	95.469	95.384	95.448	95.346
8.91	98.575	98.543	98.513	98.484	98.505	98.471	95.576	95.476	95.382	95.295	95.360	95.255
8.92	98.487	98.453	98.421	98.391	98.413	98.377	95.492	95.390	95.295	95.206	95.273	95.167
8.93	98.399	98.363	98.329	98.298	98.321	98.283	95.409	95.305	95.208	95.118	95.186	95.077
8.94	98.312	98.274	98.238	98.204	98.229	98.189	95.326	95.220	95.121	95.029	95.098	94.988
8.95	98.224	98.184	98.146	98.111	98.137	98.095	95.243	95.135	95.035	94.941	95.011	94.899
8.96	98.137	98.095	98.055	98.018	98.046	98.001	95.160	95.050	94.948	94.853	94.924	94.810
8.97	98.050	98.006	97.964	97.926	97.954	97.908	95.077	94.966	94.862	94.765	94.838	94.722
8.98	97.963	97.916	97.873	97.833	97.863	97.815	94.994	94.881	94.775	94.677	94.751	94.633
8.99	97.876	97.828	97.782	97.740	97.772	97.721	94.912	94.797	94.689	94.589	94.664	94.545
9.00	97.789	97.739	97.692	97.648	97.681	97.628	94.829	94.712	94.603	94.501	94.578	94.456
9.01	97.702	97.650	97.601	97.556	97.590	97.535	94.747	94.628	94.517	94.414	94.492	94.368
9.02	97.616	97.561	97.511	97.464	97.499	97.442	94.665	94.544	94.432	94.326	94.406	94.280
9.03	97.529	97.473	97.421	97.372	97.408	97.350	94.582	94.460	94.346	94.239	94.320	94.192
9.04	97.443	97.385	97.331	97.280	97.318	97.257	94.501	94.376	94.260	94.152	94.234	94.105
9.05	97.357	97.297	97.241	97.188	97.227	97.165	94.419	94.293	94.175	94.065	94.148	94.017
9.06	97.271	97.209	97.151	97.097	97.137	97.072	94.337	94.209	94.090	93.978	94.062	93.929
9.07	97.185	97.121	97.061	97.005	97.047	96.980	94.255	94.126	94.005	93.891	93.977	93.842
9.08	97.099	97.033	96.972	96.914	96.957	96.888	94.174	94.042	93.920	93.805	93.891	93.755
9.09	97.013	96.945	96.882	96.823	96.867	96.796	94.092	93.959	93.835	93.718	93.806	93.668

TABLE 3 (CONT.)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.25 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT				
	LEVEL PMT	I	II	III	V		LEVEL PMT	I	II	III	V
9.45	94.011	93.876	93.750	93.632	93.721	9.60	92.806	92.645	92.493	92.352	92.459
9.46	93.930	93.793	93.665	93.546	93.636	9.61	92.727	92.563	92.410	92.268	92.376
9.47	93.849	93.710	93.581	93.460	93.407	9.62	92.648	92.482	92.328	92.183	92.293
9.48	93.768	93.628	93.496	93.374	93.320	9.63	92.569	92.401	92.245	92.099	92.210
9.49	93.687	93.545	93.412	93.288	93.382	9.64	92.490	92.321	92.163	92.015	92.128
9.50	93.607	93.463	93.328	93.202	93.297	9.65	92.411	92.240	92.081	91.932	92.045
9.51	93.526	93.380	93.244	93.117	93.213	9.66	92.332	92.159	91.998	91.848	91.962
9.52	93.446	93.298	93.160	93.031	93.129	9.67	92.253	92.079	91.916	91.764	91.880
9.53	93.365	93.216	93.076	92.946	93.045	9.68	92.175	91.999	91.834	91.681	91.798
9.54	93.285	93.134	92.993	92.861	92.961	9.69	92.096	91.918	91.752	91.597	91.716
9.55	93.205	93.052	92.909	92.776	92.877	9.70	92.018	91.838	91.671	91.514	91.634
9.56	93.125	92.970	92.826	92.691	92.793	9.71	91.939	91.758	91.589	91.431	91.552
9.57	93.045	92.889	92.742	92.606	92.709	9.72	91.861	91.679	91.508	91.348	91.470
9.58	92.966	92.807	92.659	92.521	92.626	9.73	91.783	91.599	91.426	91.265	91.388
9.59	92.886	92.726	92.576	92.436	92.543	9.74	91.705	91.519	91.345	91.183	91.307

TABLE 4

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS WITH A CONTRACT RATE OF 8.50 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	AFR	LEVEL PMT	I	II	III	IV	V
9.00	99.999	99.999	99.999	99.999	99.999	99.999	9.35	96.972	96.902	96.837	96.776	96.822	96.750
9.01	99.911	99.907	99.905	99.906	99.904	99.904	9.36	96.888	96.816	96.749	96.686	96.734	96.659
9.02	99.822	99.818	99.814	99.813	99.809	99.809	9.37	96.804	96.730	96.661	96.597	96.646	96.569
9.03	99.734	99.727	99.722	99.716	99.714	99.714	9.38	96.720	96.644	96.573	96.507	96.558	96.479
9.04	99.645	99.637	99.630	99.622	99.619	99.619	9.39	96.636	96.558	96.486	96.418	96.470	96.389
9.05	99.557	99.547	99.537	99.529	99.525	99.525	9.40	96.552	96.473	96.398	96.329	96.382	96.299
9.06	99.469	99.457	99.445	99.435	99.430	99.430	9.41	96.468	96.387	96.311	96.240	96.294	96.210
9.07	99.381	99.367	99.354	99.341	99.336	99.336	9.42	96.385	96.302	96.224	96.151	96.207	96.120
9.08	99.293	99.277	99.262	99.248	99.241	99.241	9.43	96.302	96.216	96.137	96.062	96.119	96.031
9.09	99.206	99.187	99.170	99.154	99.147	99.147	9.44	96.218	96.131	96.050	95.974	96.032	95.941
9.10	99.118	99.098	99.079	99.061	99.053	99.053	9.45	96.135	96.046	95.963	95.885	95.945	95.852
9.11	99.031	99.009	98.988	98.968	98.959	98.959	9.46	96.052	95.961	95.876	95.797	95.858	95.763
9.12	98.944	98.919	98.896	98.875	98.866	98.866	9.47	95.969	95.877	95.790	95.709	95.771	95.674
9.13	98.856	98.830	98.805	98.782	98.772	98.772	9.48	95.887	95.792	95.704	95.621	95.684	95.586
9.14	98.769	98.741	98.715	98.690	98.679	98.679	9.49	95.804	95.707	95.617	95.533	95.597	95.497
9.15	98.683	98.652	98.624	98.597	98.586	98.586	9.50	95.721	95.623	95.531	95.445	95.511	95.409
9.16	98.596	98.563	98.533	98.505	98.492	98.492	9.51	95.639	95.539	95.445	95.357	95.424	95.320
9.17	98.509	98.475	98.443	98.413	98.399	98.399	9.52	95.557	95.455	95.359	95.270	95.338	95.232
9.18	98.423	98.386	98.352	98.321	98.307	98.307	9.53	95.475	95.371	95.273	95.182	95.252	95.144
9.19	98.336	98.298	98.262	98.229	98.214	98.214	9.54	95.393	95.287	95.188	95.095	95.166	95.056
9.20	98.250	98.210	98.172	98.137	98.121	98.121	9.55	95.311	95.203	95.102	95.008	95.080	94.968
9.21	98.164	98.122	98.082	98.045	98.029	98.029	9.56	95.229	95.119	95.017	94.921	94.994	94.881
9.22	98.078	98.034	97.992	97.954	97.937	97.937	9.57	95.147	95.036	94.932	94.834	94.909	94.793
9.23	97.992	97.946	97.903	97.862	97.845	97.845	9.58	95.066	94.952	94.846	94.747	94.823	94.706
9.24	97.907	97.858	97.813	97.771	97.753	97.753	9.59	94.984	94.869	94.761	94.661	94.738	94.618
9.25	97.821	97.771	97.724	97.680	97.713	97.661	9.60	94.903	94.786	94.676	94.574	94.653	94.531
9.26	97.735	97.683	97.634	97.589	97.623	97.569	9.61	94.822	94.703	94.592	94.488	94.567	94.444
9.27	97.650	97.596	97.545	97.498	97.534	97.477	9.62	94.741	94.620	94.507	94.402	94.482	94.357
9.28	97.565	97.509	97.456	97.407	97.444	97.386	9.63	94.660	94.537	94.423	94.315	94.398	94.271
9.29	97.480	97.422	97.367	97.317	97.355	97.295	9.64	94.579	94.454	94.338	94.229	94.313	94.184
9.30	97.395	97.335	97.279	97.226	97.266	97.203	9.65	94.498	94.372	94.254	94.144	94.228	94.097
9.31	97.310	97.248	97.190	97.136	97.177	97.112	9.66	94.417	94.289	94.170	94.058	94.144	94.011
9.32	97.225	97.161	97.102	97.046	97.088	97.022	9.67	94.337	94.207	94.086	93.972	94.059	93.925
9.33	97.141	97.075	97.013	96.956	96.999	96.931	9.68	94.257	94.125	94.002	93.887	93.975	93.839
9.34	97.056	96.988	96.925	96.866	96.911	96.840	9.69	94.176	94.043	93.918	93.801	93.891	93.753

TABLE 4 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.50 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	AFR	PMT	LEVEL	I	II	III	IV
9.70	94.096	93.961	93.834	93.716	93.807	93.667	9.85	92.908	92.746	92.594	92.452	92.562	92.394
9.71	94.016	93.879	93.751	93.631	93.723	93.581	9.86	92.829	92.666	92.512	92.369	92.480	92.310
9.72	93.936	93.797	93.667	93.546	93.639	93.495	9.87	92.751	92.586	92.431	92.286	92.398	92.226
9.73	93.856	93.716	93.584	93.461	93.556	93.410	9.88	92.673	92.506	92.349	92.203	92.316	92.143
9.74	93.777	93.634	93.501	93.376	93.472	93.325	9.89	92.595	92.426	92.268	92.120	92.234	92.059
9.75	93.697	93.553	93.418	93.292	93.389	93.239	9.90	92.517	92.346	92.186	92.037	92.153	91.976
9.76	93.618	93.472	93.335	93.207	93.306	93.154	9.91	92.440	92.267	92.105	91.954	92.071	91.893
9.77	93.538	93.390	93.252	93.123	93.222	93.069	9.92	92.362	92.187	92.024	91.872	91.990	91.810
9.78	93.459	93.309	93.169	93.038	93.139	92.984	9.93	92.284	92.108	91.943	91.789	91.909	91.727
9.79	93.380	93.229	93.087	92.954	93.057	92.900	9.94	92.207	92.029	91.863	91.707	91.828	91.644
9.80	93.301	93.148	93.004	92.870	92.974	92.815	9.95	92.130	91.950	91.782	91.625	91.747	91.561
9.81	93.222	93.067	92.922	92.786	92.891	92.731	9.96	92.053	91.871	91.701	91.543	91.666	91.478
9.82	93.143	92.987	92.840	92.703	92.809	92.646	9.97	91.975	91.792	91.621	91.461	91.585	91.396
9.83	93.065	92.906	92.758	92.619	92.726	92.562	9.98	91.898	91.714	91.541	91.379	91.504	91.313
9.84	92.986	92.826	92.676	92.535	92.644	92.478	9.99	91.822	91.635	91.460	91.297	91.424	91.231

TABLE 5

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					
	I	II	III	IV	V	LEVEL PMT	I	II	III	IV	V
9.25	99.999	99.999	99.999	99.999	100.000	97.016	96.946	96.880	96.819	96.866	96.794
9.26	99.912	99.910	99.908	99.906	99.906	96.933	96.861	96.794	96.731	96.779	96.705
9.27	99.825	99.821	99.817	99.816	99.812	96.850	96.776	96.707	96.642	96.692	96.616
9.28	99.737	99.731	99.726	99.724	99.718	96.767	96.691	96.620	96.554	96.605	96.527
9.29	99.650	99.642	99.635	99.633	99.625	96.684	96.607	96.534	96.466	96.519	96.438
9.30	99.564	99.553	99.544	99.542	99.531	96.602	96.522	96.448	96.378	96.432	96.350
9.31	99.477	99.465	99.453	99.451	99.438	96.519	96.438	96.362	96.290	96.346	96.261
9.32	99.390	99.376	99.363	99.360	99.345	96.437	96.354	96.276	96.203	96.259	96.173
9.33	99.304	99.287	99.272	99.269	99.252	96.355	96.269	96.190	96.115	96.173	96.085
9.34	99.217	99.199	99.182	99.178	99.159	96.273	96.186	96.104	96.028	96.087	95.997
9.35	99.131	99.111	99.092	99.088	99.066	96.191	96.102	96.018	95.940	96.001	95.909
9.36	99.045	99.023	99.002	99.007	98.974	96.109	96.018	95.933	95.853	95.915	95.821
9.37	98.959	98.935	98.912	98.907	98.881	96.027	95.934	95.847	95.766	95.829	95.733
9.38	98.873	98.847	98.822	98.817	98.789	95.946	95.851	95.762	95.679	95.744	95.646
9.39	98.787	98.759	98.732	98.727	98.697	95.864	95.767	95.677	95.592	95.658	95.558
9.40	98.702	98.671	98.643	98.637	98.605	95.783	95.684	95.592	95.506	95.573	95.471
9.41	98.616	98.584	98.554	98.547	98.513	95.701	95.601	95.507	95.419	95.488	95.384
9.42	98.531	98.497	98.464	98.457	98.422	95.620	95.518	95.422	95.333	95.402	95.297
9.43	98.446	98.409	98.375	98.368	98.330	95.539	95.435	95.338	95.247	95.318	95.210
9.44	98.361	98.322	98.286	98.278	98.239	95.458	95.352	95.253	95.160	95.233	95.123
9.45	98.276	98.235	98.197	98.189	98.147	95.378	95.270	95.169	95.074	95.148	95.036
9.46	98.191	98.148	98.109	98.100	98.056	95.297	95.187	95.085	94.988	95.063	94.950
9.47	98.106	98.062	98.020	98.011	97.965	95.216	95.105	95.000	94.903	94.979	94.863
9.48	98.021	97.975	97.932	97.922	97.874	95.136	95.023	94.916	94.817	94.894	94.777
9.49	97.937	97.889	97.843	97.834	97.783	95.056	94.940	94.832	94.731	94.810	94.691
9.50	97.853	97.802	97.755	97.745	97.693	94.976	94.858	94.749	94.646	94.726	94.605
9.51	97.768	97.716	97.667	97.657	97.602	94.895	94.776	94.665	94.561	94.642	94.519
9.52	97.684	97.630	97.579	97.568	97.512	94.816	94.695	94.581	94.476	94.558	94.433
9.53	97.600	97.544	97.491	97.480	97.422	94.736	94.613	94.498	94.391	94.475	94.348
9.54	97.516	97.458	97.404	97.392	97.332	94.656	94.531	94.415	94.306	94.391	94.262
9.55	97.432	97.372	97.316	97.304	97.242	94.576	94.450	94.332	94.221	94.307	94.177
9.56	97.349	97.287	97.229	97.216	97.152	94.497	94.369	94.249	94.136	94.224	94.092
9.57	97.265	97.201	97.141	97.129	97.062	94.417	94.287	94.166	94.052	94.141	94.006
9.58	97.182	97.116	97.054	97.041	96.973	94.338	94.206	94.083	93.967	94.058	93.921
9.59	97.099	97.031	96.967	96.954	96.883	94.259	94.125	94.000	93.883	93.975	93.837

TABLE 5 (CONT.)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 8.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	APR	LEVEL PMT	I	II	III	IV	V
9.95	94.180	94.044	93.917	93.799	93.892	93.752	10.10	93.008	92.845	92.693	92.551	92.663	92.495
9.96	94.101	93.964	93.835	93.715	93.809	93.667	10.11	92.930	92.766	92.612	92.469	92.582	92.413
9.97	94.022	93.883	93.753	93.631	93.726	93.583	10.12	92.853	92.687	92.532	92.386	92.501	92.330
9.98	93.943	93.802	93.670	93.547	93.644	93.498	10.13	92.776	92.608	92.451	92.304	92.420	92.247
9.99	93.865	93.722	93.588	93.463	93.561	93.414	10.14	92.699	92.530	92.371	92.223	92.340	92.165
10.00	93.786	93.642	93.506	93.380	93.479	93.330	10.15	92.623	92.451	92.291	92.141	92.259	92.083
10.01	93.708	93.562	93.425	93.296	93.397	93.246	10.16	92.546	92.373	92.211	92.059	92.179	92.000
10.02	93.630	93.482	93.343	93.213	93.315	93.162	10.17	92.469	92.294	92.131	91.978	92.098	91.918
10.03	93.552	93.402	93.261	93.130	93.233	93.078	10.18	92.393	92.216	92.051	91.896	92.018	91.836
10.04	93.474	93.322	93.180	93.047	93.151	92.995	10.19	92.316	92.138	91.971	91.815	91.938	91.755
10.05	93.396	93.242	93.098	92.964	93.069	92.911	10.20	92.240	92.060	91.891	91.734	91.858	91.673
10.06	93.318	93.162	93.017	92.881	92.988	92.828	10.21	92.164	91.982	91.812	91.653	91.778	91.591
10.07	93.240	93.083	92.936	92.798	92.906	92.744	10.22	92.088	91.904	91.732	91.572	91.699	91.510
10.08	93.163	93.004	92.855	92.716	92.825	92.661	10.23	92.012	91.827	91.653	91.491	91.619	91.429
10.09	93.085	92.924	92.774	92.633	92.744	92.578	10.24	91.936	91.749	91.574	91.410	91.540	91.347

RULES AND REGULATIONS

TABLE 6

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	AFR	LEVEL PMT	I	II	III	IV	V
9.50	99.999	99.999	99.999	100.000	99.999	100.000	9.85	97.059	96.989	96.923	96.862	96.910	96.838
9.51	99.913	99.911	99.909	99.908	99.909	99.907	9.86	96.977	96.905	96.838	96.774	96.824	96.750
9.52	99.827	99.823	99.819	99.816	99.819	99.814	9.87	96.895	96.821	96.752	96.687	96.738	96.662
9.53	99.741	99.735	99.730	99.724	99.728	99.722	9.88	96.813	96.738	96.667	96.600	96.653	96.574
9.54	99.656	99.647	99.640	99.633	99.638	99.630	9.89	96.732	96.654	96.581	96.513	96.567	96.487
9.55	99.570	99.560	99.550	99.541	99.548	99.538	9.90	96.650	96.571	96.496	96.427	96.482	96.399
9.56	99.484	99.472	99.461	99.450	99.458	99.446	9.91	96.569	96.488	96.411	96.340	96.396	96.312
9.57	99.399	99.385	99.371	99.359	99.369	99.354	9.92	96.488	96.405	96.326	96.253	96.311	96.225
9.58	99.314	99.298	99.282	99.268	99.279	99.262	9.93	96.407	96.322	96.242	96.167	96.226	96.138
9.59	99.229	99.210	99.193	99.177	99.190	99.171	9.94	96.326	96.239	96.157	96.081	96.141	96.051
9.60	99.144	99.123	99.104	99.086	99.100	99.079	9.95	96.245	96.156	96.073	95.994	96.056	95.964
9.61	99.059	99.037	99.016	98.995	99.011	98.988	9.96	96.165	96.074	95.988	95.908	95.972	95.878
9.62	98.974	98.950	98.927	98.905	98.922	98.897	9.97	96.084	95.991	95.904	95.823	95.887	95.791
9.63	98.890	98.863	98.838	98.815	98.833	98.806	9.98	96.004	95.909	95.820	95.737	95.803	95.705
9.64	98.805	98.777	98.750	98.725	98.745	98.715	9.99	95.923	95.827	95.736	95.651	95.718	95.618
9.65	98.721	98.690	98.662	98.635	98.656	98.624	10.00	95.843	95.744	95.652	95.566	95.634	95.532
9.66	98.636	98.604	98.574	98.545	98.567	98.534	10.01	95.763	95.662	95.568	95.480	95.550	95.446
9.67	98.552	98.518	98.486	98.455	98.479	98.443	10.02	95.683	95.581	95.485	95.395	95.466	95.360
9.68	98.468	98.432	98.398	98.366	98.391	98.353	10.03	95.603	95.499	95.401	95.310	95.382	95.275
9.69	98.384	98.346	98.310	98.276	98.303	98.263	10.04	95.523	95.417	95.318	95.225	95.298	95.189
9.70	98.301	98.260	98.222	98.187	98.215	98.173	10.05	95.444	95.336	95.234	95.140	95.215	95.103
9.71	98.217	98.175	98.135	98.098	98.127	98.083	10.06	95.364	95.254	95.151	95.055	95.131	95.018
9.72	98.133	98.089	98.047	98.008	98.039	97.993	10.07	95.285	95.173	95.068	94.970	95.048	94.933
9.73	98.050	98.004	97.960	97.919	97.951	97.903	10.08	95.205	95.092	94.985	94.886	94.965	94.848
9.74	97.967	97.918	97.873	97.831	97.864	97.814	10.09	95.126	95.011	94.902	94.801	94.882	94.763
9.75	97.884	97.833	97.786	97.742	97.777	97.724	10.10	95.047	94.930	94.820	94.717	94.799	94.678
9.76	97.801	97.748	97.699	97.653	97.689	97.635	10.11	94.968	94.849	94.737	94.633	94.716	94.593
9.77	97.718	97.663	97.612	97.565	97.602	97.546	10.12	94.889	94.768	94.655	94.549	94.633	94.508
9.78	97.635	97.579	97.526	97.477	97.515	97.457	10.13	94.810	94.688	94.572	94.465	94.550	94.424
9.79	97.552	97.494	97.439	97.388	97.428	97.368	10.14	94.732	94.607	94.490	94.381	94.468	94.339
9.80	97.470	97.409	97.353	97.300	97.342	97.280	10.15	94.653	94.527	94.408	94.297	94.385	94.255
9.81	97.387	97.325	97.267	97.212	97.255	97.191	10.16	94.575	94.447	94.326	94.214	94.303	94.171
9.82	97.305	97.241	97.181	97.124	97.169	97.102	10.17	94.497	94.366	94.244	94.130	94.221	94.087
9.83	97.223	97.157	97.095	97.037	97.082	97.014	10.18	94.418	94.286	94.163	94.047	94.139	94.003
9.84	97.141	97.073	97.009	96.949	96.996	96.926	10.19	94.340	94.206	94.081	93.964	94.057	93.919

TABLE 6 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					AFR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					
	LEVEL PMT	I	II	III	IV		V	LEVEL PMT	I	II	III	IV
10.20	94.262	94.127	93.999	93.880	93.975	10.35	93.106	92.943	92.791	92.648	92.762	92.595
10.21	94.185	94.047	93.918	93.797	93.894	10.36	93.030	92.865	92.711	92.567	92.683	92.514
10.22	94.107	93.967	93.837	93.715	93.812	10.37	92.954	92.787	92.632	92.486	92.603	92.432
10.23	94.029	93.888	93.756	93.632	93.731	10.38	92.878	92.710	92.552	92.405	92.523	92.351
10.24	93.952	93.809	93.675	93.549	93.649	10.39	92.802	92.632	92.473	92.324	92.443	92.269
10.25	93.874	93.729	93.594	93.467	93.568	10.40	92.726	92.554	92.394	92.243	92.364	92.188
10.26	93.797	93.650	93.513	93.384	93.487	10.41	92.650	92.477	92.315	92.163	92.285	92.107
10.27	93.720	93.571	93.432	93.302	93.406	10.42	92.575	92.400	92.236	92.082	92.205	92.026
10.28	93.643	93.492	93.352	93.220	93.325	10.43	92.499	92.322	92.157	92.002	92.126	91.945
10.29	93.566	93.414	93.271	93.138	93.244	10.44	92.424	92.245	92.078	91.921	92.047	91.864
10.30	93.489	93.335	93.191	93.056	93.164	10.45	92.349	92.168	91.999	91.841	91.968	91.783
10.31	93.412	93.256	93.111	92.974	93.083	10.46	92.274	92.091	91.921	91.761	91.890	91.703
10.32	93.335	93.178	93.031	92.892	93.003	10.47	92.198	92.015	91.842	91.681	91.811	91.622
10.33	93.259	93.100	92.951	92.811	92.923	10.48	92.124	91.938	91.764	91.601	91.732	91.542
10.34	93.182	93.021	92.871	92.729	92.843	10.49	92.049	91.861	91.686	91.522	91.654	91.462

RULES AND REGULATIONS

TABLE 7

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.25 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM.

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					APR	LEVEL PMT	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT				
	I	II	III	IV	V			I	II	III	IV	V
9.75	99.999	99.999	100.000	99.999	100.000	10.10	97.101	97.031	96.965	96.904	96.953	96.881
9.76	99.914	99.912	99.909	99.910	99.908	10.11	97.020	96.948	96.881	96.818	96.868	96.794
9.77	99.830	99.826	99.818	99.821	99.817	10.12	96.940	96.866	96.796	96.732	96.784	96.708
9.78	99.745	99.739	99.733	99.732	99.726	10.13	96.859	96.783	96.712	96.646	96.699	96.621
9.79	99.661	99.652	99.638	99.643	99.635	10.14	96.779	96.701	96.628	96.560	96.615	96.535
9.80	99.576	99.566	99.548	99.555	99.544	10.15	96.698	96.619	96.544	96.474	96.530	96.449
9.81	99.492	99.480	99.458	99.466	99.453	10.16	96.618	96.537	96.460	96.389	96.446	96.362
9.82	99.408	99.394	99.368	99.378	99.363	10.17	96.538	96.455	96.377	96.303	96.362	96.276
9.83	99.324	99.308	99.278	99.289	99.272	10.18	96.458	96.373	96.293	96.218	96.278	96.190
9.84	99.240	99.222	99.188	99.201	99.182	10.19	96.379	96.291	96.213	96.133	96.194	96.105
9.85	99.156	99.136	99.099	99.113	99.092	10.20	96.299	96.210	96.126	96.048	96.111	96.019
9.86	99.073	99.050	99.029	99.025	99.002	10.21	96.219	96.128	96.043	95.963	96.027	95.934
9.87	98.989	98.965	98.942	98.937	98.912	10.22	96.140	96.047	95.960	95.878	95.944	95.848
9.88	98.906	98.879	98.854	98.850	98.822	10.23	96.061	95.966	95.877	95.793	95.860	95.763
9.89	98.822	98.794	98.767	98.762	98.733	10.24	95.981	95.885	95.794	95.709	95.777	95.678
9.90	98.739	98.709	98.680	98.675	98.643	10.25	95.902	95.804	95.711	95.624	95.694	95.593
9.91	98.656	98.624	98.593	98.597	98.554	10.26	95.823	95.723	95.628	95.540	95.611	95.508
9.92	98.573	98.539	98.506	98.500	98.465	10.27	95.744	95.642	95.546	95.456	95.528	95.423
9.93	98.490	98.454	98.420	98.413	98.376	10.28	95.666	95.561	95.464	95.372	95.446	95.339
9.94	98.408	98.369	98.333	98.326	98.287	10.29	95.587	95.481	95.381	95.288	95.363	95.254
9.95	98.325	98.285	98.247	98.240	98.198	10.30	95.509	95.400	95.299	95.204	95.281	95.170
9.96	98.243	98.200	98.161	98.153	98.109	10.31	95.430	95.320	95.217	95.120	95.198	95.085
9.97	98.160	98.116	98.074	98.066	98.021	10.32	95.352	95.240	95.135	95.037	95.116	95.001
9.98	98.078	98.032	97.988	97.980	97.932	10.33	95.274	95.160	95.053	94.953	95.034	94.917
9.99	97.996	97.948	97.902	97.894	97.844	10.34	95.195	95.080	94.971	94.870	94.952	94.833
10.00	97.914	97.864	97.817	97.808	97.756	10.35	95.117	95.000	94.890	94.787	94.870	94.750
10.01	97.832	97.780	97.731	97.722	97.668	10.36	95.040	94.920	94.808	94.704	94.788	94.666
10.02	97.751	97.696	97.645	97.636	97.580	10.37	94.962	94.841	94.727	94.621	94.707	94.582
10.03	97.669	97.613	97.560	97.550	97.492	10.38	94.884	94.761	94.646	94.538	94.625	94.499
10.04	97.587	97.529	97.475	97.464	97.404	10.39	94.807	94.682	94.565	94.455	94.544	94.419
10.05	97.506	97.446	97.389	97.379	97.317	10.40	94.729	94.602	94.484	94.372	94.462	94.332
10.06	97.425	97.363	97.304	97.293	97.229	10.41	94.652	94.523	94.403	94.290	94.381	94.249
10.07	97.344	97.279	97.219	97.208	97.142	10.42	94.575	94.444	94.322	94.207	94.300	94.167
10.08	97.263	97.197	97.135	97.123	97.055	10.43	94.497	94.365	94.241	94.125	94.219	94.084
10.09	97.182	97.114	97.050	97.038	96.968	10.44	94.420	94.286	94.161	94.043	94.138	94.001

TABLE 7 (CONT). ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS WITH A CONTRACT RATE OF 9.25 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					
	LEVEL PMT	I	II	III	IV		V	LEVEL PMT	I	II	III	IV
10.45	94.344	94.208	94.080	93.961	93.848	10.60	93.203	93.040	92.887	92.744	92.601	92.467
10.46	94.267	94.129	94.000	93.879	93.766	10.61	93.128	92.963	92.809	92.664	92.521	92.389
10.47	94.190	94.051	93.920	93.797	93.684	10.62	93.053	92.886	92.730	92.584	92.439	92.303
10.48	94.113	93.972	93.840	93.715	93.602	10.63	92.978	92.809	92.652	92.504	92.359	92.222
10.49	94.037	93.894	93.760	93.634	93.521	10.64	92.903	92.733	92.573	92.424	92.276	92.139
10.50	93.961	93.816	93.680	93.552	93.439	10.65	92.828	92.656	92.495	92.344	92.195	92.058
10.51	93.884	93.738	93.600	93.471	93.358	10.66	92.753	92.580	92.417	92.265	92.116	91.979
10.52	93.808	93.660	93.520	93.390	93.277	10.67	92.679	92.503	92.339	92.185	92.034	91.897
10.53	93.732	93.582	93.441	93.309	93.196	10.68	92.604	92.427	92.261	92.106	91.955	91.818
10.54	93.656	93.504	93.361	93.228	93.115	10.69	92.530	92.351	92.183	92.026	91.873	91.736
10.55	93.580	93.426	93.282	93.147	93.034	10.70	92.456	92.275	92.106	91.947	91.792	91.655
10.56	93.505	93.349	93.203	93.066	92.953	10.71	92.381	92.199	92.028	91.868	91.711	91.574
10.57	93.429	93.272	93.124	92.985	92.872	10.72	92.307	92.123	91.951	91.789	91.632	91.495
10.58	93.354	93.194	93.045	92.905	92.792	10.73	92.233	92.048	91.873	91.710	91.552	91.415
10.59	93.278	93.117	92.966	92.824	92.711	10.74	92.160	91.972	91.796	91.632	91.473	91.336

TABLE 8

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.50 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	APR	LEVEL PMT	I	II	III	IV	V
10.00	99.999	99.999	99.999	100.000	100.000	100.000	10.35	97.142	97.072	97.007	96.945	96.995	96.924
10.01	99.916	99.914	99.912	99.910	99.912	99.910	10.36	97.063	96.991	96.923	96.860	96.912	96.838
10.02	99.832	99.828	99.824	99.821	99.824	99.820	10.37	96.983	96.910	96.840	96.775	96.828	96.753
10.03	99.749	99.743	99.737	99.732	99.736	99.730	10.38	96.904	96.828	96.757	96.690	96.745	96.667
10.04	99.666	99.657	99.650	99.643	99.648	99.640	10.39	96.825	96.747	96.674	96.606	96.662	96.582
10.05	99.582	99.572	99.563	99.554	99.561	99.550	10.40	96.746	96.666	96.591	96.521	96.578	96.497
10.06	99.499	99.487	99.476	99.465	99.474	99.461	10.41	96.667	96.585	96.509	96.437	96.495	96.412
10.07	99.417	99.402	99.389	99.376	99.386	99.372	10.42	96.588	96.504	96.426	96.353	96.413	96.327
10.08	99.334	99.317	99.302	99.288	99.299	99.283	10.43	96.509	96.424	96.344	96.268	96.330	96.242
10.09	99.251	99.233	99.215	99.199	99.212	99.194	10.44	96.430	96.343	96.261	96.184	96.247	96.158
10.10	99.168	99.148	99.129	99.111	99.126	99.105	10.45	96.352	96.263	96.179	96.100	96.165	96.073
10.11	99.086	99.064	99.043	99.023	99.039	99.016	10.46	96.273	96.182	96.097	96.017	96.082	95.989
10.12	99.004	98.979	98.956	98.935	98.952	98.927	10.47	96.195	96.102	96.015	95.933	96.000	95.905
10.13	98.922	98.895	98.870	98.847	98.866	98.839	10.48	96.117	96.022	95.933	95.849	95.918	95.820
10.14	98.839	98.811	98.784	98.759	98.780	98.750	10.49	96.039	95.942	95.851	95.766	95.836	95.736
10.15	98.758	98.727	98.698	98.672	98.693	98.662	10.50	95.961	95.862	95.769	95.682	95.754	95.653
10.16	98.676	98.643	98.613	98.584	98.607	98.574	10.51	95.883	95.782	95.688	95.599	95.672	95.569
10.17	98.594	98.559	98.527	98.497	98.521	98.486	10.52	95.805	95.703	95.606	95.516	95.590	95.485
10.18	98.512	98.476	98.442	98.409	98.435	98.398	10.53	95.727	95.623	95.525	95.433	95.508	95.402
10.19	98.431	98.392	98.356	98.322	98.350	98.310	10.54	95.650	95.544	95.444	95.350	95.427	95.318
10.20	98.349	98.309	98.271	98.235	98.264	98.223	10.55	95.572	95.464	95.363	95.267	95.346	95.235
10.21	98.268	98.226	98.186	98.148	98.179	98.135	10.56	95.495	95.385	95.282	95.185	95.264	95.152
10.22	98.187	98.143	98.101	98.062	98.093	98.048	10.57	95.418	95.306	95.201	95.102	95.183	95.069
10.23	98.106	98.060	98.016	97.975	98.008	97.961	10.58	95.341	95.227	95.120	95.020	95.102	94.986
10.24	98.025	97.977	97.931	97.889	97.923	97.873	10.59	95.264	95.148	95.039	94.938	95.021	94.903
10.25	97.944	97.894	97.847	97.802	97.838	97.786	10.60	95.187	95.069	94.959	94.855	94.940	94.820
10.26	97.864	97.811	97.762	97.716	97.753	97.700	10.61	95.110	94.991	94.878	94.773	94.860	94.738
10.27	97.783	97.729	97.678	97.630	97.669	97.613	10.62	95.033	94.912	94.798	94.691	94.779	94.655
10.28	97.703	97.646	97.593	97.544	97.584	97.526	10.63	94.957	94.834	94.718	94.610	94.699	94.573
10.29	97.622	97.564	97.509	97.458	97.500	97.440	10.64	94.880	94.755	94.638	94.528	94.618	94.491
10.30	97.542	97.482	97.425	97.372	97.415	97.353	10.65	94.804	94.677	94.558	94.446	94.538	94.409
10.31	97.462	97.400	97.341	97.286	97.331	97.267	10.66	94.727	94.599	94.478	94.365	94.458	94.327
10.32	97.382	97.318	97.257	97.201	97.247	97.181	10.67	94.651	94.521	94.398	94.284	94.378	94.245
10.33	97.302	97.236	97.174	97.116	97.163	97.095	10.68	94.575	94.443	94.319	94.202	94.298	94.163
10.34	97.222	97.154	97.090	97.030	97.079	97.009	10.69	94.499	94.365	94.239	94.121	94.218	94.082

TABLE 8 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT A-D GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.50 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	I	II	III	IV	V	APR	PMT	I	II	III	IV	V
10.70	94.423	94.160	94.040	94.139	94.000	10.85	93.298	93.135	92.982	92.839	92.957	92.791
10.71	94.348	94.091	93.959	94.059	93.919	10.86	93.224	93.059	92.904	92.759	92.880	92.712
10.72	94.272	94.001	93.879	93.980	93.837	10.87	93.150	92.983	92.827	92.680	92.802	92.632
10.73	94.196	93.922	93.798	93.901	93.756	10.88	93.076	92.908	92.750	92.601	92.724	92.553
10.74	94.121	93.843	93.717	93.821	93.675	10.89	93.002	92.832	92.672	92.523	92.647	92.473
10.75	94.046	93.901	93.637	93.742	93.594	10.90	92.928	92.756	92.595	92.444	92.569	92.394
10.76	93.970	93.824	93.557	93.663	93.513	10.91	92.855	92.681	92.518	92.365	92.492	92.315
10.77	93.895	93.747	93.476	93.584	93.433	10.92	92.781	92.606	92.441	92.287	92.415	92.236
10.78	93.820	93.670	93.396	93.506	93.352	10.93	92.708	92.530	92.364	92.208	92.338	92.157
10.79	93.745	93.593	93.316	93.427	93.272	10.94	92.634	92.455	92.287	92.130	92.261	92.078
10.80	93.671	93.517	93.236	93.348	93.191	10.95	92.561	92.380	92.211	92.052	92.184	92.000
10.81	93.596	93.440	93.157	93.270	93.111	10.96	92.488	92.305	92.134	91.974	92.107	91.921
10.82	93.521	93.364	93.077	93.192	93.031	10.97	92.415	92.230	92.058	91.896	92.030	91.843
10.83	93.447	93.287	92.997	93.114	92.951	10.98	92.342	92.156	91.981	91.818	91.954	91.765
10.84	93.372	93.211	92.918	93.035	92.871	10.99	92.269	92.081	91.905	91.740	91.877	91.686

TABLE 9

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT							
	LEVEL PMT	I	II	III	IV	V	A-R	LEVEL PMT	I	II	III	IV	V
10.25	99.999	99.999	100.000	100.000	100.000	100.000	10.60	97.183	97.113	97.048	96.986	97.037	96.966
10.26	99.917	99.915	99.913	99.911	99.911	99.911	10.61	97.105	97.033	96.965	96.902	96.955	96.881
10.27	99.835	99.831	99.827	99.823	99.826	99.822	10.62	97.027	96.953	96.883	96.818	96.872	96.797
10.28	99.752	99.746	99.741	99.735	99.740	99.733	10.63	96.948	96.873	96.801	96.735	96.790	96.713
10.29	99.670	99.662	99.655	99.647	99.653	99.645	10.64	96.870	96.793	96.720	96.651	96.708	96.628
10.30	99.589	99.578	99.569	99.560	99.567	99.557	10.65	96.792	96.713	96.638	96.568	96.626	96.545
10.31	99.507	99.494	99.483	99.472	99.481	99.469	10.66	96.714	96.633	96.556	96.484	96.544	96.461
10.32	99.425	99.411	99.397	99.385	99.395	99.380	10.67	96.637	96.553	96.475	96.401	96.462	96.377
10.33	99.343	99.327	99.312	99.297	99.309	99.292	10.68	96.559	96.473	96.393	96.318	96.380	96.293
10.34	99.262	99.244	99.226	99.210	99.223	99.205	10.69	96.481	96.394	96.312	96.235	96.299	96.210
10.35	99.181	99.160	99.141	99.123	99.138	99.117	10.70	96.404	96.315	96.231	96.152	96.217	96.126
10.36	99.099	99.077	99.056	99.036	99.052	99.029	10.71	96.327	96.235	96.150	96.069	96.136	96.043
10.37	99.018	98.994	98.971	98.949	98.967	98.942	10.72	96.249	96.156	96.069	95.987	96.055	95.960
10.38	98.937	98.911	98.886	98.863	98.882	98.855	10.73	96.172	96.077	95.988	95.904	95.974	95.877
10.39	98.855	98.828	98.801	98.776	98.797	98.768	10.74	96.095	95.998	95.907	95.822	95.893	95.794
10.40	98.775	98.745	98.716	98.690	98.712	98.680	10.75	96.018	95.919	95.827	95.740	95.812	95.711
10.41	98.695	98.662	98.632	98.603	98.627	98.594	10.76	95.941	95.841	95.746	95.657	95.731	95.629
10.42	98.614	98.580	98.547	98.517	98.542	98.507	10.77	95.865	95.762	95.666	95.575	95.651	95.546
10.43	98.534	98.497	98.463	98.431	98.457	98.420	10.78	95.788	95.684	95.586	95.493	95.570	95.464
10.44	98.453	98.415	98.379	98.345	98.373	98.334	10.79	95.712	95.605	95.505	95.412	95.490	95.381
10.45	98.373	98.333	98.295	98.259	98.288	98.247	10.80	95.635	95.527	95.425	95.330	95.410	95.299
10.46	98.293	98.251	98.211	98.173	98.204	98.161	10.81	95.559	95.449	95.345	95.248	95.329	95.217
10.47	98.213	98.169	98.127	98.088	98.120	98.075	10.82	95.483	95.371	95.266	95.167	95.249	95.135
10.48	98.133	98.087	98.043	98.002	98.036	97.989	10.83	95.407	95.293	95.186	95.086	95.169	95.053
10.49	98.053	98.005	97.960	97.917	97.952	97.903	10.84	95.331	95.215	95.106	95.004	95.090	94.972
10.50	97.974	97.923	97.876	97.832	97.868	97.817	10.85	95.255	95.137	95.027	94.923	95.010	94.890
10.51	97.894	97.842	97.793	97.747	97.785	97.731	10.86	95.179	95.060	94.948	94.842	94.930	94.809
10.52	97.815	97.761	97.709	97.662	97.701	97.646	10.87	95.103	94.982	94.868	94.761	94.851	94.727
10.53	97.736	97.679	97.626	97.577	97.618	97.560	10.88	95.028	94.905	94.789	94.681	94.771	94.646
10.54	97.656	97.598	97.543	97.492	97.534	97.475	10.89	94.952	94.827	94.710	94.600	94.692	94.565
10.55	97.577	97.517	97.460	97.407	97.451	97.390	10.90	94.877	94.750	94.631	94.519	94.613	94.484
10.56	97.498	97.436	97.378	97.323	97.368	97.305	10.91	94.802	94.673	94.552	94.439	94.534	94.403
10.57	97.419	97.355	97.295	97.238	97.285	97.220	10.92	94.727	94.596	94.474	94.359	94.455	94.322
10.58	97.341	97.274	97.212	97.154	97.202	97.135	10.93	94.652	94.519	94.395	94.278	94.376	94.241
10.59	97.262	97.194	97.130	97.070	97.120	97.050	10.94	94.577	94.443	94.317	94.198	94.297	94.161

TABLE 9 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 9.75 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	LEVEL PMT	I	II	III	IV		V	LEVEL PMT	I	II	III	IV	V
10.95	94.502	94.366	94.238	94.118	94.219	94.080	11.10	93.392	93.229	93.076	92.932	93.053	92.887
10.96	94.427	94.289	94.160	94.038	94.140	94.000	11.11	93.319	93.154	92.999	92.854	92.976	92.809
10.97	94.353	94.213	94.082	93.959	94.062	93.920	11.12	93.246	93.079	92.922	92.776	92.899	92.730
10.98	94.278	94.137	94.004	93.879	93.984	93.840	11.13	93.173	93.004	92.846	92.698	92.823	92.652
10.99	94.204	94.060	93.926	93.799	93.905	93.760	11.14	93.100	92.930	92.770	92.620	92.746	92.573
11.00	94.129	93.984	93.848	93.720	93.827	93.680	11.15	93.027	92.855	92.693	92.542	92.670	92.495
11.01	94.055	93.908	93.770	93.641	93.749	93.600	11.16	92.954	92.781	92.617	92.464	92.593	92.417
11.02	93.981	93.832	93.693	93.562	93.672	93.521	11.17	92.882	92.706	92.541	92.387	92.517	92.339
11.03	93.907	93.757	93.615	93.482	93.594	93.441	11.18	92.809	92.632	92.465	92.309	92.441	92.261
11.04	93.833	93.681	93.538	93.403	93.516	93.362	11.19	92.737	92.558	92.390	92.232	92.365	92.183
11.05	93.759	93.605	93.460	93.325	93.439	93.282	11.20	92.664	92.484	92.314	92.155	92.289	92.106
11.06	93.686	93.530	93.383	93.246	93.361	93.203	11.21	92.592	92.410	92.238	92.077	92.213	92.028
11.07	93.612	93.454	93.306	93.167	93.284	93.124	11.22	92.520	92.336	92.163	92.000	92.138	91.951
11.08	93.539	93.379	93.229	93.089	93.207	93.045	11.23	92.448	92.262	92.087	91.923	92.062	91.873
11.09	93.465	93.304	93.152	93.010	93.130	92.966	11.24	92.376	92.188	92.012	91.847	91.987	91.796

TABLE 10

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 10.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 3Q - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	APR	I	II	III	V	APR	I	II	III	V		
	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT	LEVEL PMT		
10.50	99.999	99.999	100.000	100.000	100.000	10.85	97.224	97.154	97.088	97.026	97.078	97.007
10.51	99.918	99.916	99.914	99.914	99.912	10.86	97.146	97.074	97.007	96.943	96.997	96.924
10.52	99.837	99.833	99.829	99.829	99.825	10.87	97.069	96.995	96.926	96.861	96.915	96.840
10.53	99.756	99.744	99.739	99.743	99.737	10.88	96.992	96.916	96.845	96.778	96.834	96.757
10.54	99.675	99.667	99.659	99.658	99.650	10.89	96.915	96.837	96.764	96.695	96.753	96.674
10.55	99.594	99.584	99.575	99.566	99.563	10.90	96.838	96.758	96.683	96.613	96.672	96.591
10.56	99.514	99.502	99.490	99.479	99.476	10.91	96.761	96.680	96.603	96.531	96.592	96.509
10.57	99.433	99.419	99.406	99.393	99.389	10.92	96.684	96.601	96.522	96.449	96.511	96.426
10.58	99.353	99.337	99.321	99.307	99.302	10.93	96.608	96.522	96.442	96.367	96.430	96.344
10.59	99.273	99.254	99.237	99.221	99.216	10.94	96.531	96.444	96.362	96.285	96.350	96.261
10.60	99.192	99.172	99.153	99.135	99.129	10.95	96.455	96.366	96.282	96.203	96.270	96.179
10.61	99.112	99.090	99.069	99.049	99.043	10.96	96.379	96.288	96.202	96.121	96.189	96.097
10.62	99.032	99.008	98.985	98.963	98.957	10.97	96.303	96.210	96.122	96.040	96.109	96.015
10.63	98.953	98.926	98.901	98.878	98.870	10.98	96.226	96.132	96.042	95.958	96.029	95.933
10.64	98.873	98.844	98.818	98.792	98.784	10.99	96.151	96.054	95.963	95.877	95.949	95.851
10.65	98.793	98.763	98.734	98.707	98.699	11.00	96.075	95.976	95.883	95.796	95.870	95.769
10.66	98.714	98.681	98.651	98.622	98.613	11.01	95.999	95.898	95.804	95.715	95.790	95.688
10.67	98.634	98.600	98.567	98.537	98.527	11.02	95.923	95.821	95.724	95.634	95.710	95.606
10.68	98.555	98.518	98.484	98.452	98.442	11.03	95.848	95.743	95.645	95.553	95.631	95.525
10.69	98.476	98.437	98.401	98.367	98.356	11.04	95.772	95.666	95.566	95.472	95.552	95.444
10.70	98.397	98.356	98.318	98.282	98.271	11.05	95.697	95.589	95.487	95.392	95.472	95.363
10.71	98.318	98.275	98.235	98.198	98.186	11.06	95.622	95.512	95.408	95.311	95.393	95.282
10.72	98.239	98.194	98.153	98.113	98.101	11.07	95.547	95.435	95.329	95.231	95.314	95.201
10.73	98.160	98.114	98.070	98.029	98.016	11.08	95.472	95.358	95.251	95.150	95.235	95.120
10.74	98.081	98.033	97.988	97.945	97.931	11.09	95.397	95.281	95.172	95.070	95.157	95.039
10.75	98.003	97.953	97.905	97.861	97.847	11.10	95.322	95.204	95.094	94.990	95.078	94.959
10.76	97.924	97.872	97.823	97.777	97.762	11.11	95.247	95.128	95.015	94.910	95.000	94.878
10.77	97.846	97.792	97.741	97.693	97.678	11.12	95.172	95.051	94.937	94.830	94.921	94.798
10.78	97.768	97.712	97.659	97.609	97.594	11.13	95.096	94.975	94.859	94.750	94.843	94.718
10.79	97.690	97.632	97.577	97.525	97.509	11.14	95.024	94.899	94.781	94.671	94.765	94.638
10.80	97.612	97.552	97.495	97.442	97.425	11.15	94.949	94.822	94.703	94.591	94.686	94.558
10.81	97.534	97.472	97.413	97.358	97.341	11.16	94.875	94.746	94.625	94.512	94.608	94.478
10.82	97.456	97.392	97.332	97.275	97.258	11.17	94.801	94.670	94.548	94.433	94.531	94.398
10.83	97.379	97.313	97.250	97.192	97.174	11.18	94.727	94.595	94.470	94.353	94.453	94.319
10.84	97.301	97.233	97.169	97.109	97.090	11.19	94.653	94.519	94.393	94.274	94.375	94.239

TABLE 10 (CONT)

ANNUAL PERCENTAGE RATES INCLUDING MORTGAGE INSURANCE PREMIUMS  
FOR FHA INSURED LEVEL PAYMENT AND GPM AMORTIZATION PLANS  
WITH A CONTRACT RATE OF 10.00 PERCENT, .5 PERCENT INSURANCE PREMIUM AND 30 - YEAR TERM

APR	NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT					NET PROCEEDS PER HUNDRED DOLLARS OF FACE AMOUNT						
	LEVEL PMT	I	II	III	V	AFR	LEVEL PMT	I	II	III	IV	V
11.20	94.579	94.443	94.315	94.195	94.160	11.35	93.484	93.321	93.168	93.024	93.147	92.982
11.21	94.505	94.368	94.238	94.116	94.080	11.36	93.412	93.247	93.092	92.946	93.071	92.904
11.22	94.432	94.292	94.161	94.038	94.001	11.37	93.340	93.173	93.016	92.869	92.995	92.827
11.23	94.358	94.217	94.084	93.959	93.922	11.38	93.268	93.099	92.941	92.792	92.920	92.749
11.24	94.285	94.142	94.007	93.880	93.843	11.39	93.196	93.026	92.866	92.715	92.844	92.672
11.25	94.212	94.067	93.930	93.802	93.764	11.40	93.124	92.952	92.790	92.638	92.769	92.595
11.26	94.138	93.992	93.853	93.724	93.686	11.41	93.052	92.879	92.715	92.562	92.693	92.518
11.27	94.065	93.917	93.777	93.645	93.607	11.42	92.981	92.805	92.640	92.485	92.618	92.441
11.28	93.992	93.842	93.700	93.567	93.528	11.43	92.909	92.732	92.565	92.409	92.543	92.364
11.29	93.919	93.767	93.624	93.489	93.450	11.44	92.838	92.659	92.490	92.332	92.468	92.287
11.30	93.847	93.693	93.548	93.411	93.372	11.45	92.766	92.586	92.416	92.256	92.393	92.210
11.31	93.774	93.618	93.471	93.334	93.294	11.46	92.695	92.513	92.341	92.180	92.318	92.134
11.32	93.701	93.544	93.395	93.256	93.215	11.47	92.624	92.440	92.266	92.104	92.243	92.057
11.33	93.629	93.469	93.319	93.178	93.138	11.48	92.553	92.367	92.192	92.028	92.169	91.981
11.34	93.556	93.395	93.243	93.101	93.060	11.49	92.482	92.294	92.118	91.952	92.094	91.905

@BRKPT PRINTS

This is an official staff interpretation of Regulation Z, issued after publication for comment in accordance with § 226.1(d)(2) of the regulation, and it is strictly limited to the situation discussed herein. It will become effective upon publication in the FEDERAL REGISTER.

Sincerely,

NATHANIEL E. BUTLER,  
Associate Director.

Board of Governors of the Federal Reserve System, December 20, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary of the Board.

[FR Doc. 79-175 Filed 1-2-79; 8:45 am]

[6355-01-M]

**Title 16—Commercial Practices**

**CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION**

**SUBCHAPTER B—CONSUMER PRODUCT SAFETY ACT REGULATIONS**

**PART 1302—BAN OF EXTREMELY FLAMMABLE CONTACT ADHESIVES**

**PART 1303—BAN OF LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT**

**Final Rule; Correction**

AGENCY: Consumer Product Safety Commission.

ACTION: Corrections.

SUMMARY: This rule corrects the titles of 16 CFR Parts 1302 and 1303. Part 1302 was published as FR Doc. 77-36116, and appeared at page 63731 in the Monday, December 19, 1977 issue of the FEDERAL REGISTER. Part 1303 was published as FR Doc. 77-25472, and appeared at page 44201 of the Thursday, September 1, 1977 issue of the FEDERAL REGISTER.

DATE: The corrections are effective January 3, 1979.

FOR FURTHER INFORMATION CONTACT:

David Melnick, 202-634-7770.

SUPPLEMENTARY INFORMATION: This correction adds the words "BAN OF" to the titles of Parts 1302 and

1303 so as to clearly indicate the nature of the rules set forth in those parts and to make the titles of Parts 1302 and 1303 consistent with other banning rules appearing in the CFR. This correction does not change any provision of the rules other than the title and the rules remain in effect as published in the CFR.

Accordingly, the title of Parts 1302 and 1303 are amended to read as follows:

**PART 1302—BAN OF EXTREMELY FLAMMABLE CONTACT ADHESIVES**

**PART 1303—BAN OF LEAD-CONTAINING PAINT AND CERTAIN CONSUMER PRODUCTS BEARING LEAD-CONTAINING PAINT**

Dated: December 22, 1978.

SADYE E. DUNN,  
Secretary, Consumer Product Safety Commission.

[FR Doc. 79-250 Filed 1-2-79; 8:45 am]

[4210-01-M]

**Title 24—Housing and Urban Development**

**CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM**

[Docket No. FI 4800]

**PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE**

**Status of Participating Communities**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: The addresses where flood insurance policies can be obtained are published at 24 CFR 1912.7.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction purposes as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For property located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by section 202(a) of the Act unless the community has entered the program. Accordingly, for communities listed under this part no such restriction exists, although insurance, if required, must be purchased.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association (NFIA) servicing company for the State.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
California	Ventura	Ojai, City of	060416-B	November 15, 1978, suspension withdrawn.	5-3-74 & 11-28-75.
Do	Solano	Vallejo, City of	060374-B	do	7-19-74 & 12-12-75.
Georgia	Coweta	Newnan, City of	130062-B	do	11-15-78.
Illinois	DuPage & Cook	Hanover Park, Village of	170099-B	do	4-12-74 & 2-13-76.
Do	Cook	LaGrange Park, Village of	170115-B	do	6-28-74 & 10-10-75.
Kansas	Johnson	Olathe, City of	200173-B	do	3-1-74 & 2-28-75.
Do	do	Shawnee, City of	200177-B	do	6-28-74 & 11-21-75.
Massachusetts	Hampden	Hampden, Town of	250140-B	do	6-21-74 & 7-30-76.
Michigan	Ottawa	Holland, City of	260492-B	do	7-9-76 & 4-12-74.
Minnesota	Yellow Medicine	Unincorporated Areas	270544-A	do	8-19-77.
New Jersey	Middlesex	Carteret, Borough of	340257-A	do	1-9-74.
New York	Cattaraugus	Allegheny, Town of	360061-B	do	8-26-74 & 7-30-76.
Do	Suffolk	Southampton, Town of	365342-B	do	9-28-73.
Do	do	Westhampton Beach, Village of	365345-C	do	7-1-72.
North Carolina	Wake	Morrisville, Town of	370242-B	do	10-29-76.
Ohio	Franklin	Bexley, City of	390168-B	do	5-17-74 & 4-23-76.
Pennsylvania	Schuylkill	Gordon, Borough of	420773-B	do	9-6-74 & 5-7-76.
Vermont	Chittenden	Burlington, City of	500032-B	do	7-19-74 & 3-4-77.
Virginia	Scott	Weber City, Town of	510146-B	do	5-10-74 & 6-25-76.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania	Monroe	East Stroudsburg, Borough of	Mar. 26, 1974, emergency; Sept. 29, 1978, regular; Sept. 29, 1978, suspended; Oct. 30, 1978, reinstated.	May 4, 1974 June 4, 1976	420691
Tennessee	Sevier	Pigeon Forge, City of	Nov. 13, 1971, emergency; Sept. 1, 1972, regular; Dec. 15, 1975, suspended; Oct. 30, 1978, reinstated.	Aug. 31, 1972	475442-A
Idaho	Bannock	McCammon, City of	Dec. 21, 1978, emergency; Dec. 21, 1978, regular.	Apr. 23, 1976	160176-A
Indiana	Fountain	Unincorporated Areas	Dec. 21, 1978, emergency	Nov. 4, 1977	180064
Michigan	Lenawee	Deerfield, Township of	do		260717-New
Alabama	Lawrence	Hillsboro, Town of	do	Oct. 1, 1976	010305
Arkansas	Lincoln	Unincorporated Areas	do	June 28, 1977	050445-A
Kentucky	Johnson	Unincorporated Areas	Oct. 30, 1978, emergency	Nov. 11, 1977	210339
Minnesota	Dakota	Miesville, City of	Dec. 21, 1978, emergency; Dec. 21, 1978, regular.	July 19, 1974 Jan. 23, 1976	270111-A
North Carolina	Rowan	China Grove, Town of	Dec. 21, 1978, emergency; Dec. 21, 1978, regular.	Jan. 9, 1974	370210-A
Texas	San Augustine	Unincorporated Areas	Dec. 21, 1978, emergency		481183
Florida	Lake	Unincorporated Areas	do	May 26, 1978	120421
Kentucky	McLean	Calhoun, City of	do	Feb. 1, 1974	210154-A
Minnesota	Hennepin	Medicine Lake, City of	do	Dec. 17, 1976	270690
Ohio	Wyandot	Unincorporated Areas	do	Feb. 17, 1978	390787
Michigan	St. Clair	St. Clair, Township of	Mar. 9, 1973, emergency; Aug. 1, 1978, regular; Aug. 1, 1978, suspended; Dec. 21, 1978, reinstated.	Sept. 20, 1974 Sept. 24, 1976	260205-B
Pennsylvania	Carbon	Palmerton, Borough of	Mar. 29, 1974, emergency; Sept. 15, 1978, regular; Sept. 15, 1978, suspended; Dec. 21, 1978, reinstated.		420253-A
Wisconsin	Lafayette	Unincorporated Areas	Mar. 10, 1972, emergency; Sept. 15, 1978, regular; Sept. 15, 1978, suspended; Dec. 21, 1978, reinstated.	Dec. 27, 1974	550223-A
Mississippi	Noxubee	Unincorporated Areas	Dec. 21, 1978, emergency	Dec. 23, 1977	280305
Do	Webster	Unincorporated Areas	do	Feb. 24, 1978	280284
Do	Winston	Unincorporated Areas	do	Dec. 2, 1977	280308
Oklahoma	Ellis	Shattuck, Town of	Dec. 21, 1978, emergency	May 24, 1974 Apr. 30, 1976	
South Carolina	Fairfield	Unincorporated Areas	do	Nov. 25, 1977	450075
Illinois	Jasper	Newton, City of	do	Dec. 17, 1973 May 28, 1976	170303-A
Louisiana	Webster Parish	Cotton Valley, Town of	do	Jan. 14, 1977	220322-A
Michigan	Livingston	Putnam, Township of	do	July 22, 1977	260422
Minnesota	Goodhue	Dennison, City of	do		270713
Ohio	Jefferson	Richmond, Village of	do	Aug. 22, 1975	390724
Pennsylvania	Butler	Concord, Township of	do	Jan. 17, 1975	422346
Do	Beaver	Frankford Springs, Borough of	do	Jan. 17, 1975	422315
Do	Allegheny	Sewickley Heights, Borough of	do	Mar. 22, 1974 May 17, 1974	420071-B
Do	Greene	Whiteley, Township of	do	Dec. 27, 1974 Apr. 30, 1976	421680-A
Minnesota	Hennepin	Osseo, City of	Dec. 21, 1978, emergency; Dec. 21, 1978, regular.	Jan. 19, 1975	270658
Mississippi	Pike	Magnolia, City of	Dec. 21, 1978, emergency	Nov. 25, 1977	280297

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
New York	Chautauqua	Brocton, Village of	do	Aug. 27, 1976	360134
Kansas	Labette	Unincorporated Areas	do	Oct. 25, 1977	200590-A
Ohio	Lake	Waite Hill, Village of	do	Dec. 17, 1973	390649-A
				June 25, 1976	
Texas	Lampasas	Unincorporated Areas	do	Nov. 8, 1977	480899-A
South Carolina	Laurens	do	do	Nov. 25, 1977	450122
New York	Cattaraugus	Cold Springs, Town of	Dec. 21, 1978, emergency; Dec. 21, 1978, regular.	June 21, 1974	360064-B
				June 25, 1976	
Do	Alleghany	Wirt, Town of	Dec. 21, 1978, emergency		361597-New
Kansas	Neosho	St. Paul, City of	Dec. 21, 1978, emergency	Sept. 19, 1975	200526
Kentucky	Henry	Unincorporated Areas	Dec. 20, 1978, emergency	Oct. 18, 1974	210110
				May 20, 1977	
Do	Magoffin	do	Dec. 18, 1978, emergency	Aug. 26, 1977	210158
Mississippi	Pontotoc & Union	Sherman, Town of	Dec. 21, 1978, emergency	June 10, 1977	280296-A
Missouri	Andrew	Savannah, City of	do	Nov. 5, 1976	290664
New Mexico	Tribal Territory	Zuni, Pueblo of	do		350143-New
Pennsylvania	Huntingdon	Jackson, Township of	do	Dec. 13, 1974	421691
Texas	Williamson	Leander, City of	do		481536-New
Alabama	Pickens	Ethelsville, Town of	do	Feb. 25, 1977	010281-A
Indiana	Parke	Mecca, Town of	do	Jan. 23, 1974	180330-A
				June 18, 1976	
Kentucky	Henry	Lockport, City of	Dec. 20, 1978, emergency		210360-New
Louisiana	Rapides	Forest Hill, Village of	Dec. 21, 1978, emergency	Nov. 12, 1976	220287
Ohio	Seneca	Bettsville, Village of	do	Apr. 12, 1974	390500-A
Do	Jackson	Coalton, Village of	do	Feb. 1, 1974	390291-A
				May 21, 1976	
Colorado	Pueblo	Pueblo, City of	June 18, 1971, emergency; Aug. 24, 1973, regular; Apr. 30, 1976, suspended; Dec. 21, 1978, reinstated.		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128), and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-51 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI 4801]

### PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

#### List of Communities with Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

**SUMMARY:** This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of such areas is to provide guidance to communities on the reduction of property losses, by the adoption of appropriate flood plain management, or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by food or other hazards.

**EFFECTIVE DATES:** The date listed in the eighth column of the table or February 2, 1979, whichever is later.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

**SUPPLEMENTARY INFORMATION:** The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction of buildings as defined in Part 1909 of Title 24 of the Code of Federal Regulations, and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

For communities participating in the NFIP, (see the fifth column in the

table for a community's program status), this requirement applies on the date listed in the eighth column. For communities not participating in the program, Section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area effective one year from the hazard identification date (the date in the eighth column of the table).

This 30 day period before the map action becomes effective does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin February 2, 1979, or the effective date of the

Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

[4210-01-C]

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IL	White	White County (Uninc. Areas) 0001A-0006A	170906	N-5	I	F	Dec. 1, 1978	Dec. 1, 1978	Gene Garrett, Ch. Co. Bd. Courthouse East Main Street Carmel, IL 62821 Phone: (618) 382-7211
TN	Van Buren	Van Buren County (Uninc. Areas) 0001A-0004A only	470342	N-5	I	F	Dec. 1, 1978	Dec. 1, 1978	A. P. Baker, Judge Box 217 Spencer, TN 38585 Phone: (615) 946-2314
WI	Taylor	Taylor County (Uninc. Areas) 0001A-0012A	550599	N-5	I	F	Dec. 1, 1978	Dec. 1, 1978	Vernon Brecke, Ch. Co. Bd. Courthouse Medford, WI 54451 Phone: (715) 748-3131

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IA	Uninc. Area	Fremont County 0001A-0006A	190868	A E-5	I	F	5 DEC 78	5 DEC 78	Mr. Jack Shirley - Chairman - Fremont County - Board of Supervisors - Sidney, IA 51652 (712) 374-2415
OK	Grady	City of Minco 0001B-0002B	400406	B N-8,11,12	I	F	28 JAN 77	5 DEC 78	Honorable Glenn Gibson - Mayor - P. O. Box 512 - Minco, OK 73059 (405) 352-4274
SD	Beadle	Town of Wolsey 0001A	460150	A N-12	I	F	13 AUG 76	5 DEC 78	Honorable Charles Tepley - Mayor - Box 262 - Wolsey, SD 57384 (605) 883-4360

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/I/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Choctaw	Choctaw County (Uninc. Areas) 0006B only	010310	E-11	I	F	Jan. 27, 1978	Dec. 8, 1978	Charles V. Ford, Judge Courthouse Butler, AL 36904 Phone: (205) 459-2417
AL	Blount	Blount County (Uninc. Areas) 0002B only	010230	N-12, 14	I	F	Feb. 24, 1978	Dec. 8, 1978	Frank J. Green, Judge P. O. Box 668 Oneonta, AL 35121 Phone: (205) 274-2134
AL	Covington	Town of Gantt 01	010053B	N-12, 14	I	F	June 7, 1974 Jan. 2, 1976	Dec. 8, 1978	Bud Solomon, Mayor P. O. Drawer 8 Gantt, AL 36038 Phone: (205) 388-2561
AL	Lee	Lee County (Uninc. Areas) 0004E, 0005B only	010250	N-12, 14	I	F	March 31, 1978	Dec. 8, 1978	Judge Hal Smith, Ch. Co. Comm. P. O. Box 666 Opelika, AL 36801 Phone: (205) 745-6365
GA	Macon	City of Montezuma 0001B	130132	E-12	I	F	Aug. 16, 1974 Feb. 6, 1976	Dec. 8, 1978	H. E. Parsons, Mayor City Hall Montezuma, GA 31063 Phone: (912) 472-8144
KY	Hopkins	City of Madisonville 0001B-0002B	210115	E-11, 12, 14	I	F	May 17, 1974 Feb. 6, 1976	Dec. 8, 1978	(Mrs.) Jane Moore, Hopkins Co. Planning Comm. 416 East Broadway Madisonville, KY 42431 Phone: (502) 821-3746
MS	Tallahatchie	City of Glendora 01	280210A	<del>E-11, 12,</del> 14	I	F	Jan. 10, 1975	Dec. 8, 1978	Henry Reese, Mayor City Hall Glendora, MS 38928 Phone: (601) 375-9311
MS	Covington	Town of Mount Olive 01	280048A	N-11, 12, 14	I	F	Aug. 1, 1975	Dec. 8, 1978	Hugh Warren, Mayor P. O. Box 61 Mt. Olive, MS 39119 Phone: (601) 797-3496
MS	Noxubee	Town of Shuqualak 01	280324A	N-5	I	F	Dec. 8, 1978	Dec. 8, 1978	C. E. Barrett, Mayor P. O. Box 73 Shuqualak, MS 39361 Phone: (601) 793-4559
TN	DeKalb	DeKalb County (Uninc. Areas) 0001A-0006A	470369	N-5	I	F	Dec. 8, 1978	Dec. 8, 1978	Billy J. Lafever, Judge Courthouse Smithville, TN 37166 Phone: (615) 597-5175

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CO	Elbert	Town of Elizabeth 0001B	080056	B N-8,11,12	I	F	6 SEP 74 6 FEB 76	12 DEC 78	Honorable Billie Bandt - Mayor - Box 147 - Elizabeth, CO 80107 (303) 646-4166
CO	Mesa	City of Grand Junction 0001C-0002C	080117	C N-8,11,12	I	F	1 FEB 74 28 JUN 74 10 OCT 75	12 DEC 78	Mr. Don Warner - Planning Commission - 250 North Fifth - Grand Junction, CO 81501 (303) 243-2633 (Ext. 202)
LA	Uninc. Area	Ascension Parish 0001A-0005A	220013	A E-5	I	F	12 DEC 78	12 DEC 78	Mr. Vincent J. Tortorich - President - Office of Police Jury - P.O. Box 351 - Donaldson, LA (504) 473-4315 70346
AL	Tallapoosa	Town of Carrville 0001A	010375	N-5	I	F	Dec. 15, 1978	Dec. 15, 1978	Ralph G. Weldon, Mayor 304 Main Street East Tallasee, AL 36023 Phone: (205) 283-3316
AL	DeKalb	Town of Collinsville 0001B	010066	E-11, 12, 14	I	F	May 17, 1974 Jan. 2, 1976	Dec. 15, 1978	Roy R. Watts, Mayor P. O. Drawer N Collinsville, AL 35961 Phone: (205) 524-2135
AL	Elmore	Elmore County (Uninc. Areas) 0001A-0009A	<i>c 10406</i>	N-5	I	F	Dec. 15, 1978	Dec. 15, 1978	J. F. Cody, Engineer Box E Wetumpka, AL 36092 Phone: (205) 567-6441
AL	Marengo	City of Linden 0001B	010158	E-11, 12, 14	I	F	June 28, 1974 May 21, 1976	Dec. 15, 1978	Bracey Hill, Mayor 211 North Main Linden, AL 36748 Phone: (205) 295-5051
AL	Chilton	Town of Maplesville 0001B	010032	E-11, 12, 14	I	F	Sep. 13, 1974 July 23, 1976	Dec. 15, 1978	Aubrey Morrison, Mayor P. O. Box 9 Maplesville, AL 36750 Phone: (205) 366-4211
AL	Washington	Town of Milly 0001A	010207	N-11, 12, 14	I	F	Nov. 12, 1976	Dec. 15, 1978	Robert Dearmon, Mayor P. O. Box 11 Milly, AL 36558 Phone: (205) 846-2422

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	St. Clair	Town of Odenville 0001B	010188	E-11, 12, 14	I	F	May 24, 1974 Jan. 2, 1976	Dec. 15, 1978	Mary Martin, City Clerk Town Hall Odenville, AL 35120 Phone: (205) 629-2562
AL	Etowah	Town of Southside 0001B-0002B	010082	E-8, 11, 12, 14	I	F	Dec. 7, 1973 Jan. 9, 1976	Dec. 15, 1978	Joe Brown, Mayor Rt. 1, Box 87 Gadsden, AL 35901 Phone: (205) 442-2255
IL	Gallatin	Gallatin County (Uninc. Areas) 0001A-0006A	170900	E-5	I	F	Dec. 15, 1978	Dec. 15, 1978	William C. Lawler, Ch. Co. Ex Courthouse Shawneetown, IL 62984 Phone: (618) 269-3269
MN	Lincoln	City of Lake Benton 01-04	270692B	N-12, 14	I	F	April 1, 1977	Dec. 15, 1978	Roy Miller, Mayor Farmers State Bank Lake Benton, MN 56149 Phone: (507) 368-4641
NJ	Morris	Township of Chester 0001A-0002A	340555	E-8, 11, 12, 14	I	F	Dec. 6, 1974	Dec. 15, 1978	R. Patterson Warlick, Mayor P. O. Box 428 Chester, NJ 07930 Phone: (201) 879-5571
NJ	Morris	Township of Mendham 0001A-0002A	340511	E-8, 11, 14	I	F	Sept. 17, 1976	Dec. 15, 1978	Richard C. Vetter, Mayor Mendham Township Brookside, NJ 07926 Phone: (201) 543-4555
NC	Northampton	Town of Gaston 0001A	370413	N-5	I	F	Dec. 15, 1978	Dec. 15, 1978	Firman C. Myrick, Mayor P. O. Drawer M Gaston, NC 27832 Phone: (919) 537-1046
SC	Pickens, Anderson	Town of Clemson 0001A	450238	N-5	I	F	Dec. 15, 1978	Dec. 15, 1978	Catherine Smith, Mayor P. O. Box 1566 Clemson, SC 29631 Phone: (803) 654-2636

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Marin	City of Sausalito 0001B	050182	E-8,11,12	C	F	17 MAY 74 3 OCT 75	19 DEC 78	Mr. Norman Kohlschlager, P.E., Director of Public Works, City Engineer - 420 Litho Street - P.O. Box 127 - Sausalito, CA 94965 (415) 632-3344
CT	Litchfield	Town of Watertown 01A-09A	090058	E-11,12	I	F	31 MAY 74	19 DEC 78	Mr. James Troup - Town Manager - Town Hall Annex - 424 Main Street Watertown, CT 06795 (203) 274-5411
KS	Uninc. Area	Shawnee County 0001B-0007B	200331	N-11,12	I	F	21 FEB 78	19 DEC 78	Mr. Kevin R. Davis - Planner III Topeka-Shawnee Co. Metropolitan Planning Commission - 820 SE Quincy - Suite 512 - Topeka, KS 66612 (913) 295-3969

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NY	Essex	Town of Keene 0001B-0003B	361151	E-11	I	F	Nov. 1, 1974 July 16, 1976	Dec. 22, 1978	Robert Purdy, Supr. Town Hall Keene, NY 12942 Phone: (518) 576-4444
TN	Hickman	Hickman County (Uninc. Areas) 0001A-0009A	470091	N-5	I	F	Dec. 22, 1978	Dec. 22, 1978	Hunt McClanahan, Judge Courthouse Centerville, TN 37033 Phone: (615) 729-2492
IN	Perry	Perry County (Uninc. Areas) 0001A-0006A	470144	N-5	I	F	Dec. 22, 1978	Dec. 22, 1978	Frank B. Parnell, Judge Linden, TN 37096 Phone: (615) 589-2216
WI	Douglas	Douglas County (Uninc. Areas) 0001A-0015A	550538	E-5	I	F	Dec. 22, 1978	Dec. 22, 1978	Tom Higgins, Ch. Co. Bd. Courthouse Superior, WI 54880 Phone: (715) 394-0341

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

Gloria M. Jimenez,  
Federal Insurance Administrator.  
[FR Doc. 79-52 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4896]

**PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS**

**List of Communities with Special Hazard Areas**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of such areas is to provide guidance to communities on the reduction

of property losses, by the adoption of appropriate flood plain management, or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or February 2, 1979, whichever is later.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction of buildings as defined in Part 1909 of Title 24 of the Code of Federal Regulations and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development

For communities participating in the NFIP (see the fifth column in the table for a community's program status), this requirement applies on the date listed in the eighth column. For communities not participating in the program, Section 202 of the Flood Disaster Protection Act of 1973 (Pub.

L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area effective one year from the hazard identification date (the date in the eighth column of the table).

This 30 day period before the map action becomes effective does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin February 2, 1979, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin February 2, 1979, or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

RULES AND REGULATIONS

[4210-01-C]

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD FINE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Washington	Town of Chatom 0001A	010376	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	James J. Thompson, Mayor P. O. Box 309 Chatom, AL 36518 Phone: (205) 847-2476
AL	Sumter	Town of Epes 01	010383A	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	C. D. Rucks, Mayor P. O. Box 126 Epes, AL 35460 Phone: (205) 652-7144
AL	Fulton	City of Farmington 0001A	170952	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	R. James Hurst, Mayor 33 North East Street Farmington, IL 61531 Phone: (309) 245-2011
IL	Williamson Franklin	Village of Freeman Spur 0001A	170953	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	Ralph Murray, V. Pres. Village Hall Freeman Spur, IL 62841 Phone: (618) 942-3340
MI	Eaton	City of Pottersville 0001A	260711	E-5	I	F	Oct. 20, 1978	Oct. 20, 1978	Leon LaFave, Mayor 223 W. Main Street Pottersville, MI 48876 Phone: (517) 645-7577
NC	Chatham	Town of Pittsboro 0001A	370420	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	Norris Farrell, Mayor P. O. Box 753 Pittsboro, NC 27312 Phone: (919) 542-4621
NC	Watauga	Watauga County (Uninc. Areas) 0002A-0007A	370251	E-10, 11, 12, 14	I	F	Jan. 10, 1975	Oct. 20, 1978	Gene Wilson, Ch. Co. Comm. Courthouse Boone, NC 28607 Phone: (704) 264-2267
OH	Richland	Village of Lexington 0001B	390618	E-8, 11, 12, 14	I	F	Oct. 18, 1974 Aug. 1, 1975	Oct. 20, 1978	Donald Herbert, Mayor 44 West Main Street Lexington, OH 44904 Phone: (419) 684-1329
OH	Shelby	Shelby County (Uninc. Areas) 0001B-0006B	390503	N-11, 12, 14	I	F	Dec. 20, 1974 Dec. 23, 1977	Oct. 20, 1978	Donald Conklin, Ch. Co. B. Courthouse Sidney, OH 45365 Phone: (513) 492-1153
OH	Muskingum	Village of South Zanesville 01	390860A	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	H. Gale Harper, Mayor 77 Kensington Avenue South Zanesville, OH 43701 Phone: (614) 452-5620
OH	Van Wert	Village of Willshire 01	390867A	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	Larry Dean King, Mayor Hogan Street Willshire, OH 45898 Phone: (419) 495-2570

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Pickaway	Village of Williamsport 0001A	390866	N-5	I	F	Oct. 20, 1978	Oct. 20, 1978	Paul E. Long, Mayor P. O. Box 105 Williamsport, OH 43164 Phone: (614) 986-3763 (home)  Julian Richardson, Ch. Co. Council P. O. Box 36 Conway, SC 29526 Phone: (803) 248-6247
OH	Horry	Horry County (Uninc. 0001A-0015A Areas)	450104	N-5	C	F	Oct. 20, 1978	Oct. 20, 1978	

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Uninc. Area	Los Angeles County 0001A-0042A	065043	A E-5	C&I	F	24 OCT 78	24 OCT 78	Mr. Harry Hufford - Chief Administrative Officer - County of Los Angeles - Board of Supervisors - Room 381, Hall of Administration - 500 W. Temple Street - Los Angeles, CA 90012 (213) 974-1234
NV	Uninc. Area	Nye County 0001A-0006A, 0008A-0016A, 0018A-0022A, 0024A-0026A, 0029A-0035A, 0037A-0038A, 0042A-0053A, 0055A-0072A, 0074A-0080A, 0082A-0084A, 0086A-0100A, 0103A-0105A, 0107A-0108A, 0113A-0115A, 0120A-0121A, 0127A, 0133A-0134A, 0140A- 0141A, 0146A-0147A, 0151A- 0152A, 0156A-0169A	320018	A E-8,11,12	I	F	18 OCT 74	24 OCT 78	Mr. Andrew M. Eason - Chairman - Board of County Commissioners - County Courthouse - Tonopah, NV 89049 (702) 482-3330

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/I	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Escambia	Escambia County (Uninc. Areas) 0001A-0003A 0005A-0008A, 0010A	010251	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Devon Wiggins, Ch. Co. Co. Courthouse Brewton, AL 36426 Phone: (205) 867-3659
AL	Barbour	City of Eufaula 0001B-0003B	010011	E-8, 11, 12, 14	I	F	Dec. 17, 1973 Dec. 19, 1975	Oct. 27, 1978	James Clark, Mayor Box 377 Eufaula, AL 36027 Phone: (205) 687-6621
AL	Tallapoosa	Town of New Site 0001A	010395	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Johnnie R. Cotney, Mayor Rt. 4 Alexander City, AL 35010 Phone: (205) 234-2049
IL	Edwards	Edwards County (Uninc. Areas) 0001A-0003A, 0003A	170937	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Kenneth Mewes, Ch. Co. Co. Courthouse Albion, IL 62806 Phone: (618) 447-3389
MS	Holmes	Town of Cruger 01	280313A	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Robert K. O'Reilly, Mayor Town Hall Cruger, MS 38924 Phone: (601) 453-0366
MS	Jasper	Town of Louin 0001A	280316	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	M. H. Bassett, Mayor P. O. Box 3 Louin, MS 39338 Phone: (601) 739-3621
NY	Greene	Town of Windham 0001B-0005B	361401	N-11, 12, 14	I	F	Nov. 4, 1977	Oct. 27, 1978	Thomas P. Meehan, Jr., Sup. Box 56 Maplecrest, NY 12454 Phone: (518) 734-4505
OH	Montgomery	City of Centerville 0001B	390408	E-11, 12, 14	I	F	May 17, 1974 Sept. 12, 1975	Oct. 27, 1978	Mr. Karl M. Schab, Engr. 100 W. Spring Valley Rd. Centerville, OH 45459 Phone: (513) 433-71151
OH	Crawford	Village of Chatfield 01	390818A	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Sylvanus Kalb, Mayor Village Hall Chatfield, OH 44825 Phone: (419) 988-2231
OH	Tuscarawas	Village of Newcomerstown 0001B	390544	E-10, 11, 12, 14	I	F	May 17, 1974 May 21, 1976	Oct. 27, 1978	Robert G. Hall, Mayor 124 E. Church Street Newcomerstown, OH 43832 Phone: (614) 498-6313

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TN	Macon	Macon County (Uninc. Areas) 0001A-0004A	470371	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	Aubrey Dallas, Judge 201 County Courthouse Lafayette, TN 37083 Phone: (615) 666-2363
VA	Pittsylvania	Town of Hurt 0001B	510219	E-11,12, 14	I	F	Nov. 1, 1974 Oct. 3, 1975	Oct. 27, 1978	Robert Payne, Mayor P. O. Box 160 Hurt, VA 24563 Phone: (804) 324-4411
WI	Brown	Village of Ashwaubenon 0001A	550600	N-5	I	F	Oct. 27, 1978	Oct. 27, 1978	John Monfort, V. Pres. 580 Cormier Ave. Green Bay, WI 54304 Phone: (414) 494-8807
STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Calaveras	City of Angels 0001B	060021	B E-11,12	I	F	21 JUN 74. 8 AUG 75	31 OCT 78	Honorable Oliver W. Garcia - Mayor - City Hall - Angels, CA 95222 (209) 736-2181
CO	Weld	City of Gilcrest 01A	080213	A E-11,12	I	F	22 AUG 75	31 OCT 78	Honorable Jose Castaneda - Mayor - P.O. Box 8 - Gilcrest, CO 80622 (303) 737-2992
ID	Cassia	City of Oakley 0001B	160045	B N-11,12	I	F	18 OCT 74 19 NOV 76	31 OCT 78	Honorable J. Gorringer - Mayor - P.O. Box 266 - Oakley, ID 83344 (208) 862-3313
IA	Black Hawk & Bremer	City of Janesville 0001B	190023	B N-8,11	I	F	28 DEC 73 16 JAN 76	31 OCT 78	Honorable Dale E. Eden - Mayor - City Hall - Janesville, IA 50647 (319) 987-2905
IA	Delaware	City of Masonville 01A	190365	A N-11,12	I	F	13 AUG 76	31 OCT 78	Honorable William C. Alden - Mayor - City Hall - Masonville, IA 50654 (319) 927-2507
LA	Terrebonne Parish	City of Houma 0001B	220220	B E-8,11,12	I	F	28 NOV 73 9 APR 76	31 OCT 78	Mr. Martin Bruno, Jr. - Director of Planning & Zoning - P.O. Box 6097 - Houma, LA 70360 (504) 868-5050.

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD TO ISLAND COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
ND	Grand Forks	City of Thompson 01A	380208	A N-8,11,12	I	F	14 FEB 75	31 OCT 78	Honorable James W. Weber - Mayor - City Hall - Thompson, ND 58278 (701) 599-2973
AL	Marengo	City of Demopolis 0001B	010157	E-8, 11, 12, 14	I	F	June 7, 1974 Dec. 19, 1975	Nov. 3, 1978	Hugh Allen, Jr., Mayor P. O. Box 580 Demopolis, AL 36732 Phone: (205) 289-0577
AL	Etowah	City of Glencoe 0001B-0002B	010081	E-8, 11, 12, 14	I	F	May 17, 1974 Dec. 19, 1975	Nov. 3, 1978	Ronnie Rampey, Mayor 119 Lonesome Band Rd, Glencoe, AL 35905 Phone: (205) 492-1424
AL	Coosa	Town of Goodwater 0001A	010387	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Charles W. Stewart, Mayor P. O. Box 115 Goodwater, AL 35072 Phone: (205) 837-6301
AL	DeKalb	Town of Hammondville 0001A	010388	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	(Mrs.) Vesta Hawkins, Mayor Rt. 1 Valley Head, AL 35989 Phone: (205) 635-2291
AL	Jefferson	City of Hoover 0001A-0002A	010123	E-8, 11, 12, 14	I	F	Nov. 29, 1974	Nov. 3, 1978	John Hodnett, Mayor Montgomery Highway Hoover, AL 35216 Phone: (205) 823-3912
IL	Macon	Village of Blue Mound 01	170946A	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Russell Edmunds, V. Pres. P. O. Box 0 Blue Mound, IL 62513 Phone: (217) 692-2713

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/MI/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IL	Rock Island Henry	Village of Coal Valley 0001B	170585	E-8, 11, 12, 14	I	F	March 1, 1974 Dec. 20, 1974	Nov. 3, 1978	Patrick Huys, V. Pres. P. O. Box 105 Coal Valley, IL 61240 Phone: (309) 799-3604
IL	Wabash	Wabash County (Uninc. Areas) 0001A-0005A	170938	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Robert Witsman, Ch. Co. Bd. P. O. Box 270 Mt. Carmel, IL 62863 Phone: (618) 262-4661
IN	Wayne	Town of Spring Grove 01	180286A	E-8, 11, 12, 14	I	F	Dec. 13, 1974	Nov. 3, 1978	Dr. John H. Mader, Bd. Pres. 1528 Chester Blvd. Richmond, IN 47374 Phone: (317) 966-7724
MI	St. Joseph	Township of Lockport 0001A-0002A	260715	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	John I. Major, Clerk 236 Schrader Road Centerville, MI 49032 Phone: (616) 467-7791
MS	Lawrence	Town of New Hebron 0001A	280317	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Fat Shivers, Mayor P. O. Box 199 New Hebron, MS 31140 Phone: (601) 694-2222
MS	Lamar	Town of Purvis 0001A	280318	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	J. W. McKellar, Mayor P. O. Box 2 Purvis, MS 39475 Phone: (601) 794-2472
MS	Hinds	Town of Raymond 01	280320A	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Bill Brent, Mayor P. O. Box 82 Raymond, MS 30154 Phone: (601) 857-8711
NY	Wedge	Village of Nichols 01	360838B	E-12, 14	I	F	June 7, 1974 April 30, 1976	Nov. 3, 1978	Glen Cole, Mayor Main Street Nicholas, NY 13812 Phone: (607) 699-3062
NY	Westchester	City of Rye 01-03	360931B	E-15	I	F	Nov 3, 1978	Nov. 3, 1978	Robert D. McEvoy, Mgr. City Hall Rye, NY 10580 Phone: (914) 967-5400
NC	Gaston Lincoln	City of High Shoals 0001A	370405	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Jack Whitener, Mayor P. O. Box 6 High Shoals, NC 28077 Phone: (704) 735-1651
NC	Northampton	Town of Severn 01	370422A	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Wallace W. Stevenson, Mayor Town Hall Severn, NC 27877 Phone: (919) 885-0500
OH	Athens	Village of Coolville 0001A	350822	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Howard Russell, Mayor P. O. Box 136 Coolville, OH 45723 Phone: (614) 667-3845

## RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	ISLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Franklin	Village of Dublin 0001A	390673	N-5	I	F	Jan. 3, 1975	Nov. 3, 1978	Charles Coffman, Mayor P. O. Box 206 Dublin, OH 43017 Phone: (614) 889-2175
OH	Montgomery	City of Englewood 0001A	390828	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	James McGraw, Mayor 833 West National Rd. Englewood, OH 45322 Phone: (513) 836-5106
OH	Hamilton	Village of Newtown 0001B	390230	E-12	I	F	Feb. 1, 1974 May 28, 1976	Nov. 3, 1978	Gregory Deimling, Clerk 3536 Church Street Cincinnati, OH 45244 Phone: (513) 871-3330
TN	Stewart	Town of Cumberland City 0001A	470375	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	H. Ryan Holley, Mayor Town Hall Cumberland City, TN 37050 Phone: (615) 827-2409 (h.c.m.e)
VA	Tazewell	Town of Pocahontas 01	510337	N-5	I	F	Nov. 3, 1978	Nov. 3, 1978	John Sabo, Jr., Mayor P. O. Box 127 Pocahontas, VA 24635 Phone: (703) 945-5115
WI	Columbia	Columbia County (Uninc. Areas) 0001A-0010A	550581	E-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Herbert Raether, Ch. Co. Bd. Box 177 Administrative Bldg. Portage, WI 53901 Phone: (608) 742-2191
WI	Sauk	Village of LaValle 01	550395B	E-11, 12, 14	I	F	Dec. 28, 1973 Nov. 21, 1975	Nov. 3, 1978	Wayne Blinston, V. Pres. Village Hall LaValle, WI 53941 Phone: (608) 985-7418
WI	Polk	Polk County (Uninc. Areas) 0001A-0012A	550577	E-5	I	F	Nov. 3, 1978	Nov. 3, 1978	Raymond Bauerfield, Ch. Co. B. Courthouse Balsam Lake, WI 54810 Phone: (715) 485-3161

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	San Bernardino	City of Adelanto 0001A-0002A	060639 A	N-5	I	F	7 NOV 78	7 NOV 78	Honorable Hastell F. Hollis - Mayor - 11740 Bartlett Avenue - Adelanto, CA 92301 (714) 246-8606
NB	Madison	City of Norfolk 0001B	310147 B	E-8,11,12	I	F	23 JAN 74 13 AUG 76	7 NOV 78	Mr. Donald G. Hyde - City Engineer - 111 South First Street - Norfolk, NB 68701 (402) 371-5393
MD	Mercer	City of Stanton 0001A	380250 A	N-12	I	F	2 APR 76	7 NOV 78	Honorable Robert Wetzel - Mayor - P.O. Box 156 - Stanton, MD 58571 (701) 745-3371
OR	Benton	City of Corvallis 0001C-0002C	410009 C	E-8,11,12	I	F	14 JUN 74 26 DEC 75 27 DEC 77	7 NOV 78	Mr. Jerry A. Hortsch - Finance Director / City Recorder - 501 S.W. Madison Avenue - Corvallis, OR 97330 (503) 757-6945
SD	Turner	City of Parker 0001A	460211 A	N-8,12	I	F	27 JUN 75	7 NOV 78	Mr. Frisco Petersen - City Finance Officer - City Hall - Parker, SC 57053 (605) 297-4453
SD	Walworth	City of Selby 01A-02A	460214 A	N-8,11,12	I	F	25 JUL 75	7 NOV 78	Honorable Wilfred Stoick - Mayor - City Hall - Selby, SD 57472 (605) 649-7985
STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Lee	City of Auburn 0001C-0004C	010144	E-8, 11, 14	I	F	June 7, 1974 Oct. 3, 1975 Sept. 10, 1976	Nov. 10, 1978	Donald Hayhurst, Mayor P. O. Box 511 Auburn, AL 36830 Phone: (205) 821-1900
IL	Tazewell	Village of Mackinaw 0001A	170959	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Lee Smith, Vtl. Pres. 101 East East Mackinaw, IL 61755 Phone: (309) 359-6891
IL	Warren	Warren County (Uninc. Areas) 0001A-0005A	180448	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Larry W. Crane, Area Plan. Dir. Courthouse Williamsport, IN 47993 Phone: (317) 762-6311 Douglas Peterson, Mayor P. O. Box 92 Bemidji, MN 56601 Phone: (218) 751-5610
IA	Beltrami	City of Bemidji 0001A	270711	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	John G. Wilson, Mayor R. R. # 2 Staples, MN 56479 Phone: (218) 894-2550
IA	Todd Wadena	City of Staples 0001A	270717	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	

RULES AND REGULATIONS

COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/1/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
Beltrami	City of Wilton 0001A	270719	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Jane Hilligan, Mayor Wilton, MN 56687 Phone: (218) 751-5207
Hinds	Town of Learned 01	280315A	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	W. K. Riggan, Mayor P. O. Box 47 Learned, MS 37093 Phone: (601) 354-7218
Hertford	Town of Murfreesboro 0001A	370419	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	William W. Hill, Mayor P. O. Box 6 Murfreesboro, NC 27855 Phone: (919) 398-4665
Clinton	Village of Clarksville 01	390820A	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Harry J. Bagford, Mayor Village Hall Clarksville, OH 45113 Phone: (513) 289-2411
Montgomery	Village of Clayton 01	390821A	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Dick Reynolds, Mayor 270 Talmadge Clayton, OH 45315 Phone: (513) 836-3024
Marion	Marion County (Uninc. Areas) 0005B only	390774	E-11, 12, 14	I	F	Jan. 6, 1978	Nov. 10, 1978	John F. Ifler, Ch. Co. Comm. Courthouse Marion, OH 43302 Phone: (614) 383-4971
Anderson	City of Anderson 0001B	450014	E-8, 11, 12, 14	I	F	May 17, 1974 Dec. 13, 1974	Nov. 10, 1978	Darvin Wright, Mayor P. O. Box 4026 Anderson, SC 29621 Phone: (803) 226-7403
McClairy	Town of Eastview 0001A	470376	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Ron Richardson, Mayor Rt. 2 Ramer, TN 38367 Phone: (901) 645-7710
Moore	Moore County (Uninc. Areas) 0001A-0003A	470260	N-5	I	F	Nov. 10, 1978	Nov. 10, 1978	Claude Reed, Judge Courthouse Lynchburg, TN 37352 Phone: (615) 759-7076
Walworth	Village of East Troy 0001B	550464	E-8, 11, 12, 14	I	F	May 24, 1974 May 14, 1976	Nov. 10, 1978	Kenneth Pluess, VIL Pres. 2816 School St. East Troy, WI 53120 Phone: (414) 642-5570

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CO	Jefferson	City of Edgewater . 01B	080089	B E-8,11,12	I	F	14 JUN 74 19 DEC 75	14 NOV 78	Mr. Emmett L. Lane - City Engineer - 5845 West 25th Avenue - Edgewater, CO 80214 (303) 238-0573
LA	Uninc. Area	Madison Parish : 0001A-0012A	220122	A E-5	I	F	14 NOV 78	14 NOV 78	Mr. A. L. Harvey - President of Police Jury - Office of Police Jury - Courthouse Building - Tallulah, LA 71282 (318) 574-3451
UT	Uninc. Area	Sanpete County 0004A-0005A, 0007A-0008A, 0011A, 0014A-0015A, 00018A	490111	A E-5	I	F	14 NOV 78	14 NOV 78	Mr. Douglas A. Jorgensen - Clerk-Auditor - Sanpete County Courthouse - Manti, UT 84642 (801) 835-2131

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Wilcox	Town of Pine Hill 0001A	010397	N-5	I	F	Nov. 17, 1978	Nov. 17, 1978	H. E. Swearingen, Mayor P. O. Box 368 Pine Hill, AL 36769 Phone: (205) 963-4650
AL	Marengo	Town of Providence 01	010159A	N-10, 11, 14	I	F	Nov. 1, 1974	Nov. 17, 1978	Tommy Ray, Mayor P. O. Box 581 Providence, AL 36748 Phone: (205) 295-8419
AL	Marengo	Town of Thomaston 01	010272A	E-11, 12, 14	I	F	Jan. 10, 1975	Nov. 17, 1978	C. C. Pritchett, Mayor P. O. Box 185 Thomaston, AL 36783 Phone: (205) 627-3434
IL	Mason	Mason County (Uninc. 0001A-0009A Areas)	170463	N-10, 11, 12, 14	I	F	Jan. 31, 1975	Nov. 17, 1978	Byron Bunch, Supt. of Hwys. Courthouse Havana, IL 62644 Phone: (309) 543-3759
MS	Perry	Town of Richton 0001A	280321	N-5	I	F	Nov. 17, 1978	Nov. 17, 1978	L. L. Adkins, Mayor P. O. Drawer N Richton, MS 39476 Phone: (601) 788-2251
MS	Alcorn	Town of Rienzi 01	280322A	E-5	I	F	Nov. 17, 1978	Nov. 17, 1978	C. L. Dick, Mayor Rt. 2, Box 2 Rienzi, MS 38865 Phone: (601) 462-5327

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NC	Cleveland	Town of Casar 0001A	370408	N-5	I	F	Nov. 17, 1978	Nov. 17, 1978	Saye Melton, Mayor P. O. Box 45 Casar, NC 28020 Phone: (704) 538-9661
NC	Craven	Craven County (Uninc. Areas) 0001A-0014A	370072	E-10, 11, 12, 14	I	F	Dec. 20, 1974	Nov. 17, 1978	Tyler Harris, Co. Planner P. O. Drawer R New Bern, NC 28560 Phone: (919) 638-1474
OH	Stark	Village of Brewster 0001B	390510	E-8, 11, 12, 14	I	F	Feb. 8, 1974 March 28, 1975	Nov. 17, 1978	Jack L. McCool, Mayor 302 South Wabash Brewster, OH 44613 Phone: (216) 767-2414
TN	Chester	Chester County (Uninc. Areas) 0001A-0004A only	470348	N-5	I	F	Nov. 17, 1978	Nov. 17, 1978	Harold Garland, Judge Courthouse P. O. Box 296 Henderson, TN 38340 Phone: (901) 989-5672

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AR	Uninc. Area	Crawford County 0001B-0011B	050428	B N-11, 12	I	F	17 JUN 77	21 NOV 78	Honorable Walter Kaylor - County Judge - County Court House - Van Buren, AR 72956 (501) 474-1511
CO	Otero	City of La Junta 0001B	080133	B E-11, 12	I	F	12 APR 74 3 DEC 76	21 NOV 78	Honorable C. A. Denney - Mayor - P.O. Box 630 - La Junta, CO 81050 (303) 384-2577
CO	Sedgwick	Town of Ovid 0001A	080170	A N-11, 12	I	F	15 NOV 74	21 NOV 78	Ms. Shirlene Dillehay - Town Clerk - P.O. Box 396 - Ovid, CO 80744 (303) 463-5446
ME	Penobscot	Town of Newburgh 0001A-0002A	230379	A E-5, 15	I	F	21 NOV 78	21 NOV 78	Mr. Milton Torrey - Selectman - c/o Evelyn Young - Town Clerk - RD #1, Hampden Highlands - Newburgh, ME 04445 (207) 234-4841
MO	Oregon	City of Thayer 0001B	290267	B E-11, 12	I	F	8 MAR 74 26 DEC 75	21 NOV 78	Honorable A.D. Pierce - Mayor - Box 76 - Thayer, MO 65791 (417) 264-3921

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/I/E	IDENTIFICATION DATE (S)	DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Lauderdale	Town of Anderson 0001A	010407	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	W. S. Turpen, Mayor Main Street Anderson, AL 35610 Phone: (205) 247-5260
FL	Jackson	Town of Cottondale 0001A	120583	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	George D. Hilton, Jr., Mayo: P. O. Box 398 Cottondale, FL 32431 Phone: (904) 352-4361
FL	Baker	City of MacClenny 0001A	120590	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	Lonnie Thrift, Mayor 118 East MacClenny Avenue MacClenny, FL 32063 Phone: (904) 259-6261
IL	Lawrence	Lawrence County (Uninc. Areas) 0001A-0006A	170409	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	Dick Throwbridge, Engr. Box 88 Lawrenceville, IL 62439 Phone: (618) 943-4215
IN	Vermillion	Vermillion County (Uninc. Areas) 0001A-0004A	180449	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	Elmo Riggan, Ch. Co. Comm. Courthouse Newport, IN 47966 Phone: (317) 665-3318
NC	Swain, Jackson, Graham, Cherokee, Haywood	Eastern Band of Cherokee Indians 0001A-0003A, 0005A, 0007A	370401	E-5	I	F	Nov. 24, 1978	Nov. 24, 1978	John Crowe, Principal Chief P. O. Box 455 Cherokee, NC 28719 Phone: (704) 497-4951
TN	Union	Union County (Uninc. Areas) 0001A-0004A	470194	N-5	I	F	Nov. 24, 1978	Nov. 24, 1978	Von Richardson, Judge Courthouse Maynardsville, TN 37807 Phone: (615) 992-3061

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND & COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Fresno	City of Fresno 0001B-0007B	060048	B E-11,12	I	F	18 OCT 74 10 JAN 78	28 NOV 78	Honorable Daniel K. Whitehurst - Mayor - City Hall - 2326 Fresno Street - Fresno, CA 93721 (209) 488-1375
CA	Tulare	City of Lindsay 0001B	060406	B E-8,11,12	I	F	1 MAR 74 10 OCT 75	28 NOV 78	Honorable Jim Chapman - Mayor - 251 E. Honolulu Street - Lindsay, CA 93247 (209) 562-2511
CO	Huerfano	City of Walsenburg 0001B	080083	B E-11,12	I	F	23 JAN 74 5 MAR 76	28 NOV 78	Honorable Leo Maes - Mayor - 122 East Sixth Street - Walsenburg, CO 81089 (303) 738-1540
SD	Lincoln	City of Lennox 0001B	460192	B N-8,11,12	I	F	26 SEP 75 12 NOV 76	28 NOV 78	Honorable Fred Courcy - Mayor - 220 South Main Street - Lennox, SD 57039 (605) 647-2234
TX	Midland	City of Midland 0001B-0005B	480477	B E-8,11,12	I	F	7 JUN 74 6 FEB 76	28 NOV 78	Honorable Ernest Angelo, Jr. - Mayor - P.O. Box 1152 - Midland, TX 79702 (915) 683-4281
TX	Austin	City of Sealy 0001B	480017	B E-8,11	I	F	17 DEC 73 28 MAY 76	28 NOV 78	Honorable Jim Walters - Mayor - P.O. Box 517 - Sealy, TX 77474 (713) 885-3511

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 91-557, 92 Stat. 2080, this rule has been granted waiver of the Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-53 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI 4897]

**PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS**

**Withdrawal of Flood Insurance Maps**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective

date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

- (1) For acquisition and construction of buildings, and
- (2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number and a FIRM by the letter "R" following the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period

of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et. seq.)

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective January 3, 1979. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 1915.6 is revised to read as follows:

**§ 1915.6 Administrative withdrawal of maps.**

(a) *Flood Hazard Boundary Maps (FHBM's)*. The following is a cumulative list of withdrawals pursuant to this part:

- 40 FR 5149
- 40 FR 17015
- 40 FR 20798
- 40 FR 46102
- 40 FR 53579
- 40 FR 56672
- 41 FR 1478
- 41 FR 50990
- 41 FR 13352
- 41 FR 17726
- 42 FR 8895
- 42 FR 29433
- 42 FR 46226
- 42 FR 64076
- 43 FR 24019
- 43 FR 38691
- 43 FR (Enter page number of this notice in FEDERAL REGISTER.)

(b) *Flood Insurance Rate Maps (FIRM's)*. The following is a cumulative list of withdrawals pursuant to this part:

- 40 FR 17015
- 41 FR 1478
- 42 FR 49811
- 42 FR 64076
- 43 FR 24019

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 1915.6:

[4210-01-C]

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CA	Arcadia, City 065014A (E)	Los Angeles	5/14/76	9/21/77	1	
CO	Custer County 080040A	Custer	6/7/77	10/11/77	2	
FL	Bithlo, Town 120323	Orange	12/13/74	10/18/77	3	Orange County, FL
IL	Hammond, Village 170548A	Piatt	4/9/76	10/11/77	1	
MD	Cecilton, Town 240020A (E)	Cecil	12/19/75	9/21/77	1A	
NJ	Fanwood, Borough 340463A (E)	Union	1/28/77	9/21/77	1A	
NJ	Fort Lee, Borough 340035A (E)	Bergen	2/6/76	9/21/77	1A	
NY	Champlain, Town 361311 (E)	Clinton	11/8/74	10/18/77	4	FHEM, 11/12/76
NY	Clarendon, Town 361254A (E)	Orleans	10/15/76	10/14/77	1	
NY	Upper Nyack, Village 360695A (E)	Rockland	6/18/76	9/21/77	1A	
NC	Spindale, Town 370256	Rutherford	6/27/75	10/11/77	1	
NC	Scotland Neck Town 370118A (E)	Halifax	6/18/76	9/21/77	1A	
ND	Lankin, City 380183	Walsh	4/2/76	10/11/77	1	

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
SD	Bristol, City 460101A	Day	6/3/77	9/14/77	1A	
SD	Claire City, Town 460070	Roberts	2/11/77	9/14/77	1A	
SD	Claremont, Town 460105	Brown	4/25/75	9/14/77	1A	
SD	Hosmer, City 460117	Edmunds	10/29/76	9/14/77	1A	
SD	Leola, City 460193	McPherson	6/27/75	9/14/77	1A	
SD	New Effington, Town 460127	Roberts	7/25/75	9/14/77	1A	
SD	Northville, Town 460080	Spink	12/13/74	9/14/77	1A	
SD	Peever, City 460130	Roberts	8/15/75	9/14/77	1A	
SD	Roslyn, Town 460137	Day	4/25/75	9/14/77	1A	
SD	Summit, Town 460141	Roberts	7/18/75	9/14/77	1A	
SD	Tulare, Town 460145	Spink	7/25/75	9/14/77	1A	
SD	Waubay, City 460226	Day	7/23/76	9/14/77	1A	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CA	Pomona, City 060149 (E)	Los Angeles	6/28/74	10/27/77	1	
CO	Bennett, Town 080003	Adams	11/22/74	10/27/77	1	
ID	Meridian, City 160180	Ada	5/28/76	10/27/77	1	
IA	Blairsburg, City 190703	Hamilton	8/6/76	10/27/77	1	
IA	Edgewood, City 190573	Clayton & Delaware	8/29/75	10/27/77	1	
IA	Knoxville, City 190603A (E)	Marion	4/15/77	10/27/77	1	
IA	Newton, City 190628 (E)	Jasper	4/30/76	10/27/77	1	
IA	Pacific Junction City 190206 (E)	Mills	6/28/74	10/27/77	1	
KS	Assaria, City 200385 (E)	Saline	8/22/75	10/28/77	1	
KS	St. John, City 200525	Stafford	7/16/76	10/28/77	1	
MO	Camdenton, City 290742	Camden	11/5/76	10/28/77	1	
MO	Maysville, City 290686A	DeKalb	4/15/77	10/28/77	1	
MO	Wentzville, City 290320A (E)	St. Charles	4/12/74	10/28/77	1	
MT	St. Ignatius, Town 300123	Lake	2/14/75	10/28/77	1	
NB	Chappell, City 310358 (E)	Deuel	8/6/76	10/28/77	1	
NB	Herman, Village 310229 (E)	Washington	11/15/74	10/28/77	1	
UT	Manila, Town 490202	Daggett	9/19/75	10/26/77	1	

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CO	Sugar City, Town 080224	Crowley	8/15/75	11/1/77	1A	
CO	Westcliffe, Town 080227	Custer	8/13/76	11/1/77	1A	
GA	Denton, City 130215	Jeff Davis	12/13/74	10/31/77	1	
IL	East Moline, City 170587A (E)	Rock Island	10/29/76	10/31/77	1	
LA	Campiti, Village 220317	Natchitoches	11/5/76	11/4/77	1A	
MN	Alvarado, City 270267 (E)	Marshall	8/2/74	10/31/77	1	
MN	Donaldson, City 270225	Kittson	1/24/75	10/31/77	1	
MN	Oklee, City 270389	Red Lake	7/11/75	10/31/77	1	
MO	Normandy, 290371A (E)	St. Louis	6/11/76	11/4/77	1A	
NC	Cary, City 370238 (E)	Wake	6/28/74	2/16/77	1A	
ND	Maddock, City 380004A	Benson	11/15/74	11/1/77	1A	
ND	Page, City 380193	Cass	2/14/75	11/1/77	1A	
ND	Sanborn, City 380202	Barnes	2/21/75	11/1/77	1A	
OH	Marion, City 390376	Marion	9/5/75	10/31/77	1	
NY	Rye, City 360931A (E)	Westchester	5/20/77	11/1/77	2	
OR	Johnson City, City 410267	Clackamas	8/6/76	11/2/77	1A	
PA	Connoquenessing Borough 421413 (E)	Butler	11/15/74	10/31/77	1	
TX	Clarendon, City 480200	Donley	6/11/76	11/4/77	1A	
TX	Gustine, Town 480153A	Comanche	3/19/76	11/4/77	1A	
WI	Rockland, Village 550222	LaCrosse	7/11/75	10/31/77	1	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CO	Leadville, City 080096A	Lake	3/7/75	11/15/77	1	
CO	Stratton, Town 080263	Kit Carson	3/26/76	11/15/77	1	
IN	Lawrence, Town 180160A	Marion	1/21/77	11/15/77	3	City of Indianapolis, IN
KS	Delia, City 200139	Jackson	8/30/74	11/22/77	1A	
KS	Huron, City 200012	Atchison	12/13/74	11/22/77	1A	
KS	Montezuma, City 200539A	Gray	7/5/77	11/16/77	1	
KS	Soldier, City 200145	Jackson	11/22/74	11/24/77	1A	
KS	Wetmore, City 200376	Nemaha	2/14/75	11/24/77	1A	
MT	Columbus, Town 300109	Stillwater	4/2/76	11/16/77	1A	
NB	Axtell, Village 310344A	Kearney	12/3/76	11/16/77	1	
ND	Gackle, City 380172	Logan	8/22/75	11/16/77	1	
ND	Leeds, City 380003	Benson	1/2/76	11/16/77	1A	
ND	Munich, City 380189	Cavalier	1/17/75	11/16/77	1A	
SD	Webster, City 460227	Day	12/24/76	11/16/77	1	
VT.	Concord, Village 500208	Essex	2/11/77	11/16/77	3	Town of Concord, VT

RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
IL	Albion, Village 170866	Edwards	8/15/75	12/20/77	1A	
IL	Astoria, Town 170741	Fulton	1/31/75	12/20/77	1A	
IL	Bardolph, Village 170470A	McDonough	4/16/76	12/20/77	1A	
IL	Bartelso, Village 170859	Clinton	3/28/75	12/20/77	1A	
IL	Casey, City 170039A	Clark	6/4/76	12/20/77	1A	
IL	Clear Lake, Village 170839	Sangamon	2/21/75	12/20/77	1A	
IL	Cornell, Village 170823	Livingston	3/21/75	12/20/77	1A	
IL	Cullom, Village 170422A	Livingston	7/2/76	12/20/77	1A	
IL	Danforth, Village 170292A	Iroquois	2/6/77	12/20/77	1A	
IL	Dubois, Village 170846	Washington	3/28/75	12/20/77	1A	
IL	East Gillespie, Village 170432A	Macoupin	5/7/76	12/20/77	1A	
IL	Ellisville, Village 170889A	Fulton	4/9/76	12/20/77	1A	
IL	Gilberts, Village 170326A	Kane	5/7/76	12/20/77	1A	
IL	Golden, Village 62339	Adams	6/4/76	12/20/77	1A	
IL	Henning, Village 170666	Vermillion	8/29/75	12/20/77	1A	
IL	Hollowayville, Village 170852	Bureau	3/28/75	12/20/77	1A	
IL	Indian Creek, Village 170369	Lake	8/23/74	12/20/77	1A	
IL	Lexington, City 170500A	McLean	6/4/76	12/20/77	1A	
IL	Lincolnwood, Village 170118A	Cook	3/26/76	12/20/77	1A	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
IL	Little York, Village 170884		4/11/75	12/20/77	1A	
IL	Matherville, Village 170833	Mercer	3/28/75	12/20/77	1A	
IL	Middletown, Village 170880	Logan	3/28/75	12/20/77	1A	
IL	Montrose, Village 170230A	Effingham	6/11/76	12/20/77	1A	
IL	Nason, City 170309A	Jefferson	4/16/76	12/20/77	1A	
IL	New Minden, Village 170847	Washington	6/27/75	12/20/77	1A	
IL	Niantic, Village 170430A	Macon	5/14/76	12/20/77	1A	
IL	Norris, Village 170770A	Fulton	9/26/75	12/20/77	1A	
IL	Orient, Village 170871	Franklin	4/4/75	12/20/77	1A	
IL	Reddick, Village 170824	Kankakee	4/18/75	12/20/77	1A	
IL	Ridott, Village 170643A	Stephenson	4/16/76	12/20/77	1A	
IL	Royalton, Village 170867	Franklin	3/21/75	12/20/77	1A	
IL	Sadorus, Village 170855	Champaign	3/21/75	12/20/77	1A	
IL	Somonauk, Village 170190	DeKalb	1/24/75	12/20/77	1A	
IL	South Wilmington, Village 170874	Grundy	3/21/75	12/20/77	1A	
IL	Springerton, Village 170686	White	12/6/74	12/20/77	1A	
IL	Stonefort, Village 170600A	Saline	6/18/76	12/20/77	1A	
IL	Urbain, Village 170869	Franklin	6/18/76	12/20/77	1A	
IL	Vermont, Village 170781A	Fulton	4/30/76	12/20/77	1A	
IL	Waltonville, Village 170310A	Jefferson	3/19/76	12/20/77	1A	
IL	Waterman, Village 170864	DeKalb	3/21/75	12/20/77	1A	
IL	White Hall, City 170214A	Greene	6/4/76	12/20/77	1A	
IL	Yale, Village 170821	Jasper	3/21/75	12/20/77	1A	
IL	Yates City, Village 170356A	Knox	1/30/76	12/20/77	1A	
MO	Hayti Heights, City 290277 (E)	Pemiscot	4/23/76	12/18/77	3	Pemiscot County, MO

RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE-SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
AL	Andalusia, City 010331	Covington	1/13/78	1/24/78	2	
MN	Dayton, City 270157A (E)	Hennepin	10/15/76	1/4/78	2	
MN	Delavan, City 270117A	Faribault	6/4/76	1/24/78	1	
NY	Hague, Town 360873	Warren	11/5/76	1/24/78	21	
OH	Jerusalem, Township 390597 (E)	Lucas	8/16/74	1/31/78	3	Lucas Co., OH
OK	Inola, Town 400456A (E)	Rogers	12/26/75	1/24/78	1	
PA	West Fallowfield, Township 421577 (E)	Crawford	1/17/75	4/20/78	2	
SD	Arlington, City 460233	Kingsbury	8/13/76	1/24/78	1A	
SD	Bryant, City 460160	Hamlin	7/9/76	1/25/78	1A	
SD	Clear Lake, City 460165	Devel	8/8/75	1/25/78	1A	
SD	Lake Norden, City 460124	Hamlin	9/19/75	1/25/78	1A	
SD	Oldham, City 460129	Kingsburg	10/29/76	1/25/78	1A	
SD	Springfield, City 460216	Bon Homme	8/6/76	1/2/78	1A	
SD	Volga, City 460223	Brookings	10/8/76	1/25/78	1A	
SD	White, City 460148	Brookings	4/30/76	1/25/78	1A	
CA	Soledad, City 060204A (E)	Monterey	10/3/75	3/13/78	1	
WA	College Place City 530195A (E)	Walla Walla	6/27/75	4/12/77	1	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CO	Simla, Town 080058	Elbert	9/13/74	4/18/78	1A	
CO	Victor, Town 080226	Teller	5/2/75	4/18/78	1A	
FL	Bristol, Town 120324	Liberty	12/13/74	4/18/78	1A	
GA	Catoosa County 130028A (E)	Catoosa	4/1/77	4/18/78	4	FHBM 6/3/77
GA	Cobbtown, City 130398	Tattnell	4/11/75	4/18/78	1A	
GA	Haralson, Town 130299	Coweta & Merriweather	4/18/75	4/18/78	1A	
ID	Firth, City 160136	Bingham	4/23/76	4/18/78	1	
KS	Iuka, City 200425	Pratt	9/26/75	4/18/78	1A	
KS	Valley Falls, City 200154A	Jefferson	10/10/75	4/18/78	1A	
MI	Springfield, Township 260478A	Oakland	4/1/77	4/18/78	4	
NB	Elmwood, Village 310364	Cass	8/29/75	4/18/78	1A	
NJ	Audubon Park, Borough 340122A	Camden	7/9/76	4/18/78	1A	
ND	Balfour, City 380045	McHenry	9/5/75	4/18/78	1A	
ND	Berthold, City 380157	Ward	7/11/75	4/18/78	1A	
ND	Granville, City 380176	McHenry	1/17/75	4/18/78	1A	
ND	Lakota, City 380075A	Nelson	12/26/75	4/19/78	1A	
ND	St. Thomas, City 380249	Pembina	2/21/75	4/18/78	1A	
ND	Sherwood, City 380204	Renville	2/14/75	4/18/78	1A	

RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME AND NUMBER</u>	<u>COUNTY</u>	<u>DATE OF RE- SCINDED MAP</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
ND	Surrey, City 380206	Ward	6/27/75	4/18/78	1A	
ND	Upham, City 380050	McHenry	12/6/74	4/18/78	1A	
ND	Wildrose, City 380211	Williams	8/15/75	4/18/78	1A	
OH	Albany, Village 390727	Athens	2/14/75	4/18/78	1A	
OH	Commercial Point Village 390711	Rickaway	1/31/75	4/18/78	1A	
OH	Kimbolton, Village 390 201A	Guernsey	5/28/76	4/18/78	1A	
OH	Lewisburg, Village 390617	Preble	8/8/75	4/18/78	1A	
OH	Osgood, Village 390141A	Darke	5/21/76	4/18/78	1A	
OH	Rochester, Village 390744	Lorain	1/10/75	4/18/78	1A	
OH	Mariemont, Village 390226A	Hamilton	1/10/75	4/18/78	1A	
SD	Alcester, City 460152	Union	7/11/75	4/19/78	1A	
SD	Avon, City 460154	Bon Homme	10/29/76	4/19/78	1A	
SD	Beresford, City 460155	Lincoln & Union	7/18/75	4/19/78	1A	
SD	Bowdle, City 460157	Edmunds	10/29/76	4/19/78	1A	
SD	Irene, Town 460120	Yankton	7/11/75	4/19/78	1A	
SD	Tripp, City 460219	Hutchinson	12/3/76	4/19/78	1A	
TN	Jamestown, City 470052	Fentress	3/28/75	4/18/78	1A	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CALIFORNIA	Emeryville, City 06005B (E)	Alameda	1/16/76	4/21/78	IA	
CALIFORNIA	Gardena, City 060119A (E)	Los Angeles?	12/5/75	4/21/78	IA	
CALIFORNIA	MANHATTAN Beach, City 060237 (B) (E)	LOS ANGELES	8-6-76	5/8/78	IA	
CALIFORNIA	Covina, City 065024B (E)	Los Angeles	8/27/76	5-25-78	IA	
CALIFORNIA	Dos Palos, City 060443 (E)	Merced	6-22-75	5-25-78	IA	
CALIFORNIA	El Segundo City 060118A (E)	Los Angeles	10-31-75	5-25-78	IA	
CALIFORNIA	Sonora, City 060412 A (E)	Tuolumne	10-10-75	5-25-78	IA	
CALIFORNIA	La Puente, City 065039 A (E)	Los Angeles	10-31-75	5-25-78	IA	
CALIFORNIA	Livingston, City 060450 (E)	Merced	10-29-76	5-25-78	IA	
COLORADO	LaSalle, Town 080186 A (E)	Weld	5-28-76	5-25-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
ILLINOIS	Atwood, Village 170543A (E)	Douglas	9-21-75	5-25-78	IA	//
ILLINOIS	Coal City, Village 170258A	Grundy	9-26-75	5-25-78	IA	
ILLINOIS	Chebanse, Village 170288 A (E)	Kapkaee	4-9-76	5-25-78	IA	
ILLINOIS	Diamond, Village 170259A (E)	Grundy	1-16-76	5-25-78	IA	
ILLINOIS	Evergreen Paris Village 170733A (E)	Cook	5-28-76	5-25-78	IA	
ILLINOIS	Fairmount, Village 170663 (E)	Vermilion	8-8-75	5-25-78	IA	
ILLINOIS	Norridge, Village 170131A (E)	Cook	4-16-76	5-25-78	IA	
ILLINOIS	Oakwood, Village 170796A (E)	Vermilion	5-7-76	5-25-78	IA	
ILLINOIS	Onarga, Village 170295A (E)	Iroguis	10-31-77	5-25-78	IA	
ILLINOIS	Sesser, City 170868 (E)	Franklin	3-21-75	5-25-78	IA	
ILLINOIS	Tallula, Village 170803A (E)	Neward	8-6-76	5-25-78	IA	
ILLINOIS	Virden, City 170435B (E)	Macoupin	11-21-75	5-25-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RECISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
ILLINOIS	West City, Village 170812 (E)	Franklin	3-28-75	5-25-78	IA	
ILLINOIS	Verona, Village 170264A (E)	Grundy	1-7-77	5-25-78	IA	
INDIANA	Chalmers, Town 180297 (E)	White	11-28-74	5-25-78	IA	
INDIANA	Churubu SCO Town 180299A	Whitley	3-5-76	5-25-78	IA	
INDIANA	Darlington, Town 180321A (E)	Montgo- mery	6-11-76	5-25-78	IA	
INDIANA	LaCrosse, Town 180145A (E)	LaPorte	1-9-76	5-25-78	IA	
INDIANA	Monticellority 180294A	White	9-12-75	5-25-78	IA	
INDIANA	Speedway, Town 180162 (E)	Marion	10-26-73	4/18/78	3	City of Indianapolis, Indiana
INDIANA	Ossian, Town 180290A (E)	Wells	3-5-76	5-25-78	IA	
INDIANA	Poneto, Town 180291A (E)	Wells	6-11-76	5-25-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
INDIANA	Seelyville, Town 180310 (E)	Vigo	11-29-74	5-25-78	IA	IA
INDIANA	Wolcott, Town 180296A	White	5-14-76	5-25-78	IA	IA
INDIANA	Uniondale, Town 180292	Wells	11-15-74	5-25-78	IA	IA
INDIANA	Blenco, City 190705	Monona	10-29-76	5-25-78	IA	IA
KANSAS	Mayetta, City 200143 (E)	Jackson	11-8-74	5-25-78	IA	IA
LOUISIANA	Fordoche, Village 220141 (E)	Pointe Coupee	7-11-75	5-25-78	IA	IA
LOUISIANA	Loreauville, Village 220081A (E)	Iberia	10-24-75	5-25-78	IA	IA
LOUISIANA	Livovia, Village 220142A	Pointe Coupee	3-5-76	5-25-78	IA	IA
MICHIGAN	Dowagiac, City 260055A (E)	Cass	10-24-75	5-25-78	IA	IA
MICHIGAN	Delta County 260260 (E)	Delta	1-3-75	4-18-78	3	None
MICHIGAN	Madison Heights City 260174A (E)	Oakland	10-31-75	5-25-78	IA	IA

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
MICHIGAN	Royal Oak, City 260178A	Oakland	6-4-76	5-25-78	IA	/
MONTANA	Hysham, Town 300080A	Trasure	11-5-76	4-28-78	IA	
MONTANA	Country Club Hills City 290746 (E)	St. Louis	5-7-76	5-25-78	IA	
NEW JERSEY	Edgewater Park Township 340096A (E)	Erie	5-21-76	5-25-78	IA	
NEW JERSEY	Roosevelt, Boro 340322A (E)	Monmouth	3-5-76	5-25-78	IA	
NEW YORK	Trenton, Village 360557A	Oneida	6-18-76	4-18-78	3	Barneveld, Vill. New York
NEW YORK	Plan Dome, Village 360484A (E)	Nassau	10-31-75	5-25-78	IA	
NEW YORK	Nyack, Village 360685A (E)	Rockland	4-23-76	5-25-78	IA	
NEW YORK	Shoreham, Village 361506A (E)	Suffolk	7-23-76	5-25-78	IA	
OKLAHOMA	Byng, Town. 400175 (E)	Pontofol	8-30-74	5-24-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE M PROPER APPL</u>
OKLAHOMA	Caddo, Town 400353 (E)	Bryan	4-16-76	5-25-78	IA	
OKLAHOMA	Braggs, Town 400121 (E)	Muskogee	12-27-74	5-25-78	IA	
OKLAHOMA	Frederick, City 400205A	Tillman	4-23-76	5-25-78	IA	
OKLAHOMA	Granite, Town 400066A (E)	Greek	1-23-76	5-25-78	IA	
OKLAHOMA	HUNTER, TOWN 400286	Garfield	7-11-75	5-25-78	IA	
OKLAHOMA	Kremlin, City 400135A (E)	Garfield	4-9-76	5-25-78	IA	
OKLAHOMA	Oktaha, Town 400126 (E)	Muskogee	11-29-74	5-25-78	IA	
OKLAHOMA	Red Rock, City 400135A (E)	Noble	10-10-75	5-25-78	IA	
OHIO	Smithfield, Village 390725A (E)	Jefferson	7-30-76	5-25-78	IA	
OHIO	Woodsfield, Village 390406A (E)	Monroe	6-11-76	5-25-78	IA	

RULES AND REGULATIONS

EFFECTIVE MAP OR  
PROPER APPLICANT

REASON

RESCISSION DATE

HAZARD ID DATE

COUNTY

COMMUNITY NAME  
NUMBER

STATE

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
OHIO	Cadiz, Village 390258A (E)	Harrison	5-21-76	5-25-78	IA	
OHIO	Clarksburg, Village 390483 (E)	Ross	11-15-74	5-25-78	IA	
OHIO	Castalia, Village 390653A (E)	Erle	5-21-76	5-25-78	IA	
OHIO	Harborview, Village 390702 (E)	Lucas	8-8-75	5-25-78	IA	
OHIO	Lakemore, Village 390527A (E)	Summit	5-28-76	5-25-78	IA	
OHIO	Lincoln Heights City 390222A (E)	Hamilton	12-31-76	5-25-78	IA	
OHIO	Belle Center Village 390339	Logan	11-5-76	4-28-78	IA	
OKLAHOMA	Vian, Town 400200A (E)	Sequoyah	12-12-75	5-25-78	IA	
OKLAHOMA	Warner, Town 400130 (E)	Muskogee	8-13-76	5-25-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSON DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
OREGON	Boardman, City 41074A (E)	Morrow	9-12-75	5-25-78	IA	
OREGON	Waterloo, Town 41048A (E)	Linn	11-28-75	5-25-78	IA	
PENNSYLVANIA	Homestead, Boro 420044A	Allegheny	6-18-76	5-25-78	IA	
PENNSYLVANIA	Susquehanna, TWP 420659A (E)	Lycoming	7-1-77	5-7-78	4	FHBM 10-12-73
PENNSYLVANIA	Sharpsville, Boro 420682A (E)	Mercer	5-21-76	5-25-78	IA	
PENNSYLVANIA	Souderton, Boro 421906 (E)	Montgomery	11-1-74	5-25-78	IA	
PENNSYLVANIA	Whitaker, Boro 420087A	Allegheny	8-13-76	5-25-78	IA	
SOUTH DAKOTA	Tea, Town 460151	Lincoln	9-19-75	5-24-78	IA	
SOUTH DAKOTA	Worthing, Town 460143	Lincoln	8-22-75	5-24-78	IA	
SOUTH DAKOTA	Humboldt, Town 460118	Mynnehaha	9-5-75	4-28-78	IA	
SOUTH DAKOTA	Ramona, Town 460134	Lake	7-25-75	4-28-78	IA	
SOUTH DAKOTA	Roscoe, Town 460136	Edmonds	11-12-76	4-28-78	IA	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
SOUTH DAKOTA	Wakonda, Town 460232	Clay	11-12-76	4-28-78	IA	
TEXAS	Anson, City 48041A (E)	Jones	3-12-76	5-25-78	IA	
TEXAS	Clyde, City 480721A	Callahan	5-21-76	5-25-78	IA	
TEXAS	Edcouch, City 480337A (E)	Hidalgo	3-19-78	5-25-78	IA	
TEXAS	Elsa, City 480339A (E)	Hidalgo	4-23-76	5-25-78	IA	
TEXAS	Gorman, City 481103 (E)	Eastland	8-8-75	5-25-78	IA	
TEXAS	Kerens, City 480955 (E)	Nauvoo	8-29-75	5-25-78	IA	
TEXAS	Manor, City 481027 (E)	Travis	2-12-75	5-25-78	IA	
TEXAS	Saint, Jo, City 480940	Montague	6-27-75	5-25-78	IA	
TEXAS	Stamford, City 480403A (E)	Jones	5-14-76	5-25-78	IA	
TEXAS	Winters, City	Runners	5-14-76	5-25-78	IA	
VIRGINIA	Duffield, Town 510240A	Scott	7-2-76	5-25-78	IA	
WASHINGTON	Algona, City 530072A (E)	King	3-12-76	5-25-78	IA	
WISCONSIN	Livingston, Village 550151A (E)	Grant	5-28-76	5-25-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
CALIFORNIA	Bradbury, City 065017 (E)	Los Angeles	11-15-74	6-3-78	3	
CALIFORNIA	Lomita, City 060135 (E)	Los Angeles	6-28-74	6-3-78	3	
GEORGIA	Comer, City 130211 (E)	Madison	4-12-74	6-1-78	3	
MINNESOTA	Teopi, City 270604	Mower	1-24-76	6-8-78	1A	
MISSOURI	Owensville, City 290143 (E)	Gasconade	5-10-74	6-7-78	1A	
NEBRASKA	Fort Calhoun, City 310368	Washington	7-25-75	6-3-78	3	
UTAH	City of Syracuse 490051 (E)	Davis	7-30-76	6-1-78	1A	
VERMONT	Grafton, Town 500129 (E)	Windham	2-21-78	6-2-78	2	
ARKANSAS	Subiaco, Town 050288 (E)	Logan	4-25-78	7-5-78	1A	
KLAHOMA	Jay, Town 400057A (E)	Delaware	6-28-74	7-5-78	1A	
KLAHOMA	Laverne, Town 400069A (E)	Harper	6-21-77	7-5-78	1A	
KLAHOMA	Sterling Town (E) 400414	Comanche	1-10-75	7-5-78	1A	

EFFECTIVE MAP OR  
PROPER APPLICANT

REASON

RESCISSION DATE

HAZARD ID DATE

COUNTY

COMMUNITY NAME  
NUMBER

STATE

STATE	COMMUNITY NAME NUMBER	COUNTY	HAZARD ID DATE	RESCISSION DATE	REASON	EFFECTIVE MAP OR PROPER APPLICANT
CALIFORNIA	LaPalma, City 060225 (E)	Orange	4-6-76	7-21-78	IA	
INDIANA	Bargersville, TN 180112 (E)	Johnson	11-1-74	7-21-78	IA	
INDIANA	Morristown, TN 180393 (E)	Shelby	-	7-21-78	IA	
INDIANA	Summitville 180157 (E)	Madison	9-19-75	7-21-78	IA	
INDIANA	Thornton, TN 180014 (E)	Boone	12-7-73	7-21-78	IA	
MICHIGAN	Oak Park 260323	Oakland	-	7-21-78	IA	
NEW HAMPSHIRE	Rindge, TN 330189 (E)	Cheshire	4-4-75	7-21-78	IA	
OREGON	Halsey, City 41039 (E)	Linn	11-22-74	7-21-78	IA	
OHIO	Poland, Village 390370 (E)	Mahoning	3-1-74	7-21-78	IA	
PENNSYLVANIA	Biglerville, Boro 422649	Adams	-	7-21-78	IA	
PENNSYLVANIA	Broad Top, City 420483 (E)	Huntington	1-10-75	7-21-78	IA	
PENNSYLVANIA	Loretta, Boro 421431	Cambria	11-15-74	7-21-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSON DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OR PROPER APPLICANT</u>
PENNSYLVANIA	New Paris 421326 (E)	Bedford	11-22-74	7-21-78	IA	
UTAH	Clinton City 490042 (E)	Davis	8-2-74	7-21-78	IA	
TEXAS	San Juan, City 480348 (E)	Hidalgo	3-22-74	7-21-78	IA	
TEXAS	Big Lake, City 480534 (E)	Reagan	12-19-75	7-21-78	IA	
WISCONSIN	West Milwaukee Village 550561 (E)	Milwaukee	-	7-21-78	IA	
MICHIGAN	Gaines, Vil 260294 (E)	Genesse	1-31-75	7-21-78	IA	
PENNSYLVANIA	Yatesville, Boro 420634 (E)	Luzerne	10-29-76	7-31-78	IA	
PENNSYLVANIA	West Hazelton 421821 (E)	Luzerne	11-1-74	7-31-78	IA	
PENNSYLVANIA	South New Castle 422467 (E)	Lawrence	1-17-75	7-31-78	IA	
PENNSYLVANIA	Pen-Brook, Boro 420391 (E)	Dauphin	-	7-31-78	IA	
PENNSYLVANIA	Hughstown, Boro 422626 (E)	Luzerne	-	7-31-78	IA	
PENNSYLVANIA	Hazelton, City 421203	Luzerne	-	7-31-78	IA	
PENNSYLVANIA	Mt. Penn. Boro 420143 (E)	Berks	11-26-76	7-31-78	IA	
PENNSYLVANIA	Jeddo, Boro 422269 (E)	Luzerne	1-17-75	7-31-78	IA	

## RULES AND REGULATIONS

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MA OR PROPER APPLICANT</u>
MARYLAND	Cheverly, TN 240131	Prince Georges	3-11-77	8-5-78	IA	
MISSOURI	Kingston, City 290583	Caldwell	6-4-76	8-5-78	IA	
MISSOURI	Mendenmines, City 290570	Barton	4-18-75	8-5-78	IA	
MISSOURI	Moscow Mills City, 290546	Lincoln	7-2-76	8-5-78	IA	
MISSOURI	Palmyra, City 290224	Marion	7-18-75	8-5-78	IA	
MISSOURI	Rivermines, Vil 290544	St. Francois	4-2-76	8-5-78	IA	
MISSOURI	Schell, City 290519	Vernon	4-18-75	8-5-78	IA	
MISSOURI	Shoal Creek, TN 290487	Newton	8-16-74	8-5-78	IA	
MISSOURI	Urich, City 290651	Henry	10-29-76	8-5-78	IA	
MISSOURI	Wellington 290651	LaFayette	9-19-75	8-5-78	IA	

<u>STATE</u>	<u>COMMUNITY NAME NUMBER</u>	<u>COUNTY</u>	<u>HAZARD ID DATE</u>	<u>RESCISSION DATE</u>	<u>REASON</u>	<u>EFFECTIVE MAP OF PROPER APPLICANT</u>
NORTH DAKOTA	Esmond, City 380167 (E)	Benson	2-12-75	8-1-78	IA	
SOUTH CAROLINA	Jamestown 450220	Berkley	2-7-75	8-1-78	IA	
VIRGINIA	Haymarket, TN 510121	Prince William	8-9-74	8-5-78	IA	
VIRGINIA	Roundhill 510279	Loudon	5-13-77	8-5-78	IA	
INDIANA	Morgentown 180178	Morgan	9-20-74	5-25-78	IA	

KEY TO SYMBOLS

- E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FhBM.
- C The community is participating in the Emergency Program. It will be converted to the Regular Program without an FIA map.
- R The community is participating in the Regular Program.
- 1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
  - 1A. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
- 2. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
- 3. The Community lacked land-use authority over the special flood hazard area.
- 4. A more accurate FIA map is the effective map for this community.
- 5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
- 6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
- 7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
- 8. The T&E or H&E Map was rescinded.
- 9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-54 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4248]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Glendale, Maricopa County, Arizona**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Glendale, Maricopa County, Arizona. 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).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Glendale, Maricopa County, Arizona, are available for review at the Office of the Director of Engineering and Development, Phoenix, Arizona.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Glendale, Maricopa County, Arizona.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation, feet above ground level
Grand Ave.....	From 54th Ave. to 70th Ave.	( <sup>1</sup> )
	From 43d Ave. to 54th Ave..	( <sup>2</sup> )
Arizona Canal.....	From 43d Ave. to 54th Ave. along south bank of canal.	( <sup>3</sup> )
Grand Canal.....	From Camelback Rd. to Missouri Ave. extended.	( <sup>1</sup> )
Arizona Canal.....	From 51st Ave. to 67th Ave. along north bank of canal.	1,218
Skunk Creek.....	700 ft upstream of 67th Ave. bridge over Skunk Creek.	1,239
	59th Ave. Bridge—Downstream.	1,269
	59th Ave. Bridge—Upstream.	1,270
	2,300 ft east of intersection of Union Hills Drive and 59th Ave.	1,277

<sup>1</sup> Estimated depth = 1.0.

<sup>2</sup> Estimated depth = 2.0.

<sup>3</sup> Estimated depth = 3.0.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-1 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4297]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW**

**Final Flood Elevation Determinations for the City of Perris, Riverside County, California**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Perris, Riverside County, California.

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).

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

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Perris, Riverside County, California, are available for review at the office of Mr. Eugene L. Diepholz, City Engineer, City of Perris, Neste, Brudin and Stone, 535 East Florida Avenue, Hemet, California.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Perris, Riverside County, California.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation, in feet, National Geodetic Vertical Datum
San Jacinto River	Escondido Expressway Southeast*	1420
Perris Valley Storm Drain.	San Jacinto Avenue*.....	1420
	Nuevo Road—200 feet**.	1425
	Orange Avenue—150 feet*.	1432
Mountain Avenue Wash.	Rider Street—200 feet**.	1442
	Downstream Corporate Limit.	1419
	River Road—120 feet**....	1430

\*At Centerline.

\*\*Upstream of Centerline.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-2 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4086]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the City of San Luis Obispo, San Luis Obispo County, California

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of San Luis Obispo, San Luis Obispo County, California. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of San Luis Obispo, California.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of San Luis Obispo, San Luis Obispo County, California, are available for review at Office of the City Engineer, Community Development Department, 990 Palm Street, San Luis Obispo, California.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of San Luis Obispo, San Luis Obispo County, California.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stenner Creek .....	North Pomo Street* .....	187
	U.S. Route 101** .....	189
	U.S. Route 101* .....	199
	Santa Rosa Street* .....	230
	Foothill Boulevard** .....	240
Old Garden Creek	Foothill Boulevard* .....	254
	Foothill Boulevard* (0.3 mile).	264
Old Garden Creek	Broad and Lincoln Streets* .....	199
	Mission Avenue* .....	217
	Ramona Drive* .....	233
	Center of Felton Way .....	252
Prefumo Creek .....	U.S. Route 101* .....	108
	Madonna Road* .....	125
	Los Osos Valley Road* .....	128
	Los Osos Valley Road* .....	137
San Luis Obispo Creek.	Confluence with Froom Creek.	98
	Prado Road Bridge* .....	135
East Fork San Luis Obispo Creek.	Bianci Lane Bridge* .....	169
	Broad Street Bridge* .....	195
	Johnson Avenue Bridge* .....	236
	Andrews Street Bridge* .....	275
	U.S. Route 101** .....	303
	U.S. Route 101* .....	319
Private Drive approximately 0.16 mile upstream of Broad Street.		166

\*Upstream side.

\*\*Downstream side.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-3 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4300]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the City of Fort Myers, Lee County, Florida

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Fort Myers, Lee County, Florida. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Fort Myers, Florida.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Fort Myers, Lee County, Florida, are available for review at City Hall, 2200 Second Street, Fort Myers, Florida.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Fort Myers, Florida.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, (National Geodetic Vertical Datum)
Caloosahatchee River.	Intersection of Gasparilla Drive and Stuart Court.	11
	Intersection of McGregor Boulevard and Lynnwood Avenue.	11
	Edison Bridge* .....	11

Source of flooding	Location	Elevation in feet, (National Geodetic Vertical Datum)
	Intersection of Marion Street and Palmetto Avenue.	11
	Upstream Corporate Limits.	11
Billy Creek .....	Marsh Avenue* .....	11
	Nuna Avenue* .....	12
	Upstream Corporate Limits.	12

\*At Centerline.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-4 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4367]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Village of Bannockburn, Lake County, Illinois**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of Bannockburn, Lake County, Illinois. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Bannockburn, Lake County, Illinois.

**ADDRESS:** Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the Village of Bannockburn are available for review at the Village Hall, Bannockburn, Illinois.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Village of Bannockburn, Lake County, Illinois.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, (National Geodetic Vertical Datum)
Middle Fork North Branch Chicago River.	South Corporate Limits.	657
	North Corporate Limits.	658
West Fork North Branch Chicago River.	South Corporate Limits.	665
	At Interstate 94 .....	665
	1,500 feet North of Duffy Lane.	667

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-5 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4311]

**PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATION AND  
JUDICIAL REVIEW**

**Final Flood Elevation Determination  
for the City of Salem, Marion  
County, Illinois**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Salem, Marion County, Illinois. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Salem, Marion County, Illinois.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Salem, Marion County, Illinois, are available for review at the Code Enforcement Office, 103 South Broadway, Salem, Illinois.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Salem, Marion County, Illinois.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insur-

ance 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of Flooding	Location	Elevation in Feet, (National Geodetic Vertical Datum)	
Town Creek.....	Downstream Corporate Limits.....	508	
	Sewage Plant Culvert.....	512	
	Missouri Pacific Railroad.....	514	
	East Main Street.....	523	
	North Broadway.....	528	
	West Boone Street.....	531	
	City Dam.....	550	
	Upstream Corporate Limits.....	551	
	Chicago & Eastern Illinois Reservoir	Chessie System.....	516
		Main Street.....	520
Chicago & Eastern Illinois Dam.....		530	
East Seneff Street.....		530	
Branch of Town Creek.....		530	
Folks Creek.....	Blair Street.....	528	
	Missouri Pacific Railroad.....	536	
	West Main Street.....	539	
	North Roddy Road.....	549	
	West Boone Street.....	553	
Tributary #2.....	West Blair Street.....	542	
	Chessie System.....	544	
	West Main Street.....	546	

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-6 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4233]

**PART 1917—APPEALS FROM FLOOD  
ELEVATION DETERMINATION AND  
JUDICIAL REVIEW**

**Final Flood Elevation Determination  
for the Town of Bristol, Elkhart  
County, Indiana**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Bristol, Elkhart County, Indiana. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Bristol, Elkhart County, Indiana.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Bristol, Elkhart County, Indiana, are available for review at the Town Hall, East Vistule Street, Bristol, Indiana.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Bristol, Elkhart County, Indiana.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
St. Joseph River....	Downstream Corporate Limits.	755
	Division Street .....	756
	Upstream Corporate Limits.	758
Little Elkhart .....	Confluence with St. Joseph River.	757
	State Route 15 .....	757
	Upstream Corporate Limits.	757

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-7 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4173]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for Jefferson County, Kentucky**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Jefferson County, Kentucky. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Jefferson County, Kentucky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jefferson County, Kentucky, are available for review at the bulletin board in the County Courthouse, Louisville, Kentucky.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Jefferson County, Kentucky.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Ohio River .....	Mill Creek Confluence ...	444
	Mill Creek Cutoff Confluence.	446
Middle Fork Beargrass Creek.	Cannons Lane .....	493
	Oxmoor Bridge (Downstream).	532
Weicher Creek .....	Perry Lane .....	587
	Downstream Corporate Limits.	549
	Upstream Corporate Limits.	554
South Fork Beargrass Creek.	Hill Creek Drive.....	512
	Avoca Creek Confluence	539
	Taylorville Road .....	633
Buettel Branch .....	Southern Railroad .....	476
	Progress Boulevard (Downstream).	488
	Bardstown Road .....	499
Mill Creek Cutoff.	Cane Run Road .....	446
	Terry Lane .....	446
Upper Mill Creek ..	Imperial Terrace (Upstream).	441
	Lynnview Ditch confluence.	440
Cane Run Ditch .....	Teaneck Drive (Upstream).	440
	Illinois Central Railroad	443

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
	Campground Road (Downstream) ..	444
Boxwood Ditch .....	Rockford Lane .....	439
	Lynnview Avenue .....	440
East Branch Boxwood Ditch.	Tata Gale Drive (Downstream).	440
	Huges Lane (Downstream).	441
Lynnview Ditch .....	Rockford Lane .....	440
	Crums Lane (Downstream).	443
	Cane Run Road .....	450
Big Run .....	Dixie Highway (Downstream).	460
	Walkway .....	480
Lower Mill Creek ..	Orell Road .....	444
	Greenwood Road .....	444
Black Pond Creek ..	Johnsontown Road .....	444
	Terry Road (Upstream)	446
Valley Creek .....	Alandale Road .....	444
	Maryman Drive .....	446
Stephan Ditch .....	Johnsontown Road .....	444
	Maryman Drive .....	448
Ponder Creek .....	Dixie Highway .....	454
	Private Road (Upstream).	473
Pond Creek .....	Katharyn Road .....	443
	Dodges Lane .....	445
	New Cut Road (Upstream).	457
Northern Ditch .....	Old National Turnpike...	458
	Old Shepherdsville Road (Upstream).	479
Fern Creek .....	Flirtation Way (Downstream).	481
	Fegenbush Lane .....	492
Greasy Ditch .....	Kentucky Turnpike (I-65) (Upstream).	460
	Poplar Level Road (Downstream).	466
Southern Ditch .....	Old National Turnpike...	458
	Preston Highway (Upstream).	473
Fishpool Creek .....	Blue Lick Road (Upstream).	468
	Manslick Road .....	478
Roberson Run .....	Santa Paula Lane .....	474
	Judge Boulevard .....	506
Floyds Fork .....	U.S. Route 31 (Upstream).	489
	Routt Run Road .....	552
	Aiken Road .....	624

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-8 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-2475]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for City of Lowell Middlesex County, Massachusetts**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Lowell, Middlesex County, Massachusetts. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lowell, Middlesex County, Massachusetts.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lowell, Middlesex County, Massachusetts, are available for review at the lobby of the City Hall and at John F. Kennedy Civic Center Office of Planning and Development, Lowell, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Lowell, Middlesex County, Massachusetts.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Concord River .....	Church Street (Upstream)	72
	Wamesit Power Company Dam (Upstream)	103
	Boston & Maine Railroad	105
	Downstream Corporate Limits	59
Merrimack River...	Hunts Falls Bridge.....	64
	Moody Street Bridge .....	79
	Pawtucket Dam .....	99
	Upstream Corporate Limits	103

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-9 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-4098]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the City of Zilwaukee, Saginaw County, Michigan**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Zilwaukee, Saginaw County, Michigan. 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).

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

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Zilwaukee, Saginaw County, Michigan, are available for review at City Hall, 319 Titabawassee Drive, Saginaw, Michigan.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Zilwaukee, Michigan.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, National Geodetic Vertical Datum
Saginaw River .....	Interstate Highway 75....	588
	Upstream Corporate Limit.	589

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section

324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-10 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4279]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Conway, Carroll County, New Hampshire**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Conway, Carroll County, New Hampshire. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Conway, Carroll County, New Hampshire.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Conway, Carroll County, New Hampshire, are available for review at Town Hall, Conway, New Hampshire 03813.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Conway, Carroll County, New Hampshire.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation, in feet, National Geodetic Vertical Datum
Saco River .....	Eastern Corporate Limits.	413
	Just upstream from Route 302 Bridge.	433
	Just upstream of Route 16 Bridge.	452
	Just upstream of River Road.	480
Kearsarge Brook...	Approximately 150 feet upstream from Maine Central Railroad.	490
	Cranemore Road .....	531
Swift River .....	Just upstream of West Side Road Bridge.	456
	Approximately 100 feet downstream from western corporate limits.	478

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 11, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-11 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4189]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Hollis, Hillsborough County, New Hampshire**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Hollis, Hillsborough County, New Hampshire.

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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Hollis, Hillsborough County, New Hampshire.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Hollis are available for review at the Board of Selectmen's Office, Hollis, New Hampshire.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Town of Hollis, Hillsborough County, New Hampshire.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nashua River.....	At Eastern Corporate Limit.	167
	Just Downstream of Runnels Road.	173
	Just Upstream of Runnels Road.	175
	At Southern Corporate Limit.	177
Missitissit River ....	At Southern Corporate Limit.	209
	Just Downstream of Brookline Road.	215
	At Western Corporate Limit.	219
Witches Brook.....	At Corporate Limit with Merrimack.	191
	Just Downstream of South Merrimack Road.	191
	Just Upstream of South Merrimack Road.	192
	3,380 feet Upstream of South Merrimack Road.	193
	2,429 feet Downstream of Ames Road.	200
	At New Hampshire Route 122.	215

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: September 28, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-12 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4316]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Borough of Beachwood, Ocean County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Beachwood, Ocean County, New Jersey. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Beachwood, Ocean County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Beachwood, Ocean County, New Jersey, are available for review at the Beachwood Borough Hall, 315 Atlantic City Boulevard, Beachwood, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Beachwood, Ocean County, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Barnegat Bay.....	Shoreline.....	6

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-13 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-2634]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Township of East Hanover, Morris County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of East Hanover, Morris County, New Jersey. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of East Hanover, Morris County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of East Hanover, Morris County, New Jersey, are available for review at the lobby on the Bulletin Board in the Township Hall, 411 Ridgedale Avenue, East Hanover, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of East Hanover, Morris County, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River .....	Route 280.....	174
	Route 10.....	175
	Whippany River....	175
Black Brook-Pinch Brook Swamp Area (including Hassock Brook).	Edwards Road (Ridgedale Avenue).	175
	Troy Road.....	178
	Route 10.....	182
		183

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community

Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-14 Filed 1-2-79; 8:45 am]

**[4210-01-M]**

[Docket No. FI-2332]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Borough of Elmwood Park, Bergen County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Elmwood Park, Bergen County, New Jersey. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Elmwood Park, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Elmwood Park, Bergen County, New Jersey, are available for review at Borough Hall, Market Street, Elmwood, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Elmwood Park, Bergen County, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fleischer Brook.....	Industrial Road.....	45
	Molnar Drive.....	45
	Interstate Highway 80....	45
	New York, Susquehanna and Western Railroad (upstream).	44
	(downstream).....	43
	Market Street.....	39
	Boulevard (upstream)....	38
	(downstream).....	37
	Garden State Parkway ...	33
	U.S. route 46.....	32
	Martha Avenue.....	31
Passaic River .....	Kipp Avenue.....	31
	State Route 4.....	37
	New York, Susquehanna and Western Railroad.	36
	Market Street.....	35
	Interstate Highway 80....	35
	U.S. Route 46.....	33
Garden State Parkway ...	33	

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-15 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-4355]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Township of Delanco, Burlington County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Delanco, Burlington County, New Jersey. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Delanco, New Jersey.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Delanco, Burlington County, New Jersey, are available for review at Township Hall, Burlington Avenue, Burlington, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Delanco, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rancocas Creek.....	Confluence with Delaware River.....	11
	Burlington Avenue.....	11
	Conrail.....	11
	Upstream Corporate Limits.....	11
Delaware River.....	Downstream Corporate Limits.....	11
	Upstream Corporate Limits.....	11

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-16 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-4356]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Township of Riverside, Burlington County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Riverside, Burlington County, New Jersey.

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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Riverside, New Jersey.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Riverside, Burlington County, New Jersey, are available for review at Township Hall, Scott and Pavilion Avenues, Riverside, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Riverside, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rancocas Creek.....	Pavillon Avenue—30 feet. <sup>1</sup>	11
	Conrail—30 feet. <sup>1</sup> .....	11

<sup>1</sup>Upstream of centerline.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-17 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4424]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Township of Willingboro, Burlington County, New Jersey**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Willingboro, Burlington County, New Jersey. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Willingboro, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Willingboro, Burlington County, New Jersey, are available for review at Municipal Complex, Salem Road, Willingboro, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Willingboro, New Jersey.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rancocas Creek.....	Burlington Pike Route 130-50 feet. <sup>1</sup>	11
	Bridge Street-50 feet. <sup>1</sup>	11
Mill Creek .....	Beverly Road-50 feet. <sup>1</sup>	11
	Pennypacker Road-50 feet. <sup>1</sup>	11
	Levitt Parkway-50 feet. <sup>1</sup>	13
	Kennedy Parkway-50 feet. <sup>1</sup>	22
	Willingboro Parkway-100 feet. <sup>1</sup>	26
	Footbridge-40 feet. <sup>1</sup> .....	29
South Branch Mill Creek.	Levitt Parkway-50 feet. <sup>1</sup>	17
	Middlebury Lane-30 feet. <sup>1</sup>	22
	Messenger Lane-100 feet. <sup>1</sup>	27
	Kennedy Parkway-50 feet. <sup>1</sup>	31
Tributary to Mill Creek.	Levitt Parkway-40 feet. <sup>1</sup>	23

<sup>1</sup>Upstream of centerline.  
<sup>2</sup>Downstream of centerline.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-18 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4280]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Aurora, Erie County, New York**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Aurora, Erie County, New York. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Aurora, Erie County, New York.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Aurora, Erie County, New York, are available for review at Aurora Town Hall, 5 South Grove Street, East Aurora, New York 14052.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Aurora, Erie County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cazenovia Creek....	Just upstream of Big Tree Road (Route 20A) Bridge.	816
West Branch Cazenovia Creek.	Just upstream of Jewett Holmwood Road Bridge.	825
	Approximately 100 feet downstream Southern Corporate Limit.	941
East Branch Cazenovia Creek.	Just upstream of Jewett Holmwood Road Bridge.	823
	Just upstream Center Street Route 12 Bridge.	875
	Just upstream of Emery Road (Route 67) Bridge.	914
	Just upstream of Darling Road (Route 379) Bridge.	922

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 10, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-19 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3413]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the Town of Brutus, Cayuga County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

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

Brutus, Cayuga County, New York. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Brutus, Cayuga County, New York.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Brutus, Cayuga County, New York, are available for review on the Bulletin Board, in the Supervisor's Office, 2686 East Brutus Street, Weedsport, New York.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Brutus, Cayuga County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Seneca River.....	State Route 34.....	383
	Upstream Corporate Limits.	384
Skaneateles Creek..	Upstream of farm bridge.	384
	Upstream Corporate Limits.	384
Cold Spring Brook	Upstream of Stein Road	388
	Interstate 90 (upstream)	391

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	CONRAIL.....	392
	West Brutus Road.....	396
	Erie Canal Aqueduct.....	397
North Brook .....	Hamilton Road .....	401
	Upstream Corporate Limit.	417
North Brook Tributary 1.	Hamilton Road .....	405
Putnam Brook .....	Conrail Spur Line (downstream).	395
	Conrail Spur line (upstream).	399
	CONRAIL.....	405
	State Route 31 .....	409
	State Route 31B .....	427
	Shepherd Road.....	436
	Jericho Road North .....	482
	Cooper Road.....	540
	Stevens Road.....	566
	Upstream Corporate Limits.	576
Putnam Brook Tributary No. 1.	Shepherd Road.....	460
Putnam Brook .....	Bibbings Road ford .....	489
Tributary No. 2 .....	State Route 31B .....	522
Putnam Brook .....	Jericho Road .....	526
Tributary No. 3 .....	Upstream Corporate Limits.	550
Putnam Brook .....	State Route 5 .....	569
Tributary No. 4 .....	Upstream Corporate Limits.	579

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-20 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4212]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the Village of Dobbs Ferry, Westchester County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Dobbs Ferry, Westchester County,

New York. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Dobbs Ferry, Westchester County, New York.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Dobbs Ferry, Westchester County, New York, are available for review at the Village clerk's Office, Dobbs Ferry, New York.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Dobbs Ferry, Westchester County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saw Mill River .....	Downstream Corporate Limits (Conrail Tracks).	124
	Saw Mill River Parkway	127
	Upstream Corporate Limits (Conrail Bridge).	128

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wickers Creek .....	Confluence with the Hudson River.	8
	Conrail Bridge.....	10

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-21 Filed 12-79; 8:45 am]

[4210-01-M]

[Docket No. FI-2294]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Hempstead, Nassau County, New York**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Hempstead, Nassau County, New York. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Hempstead, Nassau County, New York.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Hempstead, Nassau County, New York, are available for review at the Town Hall, Town Hall Plaza, Main Street, Hempstead, New York.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Hempstead, Nassau County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean .....	Atlantic Boulevard near East Rockaway Inlet.	10
	Luchon and Ocean Boulevard Intersection.	10
	Parkside Drive and Beach Street Intersection.	10
Head of Jamaica Bay.	Forest Road and Southgate Road Intersection.	10
	Hungry Harbor Road and Longacre Avenue Intersection.	10
	Saddleridge Road and East End Intersection.	10
Midway Bay .....	Bayside Avenue and Hoke Avenue Intersection.	8
	Yost Boulevard and Thompson Avenue Intersection.	8
	Baldwin Road and Bonnie Drive Intersection.	8
	Dog Island .....	8
East Bay .....	Big Crow Island .....	7
	South Line Island .....	7
	East Crow Island .....	7
	Zachs Bay .....	7

(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); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with section (7)(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-22 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-3459]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the Town of Ogden, Monroe County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Ogden, Monroe County, New York. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Ogden, Monroe County, New York.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Ogden, Monroe County, New York, are available for review at the Bulletin Board in the Town Clerk's Office, 409 South Union Street, Spencerport, New York.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator

gives notice of the final determinations of flood elevations for the Town of Ogden, Monroe County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Northrup Creek.....	Town Line Road.....	469
	Downstream Big Ridge Road.....	485
	Downstream Side of Nichols Street.....	569
West Branch Northrup Creek.....	Ogden Center Road.....	581
	Corporate Limits (Downstream).....	566
Little Black Creek.....	Colby Street.....	581
	Grossitt Road.....	571
	Route 33.....	577
	Hutchins Road.....	585
	Route 259.....	591

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-23 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4285]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the Township of Millcreek, Erie County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Township of Millcreek, Erie County, Pennsylvania. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Millcreek, Erie County, Pennsylvania.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Millcreek, Erie County, Pennsylvania, are available for review at the Millcreek Township Hall, 3608 West 26th Street, Erie, Pennsylvania.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Millcreek, Erie County, Pennsylvania.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Erie .....	West of Presque Isle State Park.	577
	East of Presque Isle State Park.	578
Walnut Creek .....	Zueck Road.....	857
	Zimmerly Road.....	874
	Interstate Route 79.....	883
	Confluence of Beaver Run.	893
	Mall Access Road.....	899
Beaver Run.....	U.S. Route 19.....	909
	Southern Corporate Limit.	952
	Confluence with Walnut Creek.	893
	U.S. Route 19.....	899
	Patton Street (extended).	903
Mill Creek .....	Washington Avenue.....	904
	Spring Valley Drive (extended).	911
	City of Erie Corporate Limit.	805
	Evans Road.....	824
	Lake Pleasant Road.....	904
Mill Creek Tributary No. 1.	Cider Mill Road.....	921
	Wattsburg Road (upstream).	938
	Wattsburg Road (upstream).	939
	Conrad Road (upstream).	958

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-24 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3430]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Aiken, Aiken County, South Carolina**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aiken, Aiken County, South Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Aiken, Aiken County, South Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aiken, Aiken County, South Carolina, are available for review at the City Clerk's Office, Aiken, South Carolina.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Aiken, Aiken County, South Carolina.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a

period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand River .....	Downstream Corporate Limits.	344
	860 feet upstream of Corporate Limits.	351
	1,800 feet upstream of Corporate Limits.	375
Tributary C of Sand River.	Downstream Corporate Limits.	356
	Laurens Street extended	382
	Newberry Street extended.	389
	300 feet upstream of Newberry Street extended.	400
	1,000 feet upstream of Newberry Street extended.	428
Tributary C1 of Sand River.	Confluence of Tributary C.	361
	300 feet upstream of confluence of Tributary C.	370
	800 feet upstream of confluence of Tributary C.	394
Sand River Tributary Branch I.	Dibble Road.....	297
	Downstream side of Southern RR.	312
Tributary V.....	Downstream Corporate Limits.	367
	800 feet upstream of Corporate Limits.	392
	1,200 feet upstream of Corporate Limits.	402
Redds Branch.....	Two Notch Road.....	461
	Brentwood Place.....	484

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-25 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4199]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Tullahoma, Coffee County, Tennessee**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Tullahoma, Coffee County, Tennessee.

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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Tullahoma, Coffee County, Tennessee.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tullahoma, Coffee County, Tennessee, are available for review at the City Hall, Tullahoma, Tennessee.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Tullahoma, Coffee County, Tennessee.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Rock Creek	Rock Creek Road	999	
	Clement Drive	1,019	
	Warren Street	1,023	
	Lincoln Street	1,029	
	Grundy Street	1,030	
	Wilson Avenue	1,037	
	Confluence with West and North Fork of Rock Creek	1,038	
	West Fork Rock Creek	Confluence with Rock Creek	1,038
		Ledford Mill Road	1,039
		Corporate Limits	1,049
North Fork Rock Creek	Confluence with Rock Creek	1,038	
	Old Railroad Fill	1,052	
	Old Airport Road	1,052	
	Dike at 1.22 Miles above Mouth	1,059	
	Corporate Limits	1,065	
Bobo Creek	Confluence with East and West Forks Bobo Creek	1,022	
	West Fork Bobo Creek	Confluence with Bobo Creek	1,022
Lincoln Street		1,035	
Anderson Street		1,042	
Main Street		1,043	
Carroll Street—Highway 55		1,047	
East Fork Bobo Creek	Confluence of Prong of West Bobo Creek	1,052	
	East Lincoln Street	1,032	
Prong of West Fork Bobo Creek	East Carroll Street—Highway 55	1,038	
	L & N Railroad	1,057	

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-26 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4105]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Village of Lakeway, Travis County, Texas**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Lakeway, Travis County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Lakeway, Travis County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Lakeway, Travis County, Texas, are available for review at City Hall, 1204 Lakeway Drive, Austin, Texas.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of Lakeway, Travis County, Texas.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Travis.....	Entire Shoreline.....	725
Hurst Creek.....	Upstream of Lohmann Crossing Road.	750
	Upstream of Lakeway Drive.	765
	Downstream of World Tennis Boulevard.	778

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 10, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-27 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4292]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Wheatland, Platte County, Wyoming**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wheatland, Platte County, Wyoming. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood

elevations, for the Town of Wheatland, Wyoming.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wheatland, Platte County, Wyoming, are available for review at Town Hall, 600 Ninth Street, Wheatland, Wyoming.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street S.W., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Wheatland, Platte County, Wyoming.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek.....	Oak Street—20 feet. '.....	4718
	Antelope Gap Road—90 feet. '.	4732
	Slide Gate at Canal No. 2—70 feet. '.	4759
	Colorado and Southern Railroad—200 feet. '.	4770
	40 feet downstream of corporate limit, approximately 5,925 feet upstream of Cole Street.	4792
Wheatland Creek..	U.S. Highway 87—40 feet. '.	4696
	U.S. Interstate 25—approximately 200 feet downstream of centerline.	4722
	U.S. Interstate 25—60 feet. '.	4730
	Oak Street—35 feet. '.....	4731

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Walnut Street—approximately 200 feet. '.	4749

'Upstream of Centerline.

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-28 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4541]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Pembroke Park, Broward County, Florida**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pembroke Park, Broward County, Florida. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Pembroke Park, Broward County, Florida.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pembroke Park, Broward County, Florida, are available for review at the Office of the Town Clerk, Town Hall, 3150 S.W.

52nd Avenue, Pembroke Park, Florida 33023.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Pembroke Park, Broward County, Florida.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Desoto Lakes.....	Intersection of Hallandale Beach Boulevard and East Lake Shore Drive.	10
	Intersection of S.W. 48th Avenue and Hallandale Beach Boulevard.	10

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-29 Filed 1-2-79; 8:45 am]

**[4210-01-M]**

[Docket No. FI-4341]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Louise, Humphreys County, Mississippi**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Louise, Humphreys County, Mississippi. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Louise, Humphreys County, Mississippi.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Louise, Humphreys County, Mississippi, are available for review at the Town Hall, Louise, Mississippi 39097.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Louise, Humphreys County, Mississippi.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Silver Creek .....	Just upstream County Road.	103
	Just upstream Old U.S. Highway 49.	104

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-30 Filed 1-2-79; 8:45 am]

**[4210-01-M]**

[Docket No. FI-4283]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for The Town of Holland, Erie County, New York**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Town of Holland, Erie County, New York. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood

elevations, for the Town of Holland, Erie County, New York.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Holland, Erie County, New York, are available for review at Holland Town Hall, Pearl Street, Holland, New York, 14080.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:**

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Holland, Erie County, New York.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation feet, national geodetic vertical datum
East Branch Cazenovia Creek.	Approximately 100 feet upstream of Route 16 Bridge (Approximately 2800 feet South of the North Corporate Limit).	954
	Approximately 100 feet upstream of Route 16 Bridge, Southwest of Humphrey Cemetery.	982
	Just upstream North Canada Street.	1022
	Just upstream Highway 396 (Extended).	1037
	Just upstream Glenwood Holland Road Route 223 Bridge.	1083

(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); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-31 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4289]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Unincorporated Areas of Kerr County, Tex.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Kerr County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Kerr County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Kerr County, Texas, are available for review at the County Clerk's Office, Kerr County Courthouse, Kerrville, Texas 78028.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the unincorporated areas of Kerr County, Texas.

corporated areas of Kerr County, Texas.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Guadalupe River...	Farm Road 480 .....	1506
	Confluence of Turtle Creek.	1534
	Confluence of Johnson Creek.	1692
Johnson Creek .....	State Highway 39 .....	1751
	Just upstream State Highway 39.	1694
	Just downstream State Highway 41.	1919
North Fork Guadalupe River.	Just upstream Farm Road 1350.	1790
South Fork Guadalupe River.	Western Crossing of State Highway 39.	1865
Town Creek.....	Just upstream Interstate Highway 10 (west bound lane).	1688
East Town Creek...	Approximately 150 feet upstream confluence with Town Creek.	1690
Quinlan Creek .....	Just upstream Interstate Highway 10 (west bound lane).	1722

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: December 7, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-32 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-4329]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Village of East Alton, Madison County, Ill.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of East Alton, Madison County, Illinois. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of East Alton, Madison County, Illinois.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of East Alton are available for review at the Zoning Commissioner's Office, Village Hall, East Alton, Illinois.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of East Alton, Madison County, Illinois.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or in-

dividuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	Upstream corporate limits.	437
	Downstream corporate limits.	437
Wood River.....	Corporate limits downstream from Illinois Terminal Railroad Bridge.	437
	Corporate limits west of Shamrock Street Bridge.	438
	Just downstream Shamrock Street Bridge.	439
	½ mile downstream Magazine Road Bridge.	443
	Just downstream Magazine Road Bridge.	444
East Alton Ditch...	Northeast corporate limits.	450
	At the levee .....	433
	500 feet downstream Main Street Bridge.	433
	Just downstream Main Street Bridge.	436
	Just downstream Washington Street Bridge.	437
	Just downstream Fifth Street Bridge.	438
	900 feet upstream of Fifth Street Bridge.	440

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section (7)(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-33 Filed 1-2-79; 8:45 am]

## [4210-01-M]

[Docket No. FI-4330]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Village of Hartford, Madison County, Illinois**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the Village of Hartford, Madison County, Illinois. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Hartford, Madison County, Illinois.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Hartford are available for review at the Municipal Building, Hartford, Illinois.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Village of Hartford, Madison County, Illinois.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	1500 feet south of Donna Drive and west of Illinois Terminal Railroad.	436
	Hawthorne Street west of Illinois Terminal Railroad.	437
	Northern corporate limit.	437

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-34 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4331]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Village of Roxana, Madison County, Illinois**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Roxana, Madison County, Illinois. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood

elevations, for the Village of Roxana, Madison County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Roxana are available for review at the Municipal Building, Roxana, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Village of Roxana, Madison County, Illinois.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Runoff from precipitation.	Ponding areas to the east of village between north and south corporate limits.	434

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-35 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4332]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Wood River, Madison County, Ill.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Wood River, Madison County, Illinois. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Wood River, Madison County, Illinois.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Wood River are available for review at the Municipal Building, 111 North Wood River Avenue, Wood River, Illinois.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Wood River, Madison County, Illinois.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ....	South corporate limits ...	437
	Northwest corporate limits.	437

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-36 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4333]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the City of Hampton, Franklin County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hampton, Franklin County, Iowa. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map

(FIRM), showing base (100-year) flood elevations, for the City of Hampton, Franklin County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hampton are available for review at the City Hall, 122 First Avenue, N.W., Hampton, Iowa.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hampton, Franklin County, Iowa.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Squaw Creek .....	At eastern corporate limits.	1090
	100 feet upstream of corporate limits.	1093
	1,750 feet upstream of corporate limits.	1093
	75 feet downstream of Central Avenue East.	1102
	500 feet upstream of Central Avenue East.	1104
	300 feet downstream of sewage treatment plant road.	1105
	50 feet upstream of sewage treatment plant road.	1109
	75 feet downstream of private cemetery road.	1112
	50 feet upstream of private cemetery road.	1114
	125 feet downstream of Fourth Street N.E.	1114
	50 feet upstream of Second Street N.E.	1119

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	125 feet downstream of First Street N.E.	1119
	100 feet downstream of First Street N.W.	1121
	100 feet upstream of First Street N.W.	1125
	150 feet downstream of Chicago & Northwestern Railway (1350 feet upstream of First Street N.W.).	1125
	150 feet upstream of Chicago & Northwestern Railway (1350 feet upstream of First Street N.W.).	1132
	75 feet upstream of Chicago & Northwestern Railway (3200 feet upstream of First Street N.W.).	1132
	At western corporate limits.	1137

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 11, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-37 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4267]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the City of Pittsburg, Crawford County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Pittsburg, Crawford County, Kansas.

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 na-

tional flood insurance program (NFIP).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Pittsburg, Crawford County, Kansas.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pittsburg are available for review at the Gordon House, City Planner & Inspector, Pittsburg, Kansas.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Pittsburg, Crawford County, Kansas.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Taylor Branch.....	Eastern corporate limit ..	898
	At Rouse Avenue.....	903
	Downstream at St. Louis-San Francisco Railroad.	908
	Upstream at St. Louis-San Francisco Railroad.	910
	At Fourth Street .....	916
	160 feet upstream from St. Louis-San Francisco Railroad.	917
	50 feet downstream of Missouri Pacific Railroad culvert.	921
	At downstream end, Missouri-Pacific Railroad culvert.	929

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At upstream end, Kansas City Southern Railroad culvert.	935
East Fork Taylor Branch.	At corporate limits at Fourth Street.	908
	Downstream side of 14th Street.	910
	Upstream side of 14th Street.	913
	Downstream St. Louis-San Francisco Railroad.	914
	150 feet upstream St. Louis-San Francisco Railroad.	916
	At 20th Street .....	917
	At Northeast corporate limit.	918
First Cow Creek ....	Confluence with South Drain Broadway Street.	880
	At St. Louis-San Francisco Railroad.	885
	160 feet upstream of Quincy Avenue.	891
	At Missouri Pacific Railroad.	895
	At western corporate limit (4th Street).	897
	Downstream side of St. Louis-San Francisco Railroad (upstream crossing).	899
	Upstream side of St. Louis-San Francisco Railroad (upstream crossing).	900
	At northern corporate limit at 20th Street.	906
		908

(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); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719))

Issued: October 19, 1978.

Gloria M. Jimenez,  
Federal Insurance Administrator.  
(FR Doc. 79-38 Filed 1-2-79; 8:45 am)

[4210-01-M]

[Docket No. FI-4338]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Warren, Macomb County, Mich.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Warren, Macomb County, Michigan. These base (100-year) flood elevations are the basis for the flood plain manage-

ment 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Warren, Macomb County, Michigan.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Warren are available for review at the City Hall, Warren, Michigan.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Warren, Macomb County, Michigan.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Red Run Drain.....	North corporate limits ...	610
	Just upstream of Van Dyke Road.	612
	Just upstream of Conrail.	615
	Just upstream of Mound Road.	617
	Just upstream of Ryan Road.	619
	At Dequidre Road.....	621
Big Beaver Creek ..	Mouth at Red Run Drain.	611
	North corporate limits ...	611

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek .....	Confluence with Red Run Drain.	611
	Van Dyke Road.....	611
Meckler Drain .....	Confluence with Red Run Drain.	613
	At Chicago Road .....	613
	Service road Conrall .....	615

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-39 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4340]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the City of Lakeville, Dakota County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lakeville, Dakota County, Minnesota. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lakeville, Dakota County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lakeville, Dakota County, Minnesota are available for review at City Hall, Lakeville, Minnesota 55044.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Lakeville, Dakota County, Minnesota.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Creek.....	Just upstream of Pilot Knob Road.	924
	Just upstream of Gannon Avenue.	942
	Just downstream of Highview Avenue.	977
South Creek.....	Approximately 100 feet downstream of Hamburg Avenue.	949
	Just upstream of 202nd Street.	973
Marion Lake .....	Entire shoreline.....	985
Crystal Lake .....	Entire shoreline.....	936

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-40 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4339]

#### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

##### Final Flood Elevation Determination for the City of New Ulm, Brown County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of New Ulm, Brown County, Minnesota. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of New Ulm, Brown County, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of New Ulm, Brown County, Minnesota, are available for review at the City Clerk's Office, City Hall, P.O. Box 697, New Ulm, Minnesota 56073.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of New Ulm, Brown County, Minnesota.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An

opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River...	20th South Street (Extended).	808
	Just downstream U.S. Highway 14 Bridge.	809
	19th North Street (extended).	810
Cottonwood River	Just downstream Chicago and Northwestern Railroad Bridge.	807
	Just upstream State Highway 15 Bridge.	811
	Cottonwood Street Bridge.	816

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-41 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4274]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Spring Park, Hennepin County, Minn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Spring Park, Hennepin County, Minnesota.

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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Spring Park, Hennepin County, Minnesota.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Spring Park are available for review at the City Hall, 4349 Warren, Spring Park, Minnesota.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Spring Park, Hennepin County, Minnesota.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka..	Area within corporate limits.	931

(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); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-42 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4275]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Tonka Bay, Hennepin County, Minn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Tonka Bay, Hennepin County, Minnesota. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Tonka Bay, Hennepin County, Minnesota.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Tonka Bay are available for review at the City Hall, 4901 Manitow Road, Tonka Bay, Minnesota.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for City of Tonka Bay, Hennepin County, Minnesota.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka..	Around shoreline and in cove areas.	931

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-43 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4277]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

#### Final Flood Elevation Determination for the City of St. Peters, St. Charles County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the City of St. Peters, St. Charles County, Missouri. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of St. Peters, St. Charles County, Missouri.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of St. Peters, are available for review at the Engineering Department, Administration Building, Venture Avenue, St. Peters, Missouri.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of St. Peters, St. Charles County, Missouri.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dardenne Creek....	Upstream of Norfolk and Western Railroad.	447
	Upstream of State Route C.	448
	Just upstream of I-70.....	458

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At Mexico Road (corporate limit).	461
East Branch of Dardenne Creek.	At the north corporate limit.	467
	Upstream of St. Peters-Cottleville Road.	477
	Upstream of Oak Hill Lane.	495
Spencer Creek .....	Upstream of Jane Drive.	502
	Norfolk and Western Railroad at north corporate limit.	447
	Downstream of I-70 .....	448
	150 feet upstream I-70 ...	453
	Just upstream of Mexico Road.	456
	Upstream of Willott Road.	488
	Just upstream of Horstmier Road.	500
	3500 feet upstream of Horstmier Road.	526
West Branch of Spencer Creek.	Upstream of Baltzor Road (west corporate limit).	456
	900 feet upstream from Baltzor Road (corporate limit).	459
	Just upstream of Mexico Road.	467
	Downstream of Willott Road at south corporate limit.	500
East Branch of Spencer Creek.	At confluence with Spencer Creek.	456
	1900 feet upstream from the confluence with Spencer Creek.	461
	4200 feet upstream from the confluence with Spencer Creek.	470
	Jugerman Road (east corporate limit).	499

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 11, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-44 Filed 1-2-79; 8:45 am]

#### [4210-01-M]

[Docket No. FI-4278]

### PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

**Final Flood Elevation Determination for the Town of Bartlett, Carroll County, N.H.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Bartlett, Carroll County, New Hampshire. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Bartlett, Carroll County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Bartlett, Carroll County, New Hampshire, are available for review at Town Hall, Bartlett, New Hampshire 03812.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Bartlett, Carroll County, New Hampshire.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saco River.....	Approximately 200 feet upstream of the confluence of Rocky Branch.	564
	Approximately 100 feet upstream of U.S. Route 302.	581
	Just downstream of Bear Notch Road Bridge.	671
East Branch Saco River.	Just upstream of the Main Central Railroad Bridge.	530
	Just upstream of Route 16.	552
	Approximately 100 feet upstream of Town Hall Road.	785
Ellis River .....	Approximately 150 feet upstream of U.S. Route 302.	542
	Approximately 150 feet upstream of Route 16.	690
Rocky Branch.....	Just upstream of U.S. Route 302.	573
Bartlett Brook.....	Just upstream of U.S. Route 302.	653
	Just upstream of Foster Street Bridge.	670

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 11, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-45 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4315]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Town of Tilton, Belknap County, N.H.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Tilton, Belknap County, New Hampshire. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Tilton, Belknap County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Tilton, Belknap County, New Hampshire, are available for review at Town Hall, 145 Main Street, Tilton, New Hampshire 03276.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Tilton, Belknap County, New Hampshire.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

[4210-01-M]

[Docket No. FI-4518]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the Village of New Richmond, Clermont County, Ohio**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of New Richmond, Clermont County, Ohio. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of New Richmond, Clermont County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of New Richmond are available for review at the Town Hall, New Richmond, Ohio.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Village of New Richmond, Clermont County, Ohio.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	210 feet upstream of northern corporate limit.	504
	265 feet downstream of southern corporate limit.	505
	530 feet upstream of Front Street.	504
Twelvemile Creek	60 feet downstream of eastern corporate limit.	505
	475 feet upstream of U.S. 52 culvert.	505
Little Indian Creek	2325 feet upstream of U.S. 52 culvert and 25 feet upstream of Driveway culvert.	510
	1160 feet downstream of Little Indian Creek culvert and 25 feet upstream of Driveway culvert.	522
	105 feet upstream of Little Indian Creek culvert.	557
	200 feet downstream of western corporate limit.	596

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 16, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-47 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4287]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Castroville, Medina County, Tex.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Winnepesaukee River.	Confluence of Tributary A.	407
	Just upstream Route 3B Bridge.	446
	Just upstream Route I-93 Bridge Northbound.	466
Tributary A	Just upstream Union Road Bridge.	486
	Just downstream Route 3&11 Culvert.	433
	Just upstream Route 3&11 Culvert.	441
Packer Brook	Approximately 250 feet downstream of Clark Road.	460
	Pleasant Street Culvert.	450
	Approximately 200 feet downstream of Colby Road.	538
Tributary B	Just upstream Route 3&11 Culvert.	458
	Just upstream of School Street Culvert.	491
	Approximately 200 feet downstream of Colby Road.	524
Hunt Brook	Just downstream Boston and Maine Railroad Culvert.	461
	Just upstream Boston and Maine Railroad Culvert.	472
	Just downstream Route 3&11 Culvert.	498
Gulf Brook	Just upstream Route 3&11 Culvert.	520
	Just upstream Route 3&11 Culvert.	473
	Just upstream Route 3&11 Culvert.	479
Tributary C	Just downstream Boston and Maine Railroad Culvert.	471
	Just upstream Boston and Maine Railroad Culvert.	477
	Just downstream Route 3&11 Culvert.	477
Tributary D	Just upstream Route 3&11 Culvert.	482
	Just downstream Brook Road Culvert.	481
	Just upstream Brook Road Culvert.	484
Winding Hill Brook.	Just upstream Route 3&11 Culvert.	489

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 24, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.

[FR Doc. 79-46 Filed 1-2-79; 8:45 am]

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Castroville, Medina County, Texas. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Castroville, Medina County, Texas.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Castroville, Medina County, Texas, are available for review at City Hall, Castroville, Texas 78009.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Castroville, Medina County, Texas. This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Medina River.....	Just upstream of Constantinople Street.	745
	Just upstream of U.S. Highway 90.	750

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 19, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-48 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4323]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**

**Final Flood Elevation Determination for the City of Woodway, McLennan County, Tex.**

**AGENCY:** Federal Insurance Administration, HUD.

**ACTION:** Final rule.

**SUMMARY:** Final base (100-year) flood elevations are listed below for selected locations in the City of Woodway, McLennan County, Texas. 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).

**EFFECTIVE DATE:** The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Woodway, McLennan County, Texas.

**ADDRESS:** Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Woodway, McLennan County, Texas, are available for review at the Tax Office, Woodway City Hall, P.O. Box 7485, Waco, Texas 76710.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator

gives notice of the final determinations of flood elevations for the City of Woodway, McLennan County, Texas.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Most Easterly Tributary.	Just downstream of Bosque Boulevard.	522
	Chadwick Road extended.	541
	Approximately 200 feet downstream of U.S. Highway 85.	607
East Central Tributary.	Just downstream of Estates Drive.	530
	Just upstream of Brookwood Circle.	598
	Just upstream of Jimmark Road.	621
West Central Tributary.	Northern corporate limits.	500
Most Westerly Tributary.	Northern corporate limits.	500
	Approximately 170 feet downstream of Harbor Drive.	609

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: October 25, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-49 Filed 1-2-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4184]

**PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW****Final Flood Elevation Determination for the Town of Norton, Bristol County, Mass.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Norton, Bristol County, Massachusetts. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Norton, Bristol County, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Norton are available for review at the Town Offices, Norton, Massachusetts.

**FOR FURTHER INFORMATION CONTACT:**

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

**SUPPLEMENTARY INFORMATION:** The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Town of Norton, Bristol County, Massachusetts.

This final rule is issued in accordance with section 110 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 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	
Wading River.....	At Confluence with Rumford River.	61	
	350 feet Upstream of Route 140.	68	
	1200 feet Upstream of Route 140.	70	
	3850 feet Upstream of Route 140.	72	
	3350 feet Downstream of Barrows Street.	82	
	Just Upstream of Barrows Street.	86	
	Just Upstream of Dam No. 1 (650 feet Upstream of Barrows Street).	92	
	2200 feet Downstream of West Main Street.	93	
	Just Upstream of West Main Street.	97	
	Just Upstream of Walker Street.	104	
	2100 feet Downstream of Richardson Street.	105	
	Just Upstream of Richardson Street.	110	
	Rumford River .....	2900 feet Upstream of Confluence with Wading River.	63
		2250 feet Downstream of Pine Street.	67
Just Upstream of Pine Street.		73	
Just Upstream of Route 123.		74	
Just Upstream of Cross Street.		84	
Just Upstream of Dam (250 feet Upstream of Cross Street).		89	
Downstream of Reservoir Avenue.		93	
Canoe River .....		900 feet Upstream of Winnecunnet Pond.	67
		At Plain Street.....	69
		3500 feet Upstream of Plain Street.	70
	Just Upstream of Route 123.	77	
	3000 feet Upstream of Route 123.	83	
	7500 feet Upstream of Route 123.	85	

(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); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: August 9, 1978.

GLORIA M. JIMENEZ,  
Federal Insurance Administrator.  
[FR Doc. 79-50 Filed 1-2-79; 8:45 am]

[4830-01-M]

**Title 26—Internal Revenue****CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY****SUBCHAPTER A—INCOME TAX**

(T.D. 7582)

**PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953****Exemption From Withholding for Certain Commissions Paid to Nonresident Aliens**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains a final regulation relating to the exemption from withholding of certain compensation paid to nonresident aliens. This regulation adds an additional exemption from withholding and provides persons required to withhold on compensation of nonresident aliens with needed guidance to comply with the law.

DATE: This regulation is effective January 3, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Diane L. Renfro of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3289, not a toll-free call.

**SUPPLEMENTARY INFORMATION:****BACKGROUND**

This document contains a final regulation under section 1441 (c)(4) of the Internal Revenue Code of 1954 relating to the exemption from withholding of certain commissions paid to nonresident aliens.

**COMMISSIONS PAID BY SHIP SUPPLIERS TO CERTAIN NONRESIDENT ALIENS EXEMPT FROM WITHHOLDING**

This regulation provides that commissions or rebates paid by ship suppliers to nonresident aliens employed by nonresident alien individuals, foreign partnerships, or foreign corporations in the operation of ships of foreign registry for purchasing supplies

from these suppliers will not be subject to the withholding requirements of section 1441(a).

**RATIONALE FOR EXEMPTION**

The practice of paying commissions or rebates to foreign ship captains for purchasing supplies from a particular supplier is widespread. The Service's position with respect to these commissions as expressed in Rev. Rul. 58-479, 1958-2 C.B. 60 is that they are subject to withholding under section 1441(a).

On June 28, 1978, H.R. 13336 was introduced to amend section 1441(c) of the Internal Revenue Code to exempt ship suppliers from the withholding requirements of section 1441(a). Treasury supported the objectives of this amendment because in many instances the amount of U.S. source income involved as a result of these payments is so small that the ship captains have little or no final U.S. tax liability. Since section 1441(c)(4) gives the Secretary a broad grant of authority to promulgate regulations exempting compensation of aliens from withholding, this exemption is being made under the regulations.

**DRAFTING INFORMATION**

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

**ADOPTION OF AMENDMENTS TO THE REGULATIONS**

Accordingly, 26 CFR Part 1 is amended as follows:

Paragraph (b)(1) of § 1.1441-4 is amended by adding a new subdivision (v) to read as follows:

§ 1.1441-4 Exemptions from withholding.

(b) *Compensation for personal services of an individual—(1) Exemption from withholding.* \* \* \*

(v) Such compensation is paid after January 3, 1979 as a commission or rebate paid by a ship supplier to a nonresident alien individual, who is employed by a nonresident alien individual, foreign partnership, or foreign corporation in the operation of a ship or ships of foreign registry, for placing orders for supplies to be used in the operation of such ship or ships with the supplier. See section 162(c) and the regulations thereunder for denial

of deduction for illegal bribes, kickbacks, and other payments.

In accordance with 5 U.S.C. 553(b)(B) the Commissioner has determined that there is an immediate need to eliminate the economic disadvantage which U.S. ship suppliers are subjected by virtue of requiring withholding on these commissions. For this reason notice and public procedure would be contrary to the public interest. In addition the total U.S. tax liability of foreign ship masters on these commissions is so small that notice and public procedure would be unnecessary. Furthermore, this regulation is being published in final form effective immediately in compliance with 5 U.S.C. 553(d)(1) which excepts a substantive rule which grants or recognizes an exemption from the requirement of publication 30 days before its effective date.

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

JEROME KURTZ,  
*Commissioner of Internal Revenue.*

Approved: December 18, 1978.

DONALD C. LUBICK,  
*Assistant Secretary  
of the Treasury.*

FR Doc. 79-193 Filed 1-2-79; 8:45 am]

[4830-01-M]

[T.D. 7583]

**PART 5—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978**

**Taxable Years of Members of Controlled Groups of Corporations That Include December 31, 1978**

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulation.

SUMMARY: This document provides a temporary regulation for component members of controlled groups of corporations. Changes to the applicable tax law were made by the Revenue Act of 1978. This regulation will affect component members of controlled groups of corporations and will provide them with the guidance needed to comply with the law.

DATE: The regulation applies to taxable years that include December 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles M. Whedbee of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention: CC:LR:T (202-566-3463, not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

This document contains a temporary regulation relating to component members of controlled groups of corporations for taxable years that include December 31, 1978. Further, this document adds a new Part 5, Temporary Income Tax Regulations under the Revenue Act of 1978, to Title 26 of the Code of Federal Regulations.

Section 301 (a) of the Revenue Act of 1978 (the Act) replaces the surtax exemption with four taxable income brackets (each of \$25,000) that will be taxed at rates less than the maximum rate of 46 percent. Section 301 (b) (19) of the Act limits the members of a controlled group of corporations to an aggregate of \$25,000 in each bracket. Section 106 of the Act provides that the amendments made by section 301 are to be treated as a change in a rate of tax.

This regulation sets forth the method of apportioning the \$50,000 surtax exemption available before January 1, 1979, and the amounts in the four taxable income brackets available after December 31, 1978, among component members for taxable years that include December 31, 1978. The regulation is based on paragraph (a) (3) of § 1.1561-2A of the Income Tax Regulations, relating to the application to members of controlled groups of the increase in the surtax exemption to \$50,000 as of January 1, 1975.

**DRAFTING INFORMATION**

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

**WAIVER OF CERTAIN PROCEDURAL REQUIREMENTS OF FINAL TREASURY DIRECTIVE**

A determination has been made by Jerome Kurtz, Commissioner of Internal Revenue, that there is need for immediate guidance in order to enable members of controlled groups of corporations to compute tax liabilities for their taxable years that include December 31, 1978. This is because sections 301 (a) and 106 of the Revenue

Act of 1978 replace the surtax exemption with four taxable income brackets, effective January 1, 1979, and section 301 (b) (19) of the Act limits members of a controlled group to an aggregate of \$25,000 in each bracket. Because of the immediate need for this regulation, compliance with the procedural requirements of paragraphs 8 through 14 of the final Treasury directive (43 FR 52121), relating to improving regulations, would be impractical and, therefore, these requirements have not been followed.

#### ADOPTION OF REGULATION

Accordingly, a new Part 5, Temporary Income Tax Regulations under the Revenue Act of 1978, is added to Title 26 of the Code of Federal Regulations and the following temporary regulation is adopted:

#### § 1.1561-1 Taxable years of component members of controlled group of corporations that include December 31, 1978.

(a) *In general.* This section prescribes a regulation for applying sections 301 (a) and (b) (19), and 106, of the Revenue Act of 1978 (the Act) in the case of certain taxable years of component members of a controlled group of corporations (as defined in section 1563 of the Internal Revenue Code). The section applies only to taxable years that include December 31, 1978, and only if the taxable year of at least one component member ends in 1979.

(b) *Background.* Section 301(a) of the Act amends section 11 of the Code (relating to tax imposed on corporations) to provide for taxable income brackets that are subject to tax at rates less than the maximum rate of 46 percent. Section 301(b)(19) of the Act amends section 1561(a) of the Code (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) to limit the component members of a controlled group to an aggregate amount in each bracket which does not exceed the maximum amount in such bracket to which a corporation which is not a component member of a controlled group is entitled. Section 106 of the Act amends section 21 of the Code (relating to effect of changes in rate of tax) to provide that the amendments made by section 301 of the Act shall be treated as a change in a rate of tax. Since the amendments made by section 301 of the Act are effective for taxable years beginning after December 31, 1978, under the amendment to section 21 the effective date of the change in rate of tax is January 1, 1979.

(c) *No apportionment plan in effect.* If no apportionment plan (see § 1.1561-3 of the Income Tax Regulations) is in effect with respect to De-

ember 31, 1978, the single \$50,000 surtax exemption available before January 1, 1979, and the single bracket amounts available after December 31, 1978, shall be equally divided among the component members of the controlled group on December 31, 1978. In the case of a controlled group which includes component members that join in the filing of a consolidated return and other component members that do not join in the filing of such a return, each component member of the group (including each component member that joins in filing the consolidated return) shall be treated as a separate corporation for purposes of equally apportioning the \$50,000 surtax exemption in effect before January 1, 1979, and the bracket amounts in effect after December 31, 1978. In such a case, the surtax exemption and bracket amounts of the corporations filing the consolidated return shall be the sum of the amount apportioned to each component member that joins in filing the consolidated return.

(d) *Apportionment plan.* (1) If one or more component members of the controlled group have a calendar taxable year and if an apportionment plan is adopted under § 1.1561-3 apportioning the entire \$50,000 surtax exemption available for 1978 to such calendar-year members, then the amount in each taxable income bracket available for fiscal-year members is zero. If only a part of the \$50,000 surtax exemption is apportioned to calendar-year members, then a proportionate part of the \$25,000 amount in each taxable income bracket is available for the fiscal-year members. For example, if \$30,000 (60 percent of \$50,000) is apportioned to calendar-year members, 60 percent of the \$25,000 amount in each bracket, or \$15,000, as well as the remaining 40 percent of the 1978 surtax exemption, is available to the fiscal-year members.

(2) The amount in each taxable income bracket available to fiscal-year members may be apportioned among such members in any manner the controlled group may select. For example, the available amount in the first bracket (subject to a 17-percent rate) may be allocated to one member, the amount in the second bracket (subject to a 20-percent rate) may be allocated to another member, and so on. Moreover, the available amount in each

bracket may be divided among the members in any manner the group may select.

(3) In computing 1978 tentative taxes under section 21, the total surtax exemption available to fiscal-year members for 1978 must be divided among such members in the same proportion as the sum of the available amount in each bracket is divided among them. Thus, if the sum of the available bracket amounts is \$100,000 (i.e., \$25,000 in each bracket), and if corporation X is apportioned 30 percent, or \$30,000, of this amount (regardless of which brackets corporation X may select), then 30 percent of the surtax exemption available to the fiscal-year members for 1978 (i.e., 30 percent of \$50,000, or \$15,000) must be apportioned to corporation X.

(e) *Corporations affected.* The provisions of section 1561 may reduce the surtax exemption or bracket amounts of any corporation which is a component member of a controlled group of corporations and which is subject to the tax imposed by section 11, or by any other provision of subtitle A of the Code if the tax under such other provisions is computed by reference to the tax imposed by section 11. Such other provisions include, for example, sections 511(a)(1), 594, 802, 831, 852, 857, 882, 1201, and 1378.

(f) *Example.* This section may be illustrated by the following example:

*Example.* Corporations X, Y, and Z are component members of a controlled group of corporations on December 31, 1978. X has taxable income of \$10,000 for the taxable year ending December 31, 1978. Y has taxable income of \$60,000 for the taxable year ending June 30, 1979. Z has taxable income of \$90,000 for the taxable year ending September 30, 1979. The group files an apportionment plan under § 1.1561-3 apportioning \$10,000 (i.e., 20 percent of \$50,000) to X, the calendar-year member. Therefore, 20 percent of the amount in each bracket, or \$20,000, is available to Y and Z, the fiscal-year members. Under the plan, Y is apportioned the entire amount in the first bracket and \$10,000 of the amount in the second bracket. Z is apportioned \$10,000 of the amount in the second bracket and the entire amount in the third and fourth brackets. Therefore, Y is apportioned \$30,000, or 60 percent of the total available amount in the four brackets, and Z is apportioned \$50,000, or 100 percent of the total available amount. The tax liabilities of Y and Z for their taxable years ending in 1979 are computed as follows: (Computation of X's tax liability for 1978, using a surtax exemption of \$10,000, is not shown.)

#### 1979 TENTATIVE TAX

	Y
Taxable income	\$60,000
Tax on amount in first bracket: 17 percent of \$20,000	3,400
Tax on amount in second bracket: 20 percent of \$10,000	2,000
Tax on remaining income: 46 percent of \$30,000	13,800
1979 tentative tax	19,200

1978 TENTATIVE TAX—Continued

[3125-01-M]

Title 40—Protection of Environment

CHAPTER V—COUNCIL ON ENVIRONMENTAL QUALITY

NATIONAL ENVIRONMENTAL POLICY ACT—REGULATIONS

Implementation of Procedural Provisions; Corrections

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Corrections to final regulations.

SUMMARY: On November 29, 1978 (43 FR 55978), the Council published in the FEDERAL REGISTER final regulations for the implementation of the procedural provisions of the National Environmental Policy Act. The following are corrections to the November 29 publication. Typographical errors will be corrected when the regulations are published in the Code of Federal Regulations.

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Nicholas C. Yost, General Counsel, Council on Environmental Quality, Executive Office of the President, 722 Jackson Place, N.W., Washington, D.C. 20006 (telephone number (202) 633-7032 or (202) 395-5750).

PART 1500—PURPOSE, POLICY, AND MANDATE

1. On page 55991, in § 1500.4(i), first line, change "programs" to "program".

PART 1501—NEPA AND AGENCY PLANNING

2. On page 55993, in § 1501.5(e)(2), 4th line, delete the work "above".

PART 1504—PREDECISION REFERRALS TO THE COUNCIL OF PROPOSED FEDERAL ACTIONS DETERMINED TO BE ENVIRONMENTALLY UNSATISFACTORY

3. On page 55999, in § 1504.3(h), last line, the word "Procedures" should read "Procedure".

Z

Taxable income	90,000
Tax on amount in second bracket: 20 percent of \$10,000.....	2,000
Tax on amount in third bracket: 30 percent of \$20,000.....	6,000
Tax on amount in fourth bracket: 40 percent of \$20,000.....	8,000
Tax on remaining income: 46 percent of \$40,000.....	18,400
1979 tentative tax	34,400

1978 TENTATIVE TAX

Y

Taxable income	60,000
Normal tax:	
20 percent of \$7,500 (% of \$20,000).....	1,500
22 percent of \$52,500.....	11,550
1978 tentative tax	13,050
Surtax:	
Taxable income.....	\$60,000
Surtax exemption.....	15,000 (% of \$40,000)
	\$45,000 × 26 percent.....
	11,700

Z

Taxable income	90,000
Normal tax:	
20 percent of \$12,500 (% of \$20,000).....	2,500
22 percent of \$77,500.....	17,050
1978 tentative tax	19,500
Surtax:	
Taxable income.....	\$90,000
Surtax exemption.....	25,000 (% of \$40,000)
	\$65,000 × 26 percent.....
	16,900
1978 tentative tax	36,450
The 1978 and 1979 tentative taxes are apportioned as follows:	
Corporation Y:	
1978—184/365 of \$24,750.....	12,477
1979—181/365 of \$19,200.....	9,521
Total tax for taxable year	21,998
Corporation Z:	
1978—92/365 of \$36,450.....	9,187
1979—273/365 of \$34,400.....	25,729
Total tax for taxable year	34,916

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sec-

tion 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

JEROME KURTZ,  
Commissioner of Internal Revenue.

Approved: December 21, 1978.

DONALD C. LUBICK,  
Assistant Secretary  
of the Treasury.

IFR Doc. 79-194 Filed 1-2-79; 8:45 am

**PART 1506—OTHER REQUIREMENTS OF NEPA**

4. On page 56002, in § 1506.10(b)(2), 27th line, the word "Procedures" should read "Procedure".

**PART 1508—TERMINOLOGY AND INDEX**

5. On page 56005, in § 1508.27(a), sixth line, change the word "Significant" to "Significance".

NICHOLAS C. YOST,  
General Counsel.

[FR Doc. 79-292 Filed 1-2-79; 8:45 am]

[6820-24-M]

**Title 41—Public Contracts and Property Management****CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS****SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES**

[FPMR Amdt. G-48]

**PART 101-38—MOTOR EQUIPMENT MANAGEMENT****Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification****MOTOR VEHICLE AND TRANSPORTATION MANAGEMENT**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment broadens the list of organizational activities of the Department of the Treasury to which GSA has granted unlimited exemptions from displaying U.S. Government tags and other identification. This amendment will show the full extent of the Department of the Treasury's exemptions.

EFFECTIVE DATE: January 3, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, DC 20406 (703-557-1914).

Section 101-38.602(n) is revised to read as follows:

§ 101-38.602 Unlimited exemptions.

(n) *Treasury, Department of the*. All motor vehicles operated by the U.S. Secret Service; Intelligence Division and Internal Security Division of the

Internal Revenue Service; Bureau of Alcohol, Tobacco, and Firearms; Office of Investigation of the U.S. Customs Service; and vehicles used for investigative purposes by the Collection Division of the Internal Revenue Service.

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

Dated: December 21, 1978.

PAUL E. GOULDING,  
Acting Administrator of  
General Services.

[FR Doc. 79-282 Filed 1-2-79; 8:45 am]

[7035-01-M]

**Title 49—Transportation****CHAPTER X—INTERSTATE COMMERCE COMMISSION****SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[Amdt. No. 7 to Service Order No. 1231]

**PART 1033—CAR SERVICE****Consolidated Rail Corporation Authorized To Operate Over Tracks of Louisville and Nashville Railroad Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 7 to Service Order No. 1231).

SUMMARY: Service Order No. 1231 authorizes the Consolidated Rail Corporation to operate over tracks abandoned by the Louisville and Nashville Railroad at Brazil, Indiana, for the purpose of providing rail service to shippers served by those tracks. The involved tracks are to be sold to Consolidated Rail Corporation. The order is printed in full in the FEDERAL REGISTER, Volume 41 at page 8480. This amendment extends the order for six months.

DATES: *Effective 11:59 p.m., December 31, 1978. Expires 11:59 p.m., June 30, 1979.*

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone (202) 275-7840, Telex 89-2742.

Decided: December 22, 1978.

Upon further consideration of Service Order No. 1231 (41 FR 8480, 15414, 27729; 42 FR 3310, 34520; 43 FR 762 and 28496), and good cause appearing therefor:

*It is ordered, that § 1033.1231 Consolidated Rail Corporation authorized to operate over tracks of Louisville and Nashville Railroad Company, Service Order No. 1231 is amended by substituting the following paragraph (f) for paragraph (f) thereof:*

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1978.

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

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

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

NANCY L. WILSON,  
Acting Secretary.

[FR Doc. 79-180 Filed 1-2-79; 8:45 am]

[7035-01-M]

[S.O. No. 1340]

**PART 1033—CAR SERVICE**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order, No. 1340 Denial of Appeals.

SUMMARY: On September 22, 1978, the Commission ordered the Seaboard Coast Line Railroad and other lines members of its system collectively to furnish 100 locomotives to the Louisville and Nashville Railroad Company, also a system railroad. Requests for reconsideration were filed by the Seaboard Coast Line and affiliates and by the Fertilizer Institute. Tesoro Coal Company requested that the Commission require the Louisville and Nashville to furnish weekly reports of its distribution of cars to unit-train shippers of coal. The Commission's decision, dated December 20, 1978 denies the petitions for reconsideration and the petition for expansion of the reporting requirements of Service Order No. 1340.

**FOR FURTHER INFORMATION CONTACT:**

Charles C. Robinson, Chief, Utilization and Distribution Branch, Inter-

state Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

**SUPPLEMENTARY INFORMATION:**  
The Order is printed in full below.

ATLANTA AND WEST POINT RAIL ROAD COMPANY, CLINCHFIELD RAILROAD COMPANY, GEORGIA RAILROAD, SEABOARD COAST LINE RAILROAD COMPANY AND WESTERN RAILWAY OF ALABAMA TO DELIVER LOCOMOTIVES TO LOUISVILLE AND NASHVILLE RAILROAD COMPANY

Decided December 20, 1978.

Appeals of the decision on the order to show cause, and of Service Order No. 1340 are denied.

On August 3, 1978 (43 FR 35082, August 8, 1978), the Commission entered an order requiring the six railroads named above (collectively known as the Family Lines), all of which are owned or controlled by the Seaboard Coast Line Railroad Company (SCL), to show cause why the Commission should not issue two proposed service orders. One proposed service order, entitled *Regulations For The Use Of Locomotives*, would have ordered the other five members of the Family Lines collectively to deliver 100 locomotives to the Louisville and Nashville Railroad Company (LN). The other Proposed service order, entitled *Regulations For Distribution Of Hopper Cars*, would have ordered the LN to supply weekly to each coal mine ordering cars for single-car or non-unit-train shipments a minimum of forty percent of its daily mine rating multiplied by the number of working days in the week. The order to show cause was entered as a result of the Commission's conclusion that an acute shortage of locomotives and hopper cars for transporting single-car shipments of coal originating at stations on the LN in Eastern Kentucky existed.

Numerous responses to the show cause order were filed by the Family Lines, by producers and receivers of coal and of other commodities, and by public officials in the States served by the Family Lines. The Commission held oral argument on the show cause order on September 7, 1978.

In a decision served September 22, 1978 (43 FR 44606, September 28, 1978), the Commission ordered that the proposed service order entitled *Regulations For The Use Of Locomotives* be issued in modified form. The Commission deferred issuance of the proposed service order entitled *Regulations For The Distribution Of Hopper Cars*.

Service Order No. 1340, *Regulations For The Use Of Locomotives*, was also served on September 22, 1978 (43 FR

44536, September 28, 1978). The order was to become effective on date of service, and to expire at 11:59 p.m., January 15, 1979. It ordered the other members of the Family Lines collectively to deliver 100 locomotives to the LN according to the following schedule: 50 locomotives on or before October 15, 1978; 75 locomotives on or before November 15, 1978; and 100 locomotives on or before December 15, 1978.

In issuing Service Order No. 1340, the Commission acted under the emergency powers of Section 1(15) of the Interstate Commerce Act.

Effective October 17, 1978, the Interstate Commerce Act was recodified without substantive change by Public Law 95-473, "An Act To Revise, Codify, and Enact without Substantive Change the Interstate Commerce Act and Related Laws as Subtitle IV of Title 49, United States Code, 'Transportation.'" Section 1(15) of the Act, as relevant to this decision, was recodified at 49 U.S.C. § 11123. Because no substantive change was made by the recodification, the Commission's emergency powers, and the conditions for the use of those powers, are the same under 49 U.S.C. § 11123 as under Section 1(15) of the Act. In the remainder of this decision, the discussion of Section 1(15) of the Act applies equally to 49 U.S.C. § 11123, which is substantively identical and presently in effect.

On October 7, 1978, the SCL, the LN, the Atlanta and West Point Rail Road Company (AWP), the Clinchfield Railroad Company (CRR) and the Georgia Railroad (Ga) jointly filed a petition for extension of Service Order No. 1340's initial compliance date of October 15, 1978. The Commission denied that petition in a decision served October 12, 1978.

Administrative appeals of the decision on the order to show cause, and of Service Order No. 1340, have been filed by the SCL, the LN, the Atlanta and West Point Rail Road Company, the Clinchfield Railroad Company, the Georgia Railroad and the Western Railway of Alabama jointly; by the Fertilizer Institute; and by the Tesoro Coal Company (Tesoro).

We deny all of the appeals.

**PROCEDURAL ERROR HAS NOT OCCURRED**

The Primary argument of the appellant railroads for repeal of Service Order No. 1340 is that prejudicial procedural error has occurred in the issuance of Service Order No. 1340.

We find that procedural error has not occurred. The Commission acted properly in responding to a car service emergency under the authority of Section 1(15) of the Interstate Commerce Act.

Section 1(15) expressly allows the Commission to bypass normal proce-

dures, including formal pleadings, notice, and hearing, and the making or filing of a report, in responding to a car service emergency requiring immediate action. Section 1(15) leaves to the Commission's discretion the procedures to be followed in issuing an emergency car service order such as Service Order No. 1340. Its discretion is of course limited by the requirement that no party to the proceeding be prejudiced.

Appellant railroads do not question the Commission's authority to bypass normal procedures under section 1(15). Instead, appellants argue that the procedures adopted by the Commission in issuing Service Order No. 1340 go beyond the minimum requirements of Section 1(15), and do not meet the procedural requirements of the other section of the Act under which the Commission may issue rules and regulations relating to car service. This argument is without merit.

It has been clear from the beginning of this proceeding that the Commission has been acting under the emergency powers provided by Section 1(15). The first two proposed service orders, which were attached to the order to show cause, both stated that it was the opinion of the Commission that an emergency existed, requiring immediate action to promote car service in the interest of the public and the commerce of the people, and that, accordingly, the Commission found that notice and public procedure were impractical and contrary to the public interest, and that good cause existed for making the proposed orders effective upon less than thirty days' notice. This statement in the two proposed service orders, using language taken directly from Section 1(15) itself, made it clear that the Commission was responding to an emergency by dispensing with normal procedures, as allowed by section 1(15). The later Service Order No. 1340 contained the same statement.

Appellant railroads point out that in issuing Service Order No. 1340, the Commission took more procedural steps than it was required to take under section 1(15). This does not mean, however, that the emergency proceeding was therefore converted into a normal rulemaking or an adjudication beyond the scope of Section 1(15). Section 1(15) leaves to the Commission's discretion the procedures to be followed in a proceeding involving an emergency car service order. In this proceeding, the Commission granted to interested parties, including appellants, an opportunity to present their views both in written responses and at oral argument. The Commission was not required to do so, but it wished to give all parties an opportunity to provide information and arguments on

the issue of how best to meet the car service emergency it had found to exist. The essential character of the emergency proceeding was not altered by the fact that the parties were afforded more procedural rights than they were entitled to. Cf. *United States vs. Allegheny-Ludlum Steel*, 406 U.S. 742 (1972).

In addition, the particular means used by the Commission to elicit the comments of the railroads and other parties—an order to show cause—did not remove the proceeding from the scope of Section 1(15). The show cause order was merely a reasonable means of calling for public participation, including that of the affected railroads, in fashioning car service orders most appropriate to the circumstances. It was addressed to the Family Lines because the emergency was found to exist on one of its members, and because the attached proposed service orders were addressed to the Family Lines. When the later decision on the order to show cause found that the railroad respondents had failed to show cause why Service Order No. 1340 should not be issued, it indicated that in view of the evidence submitted by the railroads and the other parties, the car service emergency which the Commission had believed to exist did indeed exist on the LN and Service Order No. 1340 was a proper response to it.

Appellant railroads also suggest that the proceeding was beyond the scope of Section 1(15) because of the length of time that elapsed between the Commission's initial awareness of the car service emergency and the Commission's final issuance of Service Order No. 1340. The fact that the Commission's issuance of Service order No. 1340 was not more immediate does not mean, however, that a genuine emergency did not exist under Section 1(15). As stated earlier, the Commission wished to give the railroads and other interested parties an opportunity to comment on the matter. It was within the Commission's discretion to take the time to do so under Section 1(15). The fact that the car service emergency may have existed for some time before the issuance of Service Order No. 1340 does not mean that the emergency did not exist at the time the service order was finally issued. See *United States vs. Southern Ry. Co.*, 364 F.2d 86 (5th Cir. 1966) cert. denied 386 U.S. 1031 (1967).

**THE COMMISSION'S FINDINGS OF FACT AND CONCLUSIONS OF LAW WERE CORRECT AND ADEQUATE**

The Commission's findings of fact and conclusions of law in the decision on the order to show cause and in Service Order No. 1340 were correct,

and were adequate to support the service order.

The Commission may act under Section 1(15) without the making or filing of a report. In this proceeding, however, the Commission, after granting the parties an opportunity to submit evidence in written responses and at oral argument, simultaneously issued both a service order and a decision on the earlier order to show cause. Section 1(15) confines the power of the Commission to emergencies, and requires that emergency orders be reasonable and in the interest of the public and of commerce. Both Service Order No. 1340 and the accompanying decision found that a car service emergency existed on the LN, caused by a shortage of locomotives for transporting coal from mines on the LN in Eastern Kentucky, particularly from non-unit-train mines. And both the service order and the decision found that the service order would promote car service "in the interest of the public and the commerce of the people." These two findings were explained and supported in the service order and decision.

As stated in the decision on the order to show cause, there was substantial agreement among the parties as to the existence of a shortage of cars for transporting shipments of coal on the LN. The Family Lines themselves stated in their response that non-unit-train coal shippers served by the LN in Eastern Kentucky were receiving only about 20 percent of the cars they ordered. In issuing the car service order, the Commission rejected the Family Lines' argument that no amelioration of the admitted car shortage was possible. While the Commission recognized that the ultimate solution to the problem must be a long-term one, it decided that in the near term, the car service order would enable the LN to supply additional cars to non-unit-train shippers out of productivity increases in car utilization made possible by the additional locomotives. The Family Lines' arguments that there were significant shortages of locomotives on the other Family Lines besides the LN, and that the LN's facilities were operating at peak capacity and could not absorb additional traffic, were found by the Commission to be unsupported by the evidence.

There is no inconsistency between the finding that the ultimate solution must be a long-term one, and the expiration of the service order on January 15, 1979. An emergency requiring Commission action under Section 1(15) need not be sudden in origin or temporary in nature. *United States vs. Southern Ry.*, supra. The Commission realized that the service order by itself would not solve all of the car service problems on the LN. It nevertheless

found that the order would help to alleviate the car shortage in the near term, and would thus promote car service in the interest of the public and the commerce of the people. If the car service emergency still exists at the expiration of the service order, the Commission will consider whether the emergency orders should be extended as well as other possible responses to the problem. For example, in a decision served October 30, 1978, in Docket No. 37063, *Increased Rates on Coal, L&N RR, October 31, 1978*, the Commission allowed coal rate increases to become effective, provided that funds derived from the increases be used to improve service to affected shippers. The Commission did not suspend those increases, but is currently investigating them.

In the decision on the order to show cause, the Commission stated that the transfer of 100 locomotives would more equitably distribute motive power throughout the entire Family Lines System. The Commission also stated that while it realized that the effects of the transfer on Family Lines operations were somewhat speculative, it believed that the transfer could be accomplished without excessive harm to operations. There is no inconsistency between these two statements. The Commission recognized that there was no absolute certainty that the locomotive transfer could alleviate the car shortage on the LN without having at least some effect on the operations of the other Family Lines. It was for this reason that the service order provided for the transfer of the locomotives on a more gradual basis than was first proposed. It was also for this reason that the service order contained reporting requirements for the LN to report weekly its service to non-unit-train mines, and for the Family Lines to report weekly the number of trains and cars held because of a lack of motive power. With this data, the Commission can evaluate the results of its service order and make any changes that may be required.

Appellant railroads also contend that the Commission abused its discretion by becoming involved in operational matters and usurping managerial prerogatives. Every car service order necessarily limits the operational discretion of an affected railroad's management. Such effects, however, have never been held to be a ground for overturning a Commission emergency car service order. All that is required is that the Commission find an emergency to exist and that the Commission's order be reasonably addressed to the emergency. These requirements have been met in this case.

In their appeal, the railroads also object to the fact that the service order required the locomotives to be

transferred to the LN from the other Family Lines, instead of from other railroads outside the Family Lines System. The Commission believed, and we continue to believe, that as an initial step in resolving the car shortage on the LN, the other members of the system to which the LN belongs, all of which are controlled by a single parent, are the most logical source of immediate supply. And the Commission found that such a transfer would not cause excessive harm to the operations of the other Family Lines or to the shippers located on those lines, including shippers of phosphate represented by the Fertilizer Institute. As a precaution, nevertheless, we undertook to have been monitoring the effects of compliance with our order upon other members of the Family Lines and their shippers. The reports we have received to date verify that there has been very little adverse effect. Whether our orders should be expanded to encompass railroads other than Family Lines members can be explored at the time we consider whether the present service order should be extended. We will consider arguments as to why such an order would be appropriate in addition to, or in lieu of the existing order. The simple assertion, however, that we should have considered entering such an order, advanced for the first time at the appellate stage of this proceeding is of no assistance to us in determining whether the entry of such an order would be an appropriate exercise of our discretion.

[FR Doc. 79-182 Filed 1-2-79; 8:45 am]

**[7035-01-M]**

[Amdt. No. 4 to Service Order No. 1321]

**PART 1033—CAR SERVICE**

**Lenawee County Railroad Co., Inc.,  
Authorized to Operate Over Tracks  
of Consolidated Rail Corp.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 4 to Service Order No. 1321).

SUMMARY: The Lenawee County Railroad operates two separate lines of railroad in the vicinity of Grosvenor, Michigan. Service Order No. 1321 authorizes the Lenawee County Railroad to operate over 3.6 miles of a line of the Consolidated Rail Corporation between Lenawee Junction, Michigan, and Grosvenor, Michigan, which permits their single locomotive to serve both line segments. The Order is printed in full in the FEDERAL REGISTER Volume 43 at page 16341. The amendment extends this order for three months.

DATES: *Effective 11:59 p.m., December 31, 1978. Expires 11:59 p.m., March 31, 1979.*

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

Decided December 22, 1978.

Upon further consideration of Service Order No. 1321 (43 FR 16341, 34150, 45866, and 59383), and good cause appearing therefor:

*It is ordered, that § 1033.1321 Lenawee County Railroad Company, Inc., authorized to operate over tracks of Consolidated Rail Corporation, Service Order No. 1321 is amended by substituting the following paragraph (d) for paragraph (d) thereof:*

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

*Effective date.* This amendment shall become effective at 11:59 p.m., December 31, 1978.

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

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

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

NANCY L. WILSON,  
*Acting Secretary.*

[FR Doc. 79-181 Filed 1-2-79; 8:45 am]

**[7035-01-M]**

[Service Order No. 1350]

**PART 1033—CAR SERVICE**

**West Virginia Railroad Maintenance Authority Authorized To Operate Over Tracks Abandoned by the Chesapeake & Ohio Railway Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1350.

SUMMARY: The Chesapeake and Ohio Railway Company (CO), in Docket AB18 (Sub No. 17), has been

authorized to abandon its line between North Caldwell, West Virginia, and Durbin, West Virginia. The West Virginia Railroad Maintenance Authority has offered to purchase the line between Cass, West Virginia, and Durbin, West Virginia, and plans to operate the railroad between Cass and Durbin. Service Order No. 1350 authorizes the West Virginia Railroad Maintenance Authority to commence operations on that portion of the line effective on the date of abandonment of operations by the CO in order to provide uninterrupted rail service to shippers located on this line.

DATES: *Effective 12:01 a.m., December 30, 1978. Expires 11:59 p.m., June 30, 1979.*

**FOR FURTHER INFORMATION CONTACT:**

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Decided: December 26, 1978.

The Chesapeake and Ohio Railway Company (CO) has been authorized by the Commission, in Docket AB-18 (Sub-No. 17), to abandon its line between North Caldwell, West Virginia, and Durbin, West Virginia, a distance of approximately 92.04 miles. The West Virginia Railroad Maintenance Authority (RMA) has made an offer to purchase the portion of this railroad between Cass, West Virginia, and Durbin, West Virginia, a distance of approximately 17.21 miles. Operation of this line by the CO will cease at the close of business on December 29, 1978. The CO has consented to use of its line between Cass and Durbin by the RMA pending completion of its sale.

Operation of this line by RMA will permit a continuation of freight service between Durbin and Cass, and will provide a route between the Western Maryland Railway Company and the Cass Scenic Railroad.

It is the opinion of the Commission that an emergency exists; that operation by RMA over these tracks abandoned by CO is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered, that § 1033.1350 West Virginia Railroad Maintenance Authority authorized to operate over tracks abandoned by the Chesapeake and Ohio Railway Company. (a) The West Virginia Railroad Maintenance*

Authority (RMA) is authorized to operate over tracks abandoned by The Chesapeake and Ohio Railway Company (CO) between former CO Valuation Station 4117 + 75 at Cass, West Virginia, and former CO Valuation Station 5021 + 22 at Durbin, West Virginia, a distance of approximately 17.21 miles, pending disposition of an application of RMA seeking permanent authority to operate this line.

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

(c) Nothing herein shall be considered as a prejudgment of the application of RMA seeking authority to operate over these tracks.

(d) *Rates applicable.* Inasmuch as this operation by RMA over tracks previously operated by CO is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via CO, until tariffs naming rates and routes specifically applicable via RMA become effective.

(e) In transporting traffic over these lines, RMA and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., December 30, 1978.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Mi-

chael. Member Joel E. Burns not participating.

NANCY L. WILSON,  
*Acting Secretary.*

[FR. Doc. 79-179 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Service Order No. 1347-A]

**PART 1033—CAR SERVICE**

**Hillsdale County Railway Company Inc. Authorized To Operate Over Tracks Abandoned by Penn Central Transportation Co.**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1347-A.

SUMMARY: On November 20, 1978, The Commission by Service Order No. 1347 authorized the Hillsdale County Railroad to operate 2.93 miles of line formerly operated by Penn Central Transportation Company between Pleasant Lake, Indiana, and Steubenville, Indiana. Unknown to the Commission an action in Quo Warranto and Eminent Domain with respect to this trackage was then, and is pending before the Steuben Circuit Court on behalf of the Indiana Northern Railroad Company. Service Order No. 1347 is being vacated without prejudice to the filing of new applications when the right to use of this line, subject to Commission authority has been determined by the Steuben Circuit Court.

DATES: *Effective on date of Service.*

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief Utilization and Distribution Branch Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840 Telex 89-2742.

SUPPLEMENTARY INFORMATION:

Decided: December 27, 1978.

On November 20, 1978, the Commission, by Service Order No. 1347, authorized the Hillsdale County Railway Company Inc. (HCRC) to operate over tracks abandoned by Penn Central Transportation Company between Pleasant Lake, Indiana, and a connection with the Norfolk and Western Railway Company (NW), a distance of approximately 2.93 miles.

The attorneys for the HCRC requested the immediate issuance of a Service Order authorizing operation of this line by the HCRC stating that brush clearing and other necessary restoration work would commence upon the issuance of the requested order. The applicant stated that acquisition of this line would enable the

HCRC to connect with the NW at Steubenville. It further informed the Commission that it has purchased the line from its former owners and therefore had authority to operate the line subject to approval by this Commission.

On December 7, 1978, The Indiana Northern Railroad Company (IN) requested that Service Order No. 1347 be vacated, on the grounds that an action in Quo Warranto and Eminent Domain relating to the right-of-way covered by Service Order No. 1347, and which the HCRC stated it has purchased, was pending before the Steuben Circuit Court as cause 85-6362. IN states that on October 28, 1978, that court ordered that a pre-trial conference in cause 85-6362 be held on February 2, 1979. IN further states that there is no track connection at Steubenville between these tracks and the NW and never has been.

In a letter dated December 18, 1978, the Director, Department of Transportation, State of Indiana (Indiana), urged that the petition of IN be denied. Indiana states that it fears abandonment of the line of the NW between Wakarusa, Indiana, and Montpelier, Ohio, passing through Steubenville, Indiana; and that it is presently subsidizing other operations of HCRC. It requests that HCRC's authority to operate the former Penn Central trackage between Pleasant Lake and Steubenville be continued because of possible abandonment of the NW line through Steubenville and its subsequent operation under a State proffered subsidy.

It is the opinion of the Commission that the petition of the HCRC for an emergency order to operate over these tracks was premature. The line is not presently in operating condition and will require extensive rehabilitation before it can be used. Further there is no track connection between this line and the NW at Steubenville and no evidence that the construction of such a connection has been agreed to between HCRC and NW much less commenced. Further although the HCRC has purchased this line its ultimate right to retain and operate it as a railroad is uncertain because of the pending suit in the Steuben Circuit Court.

We will grant the petition of IN that Service Order No. 1347 be vacated without prejudice to any subsequent requests from either the HCRC or the IN that may be filed after the action in the Steuben Circuit Court has been disposed of, any such application that may be filed with the Commission must include evidence that the applicant has full legal right to the use of this property and that an agreement has been reached with whomever may then be the operator of the NW line passing through Steubenville to con-

struct and operate a connecting track between that line and the former Penn Central Transportation Company line between Pleasant Lake and Steubenville.

§ 1033.1347 [Vacated].

*It is ordered*, Service Order No. 1347 is vacated and set aside.

This order shall become effective upon date of service.

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

NANCY L. WILSON,  
*Acting Secretary.*

[FR Doc. 79-297 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Service Order No. 1351]

**PART 1033—CAR SERVICE**

**Massachusetts Central Railroad Corp. Authorized To Operate Over Tracks Formerly Operated by Boston & Maine Corp., Robert W. Meserve and Benjamin H. Lacy, Trustees**

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1351.

SUMMARY: The line of the Boston and Maine passing through Ware, Massachusetts is unserviceable. There are several shippers at Ware who are in need of rail services. Service Order No. 1351 authorizes the Massachusetts Central Railroad Corporation to operate over tracks of the Boston and Maine, including interchange tracks connecting with the Consolidated Rail Corporation for the purpose of restoring rail service to these shippers.

DATES: *Effective 12:01 a.m., January 1, 1979. Expires 11:59 p.m., June 30, 1979.*

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: Decided: December 22, 1978.

The line of the Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees (BM), serving Ware, Massachusetts, is unserviceable because of deteriorated bridges and track. There is a connection between this line and the Consolidated Rail Corporation (Conrail) at

Ware. Several industries served by the BM line at Ware are in need of restoration of railroad services. A newly organized company, the Massachusetts Central Railroad Corporation (Mass) has been organized for the purpose of operating various portions of this BM line and is prepared to offer railroad service to those shippers by operations over BM tracks between mileposts twenty-eight (28) and thirty (30) at Ware, including the necessary interchange tracks with Conrail. The BM has consented to this use of its tracks at Mass.

It is the opinion of the Commission that an emergency exists requiring the operation by Mass over tracks formerly operated by BM in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered*,

§ 1033.1351 Service Order No. 1351.

(a) *Massachusetts Central Railroad Corporation authorized to operate over tracks formerly operated by Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, trustees.* The Massachusetts Central Railroad Corporation (Mass) is authorized to operate over tracks of the Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees (BM), between milepost 28 and milepost 30, at Ware, Massachusetts, including interchange tracks with the Consolidated Rail Corporation.

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

(c) Nothing herein shall be considered as a prejudgment of the application of Mass seeking authority to operate over these tracks.

(d) *Rates applicable.* Inasmuch as this operation by the Mass over tracks previously operated by the BM is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via BM, until tariffs naming rates and routes specifically applicable via Mass become effective.

(e) In transporting traffic over these lines, Mass and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure

of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 a.m., January 1, 1979.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1979, unless otherwise modified, changed or suspended by order of this Commission.

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

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

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

NANCY L. WILSON,  
*Acting Secretary.*

[FR Doc. 79-298 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-19 (Sub-No. 9(a))]

**PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE**

**Transportation of Household Goods<sup>1</sup> (Agency Relationships)**

DECEMBER 28, 1978.

AGENCY: Interstate Commerce Commission.

ACTION: Final Rule.

SUMMARY: The Interstate Commerce Commission has modified its regulations governing agency relationships of household goods carriers. As modified, these regulations specify the types of information which a principal carrier must give to a prospective agent prior to the signing of an agency contract; simplify the process of reporting the signing of an agency agreement to the Commission; prescribe a form for reporting agency agreements to the Commission; exempt certain agency relationships from the reporting and disclosure re-

<sup>1</sup> Formerly entitled *Practices of Motor Common Carriers of Household Goods (Agency Relationships)*.

quirements; and continue the requirement that principal carriers are responsible for all acts or omissions of all of their agents.

DATES: Effective July 1, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Michael Erenberg 202-275-7292.

**SUPPLEMENTARY INFORMATION:**

The Commission has modified its regulations governing agency relationships of motor common carriers of household goods, 49 CFR 1056.19 and .20. As modified, these regulations specify the information which a principal carrier must disclose to a prospective agent prior to the signing of an agency contract. This information must only be reported to what are defined as prime and military agents. In recognition of the fact that certain agency relationships are of such short duration and such limited scope that the agent faces minimal financial risks as a result of the agency agreement, certain agency relationships have been exempted from the disclosure requirements. The agents exempted from the disclosure requirements are identified as temporary agents, who are defined essentially as agents who perform non-booking origin or destination services for a principal carrier only on an emergency or temporary basis.

In addition, the regulations adopted specify the information which a principal carrier must report to the Commission concerning an agency relationship. Temporary agents are exempted from the reporting requirement.

As originally drafted, the final rules contained certain typographical errors and omissions, and did not prescribe a form for reporting requirements. The rules as modified in this notice require use of BOP-109, the proposed form rejected in the decision in this proceeding, in reporting the information required by 49 CFR 1056.19(e). Many carriers who have submitted filings have generally attempted to duplicate the proposed form. But their products have lacked uniformity and caused difficulty in processing the requisite data. Efforts of carriers to reproduce the form indicate a need for the form to eliminate carrier confusion. Uniformity in the reporting form should better inform individuals seeking agency relationship data and facilitate Commission oversight of and enforcement efforts related to agency relationships. Language prescribing use of the mentioned form is included in 49 CFR § 1056.19(e). A copy of form BOP-109 is appended to this notice (Appendix). To allow for any difficulties which might attend compliance, the effective date of the regulations has been extended to July 1, 1979.

The regulations continue the requirements, imposed in the Commis-

sion's present agency regulations, that principal carriers be fully responsible for all acts or omissions of their agents, whether those agents are defined as prime, military, or temporary agents. Principal carriers must also continue to use due diligence in selecting and maintaining agents that are able to provide adequate household goods transportation services (including accessorial and terminal services).

A copy of the Commission report, which contain a discussion of the issues considered in the development of the final regulations and a list of the participants, is available upon request. Requests should be sent to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

These rules are issued under the authority of Subtitle IV of Title 49, United States Code and 5 U.S.C. 552, 553, and 559 (The Administrative Procedure Act).

Issued in Washington, D.C., on December 19, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham and Clapp, Vice Chairman Christian dissenting, Commissioner Brown absent and not participating.

H. G. HOMME, Jr.,  
Secretary.

**VICE CHAIRMAN CHRISTIAN (dissenting)**

I dissent from the majority's decision to require use of BOP-109. Our prior decision, served July 20, 1978, gave several good, practical reasons why use of BOP-109 would not be necessary. Today's decision does not state why those reasons are no longer valid. In addition, I am unpersuaded that enough of a practical problem exists to justify imposition of yet another form.

**RULE CHANGE**

49 CFR 1056 is amended by deleting present sections 1056.19 and .20 and by substituting for those sections the following:

**§ 1056.19 Reporting and disclosure requirements.**

(a) For the purposes of 1056.19, agents employed by or providing transportation services for any principal carrier shall be defined as follows:

(1) Prime agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide any transportation service for or on behalf of the principal carrier, including the selling of or arranging for any transportation service, and who perform such services on other than an emergency or temporary basis.

(2) Military agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services only on shipments transported on Government bills of lading issued by the Department of Defense, and who perform such services on other than an emergency or temporary basis.

(3) Temporary agents are defined as all agents who are permitted or required under the terms of any agreement or arrangement with a principal carrier to provide origin and/or destination services on behalf of the principal carrier, excluding the selling of or arranging for any transportation service, and who perform such services on an emergency or temporary basis.

(b) Each principal carrier must disclose the following information to each prospective prime agent and to each prospective military agent:

(1) The names under which the principal will do business.

(2) Official names and addresses and principal places of business of the principal carrier and any affiliated carrier (including prime and military agents that are carriers) that will engage in business with the prospective agent.

(3) A copy of Schedule 100 (Organization) to the principal carrier's most recent Motor Carrier Annual Report Form M-1 or M-2 (as appropriate).

(4) A balance sheet and a profit and loss statement for each year of the most recent 3-year period of the principal carrier's operations.

(5) A statement of the standards (if any) by which the principal carrier determines whether the agency should be terminated. If no such standards are generally applicable, the principal carrier must state either that the agency may be terminated at will or that standards governing termination are subject to negotiation between the principal carrier and the prospective prime agent.

(6) A complete statement of the rights and obligations of the principal and the agent, including rights and obligations with respect to training, advertising, claims handling, and frequency and method of payment. The principal carrier also must furnish a copy of its most recent performance report (as described in 49 CFR 1056.7(b)); state the number of vehicles in its vehicle fleet; and list the tariffs under which it operates.

(7) The names, addresses, and telephone numbers of the five agencies whose principal offices are in the closest geographic proximity to the prospective agent. If the principal maintains fewer than five agencies, it shall furnish a statement that it maintains fewer than five agencies.

(8) A statement of the territorial protection offered by the principal carrier or a statement that no such territorial protection is offered.

(9) A statement of the training required of the agent and its employees and the rules and regulations with which the agent and its employees must be familiar and for which they must be responsible.

(10) A statement concerning the methods (if any) by which disputes between the principal and its agents are settled.

(c) The information required by subsection 1056.19(b) must be received in writing by a prospective prime or military agent prior to the signing of an agency agreement, and the principal must obtain a receipt for that written information, signed by the prospective agent on the date of its receipt.

(d) Agreements between principal carriers and their prime or military agents must be reduced to writing and signed by the principal and the prime agent, and copies of any such agreements must be retained in the files of the principal carrier.

(e) Each principal carrier must report to the Commission within 20 days of the making of any agreement between itself and a prime or military agent the information specified in (1) through (7) below. The data required shall be reported to the Commission on form BOp-109. Any change in the information described in parts (1), (2), and (3) below must be reported to the Commission within 20 days of such change. Each principal carrier must maintain a record of all changes in the information described in parts (1) through (7) below.

(1) Name, address and MC number of principal carrier.

(2) Name, including trade names, if any, address, telephone number and MC number, if any, of agent.

(3) Date of agency agreement and identification of the agreements as being either prime or military.

(4) A list of all addresses at which agent proposes to conduct operations under the agency agreement with the carrier listed under item (1) and the name under which the agent operates at each listed address.

(5) A definite statement that the agent, or any other business owned or controlled by the agent, *does* or *does not* represent any motor carrier other than the carrier listed under item (1) as a prime agent. If the agent, or any other business owned or controlled by the agent, *does* represent any carrier other than the carrier listed under item (1) under a prime agency agree-

ment, the name, including trade name(s), address(es) of the agency, and the name of all carriers represented must be listed.

(6) If the agent, or a business owned or controlled by the agent, represents another carrier not listed in item (1) under a prime agency agreement, the carrier must file a statement describing the conditions prevailing within the agreements which preclude the agent from operating as a broker of household goods in contravention of 49 U.S.C. 10924.

(7) A statement of the means by which the principal carrier will police the operations of the agent or a statement that the carrier has previously filed a statement or description of its agent policing or supervision program with the Commission.

The report must be signed by the person responsible for completing it, and shall contain the following statement above that person's signature: "I certify in signing the foregoing statement that I am aware that anyone who in any matter within the jurisdiction of any agency of the United States makes or uses any false, fictitious, or fraudulent writing may be subject to prosecution and fined up to \$10,000 and imprisoned for up to 5 years. 18 U.S.C. 1001." When the prime or military agent holds operating authority from this Commission in its own right, the principal carrier need not report information which the prime or military agent has already listed in a report filed under this subsection.

(f) Each principal carrier must report termination of any prime or military agent to the Commission within 20 days of that termination.

#### § 1056.20 Responsibility of principal carriers for acts of agents.

(a) Each principal carrier shall be absolutely responsible for all acts or omissions of any of its agents which relate to the performance of household goods transportation services (including accessorial or terminal services) in interstate or foreign commerce when those services are held out or performed for the principal carrier or when the shipper is led to believe that those transportation services would be performed by the principal carrier.

(b) Each principal carrier shall use due diligence and reasonable care in selecting and maintaining agents who are sufficiently knowledgeable, fit, willing, and able to provide adequate household goods transportation services (including accessorial and terminal services) and to fulfill the obligations imposed upon them by the Commission and by their principal.

## RULES AND REGULATIONS

[7035-01-C]

Reporting Form

Interstate Commerce Commission  
Bureau of Operations  
REPORT OF AGENCY RELATIONSHIPS

Date

In accordance with the requirements contained in Part 1056.19(e), Title 49 Code of Federal Regulations, the following information is submitted to the Interstate Commerce Commission, Bureau of Operations, Washington, D. C. 20423.

## I. PRINCIPAL CARRIER

NAME	MC NUMBER
ADDRESS	

## II. AGENT

NAME	MC NUMBER
ADDRESS	TELEPHONE NO.

## III. AGREEMENT

DATE	TYPE
	<input type="checkbox"/> Prime <input type="checkbox"/> Military

## IV. LIST ALL LOCATIONS AGENT PROPOSES TO OPERATE UNDER THIS AGREEMENT. Use additional page, if necessary.

NAME	ADDRESS
NAME	ADDRESS

V. If any carriers, other than the carrier filing this report, are represented by the agent, or by any other business owned or controlled by the agent, identified under Item II, under prime agency agreements, list the carriers represented and the name of the agent or affiliate representing each carrier listed. If no other carriers are represented under prime agency agreements, insert "none" in space provided. Use extra page, if necessary.

AGENT NAME	CARRIER REPRESENTED
ADDRESS	

VI. DISCLOSE RESTRICTIONS CONTAINED IN AGREEMENT THAT PRECLUDE AGENT FROM OPERATING IN CONTRAVENTION OF SECTION 211 OF THE INTERSTATE COMMERCE ACT.

VII. AGENCY POLICING STATEMENT  IS ATTACHED  WAS PREVIOUSLY SUBMITTED.

CERTIFICATION: I certify in signing the foregoing statement that I am aware that anyone who, in any matter within the jurisdiction of any agency of the United States makes or uses any false, fictitious, or fraudulent writing may be, subject to prosecution and fined up to \$10,000 and imprisoned for up to five years. 18 U.S.C. § 1001.

SIGNATURE OF owner, partner, or responsible corporate official of carrier.	TITLE
--	-------

NOTICE - It is the responsibility of the principal carrier to complete and furnish this form to the Interstate Commerce Commission.

[FR Doc. 79-299 Filed 1-2-79; 8:45 am]

FEDERAL REGISTER, VOL. 44, NO. 2—WEDNESDAY, JANUARY 3, 1979

[7035-01-M]

[Ex Parte No. 282 (Sub-No. 2)]

**PART 1111—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS AND LEASE PROCEDURES**

**Railroad Consolidation Procedures, General Policy Statement**

AGENCY: Interstate Commerce Commission.

ACTION: Statement of policy.

SUMMARY: This policy statement describes how the Commission will treat certain aspects of applications seeking approval of the consolidation of major railroad systems. It is intended to assist parties planning or participating in railroad consolidation proceedings. The policy statement discusses criteria to be applied in considering applications; public interest considerations; public participation; inclusion of other carriers; labor protection; and procedural matters.

DATES: The policy statement will be effective February 2, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Richard Schiefelbein, (202) 254-6983.

**SUPPLEMENTARY INFORMATION:** On April 14, 1978, we published a proposed general policy statement on railroad consolidation procedures (43 FR 15753). The proposed policy statement was prepared after an extensive study was completed by the Rail Services Planning Office (RSPO). The RSPO study culminated in the publication of a document, entitled *Rail Merger Study, Final Report*, which was published February 1, 1978. That document recommended that we adopt a general policy statement to advise potential participants in railroad consolidation proceedings of our role and principal concerns.

In adopting this policy statement we have considered the comments offered by parties at all stages of the RSPO study. As a result of these comments and the comments submitted on the proposed policy statement published in April, some relatively minor changes have been made in order to clarify the intent of the policy statement and to simplify its language. Two changes affect the entire statement. First, in most cases, the word "consolidation" has been substituted for the word "merger". Second, citations to the Interstate Commerce Act are to the Recodified Act (Public Law 95-473), which was signed into law October 17, 1978. Other changes are dis-

cussed below in the order in which they appear in the policy statement.

**General.** Several of the comments have questioned the necessity, purpose, and effect on substantive law of this policy statement. We emphasize that we are adopting a policy statement, not a regulation. The statement is intended to offer guidance to parties planning and participating in railroad consolidation proceedings. We believe it will aid in the preparation and presentation of evidence. It does not establish a binding norm, and it is not finally determinative of the issues or rights which it discusses. When the policy enunciated in the statement is applied in a specific proceeding, parties to that proceeding will have the opportunity to challenge or support the policy through appropriate evidence or argument.

**Consolidation criteria.** This section of the policy statement has been modified to include a reference to the criteria which the Interstate Commerce Act requires us to consider in consolidation proceedings. In addition to the statutory criteria, the policy statement lists seven others which we will consider. Two minor changes have been made in the proposed criteria. First, we have added intermodal competition as one of the factors to be considered. Second, we have eliminated the labor protection criterion because it is one of the statutory criteria which we must consider.

It should be emphasized that the list of criteria is not intended to be a ranking of priorities. We recognize the need to balance considerations which sometimes may conflict. Furthermore, the weight given to each individual criterion may vary in different consolidation proceedings.

**Inclusion.** One of the comments expressed concern that the Commission would require inclusion in a consolidated system of a portion of another railroad without its consent. Transactions under section 11344 and 11346 are consensual. We can impose conditions upon our approval of a consolidation proposal, but we cannot require the applicants to consummate the transaction, nor can we require another railroad to relinquish parts of its system to a consolidated system. Thus the Commission may not force an inclusion, except to the extent parties involved are willing to accept the inclusion in order to obtain a decision approving their consolidation proposal.

Inclusion is an extreme measure. A party seeking inclusion must establish that there is no other reasonable alternative for preserving essential services, that the facilities to be included fit operationally into the merged system, and that inclusion can be accomplished without endangering the fi-

nancial success of the consolidated system. Clear and precise quantitative data must be produced.

**Labor protection.** The Commission has a duty to require a fair and equitable arrangement to protect the interest of railroad employees affected by a proposed transaction. If a bargaining agreement is reached between the parties, we have a duty to review the adequacy of its protective provisions. An adequate agreement must contain provisions no less protective of the interest of the employees than those imposed previously under section 11347 and those established pursuant to section 405 of the Rail Passenger Service Act (45 U.S.C. 565). This is the statutory minimum level of protection required either by an agreement or our imposition of conditions.

We favor voluntarily negotiated labor protection agreements, tailored to the particular transaction and addressing the concerns of affected employees. However, in the absence of such an agreement, we will ordinarily impose the protection prescribed by statute. In this manner, similarly situated employees may expect to be treated equally when we must fashion the protection. Of course, in each case, parties will have the opportunity to establish that special circumstances require the imposition of a greater level of protection to achieve a fair and equitable arrangement.

**Inclusion in section 11346 proceedings.** The comments expressed some confusion regarding the Commission's authority to condition a section 11346 transaction on inclusion. A petition for inclusion may not be filed in response to an application filed under section 11346 of the Act. The legislative history is clear: " \* \* \* the Commission is directed to approve, disapprove, or modify the application before it, based on the public interest test and without concerning itself with inclusion applications \* \* \*." *H.R. Rep. No. 94-781*, 94th Cong., 2d Sess. 175 (1976). "Also, under the proposed procedure the carriers attempting to merge would be able to propose their merger to the Commission without fear of inclusion petitions." *H.R. Rep. No. 94-725*, 94th Cong. 2d Sess. 63 (1975).

However, section 11346(d)(2) authorizes the Commission to approve a transaction " \* \* \* with conditions and modifications that it determines are in the public interest." When discussing protective conditions, we have stated that " \* \* \* of these conditions, requiring inclusion of another railroad in the system resulting from the transaction, is the greatest amount of protection we can provide short of denying the proposal." *Ex Parte No. 282 (Sub-No. 1A), Railroad Consolidation Procedures* (not printed), decided March 23, 1978.

*Applications for control under section 11346.* Section 11346(a) permits rail carriers subject to the Act or the Secretary of Transportation to seek " \* \* \* approval of a merger, consolidation, unification or coordination project \* \* \*, joint use of tracks or other use of facilities, or acquisition or sale of assets \* \* \*." The section does not specifically provide for railroads to seek approval for control transactions. We believe that it should be possible to initiate control transactions under this section of the Act, and we see no indication that Congress intended them to be excluded. Therefore, we will consider control transactions proposed under section 11346(a) of the Act, in addition to those transactions specifically listed in that section.

This decision is not a major Federal action significantly affecting the quality of the human environment or energy consumption.

Parties participating in this stage of this proceeding were: the United States Department of Transportation; the Office of Rail Public Counsel; the Iowa Department of Transportation; Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor; William M. Gibbons, Trustee of the Property of the Chicago, Rock Island and Pacific Railroad Company, Debtor; the Norfolk and Western Railway Company; the Soo Line Railroad Company; the Southern Railway System; the Western Pacific Railroad Company; the Railway Labor Executives' Association; John W. McGinness, Illinois Legislative Director of the United Transportation Union; and Garvey, Inc.

*It is ordered:* Part 1111 of Title 49 of Chapter X of the Code of Federal Regulations is amended by the addition of new § 1111.10 General Policy Statement, set forth below.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham, and Clapp.

H. G. HOMME, JR.,  
Secretary.

#### § 1111.10 General Policy Statement.

(a) *General.* The Interstate Commerce Commission encourages the rationalization of railroad facilities and the reduction of excess rail capacity through private industry initiatives rather than active government intervention. The Commission favors consolidations where operating efficiencies will occur, marketing opportunities will be enhanced, essential rail services will be retained, and competition will not be unnecessarily diminished. The Commission also encourages other means of attaining these ends, including the joint use of rail

facilities and the use of run-through trains. It does not favor rail industry restructuring through the exercise of managerial and financial control unless the controlling entity assumes full responsibility for carrying out the operating railroad's common carrier obligation to provide adequate service upon reasonable demand.

(b) *Consolidation Criteria.* The Commission's consideration of rail consolidation proposals is governed by the criteria prescribed in sections 11344 and 11346 of the Interstate Commerce Act and by the National Transportation Policy set forth in section 10101 of the Act. In addition to the statutory criteria, the Commission will consider:

(1) Whether essential rail services will continue to be provided, either by the consolidating companies or by other railroads which may be affected by the consolidation ("essential services" include, but are not limited to, those required by the national defense and those shown necessary to achieve other established national goals, such as energy conservation and rural and community development);

(2) Whether opportunities to achieve operating efficiencies will be increased;

(3) Whether redundant facilities will be eliminated;

(4) Whether the ability of the consolidated system to attract new business will be enhanced;

(5) Whether the consolidated company will be financially viable;

(6) Whether effective inter- and intramodal competition will be maintained wherever economic realities make it possible; and

(7) Whether there will be any adverse impact on the environment of the region served.

(c) *Public interest considerations.* Individual rail consolidation proposals may have a profound impact upon the national rail system. The Commission will examine each proposal in light of the significant public policy issues raised. In deciding whether to approve a railroad consolidation application the Commission will examine the effect which the proposed consolidation would have on the total rail system and the needs of the users of rail service. Proposals which fail to take advantage of potential long-run efficiencies, or to provide for the utilization of the most efficient and best located rail facilities, may be denied as not being in the public interest, or approved only subject to conditions. The Commission interprets the public interest tests under sections 11344 and 11346 of the Act to be the same.

(d) *Public participation.* In an effort to assure a fully developed record on the impacts of a proposed railroad consolidation, the Commission will—

(1) Encourage participation in railroad consolidation proceedings by other government departments and agencies, particularly those with direct responsibility for issues related to the nation's defense needs, transportation policies, environmental and energy policies, rural and urban needs, employment policies, and business development;

(2) Encourage participation by State and local governments and regional and local planning bodies;

(3) Permit participation by interested persons;

(4) Assure that environmental and energy issues are adequately addressed; and

(5) Provide, if necessary, for the intervention of Commission staff to develop the record.

(e) *Inclusion of other carriers pursuant to section 11344(c).* (1) The Commission believes that the railroad consolidation process should not be used as a means for preserving the systems of financially weak and marginal railroads or for protecting them from undergoing reorganization, if necessary, under the bankruptcy laws. The Commission is concerned with the preservation of service, not of companies or railroad systems, and will, therefore, use its powers to condition approval of a railroad consolidation upon the acceptance of inclusion of all or parts of other railroad systems only when it can be shown that there is no other reasonable alternative for preserving essential services; that the facilities to be included fit operationally into the new system; and that inclusion can be accomplished without endangering the operational or financial success of the new company. Application of these criteria will mean that requests for inclusion of an entire railroad system are less likely to be successful than those offering more limited, and clearly identified, facilities for acquisition by the railroad consolidation partners.

(2) The Commission recognizes that a particular consolidation of strong carriers could worsen the condition of other railroads to the extent that they could not survive. In such a situation, the Commission will attempt to assess the impact of a particular carrier's being forced into reorganization or having to terminate service. If it appears that the end result of a proposed railroad consolidation would be the permanent cessation of essential services by some other railroad, the Commission may deny the consolidation application or condition its approval upon the willingness of the applicants to restructure their proposal.

(f) *Labor protection.* The Commission encourages voluntary negotiation of labor protective conditions in individual rail consolidation proceedings. The Commission will, however, review

negotiated agreements to assure that they provide adequate protection for railroad employees and do not jeopardize the future viability of the consolidated company. In the absence of a negotiated settlement, labor protective conditions will normally provide for protection at the level mandated by law, unless it is proven that more stringent protection is required to provide a fair and equitable arrangement to protect the interests of the railroad employees adversely affected.

(g) *Procedures.* (1) Generally the Commission will consider applications on an individual basis in order to expedite the proceeding and insure compliance with the statutory time limits. However, related applications by protestants seeking protection from the proposed consolidation will normally be consolidated with the primary application. Other related applications, such as those seeking inclusion or trackage rights, may also be consolidated. Other applications in the same geographic area may be consolidated when appropriate, if they are in similar procedural stages, have common parties, and involve potential cumulative and crossover effects on those parties.

(2) The Commission will not accept petitions for inclusion in proceedings governed by section 11346 of the Act. If, however, the record in such a proceeding showed that a transaction would be in the public interest only if some or all of another carrier's system were included to preserve essential rail services, the Commission would consider conditioning its approval of the transaction on the inclusion.

(3) The Commission will accept applications for control under section 11346 of the Act, in addition to the transactions specified in that section.

(h) *Expiration date.* Unless previously extended by the Commission, this section expires January 3, 1984.

NANCY WILSON,  
Acting Secretary.

[FR Doc. 79-178 Filed 1-2-79; 8:45 am]

[3522-10-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUND FISH (COD, HADDOCK, AND YELLOW-TAIL FLOUNDER)

Final Regulations

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Final regulations.

SUMMARY: These final regulations govern domestic fishing for Atlantic groundfish (cod, haddock, and yellow-tail flounder) and implement the fishery management plan for Atlantic groundfish, as amended (FMP). The regulations were proposed on October 4, 1978 (43 FR 45872) and were effective immediately as emergency regulations. On November 15, 1978, the emergency period was extended until December 29 (43 FR 53040). Public comment was invited through November 14.

EFFECTIVE DATE: December 29, 1978. Two versions of Appendix B are published, one in effect from December 29 to December 31, 1978, the other in effect beginning January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930 Telephone: (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP was amended by the New England Fishery Management Council (Council) to provide for management of Atlantic groundfish on the basis of a fishing year commencing on October 1. Other minor amendments were also made by the Council. These were all approved by the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration (NOAA). In addition, a Secretarial amendment revising the incidental catch allowance at the request of the Council was approved.

The amendments to the FMP were designed by the Council to stabilize management of the fishery until a new management plan for the fishery could be developed and implemented. The history of management in this fishery since the FMP first took effect in March 1977 has been a series of rapid emergency actions, each designed to address short-term problems. The FMP did not anticipate the rapid influx of new vessels into the fishery, high demand for groundfish in the marketplace, or generally favorable weather. Each of these factors has exerted unforeseeable pressures on the fishery.

The Council has determined to take a fresh look at management of this very complex fishery and to formulate a more effective scheme.

The recent amendments to the FMP, and these regulations, are intended to provide interim management while the new FMP is being prepared.

PUBLIC COMMENTS

Only three letters were received from the general public commenting on the proposed regulations. The proposed regulations were also discussed by the Council's Groundfish Oversight Committee at its public meeting held in Peabody, Massachusetts on November 13, 1978. The comments are summarized and responses appear below.

A. *Permits.* One commenter suggested that a fisherman be allowed to fish while his application for a permit is being processed, since the 30-day processing period provided by the regulations could prove to be an undue delay for a new vessel. Our experience has been that the permit issuance process does not take the full 30-day period and that, when necessary, permits have been processed on a priority basis. Further, a permit may be applied for before a vessel is actually ready to go fishing, that is, as soon as the vessel has been officially documented and/or receives a valid state registration number. Therefore, no change has been made in this part of the regulations.

B. *Vessel Classes.* A number of comments were received concerning the vessel class allocation system. One was that the distinctions between classes should be maintained throughout the year, so that no vessel class is required to bear the burden for excess fishing by another class. Although § 651.20(d) has been clarified so that adjustments are made within classes as much as possible, some classes may have to be closed before their allocations have been reached at the end of the year in order to prevent exceeding the overall annual quota. The Council has clearly indicated that the overall annual quota for the fishery should not be exceeded.

It was also suggested that classes should be treated differently with respect to the timing of closures, since reduced weekly catch limitations are more disruptive than closures for some vessel classes. The regulations provide a range of considerations for determining when the catch limitation adjustments and closures should be applied. Thus, the Assistant Administrator for Fisheries has the authority to reduce weekly catch limits to avoid closures, but he also has the option of allowing continued "open" fishing which may result in an early closure. These management tools will be applied reasonably in each instance.

A question was also raised concerning the treatment of jig fishing or jigging. It was inappropriately included in the proposed regulations under recreational fishing. These final regulations place it in the fixed gear class.

C. *Gear.* One commenter suggested that fishermen should not be required to report every time they change their fishing gear. Especially in the case of small vessels, multiple gear is the rule rather than the exception. Section 651.4(b) is not intended to require such detailed reporting. A fisherman could specify a number of different types of gear in his initial permit application. However, whenever he plans to utilize additional types of gear not already noted on his permit, he should report it within 15 days.

Some fishermen have contended that the regulations allowed them to operate mobile gear and fixed gear at the same time, and claim weekly catch limit allowances for two vessel classes. The Council never intended to allow this. On November 8, 1978, the National Marine Fisheries Service, Northeast Region, issued a press release explaining that vessels may not claim weekly catch limit allowances for two vessel classes at the same time. These final regulations clearly state this intention in § 651.23(a).

A question arose concerning the treatment of Scottish seines under these regulations. This is a type of seine which is set but not pursued, and then is towed aboard the fishing vessel. Because the gear fishes by moving through the water, it is treated as mobile gear.

D. *Reporting.* One commenter stated that the catch reporting requirements of the regulations were stringent and duplicative. All of the information which is required to be reported is necessary for the establishment and maintenance of an adequate data base for management. Much of it is required by the Fishery Conservation and Management Act of 1976 (the Act). These reporting requirements have not been changed in the final regulations.

E. *Enforcement and Boarding procedures.* One comment was received concerning the requirements of § 651.8. The commenter questioned the applicability of the International Code of Signals and the mandatory boarding procedures to U.S. fishing vessels. The commenter suggested that instead of communicating by light signals, VHF-FM radio telephone be used. This is now the current standard practice prior to any boarding operations. The common signals in the regulations are included for the safety and information of vessel captains, should radio communication fail. NOAA, in conjunction with the U.S. Coast Guard, is presently considering all of the provisions

of § 651.8 in regard to the comment received. At this time, however, no changes are made to the regulations.

F. *Incidental Catch.* When the Council's FMP amendments were approved in September, 1978, the Assistant Administrator, on behalf of the Secretary, approved an amendment to the incidental catch provisions of the FMP. This amendment was made effective immediately in the emergency implementation of the regulations while the Council's statutory 45-day review period ran. No comments were received from the council. That amendment is, therefore, made final and implemented pursuant to section 304(c)(2) of the Act.

One comment was that the incidental catch limitation should be 4 percent or a certain poundage (depending on vessel class), whichever was greater; the proposed regulation only allowed the lesser amount. The difficulty with an open ended restriction based on the greater of alternatives is that overfishing can continue rather than be controlled. Some fishermen have indicated that the levels established by the regulations and implemented on October 1, 1978, are feasible as a true incidental catch in nonregulated fisheries. Those fishermen that insist on directing effort to cod and haddock after fisheries are closed will continue to have problems with this provision as written. The FMP amendment has not been modified; these regulations allow an incidental catch of 4 percent or a certain poundage, whichever is the lesser amount.

G. *Other Provisions.* One commenter suggested that the definition of "discard" in § 651.2 was difficult to understand. As a result, the definition has been revised to clarify the meaning of the no discard provision contained in § 651.7(e).

It was pointed out that the common form of listing latitude and longitude coordinates is to list latitude first; the regulations have been changed to do this.

The prohibition on fishing with modified midwater gear in the closed spawning area has been moved from the section on management measures to the prohibitions section.

The prohibition added to the Act by Pub. L. 95-354 has been added at § 651.7(t). This amendment to the Act deals with joint ventures between United States and foreign fishermen. In connection with this addition, a definition has been added to § 651.2 of the term "United States harvested fish."

A sentence has been added to § 651.24(a) to clarify the provision on closures. The Regional Director may anticipate the adjustment of quarterly quotas, based on preliminary catch

statistics, in order to project a closure date in the following quarter.

H. *The New Fishing Quarter.* Since the current fishing year began October 1, 1978, a number of closures have been effected pursuant to § 651.24. These appear in the first version of Appendix B and will remain in effect until January 1, 1979, when a new fishing quarter begins. The Assistant Administrator has determined that, except as noted hereafter, catch limits are restored to the levels in effect of October 1. The exception is a closure in the Gulf of Maine for vessels in the over 125 GRT vessel class. The catch limits effective January 1 appear in the second version of Appendix B at the end of the regulations.

Since most vessel classes exceeded their allocations for the first quarter, the amounts of the overages will be deducted from subsequent quarters pursuant to § 651.20(d)(2). The exact amounts will not be known until the complete statistics are available in mid-January.

Specific revisions to the proposed regulations follow:

1. In § 651.2, the definition of "discard" is revised to read as follows: "Discard means to throw away, cast back, or return to the sea any fish that has been caught. The removal and release of a live fish before that fish is brought on board a vessel is not a discard. Failure to retain any live fish once it is on board a vessel, or the failure to retain any dead fish, is a discard."

2. In § 651.2, the definition of "Fixed gear" is revised to read as follows: "Fixed gear includes, but is not limited to, all gill nets, long lines, line trawls, and jig lines."

3. In § 651.2, add the following definition in its appropriate alphabetical order: "United States harvested fish means fish caught, taken, or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Act."

4. Section 651.21(c) is eliminated, and the following is added to § 651.7: "(b) While fishing in closed areas I or II, attach any protective device to midwater fishing gear or employ any modification to any gear that would, in effect, make it possible to fish for groundfish." Former §§ 651.7(b) through (r) are renumbered accordingly; former § 651.7(s) is renumbered as § 651.7(u).

5. The following is added to § 651.7: "(t) transfer directly or indirectly, or attempt to so transfer, any United States harvested fish to any foreign fishing vessel within the FCZ unless the vessel has been issued a permit which authorizes the receipt by such vessel of United States harvested fish of the species concerned."

6. The following is added at the end of § 651.20(d): "To the extent possible, adjustments shall be made within appropriate vessel classes."

7. Section 651.21(a)(1) is revised to read as follows: "An area known as closed area I bounded by straight lines connecting the following coordinates in the order stated: 42°10'N., 69°55'W.; 41°10'N., 69°10'W.; 41°35'N., 68°30'W.; 41°50'N., 68°45'W.; 41°50'N., 69°00'W.; 42°10'N., 69°55'W."

Section 651.21(a)(2) is revised to read as follows: "An area known as closed area II bounded by straight lines connecting the following coordinates in the order stated: 42°20'N., 67°00'W.; 41°15'N., 67°00'W.; 41°15'N., 65°40'W.; 42°00'N., 65°40'W.; 42°20'N., 66°00'W.; 42°20'N., 67°00'W."

8. Section 651.22(a)(4) is amended to read as follows: "(4) Recreational."

9. The following new language is added at the end of § 651.23(a): "For any fishing trip, a vessel is entitled to the catch limitation for only one vessel class."

10. The language of § 651.23(d) is eliminated and replaced with the following: "The catch limitations in Appendix B govern the amount of cod and haddock which may be caught, taken, harvested or landed by domestic commercial fishermen using mobile or fixed gear during a fishing week."

11. The language of § 651.23(e) is eliminated and replaced with the following: "The catch limitations in Appendix B govern the amount of yellowtail flounder which may be caught, taken, harvested, or landed by domestic commercial fishermen during a fishing trip or during a fishing week, whichever time period is longer."

12. The following is added at the end of § 651.24(a): "When the Regional Director reasonably expects that adjustments to quarterly quotas under § 651.20(d) will be made in the following quarter, he may anticipate those adjustments in projecting closure dates."

NOTE.—The Assistant Administrator finds that this is not a significant Federal action with respect to the National Environmental Policy Act of 1969; and does not require analyses under Executive Orders 11821, 11949, and 12044.

Signed at Washington, D.C., this 28th day of December, 1978.

WINFRED H. MEIBOHM,

Acting Executive Director,

National Marine Fisheries Service.

Part 651 is adopted as final to read as set forth below:

#### Subpart A—General

- Sec.  
651.1 Purpose and scope.  
651.2 Definitions.  
651.3 Relation to other laws (reserved).  
651.4 Vessel Permits.

- 651.5 Recordkeeping and reporting requirements.  
651.6 Vessel identification.  
651.7 Prohibitions.  
651.8 Enforcement.  
651.9 Penalties.

#### Subpart B—Management Measures

- 651.20 General limitations.  
651.21 Closed areas.  
651.22 Vessel class and gear limitations.  
651.23 Catch limitations.  
651.24 Closures.

AUTHORITY: 16 U.S.C. 1801 et seq.

#### Subpart A—General

##### § 651.1 Purpose and scope.

The regulations in this part govern fishing for groundfish by fishing vessels of the United States within that portion of the Atlantic Ocean over which the United States exercises exclusive fishery management authority. These regulations implement the Atlantic groundfish fishery management plan developed by the New England Management Council.

##### § 651.2 Definitions.

Some definitions in the Act have been repeated here to aid understanding of the regulations. In addition to the terms defined in the Act, the terms used in this part shall have the following meanings:

*Act* means the Fishery Conservation and Management Act of 1976, 16 U.S.C. 1801-1882, as amended.

*Assistant Administrator* means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, or an individual to whom appropriate authority has been delegated.

*Authorized Officer* means:

(a) Any commissioned, warrant, or petty officer of the United States Coast Guard;

(b) Any certified enforcement officer or special agent of the National Marine Fisheries Service;

(c) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary and the Commandant of the Coast Guard to enforce the provisions of the Act; or

(d) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (a) of this definition.

*Catch, take or harvest* includes, but is not limited to, any activity which results in killing any fish, or bringing any live fish on board a vessel.

*Discard* means to throw away, cast back, or return to the sea any fish that has been caught. The removal and release of a live fish before that fish is brought on board a vessel is not a discard. Failure to retain any live fish once it is on board a vessel, or the

failure to retain any dead fish, is a discard.

*Fishery Conservation Zone (FCZ)* means that area adjacent to the United States which, except where modified to accommodate international boundaries, encompasses all waters from the seaward boundary of each of the coastal States to a line on which each point is 200 nautical miles from the baseline from which the territorial sea of the United States is measured.

*Fishing* means any activity, other than scientific research activity conducted by a scientific research vessel, which involves:

(a) The catching, taking, or harvesting of fish;

(b) The attempted catching, taking, or harvesting of fish;

(c) Any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(d) Any operations at sea in support of, or in preparation for, any activity described above.

*Fishing vessel* means any vessel, boat, ship or other craft which is used for, equipped to be used for, or of a type which is normally used for: (a) Fishing; or (b) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation or processing.

*Fishing week* means the weekly period running from 0001 hours Sunday through 2400 hours Saturday.

*Fixed gear* includes, but is not limited to, all gill nets, longlines, line trawls, and jig lines.

*Georges Bank and South* means that area of the Northwest Atlantic Ocean subject to the fishery jurisdiction of the United States, except the Gulf of Maine.

*Groundfish* means any cod (*Gadus morhua*), haddock (*Melanogrammus aeglefinus*), or yellowtail flounder (*Limanda ferrugineo*).

*Gulf of Maine* means that portion of the Northwest Atlantic Ocean north of 42°20' North latitude, plus that area south of 42°20' North latitude which is west of 70°00' West longitude and which is bounded on the south by the northern shore of Cape Cod.

*Land* means to begin offloading fish, or to arrive in port with the intention of offloading fish.

*Operator*, with respect to any vessel, means the master or other individual on board and in charge of that vessel.

*Owner*, with respect to any vessel, means:

(a) Any person who owns that vessel in whole or in part;

(b) Any charterer of the vessel, whether bareboat, time or voyage;

(c) Any person who acts in the capacity of a charterer, including but

not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel; or

(d) Any agent designated as such by any person in (a), (b), or (c).

*Person* means any individual (whether or not a citizen or national of the United States), corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State), and any Federal, State, local or foreign government or any entity of any such government.

*Regional Director* means the Regional Director, Northeast Region, National Marine Fisheries Service, or his designee.

*Regulated Species* means any species for which fishing by a vessel of the United States is regulated pursuant to the Act.

*Trip* means a period of time during which fishing is conducted, beginning when the vessel leaves port and ending when the vessel begins to offload fish in port.

*United States harvested fish* means fish caught, taken, or harvested by vessels of the United States within any foreign or domestic fishery regulated under the Act.

*Vessel of the United States* means:

(a) Any vessel documented or numbered by the Coast Guard under United States law; or

(b) Any vessel, under five net tons, which is registered under the laws of any State.

#### § 651.3 Relation to Other Laws [Reserved].

#### § 651.4 Vessel permits.

(a) *General.* Any vessel of the United States fishing for groundfish must have a permit under this Part.

(b) *Application.* (1) An application for a vessel permit for the groundfish fishery shall be submitted and signed by the vessel owner on an appropriate form, which may be obtained from the Regional Director. The application shall be submitted to the Regional Director, prior to the date on which the applicant desires to have the permit made effective.

(2) Applicants shall provide all of the following information:

(i) The name, mailing address, and telephone number of the applicant and the vessel's master;

(ii) The name of the vessel;

(iii) The vessel's United States Coast Guard documentation number or State license number;

(iv) The home port, gross tonnage, and net tonnage of the vessel;

(v) The engine horsepower of the vessel;

(vi) The approximate fish-hold capacity of the vessel in pounds;

(vii) The type and quantity of fishing gear used by the vessel; and

(viii) The size of the crew, which may be stated in terms of a range.

(c) *Issuance.* (1) Upon receipt of a completed application, the Regional Director shall issue a permit within 30 days.

(2) Upon receipt of an incomplete or improperly executed application, the Regional Director shall notify the applicant of the deficiency in the application. If the applicant fails to correct the deficiency within ten days following the date of notification, the application shall be considered abandoned.

(d) *Expiration.* A permit shall expire when the owner or name of the vessel changes.

(e) *Duration.* A permit shall continue in full force and effect until it expires or is revoked, suspended, or modified pursuant to 50 CFR Part 621.

(f) *Alteration.* Any permit which has been substantially altered, erased, or mutilated shall be invalid.

(g) *Replacement.* Replacement permits may be issued. An application for a replacement permit shall not be considered a new application.

(h) *Transfer.* Permits issued under this part are not transferable or assignable. A permit shall be valid only for the vessel for which it is issued.

(i) *Display.* Any permit issued under this Part must be carried on board the fishing vessel at all times. The permit shall be displayed for inspection upon request of any Authorized Officer.

(j) *Revocation.* Subpart D of 50 CFR Part 621 shall govern the imposition of sanctions against a permit issued under this Part. As specified in that Subpart D, a permit may be revoked, modified, or suspended if the vessel for which the permit is issued is used in the commission of an offense prohibited by the Act or by this part; or if a civil penalty or criminal fine imposed under the Act and pertaining to such a vessel is not paid.

(k) *Fees.* No fee is required for any permit under this part.

(l) *Change in Application Information.* Any change in the information specified in paragraph (b) of this section shall be reported to the Regional Director within 15 days of the change.

#### § 651.5 Recordkeeping and reporting requirements.

(a) *Fishing vessel records.* (1) The operator of any fishing vessel conducting any fishing operation subject to this part shall:

(i) Maintain an accurate and complete fishing logbook on forms supplied by the Regional Director, according to the requirements of § 651.5(a)(2);

(ii) Make the fishing logbook available for inspection by an Authorized Officer, or any employee of the Na-

tional Marine Fisheries Service designated by the Regional Director to make such inspection, at any time during or after a trip;

(iii) Keep each fishing logbook for one year after the date of the last entry in the logbook; and

(iv) Submit fishing logbook reports, as specified in § 651.5(a)(2).

(2) The owner or operator of any fishing vessel conducting any fishing operation subject to this part shall submit a complete fishing logbook report to the Regional Director within 48 hours after the end of any fishing week or fishing trip, whichever is the longer time period. Fishing logbooks shall contain information on a daily basis for the entirety of any trip during which any regulated species are caught, and shall contain information for all fish which are caught.

(3) The Assistant Administrator may revoke, modify, or suspend the permit of a vessel whose owner or operator falsifies or fails to submit the records and reports prescribed by this section, in accordance with the provisions of 50 CFR Part 621.

(b) *Fish Dealer or Processor Reports.* Any person who receives groundfish for a commercial purpose from a fishing vessel subject to this part shall:

(1) File a report with the Regional Director on forms supplied by him, within 48 hours of the end of any fishing week. Such report shall include information on all transfers, purchases or receipts of all fish made during that fishing week; and

(2) Permit an Authorized Officer, or any employee of the National Marine Fisheries Service designated by the Regional Director to make inspections, to inspect any records of transfers, purchases or receipts of groundfish.

#### § 651.6 Vessel identification.

(a) *Official Number.* Each fishing vessel subject to this Part over 25 feet in length shall display its Official Number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from above. The Official Number is the documentation number issued by the Coast Guard or the certificate number issued by a State or by the Coast Guard for undocumented vessels.

(b) *Numerals.* The Official Number shall be permanently affixed to each vessel subject to this Part in contrasting block Arabic numerals at least 18 inches in height for vessels over 65 feet and at least 10 inches in height for all other vessels over 25 feet in length.

(c) *Vessel length and number.* The length of a vessel, for purposes of this section, shall be that length set forth by Coast Guard or State records.

(d) *Duties of operator.* The operator of each vessel subject to this part shall:

(1) Keep the identifying markings clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the Official Number from an enforcement vessel or aircraft.

(e) *Nonpermanent markings.* Vessels carrying fishing parties on a per capita basis or by charter shall use markings that meet the above requirements, except for the requirement that they be permanently affixed. The nonpermanent markings shall be displayed in conformity with the above requirements when the vessel is fishing for groundfish.

#### § 651.7 Prohibitions.

It is unlawful for any person to:

(a) Fish for, take, catch or harvest any groundfish in an area specified in § 651.21 during a period in which that area is closed, unless allowed by that section;

(b) While fishing in closed areas I or II, attach any protective device to mid-water fishing gear or employ any modification to any gear that would, in effect, make it possible to fish for groundfish;

(c) Fish for, take, catch, harvest or land any groundfish during a closure under § 651.24, except to the extent allowed by that section;

(d) Fish for, take, catch, harvest or land any groundfish in excess of the fishing vessel's applicable catch limitation, if any, established by § 651.23;

(e) Fish for, catch, take, harvest or land any groundfish caught with nets having smaller than the minimum mesh size allowed by § 651.22 except as provided for under § 651.22(e);

(f) Discard, at sea, any groundfish;

(g) Use any vessel for taking, catching, harvesting or landing of any groundfish unless the vessel has a valid permit issued pursuant to this part, and the permit is on board the vessel;

(h) Fail to report to the Regional Director, within 15 days of any such change, any change in the information contained in a permit application for a vessel;

(i) Falsify or fail to make, keep, maintain, or submit any logbook, or other record or report required by this part;

(j) Refuse to permit an Authorized Officer, or any employee of the National Marine Fisheries Service designated by the Regional Director to make such inspections, to inspect any logbooks or records relating to the taking, catching, harvesting, landing, purchase or sale of any groundfish;

(k) Make any false statement, oral or written, to an Authorized Officer, concerning the taking, catching, har-

vesting, landing, purchase, sale or transfer of any groundfish;

(l) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, import, or export any groundfish taken in violation of the Act, this part, or any other regulation promulgated under the Act;

(m) Fail to affix and maintain permanent or nonpermanent markings as required by § 651.6;

(n) Refuse to permit an Authorized Officer to board a fishing vessel subject to such person's control for purposes of conducting any search or inspection in connection with the enforcement of this Act, this part, or any other regulation promulgated under the Act;

(o) Forcibly assault, resist, oppose, impede, intimidate or interfere with any Authorized Officer in the conduct of any inspection or search described in paragraph (n) of this section;

(p) Resist a lawful arrest for any act prohibited by this part;

(q) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, with the knowledge that such other person has committed any act prohibited by this part;

(r) Interfere with, obstruct, delay, or prevent by any means the lawful investigation or search in the process of enforcing this Act;

(s) Fail to comply with enforcement and boarding procedures specified in § 651.8;

(t) Transfer directly or indirectly, or attempt to so transfer, any United States harvested fish to any foreign fishing vessel within the FCZ unless the foreign vessel has been issued a permit which authorizes the receipt by such vessel of United States harvested fish of the species concerned;

(u) Violate any other provision of this Part, the Act, or any other regulation promulgated pursuant thereto.

#### § 651.8 Enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to this part shall immediately comply with instructions issued by an Authorized Officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, logbook, and catch for purposes of enforcing the Act and this part.

(b) *Signals.* Upon being approached by a Coast Guard cutter or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of a fishing vessel shall be alert for signals conveying enforcement instructions. The following signals extracted from the International Code of Signals are among those which may be used:

(1) "L" meaning "You should stop your vessel instantly."

(2) "SQ3" meaning "You should stop or heave to; I am going to board you," and

(3) "AA AA AA etc.," which is the call to an unknown station, to which the signaled vessel must respond by illuminating the vessel identification required by § 651.6(a).

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way so as to permit the Authorized Officer and his/her party to come aboard;

(2) Provide a ladder for the Authorized Officer and his/her party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as are necessary to ensure the safety of the Authorized Officer and his/her party and to facilitate the boarding.

#### § 651.9 Penalties.

Any person or fishing vessel found to be in violation of this Part will be subject to the civil and criminal penalty provisions and forfeiture provisions of the Act, and to 50 CFR Parts 620 (Citations) and 621 (Civil Procedures), and other applicable Federal law.

#### Subpart B—Management Measures

##### § 651.20 General limitations.

(a) *Fishing year.* The fishing year for groundfish begins on October 1 and ends on September 30.

(b) *Headboat and charter boat quotas.* Quotas limiting the amount of groundfish which may be taken during the fishing year by headboats and charter boats are: For cod in the Gulf of Maine, 2,500 metric tons; for haddock in all areas, 2,000 metric tons.

(c) *Other quotas.* Quarterly and annual quotas limiting the amount of groundfish which may be taken by commercial and recreational vessels subject to this part are set forth in Appendix A to this part. The quotas for cod and haddock apply only to commercial fishing vessels. The quotas for yellowtail flounder apply to commercial and recreational fishing vessels.

(d) *Adjustment of quarterly quotas.* The Assistant Administrator may adjust the quarterly quotas set forth in Appendix A in the following circumstances:

(1) If a quarterly quota is not reached, to add the surplus onto quotas in subsequent quarters;

(2) If a quarterly quota is exceeded, to deduct the overage from quotas in subsequent quarters.

To the extent possible, adjustments shall be made within appropriate vessel classes.

## § 651.21 Closed areas.

(a) *General.* Except as allowed by paragraph (b) of this section during the months of March, April and May, no person may fish for, catch, take or harvest any groundfish within the following areas:

(1) An area known as Closed Area I bounded by straight lines connected by the following coordinates in the order stated:

42°10' N., 69°55' W., 41°10' N., 69°10' W.;  
41°35' N., 68°30' W., 41°50' N., 68°45' W.;  
41°50' N., 69°00' W., 42°10' N., 69°55' W.

(2) An area known as Closed Area II bounded by straight lines connected by the following coordinates in the order stated:

42°20' N., 67°00' W., 41°15' N., 67°00' W.;  
41°15' N., 65°40' W., 42°00' N., 65°40' W.;  
42°20' N., 66°00' W., 42°20' N., 67°00' W.

(b) *Exceptions.* Paragraph (a) of this section shall not apply to:

(1) Vessels that fish in Closed Area I with hooks having a gape of not less than 1.18 inches;

(2) Vessels that fish in either Closed Area I or II or both using only the following fishing gear:

(i) Pot gear designed and used to take lobster; or

(ii) Dredges designed and used to take scallops.

## § 651.22 Vessel class and gear limitations.

(a) *Vessel classes.* The following vessel classes are established:

(1) Mobile Gear:

(i) 0-60 gross registered tons.

(ii) 61-125 gross registered tons.

(iii) Over 125 gross registered tons.

(2) Fixed Gear.

(3) Charter boats and headboats.

(4) Recreational.

(b) *Trawl nets.* Except as provided in paragraph (e) of this section, the minimum mesh size for any trawl net used by a vessel subject to this part is 5½ inches in the cod end, and 4½ inches in the body of the net.

(c) *Gill nets.* Except as provided in paragraph (e) of this section, the minimum mesh size for any gill net used by a vessel subject to this part is 5½ inches.

(d) *Mesh measurements.* Mesh sizes are measured when wet after use by a wedge-shaped gauge having a taper of two centimeters in eight centimeters and a thickness of 2.3 millimeters, inserted into the meshes under pressure or pull of five kilograms. The mesh size of the body of the net shall be the average of the measurements of any series of 20 consecutive meshes. The cod end shall be measured in the same manner at least 10 meshes from the lacings, beginning at the after end and running parallel to the long axis.

(e) *Exceptions.* The mesh size limitations contained in paragraphs (b) and (c) of this section do not apply to a

vessel which can demonstrate that its catch or groundfish for the entire trip:

(1) Is less than each of the following amounts:

(i) The larger of 1,000 pounds or 10 percent of the total fish landed, by weight, for any groundfish species;

(ii) The amount allowed under any applicable catch limitation established under § 651.23;

(iii) During a closure, the amount allowed under incidental catch provisions contained in § 651.24(d); and

(2) Includes at least 2,000 pounds of fish other than groundfish caught on the same trip (this subparagraph (2) does not apply to vessels in the northern shrimp fishery).

## § 651.23 Catch limitations.

(a) *General.* Appendix B to this part sets forth the catch limitations which govern fishing for groundfish. For any fishing trip, a vessel is entitled to the catch limitation for only one vessel class.

(b) *Overruns.* A mobile-gear vessel may overrun its applicable trip limitation for cod and haddock, as set forth in Appendix B. The amount of any overrun will be deducted from the vessel's limitation for the following week. No overruns are allowed for fixed-gear vessels or for yellowtail flounder.

(c) *Fishing weeks.* For purposes of this section, a vessel which is at sea during more than one fishing week may count its fish against any fishing week during which fishing was conducted on that trip. However, a vessel whose logbook fails to indicate when fishing was conducted shall have its fish counted against the fishing week in which they were landed.

(d) *Cod and haddock.* The catch limitations in Appendix B govern the amount of cod and haddock which may be caught, taken, harvested or landed by domestic commercial fishermen using mobile or fixed gear during a fishing week.

(e) *Yellowtail flounder.* The catch limitations in Appendix B govern the amount of yellowtail flounder which may be caught, taken, harvested or landed by domestic commercial fishermen during a trip or during a fishing week, whichever time period is longer.

(f) *Adjustments.* (1) The Assistant Administrator shall, upon a finding that any vessel class in any area is likely to exceed its quarterly quota for any species, adjust the limitations and overrun allowances set forth in Appendix B for any or all such species and vessel classes, if he finds such adjustment necessary to achieve any of the following purposes:

(i) To spread fishing effort over the entire quarter;

(ii) To reduce the need for quarterly or annual closures;

(iii) To allow each of the vessel classes to harvest its historic percentage of the catch.

(2) In making the findings and adjustments referred to in paragraph (f)(1) of this section the Assistant Administrator shall consider:

(i) Landings for the current or previous quarters;

(ii) Projected harvests;

(iii) Geographic and seasonal availability of fish;

(iv) Traditional and anticipated fishing patterns;

(v) Number of vessels of each class in the fishery;

(vi) Capability of vessels to fish in other locations or for other species.

(vii) Status of unregulated species in the trawl fishery; and

(viii) Incidental catch of cod, haddock, and yellowtail flounder during fishing for unregulated species.

## § 651.24 Closures.

(a) *Projected catch.* The Regional Director shall monitor catches and landings of groundfish, and other data, and shall, on or about the 1st and 16th day of each month, project a date when the allocation of any species of groundfish, by vessel class, less an anticipated amount of such species to be taken incidentally pursuant to paragraph (d) of this section shall have been taken for each relevant area and quarterly or annual period. If the Regional Director reasonably expects that adjustments to quarterly quotas under § 651.20(d) will be made in the following quarter, he may anticipate those adjustments in projecting closure dates.

(b) *Recommendation of closure.* As soon as possible after projecting a closure date pursuant to paragraph (a) of this section, if such closure date is within 30 days of the projection, the Regional Director shall recommend to the Assistant Administrator that the groundfish fishery be closed on that date for the relevant species, vessel class, area, and quarter or fishing year. The Regional Director may, based upon subsequent information, rescind or revise such recommendation at any time before the Assistant Administrator has taken action pursuant to paragraph (c) of this section.

(c) *Notice of closure.* The Assistant Administrator shall, by publication of a notice in the FEDERAL REGISTER, close the fishery for groundfish for the relevant species, vessel class, and area, on the date recommended under paragraph (b) of this section, or on such other date as the Assistant Administrator determines will prevent the quarterly or annual quota from being exceeded.

(d) *Incidental catch.* During any closure, any vessel in the following vessel classes to which the closure applies

may catch, take, harvest or land no more than the following amounts of the species to which the closure applies:

(1) Cod and haddock:

0-60 GRT—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

61-125 GRT—1,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

Over 125 GRT—2,000 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

Fixed gear—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

(2) Yellowtail flounder:

All vessels—500 pounds or 4 percent by weight of all fish on board, whichever is the lesser amount, per trip.

[FR Doc. 78-36470 Filed 12-28-78; 4:47 pm]

# proposed rules

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.

[6450-01-M]

## DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 211 and 212]

[Docket No. ERA-R-78-18]

### PRODUCTION INCENTIVES FOR MARGINAL PROPERTIES

Request for Additional Comments

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Request for Additional Comments.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") requests additional comments on the Notice of Proposed Rulemaking concerning production incentives for marginal properties issued on November 2, 1978 (43 FR 52186, November 8, 1978). The additional specific comments requested are whether it would be feasible and appropriate to establish differing decline rates and related production incentives for properties depending upon whether secondary or tertiary recovery techniques are being employed on such properties.

DATE: Comments are January 29, 1979, 4:30 p.m.

ADDRESS: All comments to: Public Hearing Management, Docket No. ERA-R-78-18, Department of Energy, Room 2313, 2000 M Street N.W., Washington, D.C.

#### FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), Economic Regulatory Administration, 2000 M Street, N.W., Room 2214B, Washington, D.C. 20461, 202-254-5201.

William Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, N.W., Room B110, Washington, D.C. 20461, 202-634-2170.

William Carson (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, N.W., Room 2304, Washington, D.C. 20461, 202-254-7477.

Cliff Russell (Office of General

Counsel), Department of Energy, 12th and Pennsylvania Avenue, N.W., Room 5132, Washington, D.C. 20461, 202-633-8622.

#### SUPPLEMENTARY INFORMATION:

##### BACKGROUND

On November 2, 1978, the ERA issued a notice of proposed rulemaking concerning production incentives for marginal properties (the November 2 Notice). In that notice, several alternative proposals provided suggestions that certain production from "marginal" properties might qualify for market clearing prices. The amount of production from a "marginal" property that could be sold at market level prices under that alternative would be the difference between that property's actual production and sale of domestic crude oil for a given month and that property's marginal base production control level (Marginal BPCL).

Under the proposal, the Marginal BPCL would be determined first by reducing the average daily production during a specified base period by a certain percentage and thereafter reducing it at an imputed decline rate. In an example given in the notice for illustrative purposes, the average base period production was reduced by 20 percent (that is, was multiplied by a 0.8 "multiplier") and the imputed decline rate was 1.1 percent per month or the property's actual decline rate plus 0.2 percent, whichever is greater. Different percentages or imputed decline rates could be used in any final rule that is adopted.

##### ADDITIONAL INFORMATION REQUESTED

The purpose of this Notice is to seek specific comments, in addition to those comments requested in the November 2 Notice, on the impact of the formula as proposed on properties employing secondary and tertiary recovery techniques. In order to focus comments on this issue, we request that commenters address themselves to as many of the following issues as possible:

(1) Whether an initial multiplier of less than .8 (or whatever multiplier may be determined to be appropriate for properties generally) should apply to properties undergoing secondary or tertiary recovery, in order to provide sufficient additional incentives to undertake or maintain such projects;

(2) Whether a greater reduction factor than 0.2 percent per month (or

whatever reduction factor is determined to be appropriate for properties generally) in addition to the actual decline rate should apply to properties undergoing secondary or tertiary recovery;

(3) Whether properties employing tertiary recovery techniques should be treated differently from those employing secondary recovery methods, and, if so, to what extent;

(4) Whether discrete classification of "secondary" versus "tertiary" recovery for purposes of these possible amendments is feasible, and, if so, what criteria should be used to distinguish them from primary recovery and from each other;

(5) If secondary or tertiary recovery properties are to be treated differently from other producing properties under these provisions, whether we should require some type of certification by appropriate state of federal agencies that the properties are secondary or tertiary.

We also solicit commenters' views on how and to what extent any additional incentives of this nature for enhanced recovery would affect, exceed or duplicate existing regulatory incentives for tertiary recovery under 10 CFR 212.78.

To the extent that comments are submitted in response to this request, they should be accompanied by as much supporting financial data, either general in nature or relating to specific properties, as are available to the commenter. As indicated in the November 2 Notice, we will treat as confidential data submitted pursuant to this request that are proprietary in nature, that are so labelled and that are otherwise submitted in accordance with the procedures set out in the November 2 Notice for the submission of confidential data. In general, the procedures set forth in the November 2 Notice for the submission of written comments should be observed in submitting comments in response to this request for additional comments.

Issued in Washington, D.C. on December 27, 1978.

DAVID J. BARDIN,  
Administrator, Economic  
Regulatory Administration.

[FR Doc. 78-36463 Filed 12-28-78; 11:07 am]

[6210-01-M]

## FEDERAL RESERVE SYSTEM

[12 CFR Part 215]

[Docket No. R-0194; Regulation O]

## LOANS TO INSIDERS OF MEMBER BANKS

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System proposes to amend Regulation O (12 CFR Part 215), which governs loans by a member bank to its executive officers, to implement certain additional requirements imposed by section 22(h) of the Federal Reserve Act on loans by member banks to certain persons associated with the bank. Section 22(h) was recently enacted by Congress as section 104 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (92 Stat. 3641). The additional requirements relate to loans by a member bank to executive officers, directors and principal shareholders of the member bank and of its holding company affiliates. The requirements are also applicable to companies and political or campaign committees controlled by such insiders.

DATE: Comments must be received by January 29, 1979.

## FOR FURTHER INFORMATION CONTACT:

Michael E. Bleier, Senior Attorney, Legal Division (202-452-3721), or Mary Curtin, Senior Attorney, Division of Banking Supervision and Regulation (202-452-2620), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 22(h) of the Federal Reserve Act imposes four requirements on loans by member banks to insiders and their related interests. Insiders include the executive officers and directors of a bank and its principal shareholders, i.e. any individual or company that controls more than ten percent of any class of voting shares of the bank. Persons that have the same relationship with the member bank's parent bank holding company and other subsidiaries of the parent bank holding company are also considered insiders. The proposed regulation would include shares held by an individual's immediate family in determining principal shareholder status. Related interests include companies controlled by insiders and political or campaign committees that are controlled by or benefit insiders.

The statute:

(1) Establishes an aggregate lending limit of 10 percent of a member bank's

capital and surplus for loans by the bank to an insider (other than a director) and all related interests of such an insider;

(2) Prohibits the payment by a member bank of an overdraft on an account of an insider (other than a principal shareholder) at the bank;

(3) Requires that every extension of credit by a member bank to an insider or to an insider's related interests be made on substantially the same terms as those prevailing at the time for comparable transactions with other persons and not involve more than the normal risk of repayment or present other unfavorable features; and

(4) Requires that every extension of credit by a member bank to an insider or to any related interest of the insider that would exceed, when aggregated, \$25,000, be approved in advance by a majority of the bank's board of directors, with the interested party abstaining.

The proposed regulation defines the terms "executive officer," "extension of credit," and "lending limit" used in section 22(h). The current definitions of "executive officer" and "extension of credit" in Regulation O have been incorporated into the proposed rule. The definition of extension of credit excludes (1) certain indebtedness necessary to protect the bank against loss and (2) credit card and similar indebtedness in an amount not to exceed \$5,000.

The proposed rule defines a bank's lending limit to insiders and their related interests to be an amount equal to 10 percent of the bank's capital stock and unimpaired surplus as those terms are defined by its appropriate Federal banking agency. In the case of a national bank, capital stock and surplus are defined in 12 CFR 7.1100. In the case of a State-chartered member bank, those terms are defined in 12 CFR 250.162. These definitions are currently under review by the agencies. Comment is specifically requested on these definitions in the context of the lending limit established by section 22(h)(1) of the Federal Reserve Act.

As proposed, the regulation would exempt an extension of credit by a member bank to any of its executive officers from the 10 percent lending limit where the extension would be authorized under section 22(g) of the Federal Reserve Act, which permits loans to executive officers for housing or educational purposes.

The proposed rule further requires that any extension(s) of credit made by a member bank that was outstanding on November 10, 1978, and that would, if made after March 10, 1979, exceed the statutory 10 per cent lending limit be brought into compliance with the lending limit by March 10,

1980. Such extension(s) of credit may only be renewed after March 10, 1979, on terms that will bring them into compliance with the lending limit by March 10, 1980. If such extension(s) of credit cannot be brought into timely compliance, an explanation shall be promptly furnished to the bank's appropriate Federal banking agency. Two additional one-year extensions may be granted by the appropriate agency for good cause shown.

In the case of extensions of credit made between November 10, 1978, and March 10, 1979, that would, if made after March 10, 1979, exceed the statutory lending limit, compliance with the lending limit is required by June 10, 1979. The Comptroller or the appropriate Reserve Bank may extend this period, for good cause, until March 10, 1980.

Finally, to ensure compliance with section 22(h) of the Federal Reserve Act, member banks will be required to maintain appropriate records.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or comments. Any such materials should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by January 29, 1979. All material submitted should include the Docket Number R-0194. Such material will be made available for inspection and copying upon request, except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

Pursuant to its authority under sections 22(g) and (h) of the Federal Reserve Act (12 U.S.C. 375a and —), the Board of Governors proposes to amend Regulation O (12 CFR Part 215) by the following language:

Part 215 is revised to read as set forth below:

- Sec.
- 215.1 Authority, purpose and scope.
  - 215.2 Definitions.
  - 215.3 Extension of credit.
  - 215.4 General prohibitions.
  - 215.5 Extensions of credit outstanding on March 10, 1979.
  - 215.6 Records by member banks.
  - 215.7 Reports.
  - 215.8 Civil penalties.

AUTHORITY: Secs. 11(i), 22(g) and 22(h), Federal Reserve Act, as amended (12 U.S.C. 248(i); 375a.

## § 215.1 Authority, purpose and scope.

(a) *Authority.* This Part is issued pursuant to sections 11(i), 22(g), and 22(h) of the Federal Reserve Act, as amended (12 U.S.C. 248(i), 375a, and —).

(b) *Purpose and Scope.* This Part relates to the extension of credit by a member bank to any executive officer,

director, or principal shareholder of the member bank, its parent bank holding company, or the holding company's other subsidiaries ("insiders"). It also applies to the extension of credit by a member bank to (1) companies controlled by insiders or (2) political or campaign committees that benefit insiders or are controlled by them.

#### § 215.2 Definitions.

(a) "Executive officer" means an officer of a member bank who participates or has authority to participate, otherwise than in the capacity of a director, in major policy-making functions of the bank, regardless of whether: (1) the officer has an official title, (2) the title designates the officer an assistant, or (3) the officer is serving without salary or other compensation.<sup>1</sup> The chairman of the board, the president, every vice president, the cashier, secretary, and the treasurer of a member bank shall be deemed executive officers, unless any such officer is excluded, by resolution of the board of directors or by the bank's bylaws, from participation in major policy-making functions, other than in the capacity of a director of the bank, and such officer does not actually participate therein.

(b) "Insider" means an executive officer, director, or principal shareholder of: (1) the member bank, (2) its parent bank holding company (as defined in 12 U.S.C. 1841(a)), or (3) any other subsidiary of such parent bank holding company.

(c) The "lending limit" for member banks for purposes of § 215.4(c) of this Part shall be an amount equal to 10 percent of the bank's capital and unimpaired surplus as those terms are defined by its appropriate Federal banking agency.

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

(e) "Principal shareholder" means any individual or company (other than an insured bank) that directly or indirectly, or acting through or in concert with one or more persons, owns, controls, or has power to vote more than 10 percent of any class of voting securities of a member bank. However, for the purposes of § 215.4(c) of this Part, where the member bank is located in a

city, town, or village with less than 30,000 in population, this percentage shall be "more than 18 percent." For the purpose of this definition, shares held by any member of an individual's immediate family (as defined in § 206.2(k) of this chapter) shall be deemed to be held by the individual.

(f) "Related interest" means (1) any company (other than an insured bank) controlled by an insider or (2) any political or campaign committee, the funds or services of which will benefit an insider or that is controlled by an insider.

(g) "Company," "control," "overdraft," and "person" shall have the meaning provided in sections 22(h)(5) and (6) of the Federal Reserve Act, (12 U.S.C. —).

#### § 215.3 Extension of credit.

(a) An extension of credit is the making or renewal of any loan or the extending of credit in any manner whatsoever, and includes:

(1) Any purchase of securities, other assets, or obligations under repurchase agreement;

(2) Any advance by means of an overdraft, cash item, or otherwise;

(3) A standby letter of credit (or other similar arrangement however named or described) and an ineligible acceptance, as those terms are defined in § 208.8(d) of this chapter;

(4) The acquisition by discount, purchase, exchange, or otherwise of any note, draft, bill of exchange, or other evidence of indebtedness upon which a person may be liable as maker, drawer, endorser, guarantor, or surety;

(5) The increase of an existing indebtedness, except on account of (a) accrued interest or (b) taxes, insurance, or other expenses incidental to the existing indebtedness and advanced by the bank for its own protection;

(6) Any advance of unearned salary or other unearned compensation for periods in excess of 30 days; and

(7) Any other transaction as a result of which a person becomes obligated to a bank, directly or indirectly by any means whatsoever, by reason of an endorsement on an obligation or otherwise, to pay money or its equivalent.

(b) Such terms, however, do not include:

(1) Advances against accrued salary or other accrued compensation, or advances for the payment of authorized travel or other expenses incurred or to be incurred on behalf of the bank;

(2) The acquisition by a bank of any check deposited in or delivered to the bank in the usual course of business unless it results in the carrying of a cash item or the granting of an overdraft;

(3) The acquisition of any note, draft, bill of exchange, or other evi-

dence of indebtedness (a) through a merger or consolidation of banks or a similar transaction by which a bank acquires assets and assumes liabilities of another bank or similar organization or (b) through foreclosure on collateral or similar proceeding for the protection of the bank;

(4)(a) The endorsement or guarantee for the protection of a member bank of any loan or other asset previously acquired by such bank in good faith or (b) any indebtedness for the purpose of protecting a member bank against loss or giving financial assistance to it; or

(5) Indebtedness of \$5,000 or less arising by reason of any general arrangement under which a bank (a) acquires charge or time credit accounts or (b) makes payments to or on behalf of participants in a bank credit card plan, check credit plan, or similar plan, provided: (i) such indebtedness does not involve prior individual clearance or approval by the bank other than for the purposes of determining authority to participate in the arrangement and compliance with any dollar limit under the arrangement and (ii) such indebtedness is incurred under terms that are not more favorable than those offered to the general public.

#### § 215.4 General prohibitions.

(a) *Terms and Creditworthiness.* No member bank shall extend credit to any insider or to any related interest of such an insider unless the extension of credit: (1) is made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions by the bank with other persons not associated with the bank and (2) does not involve more than the normal risk of repayment or present other unfavorable features.

(b) *Prior Approval.* No member bank shall extend credit or grant a line of credit to any insider or to any related interest of such an insider in an amount that, when aggregated with the amount of all other extensions of credit and lines of credit by the member bank to the insider and to all related interests of the insider, would exceed \$25,000 unless such an extension of credit or line of credit has been approved in advance by a majority of the bank's entire board of directors with the interested party abstaining from participating directly or indirectly in the voting.

(c) *Aggregate Lending Limit.* No member bank shall extend credit to any insider (other than a director) or to any related interest of such an insider in an amount that, when aggregated with the amount of all other extensions of credit by the member bank to the insider and to all related inter-

<sup>1</sup>The term is not intended to include persons who may have official titles and may exercise a certain measure of discretion in the performance of their duties, including discretion in the making of loans, but who do not participate in the determination of major policies of the bank and whose decisions are circumscribed by policy standards fixed by the top management of the bank. For example, the term would not include a manager or assistant manager of a branch of a bank unless he participates, or is authorized to participate, in major policymaking functions.

ests of the insider, would exceed the lending limit of the member bank as specified in § 215.2(c) of this Part. This lending limit shall not apply so as to prohibit a loan to an executive officer made pursuant to § 215.4(e) of this Part, where such loan, when aggregated with all other loans to the executive officer and the officer's related interests, does not exceed \$90,000.

(d) *Overdrafts.* No member bank shall pay an overdraft on an account of an insider (other than a principal shareholder) at such bank unless the draft is made (1) pursuant to an automatic transfer system or plan authorized under § 217.5(c)(2) of this chapter or (2) in accordance with a written preauthorized interest-bearing extension of credit that specifies a method of repayment.

(e) *Extension of Credit to Executive Officers.* No member bank shall extend credit to any of its own executive officers, and no executive officer of a member bank shall borrow from or otherwise become indebted to such bank, except in such amounts, for such purposes, and upon such conditions as are specified in section 22(g) of the Federal Reserve Act (12 U.S.C. 375a).

(f) *Extension of Credit to Partnerships.* No member bank shall extend credit to a partnership in which one or more executive officers of such bank are partners and, either individually or together, hold a majority interest except as provided in section 22(g) of the Federal Reserve Act (12 U.S.C. 375a).

#### § 215.5 Extensions of credit outstanding on March 10, 1979.

(a) *Credit Extended Before November 10, 1978.* (1) Any extension of credit made by a member bank that was outstanding on November 10, 1978, and that would, if made after March 10, 1979, exceed the lending limit provided in § 215.4(c) of this Part shall be reduced in amount to comply with that lending limit on or before March 10, 1980, and shall only be renewed or extended after March 10, 1979, on terms that will bring such extension of credit into compliance with such lending limit on or before March 10, 1980.

(2) If a member bank is unable to bring any extension of credit outstanding on November 10, 1978, into compliance with the lending limit provided in § 215.4(c) of this Part on or before March 10, 1980, the member bank shall promptly report such fact to the Comptroller of the Currency, in the case of a national bank, or the appropriate Federal Reserve Bank, in the case of a State chartered member bank, together with an explanation of the reasons why the extension of credit could not be brought into com-

pliance. The Comptroller or the Reserve Bank, as the case may be, is authorized to extend the March 10, 1980 date for compliance for not more than two additional one-year periods for good cause shown.

(b) *Credit Extended After November 10, 1978.* (1) Any extension of credit made by a member bank between November 10, 1978 and March 10, 1979, that would, if made after March 10, 1979, exceed the lending limit provided in § 215.4(c) of this Part shall be reduced in amount to comply with that lending limit on or before June 10, 1979.

(2) If a member bank is unable to bring any extension of credit made between November 10, 1978 and March 10, 1979, into compliance with the lending limit provided in § 215.4(c) of this Part on or before June 10, 1979, the member bank shall promptly report such fact to the Comptroller of the Currency, in the case of a national bank, or the appropriate Federal Reserve Bank, in the case of a State chartered member bank, together with an explanation of the reasons why the extension of credit could not be brought into compliance. The Comptroller or the Reserve Bank, as the case may be, is authorized to extend the June 10, 1979 date for compliance until March 10, 1980 for good cause shown.

#### § 215.6 Records by member banks.

Every member bank shall maintain such records as are necessary to insure its compliance with the requirements of this Part. Such records shall appropriately identify all insiders and their related interests and the amount and terms of each extension of credit by the member bank to such persons.

#### § 215.7 Reports.

Every member bank and every executive officer of a member bank shall file the reports required by section 22(g) of the Federal Reserve Act, 12 U.S.C. 375a.

#### § 215.8 Civil penalties.

As specified in section 29 of the Federal Reserve Act (12 U.S.C. —), any member bank that violates, or any officer, director, employee, agent, or other person participating in the conduct of the affairs of the bank who violates, any provision of this Part shall be subject to a civil penalty of not more than \$1,000 per day for each day during which such violation continues.

Board of Governors of the Federal Reserve System, December 27, 1978.

THEODORE E. ALLISON,  
Secretary of the Board.

[FR Doc. 79-268 Filed 1-2-79; 8:45 am]

[7535-01-M]

## NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

### ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

#### Proposed Rulemaking—Refund of Interest

AGENCY: National Credit Union Administration.

ACTION: Proposed Rule.

SUMMARY: The purpose of this proposed rule is to provide Federal credit unions the option to authorize refunds of interest that vary according to different classes of loans.

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

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, Room 4202, 2025 M Street, N.W., Washington, D.C. 20456.

#### FOR FURTHER INFORMATION CONTACT:

Robert M. Fenner, Assistant General Counsel, at the above address. Telephone: (202) 632-4870.

SUPPLEMENTARY INFORMATION: Section 113 of the Federal Credit Union Act (the Act) provides that the Board of Directors of a Federal credit union may

“... subject to such regulations as may be issued by the Administrator, authorize an interest refund to members of record at the close of business on the last day of any dividend period in proportion to the interest paid by them during the dividend period.” 12 U.S.C. 1761b.

Section 701.24 of the National Credit Union Administration's rules and regulations sets forth the current regulations concerning interest refunds. That section requires that a refund be given to all members of record who paid interest during the dividend period, and that the amount of each member's refund be determined by the application of *uniform* percentage to the amount of interest paid.

The implementation of new lending powers granted to Federal credit unions by Pub. L. 95-22 (April 19, 1977, 91 Stat. 49) has caused the Administration to reassess these requirements of § 701.24. For example, line of credit and credit card accounts, which are subject to the 1% per month interest rate ceiling (12 U.S.C. 1757(5)(A)(vi)), may earn a substantially lower return for the credit union and its membership than other classes of loans. Thus, it may not always be equitable for the board of directors to be required to apply the same percentage to these and other types of loans

in determining the amount of each borrower's interest refund.

Further, the legislative history of the original interest refund authority indicates that a refund is in effect a "readjustment of the interest rate", and that Congress intended to " \* \* \* authorize a refund to borrowers whose payment of interest made possible the earnings (that allow the refund)." See, S. Rep. No. 394, 83d Cong., 1st Sess. 1, 2, (1953).

In view of these factors, and considering the specific grant of regulatory authority in Section 113 of the Act, the administration believes it is appropriate to amend § 701.24, to permit the board of directors of a Federal credit union to authorize varying interest refunds. Consistent with the Administration's lending regulations (12 CFR 701.21), it is proposed that interest refunds may vary according to the classifications set forth in § 701.21-1(c), i.e.: type of line of credit or loan plan, purpose of the loan, and type or value of security in relation to the amount of the loan. Further, it is proposed that the board of directors be allowed to exclude a given class of loans from an interest refund if the board determines that class of loans has not made a significant contribution to the earnings that make the refund possible. These proposals are contained in § 701.24(b) of the amended regulation as set forth below. Although the basis for excluding a class of loans would be limited to considerations of profitability, the Administration does invite comment on whether other considerations should be permitted, and if so, the rationale therefor.

Sections 701.24(a), (c), (d) and (e) of the proposal restate requirements of the present regulation.

#### REASON FOR ABBREVIATED COMMENT PERIOD

Interest refunds for 1978 dividend periods will normally be authorized no later than January 31, 1979. The Administration is hopeful that, should it determine to issue a final regulation implementing this proposal, Federal credit unions that wish to do so may make use of the amendment in their December 31, 1978 refunds. To accomplish this, the Administration must require that comments on this proposal be received not later than January 17, 1979.

LAWRENCE CONNELL,  
Administrator.

DECEMBER 2, 1978.

(12 U.S.C. 1761b.)

Accordingly, it is proposed that 12 CFR 701.24 be revised to read as follows:

#### § 701.24 Refund of interest.

(a) The board of directors of a Federal credit union may authorize an interest refund to members who paid interest to the credit union during any dividend period and who are members of record at the close of business on the last day of such dividend period.

(b) The amount of interest refund to each member shall be determined as a percentage of the interest paid by the member. Such percentage may vary according to reasonable classifications of loans. Distinctions among classifications shall be based upon one or more of the criteria set forth in 12 CFR 701.21-1(c). In its discretion, the board of directors may exclude from an interest refund any class of loans that has not made a significant contribution to the earnings that have made the refund possible.

(c) The board of directors may authorize an interest refund for a dividend period only during such time as it may declare a dividend. However, if in a given calendar year a credit union has dividend periods more frequent than annual and an interest refund was not authorized for one or more dividend periods, the board, during the time permitted for the declaration of the current dividend, may authorize an interest refund for the current dividend period and for any one or more of the omitted dividend periods.

(d) The board of directors shall not authorize an interest refund for any dividend period unless dividends have been declared and paid on share accounts.

(e) An interest refund shall be recorded on the books of the credit union as a reduction of interest income.

[FR Doc. 79-264 Filed 1-2-79; 8:45 am]

#### [6320-01-M]

#### CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[EDR-369; Docket No. 34191; Dated: December 7, 1978]

#### REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTIFICATED ROUTE AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Proposed Revocation; Correction

DECEMBER 27, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Erratum to Notice of Proposed Rulemaking EDR-369, 43FR 58193, December 13, 1978.

SUMMARY: This erratum corrects a docket number in the address section which should read as follows:

ADDRESSES: Twenty copies of comments should be sent to Docket 34191,

Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as commenters 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:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202-673-5270.

PHYLLIS T. KAYLOR,  
Secretary.

[FR Doc. 79-293 Filed 1-2-79; 8:45 am]

#### [3510-60-M]

#### DEPARTMENT OF COMMERCE

Office of the Secretary

[15 CFR Subtitle A]

#### PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The National Telecommunications and Information Administration (NTIA), Department of Commerce seeks to identify issues to be addressed in the adoption of rules to govern the issuance of construction and planning grants under the Public Telecommunications Financing Act of 1978 (92 Stat. 2405). This action is required since the Act Boarded the former educational broadcasting facilities program and transferred it from the Department of Health, Education, and Welfare to NTIA. In publishing the advance notice, NTIA seeks public participation in developing rules for the expeditious processing of grants.

DATES: Comments should be submitted on or before January 22, 1979.

ADDRESS: Send comments to National Telecommunications and Information Administration, Office of Chief Counsel, 1800 G Street N.W., Washington, D.C. 20504.

#### FOR FURTHER INFORMATION CONTACT:

Kenneth Salomon, (202) 395-5616.

#### SUPPLEMENTARY INFORMATION:

In the matter of public telecommunications facilities program, advance notice of proposed rulemaking.

Approved: December 20, 1978.

By the Administrator:

1. Advance notice is hereby given of proposed rulemaking in the above matter.

2. The "Public Telecommunications Financing Act of 1978"<sup>1</sup> (hereafter referred to as the "Act") transfers the Educational Broadcasting Facilities Program (EBFP) from the Department of Health, Education and Welfare (DHEW) to the Department of Commerce (DOC). The Act also mandates a number of significant changes in the facilities program.

3. The purpose of this proceeding is to identify what issues should be addressed in the process of establishing rules for the issuance of grants for the planning and construction of public telecommunications facilities.

4. It is hoped that the comments received on the various matters set out below will assist us in developing proposed rules for the issuance of such grants. It is also hoped that the comments received will suggest additional issues to be addressed.

5. The Act sets as the primary objective of the program, delivery of "non-commercial educational and cultural radio and television programs, and related noncommercial instructional or informational material" to as many citizens as possible by means of radio or television or other telecommunications technology (Sections 390, 397(14)).<sup>2</sup> To accomplish this, the Act requires that not less than 75 percent of appropriated funds be available to extend delivery of public telecommunications services to areas not receiving them "through grants for facilities or new and existing public telecommunications entities, and pre-operational expenses associated with such facilities" (Section 393(c)).

6. The Act sets as a second program objective increasing minority and women's ownership and operation of public telecommunications facilities (Sec. 390). Thus, the Act requires the Secretary of Commerce to "give special consideration to applications which would increase minority and women's ownership of, operation of, and participation in public telecommunications entities" (Sec. 392(f)).

7. The Act extends eligibility for grants under the program to "non-commercial telecommunications entities" organized primarily for disseminate educational and cultural programs by means other than a primary television or radio broadcast station, and to other nonprofit organizations organized primarily for educational or cultural purposes (Sec. 392(a)(1)).

8. The Act requires the applicant to submit a five-year plan outlining the applicant's projected facilities requirements to the Secretary and demon-

strate to the Secretary that the applicant has participated in comprehensive planning, including the evaluation of alternative technologies, in the area which the applicant proposes to serve (Sec. 392(a)).

9. The Act authorizes the Secretary to make project planning grants of up to 100% of the amount deemed necessary for planning specific projects for which the applicant would then seek facilities construction funds. (Sec. 392(c)).

10. The Act requires the Secretary of Commerce, in consultation with the Corporation for Public Broadcasting, public telecommunications entities, and others, to develop a long-range plan, with detailed five-year projections of national public telecommunications facilities needs, and the cost thereof to accomplish the above stated objectives and the objective of "strengthening the capability of existing public television and radio stations to provide . . . services to the public" (Sec. 390). The Act authorizes the Secretary of Commerce to use appropriated funds to cover the costs of administering the facilities program, including the cost of preparing the 5-year plan which must be updated annually (Sec. 391).

11. The Act authorizes \$40 million for the Public Telecommunications Facilities Program (PTFP) for each of the fiscal years 1979, 1980, and 1981 (Sec. 391). It is likely, however, that the appropriation will remain below the authorized level in FY 79 since funds for the program were not included in the FY 79 Labor-HEW Appropriation bill and the program is operating under a continuing resolution.

12. If the appropriation remains at the current level, more will have to be done for a larger constituency with the same funds—actually less, when the costs of administration and of the five-year long range plan are deducted from the appropriation (not to mention the effects of inflation on the prices of equipment). Thus, the breadth or narrowness of regulations will determine how effectively the available funds can be distributed to worthy projects.

#### ISSUES TO BE CONSIDERED

13. The issues which underlie the promulgation of regulations under the act may be divided into four convenient categories:

- Eligibility of Applicants
- Priority Among Applicants
- Processing and Evaluation of Applications
- Administration and Recovery of Grant Funds

#### ELIGIBILITY ISSUES

14. Of the eligible entities enumerated in the Act, the terms, "public

broadcast station," "State or local government," and "political or special subdivision of a State" seem clear and do not require elaboration here. It is much less clear exactly what "non-profit foundation, corporation, institution or association organized primarily for educational or cultural purposes" or a "noncommercial telecommunications entity" is. The Act defines the latter as any enterprise that:

(A) Is owned and operated by a State (or a subdivision thereof), a public agency or a nonprofit private foundation, corporation or association; and (B) has been organized primarily for the purpose of disseminating audio or video noncommercial educational and cultural programs to the public by means other than a primary television or radio broadcast station \* \* \* (Sec. 397(f)).

These terms raise a number of difficult Constitutional and policy questions:

(1) Would churches or other religious organizations claiming that their sectarian broadcasts are also educational and/or cultural be eligible for grants to transmit such sectarian programming using broadcast or non-broadcast media?

(2) What about a labor union or political organization, such as NOW or the NAACP, or a fraternal organization making similar claims?

(3) Need an organization be exempt under Sec. 501(c)(3) or some other section of the Internal Revenue Code to qualify for a PTFP grant?

Such questions rarely came up under the Educational Broadcasting Facilities Act of 1976<sup>3</sup> since grantees had to hold noncommercial educational FCC licenses or permits. (HEW independently took the position that religious organizations primarily engaged in sectarian broadcasting were not eligible for EBFP grants.)

#### ISSUES OF PRIORITY

15. Section 392(e) authorizes the Secretary to establish rules and regulations relating to the order of priority in approving applications and determining the amount of grants. Section 392(f) requires that the Secretary "give special consideration to applications which would increase minority and women's ownership of, operation of, and participation in public telecommunications entities," while this does not constitute an absolute priority, it is a clear mandate, all other things being equal.

16. The first question is relatively straightforward: which groups are to be included in the definition of "minority," as envisioned in the Act? The term "minority" is not defined in the Act. However, the Senate Report (No. 95-858) at page 11 states that "the term \* \* \* is intended to include: American Indians, or Alaskan Native;

<sup>3</sup> Pub. L. 94-309

<sup>1</sup> Pub. L. 95-567

<sup>2</sup> Unless otherwise indicated, all statutory references are to 47 U.S.C.

Asian or Pacific Islander; Hispanic; and Blacks, not of Hispanic Origin." The Report notes that these designations are consistent with the recommendations of the Office of Management and Budget's Ad Hoc Committee on Race/Ethnic Categories and the Department of Justice regulations, 28 CFR Sec. 42.402(e).

17. Having established a definition of "minority," a more difficult question arises. What exactly do the terms, "ownership of", "operation of" and "participation in" mean in the context of nonprofit and governmental entities, and what degree of each is sufficient to trigger "special consideration?"

(4) Does "ownership" or "operation" mean at least 51% of the governing board be comprised of members of one or of several minority groups, or of women, or of a combination of women and minorities?

(5) What does "participation" mean? In programming—as producers or as subjects of programs? In Management?

(6) Need a station or telecommunications entity merely have a certain composition to qualify, or must it also serve the needs and interest of minorities and women in the community?

(7) Are there First Amendment or other legal prohibitions to using programming as a criterion in this regard?

18. A set-aside is a special form of priority. It orders the appropriation rather than individual applications. There is one such set-aside in the Act. Section 393(c) provides that not less than 75 percent (of the appropriation) shall be available for the creation of new noncommercial telecommunications entities and for the expansion of service areas of existing ones. (The Act also mandates that "a substantial amount" of the appropriation shall be available for the expansion or development of noncommercial radio broadcast station facilities.)

19. The creation of new public telecommunications entities or the expansion of the coverage area of an existing entity is dependent on many other factors than the award of a facilities grant. In the case of broadcast stations, frequencies must be found to establish or expand the coverage area of a signal. To do this often requires moving (the frequency assignment of) several other noncommercial radio stations in the community. Moreover, sufficient local and national operating funds, as well as capital funds for PTFP matching and for "bricks and mortar," must be raised. In some cases, State legislatures or local agencies must act to authorize and fund new entities. In short, to a large extent, the creation or expansion of public telecommunications entities is a process having a rhythm of its own. In

the recent past less than 58% of the appropriation was granted for radio and television activation or expansion; less than 15% of the appropriation was granted for radio activation or expansion, even though both of these activities are assigned higher priorities in noncommercial radio in the current regulations than are improvement grants, which received the balance of the appropriation. In FY 77, with an appropriation of \$14 million, the grant (and the approximate application) pattern looked like this:

Million of dollars			
	Radio	Television	Radio & TV
Activation ...	1,060 (7%)	2,424 (17%)	3,418 (24%)
Expansion ...	1,034 (8%)	3,608 (26%)	4,701 (34%)
Activation & Expansion	2,094 (15%)	6,032 (43%)	8,119 (58%)

20. A crucial question therefore remains: what if fundable requests for the creation and expansion of eligible entities do not, in any given fiscal year, total 75 percent of the appropriation? Can the remainder legally be spent on lower priority (improvement) applications? Perhaps the answer lies in the phrase, "shall be available." If the set-aside is viewed as establishing priority between competing applications, rather than a rigid division of the appropriation, then the intent of Congress to favor creation and expansion can be carried out without denying the Secretary the necessary flexibility to use the appropriation to the wisest and most beneficial manner consistent with the Act.

21. After a preliminary determination has been made as to whether or not an applicant is seeking funds for expansion or activation, there are several other questions which must be asked:

(8) Should applications for importing first public radio or television service to an area receive higher funding consideration than applications for bringing local radio or television service to an area which receives one or more distant public radio or T.V. signals?

(9) Should applications for bringing first radio or television service to an area receive higher funding consideration than applications for bringing multiple radio and television service to an area, if the service to be provided is different than the local service already provided?

(10) In considering applications for bringing multiple service to an area, should applications which propose bringing first or increased radio or television programming to minorities and women receive higher priority than those which would result in

bringing multiple public television or radio service to the entire community?

#### GRANT APPLICATION AND PROCESSING ISSUES

22. Section 392(c) authorizes the Secretary to make planning grants for any project for which construction funds may be obtained under the program. The applicant is required to provide assurance that it meets the eligibility requirements to receive a construction grant. While the applicants for each type of grant must be similarly eligible, the purpose and items of expenditure of a planning grant are quite different from those of a construction grant. The former would typically entail the purchase of the services of a planner or coordinator who would in turn contract for the services of a consulting engineer (to perform frequency searches, compile equipment lists and price estimates, and to prepare the technical portions of FCC filings); of counsel to prepare an application for a construction permit; and of others to help with ascertainment, fundraising, public relations, development of community advisory and governing boards, etc. All of these activities and more are required to put a public broadcasting station on the air, and many of them are required to expand a signal or improve existing production facilities. *The issue here is which of them are properly and practically (given such limited funds) includable in a planning grant as envisioned in the Act.* Other questions suggest themselves as well:

(11) Should administrative limits be placed on the total amount of such grants (for example, 10 percent)?

(12) Should a limit be placed on the amount or duration of individual grants?

(13) Since Congress intended the planning grant provision to aid those applicants who otherwise might not be able to bring themselves to the stage of applying for a facilities construction grant, should a showing of financial hardship be required?

(14) If so, what standard should be used?

23. Another question to be considered is what time of year should planning grants be awarded i.e., should they be made early enough so that applicants can complete their planning and submit an application for a construction grant in the same year?

24. Section 392(a)(1)-(6) requires the applicant to submit certain information and assurances. Most of the assurances required are straightforward and can be implemented by citation to the Act. Subsection (a)(4), however, could raise a problem. This provision requires each applicant to provide assurances satisfactory to the Secretary that "such public telecommunications

facilities will be used only for the provision of public telecommunications services." Section 397(14), it will be remembered, defines the term "public telecommunications services" as "non-commercial educational and cultural radio and television programs, and related noncommercial instructional or informational material." . . . Such a requirement would not seem to raise an issue, yet there have been a few cases where equipment purchased in part with an EBFP grant was allegedly used for "commercial" purposes. A case in point occurred not long ago in the State of Washington. KWSU (TV Channel 10) borrowed some (EBFP-funded) equipment from KSPS Spokane to produce a telecast of a series of basketball games which were, in turn, picked up by the Spokane station on a delayed basis. Spokane then re-transmitted the games via a public TV microwave link to a Seattle commercial station which was given permission to broadcast them. The Seattle station inserted commercials into the broadcasts, which it did not have permission to do. A Seattle lawyer, representing a commercial producer who, the lawyer claimed, was deprived of the opportunity to produce the games on a commercial basis due to unfair competition resulting, in part, from the use of publicly-funded equipment, complained to HEW/EBFP. The commercial station stopped carrying the programs but the problem remains unresolved.

25. Plans for the PBS and NPR satellite systems call for sharing excess time on transponders and ground stations with commercial users for the explicit purpose of producing revenue. Thus, the satellite era may see the partial blurring of strict distinctions between commercial and noncommercial use of equipment, particularly where the technology demands high capital investment and allows the simultaneous use (such as of a satellite downlink) by many separate services. It remains, however, for the Secretary of Commerce to determine the extent to which PTFP funded facilities may be used for other than the provision of public telecommunications services, if at all.

**ADMINISTRATION AND RECOVERY OF GRANTS**

26. The Act permits appropriations to remain available until expended so long as applications approved by the Secretary are submitted in the same fiscal year in which the appropriations are made (Sec. 391). In practice, many projects are not completed until several years have passed after they are approved, so this carryover ability is vital. Barring extraordinary legal or bureaucratic problems, and assuming adequate personnel, there should be

no reason why applications cannot be approved in the same fiscal year in which they are submitted, provided the application deadline is placed reasonably early in the fiscal year.

27. The EBFP grants for FY 77 were held up for an unreasonable length of time due to a dispute within HEW as to whether CPB funds could be used to match EBFP grants. At the urging of CPB and against strong recommendations from his own agency, the Secretary of HEW decided, after a lengthy process, that CPB funds were not Federal funds once in the possession of the grantee, and therefore could be used to match HEW grants. This issue will have to be revisited by the Secretary of Commerce.

28. Section 392(g) empowers the United States to recover a certain portion of any facilities should the applicant cease to be eligible for a facilities grant (i.e. change its character or go out of business), or if the facilities cease to be used for noncommercial educational purposes (with the Secretary empowered to make exceptions for good cause). Title of the equipment purchased with facilities grants resides in the applicant. The Act does not give the United States any priority over the creditors in the case of a bankruptcy of the applicant.

29. Recently, in a bankruptcy proceeding involving KIPC, Albuquerque, a Federal judge denied the government's claim of a prior lien on KIPC's EBFP-funded equipment. As a result, the government was unable to recover anything. Although cases like these are rare, they do occur. Therefore, it is appropriate to consider whether to require execution of some instrument which gives the Government a priority lien against such equipment in the event of bankruptcy.

30. Those filing comments should key their responses to the numbered paragraphs.

31. This action is taken pursuant to Department of Commerce Administrative Order 218-7. Interested parties should file their comments, no later than January 22, 1979. Responses will be available for public inspection during regular business hours in NTIA's Office of Administration at 1800 G Street, in Washington, D.C.

GREGG SKALL,  
Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 79-174 Filed 1-2-79; 8:45 am]

[6750-01-M]

**FEDERAL TRADE COMMISSION**

[16 CFR Part 13]

[File No. 9055]

**CAVANAGH COMMUNITIES CORP., ET AL.**

**Consent Agreement With Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Provisional consent agreement.

**SUMMARY:** In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Miami, Fla. land sales firm and eight wholly-owned subsidiaries to cease misrepresenting or failing to disclose the nature and purpose of promotional activities; the legal significance of signing a contract form; the monetary risks involved in the purchase of undeveloped land; and the advisability of consulting with a real estate specialist prior to purchase. Unavailability of utilities, sewage disposal, water, or other improvements would have to be set forth in contracts and sales presentations, and the firms would be required to provide purchasers with a cooling-off period during which they could cancel their dealings. The order would also require that purchasers be informed that certain subdivisions are located in designated flood areas and considerable expenditure would be required to make lots usable. Any sales representation concerning the availability of electricity, phone service, recreational facilities, and/or other improvements would have to be contractually guaranteed, and failure to fulfill such obligations in a timely manner would entitle purchasers to a refund of their full purchase price plus 7% interest. In addition, the order would limit purchasers' liability in the event of default, and require the firms to send previous purchasers prescribed "truth" letters which contain information about investments, subdivision development, assessments, contractual rights, and possible tax benefits should purchasers default.

**DATE:** Comments must be received on or before March 5, 1979.

**ADDRESS:** Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

**FOR FURTHER INFORMATION CONTACT:**

FTC/PM, Edward D. Steinman, Washington, D.C. 20580. (202) 523-3909.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE THE  
FEDERAL TRADE COMMISSION

[Docket No. 9055]

CAVANAGH COMMUNITIES CORP., ET AL.  
AGREEMENT CONTAINING CONSENT ORDER  
TO CEASE AND DESIST

In the matter of Cavanagh Communities Corporation, Cape Cave Corporation, Cavanagh Marketing Corporation, Cavad, Inc., Universal Properties, Inc., Wellington Orient, Inc., Miami Beach Vacations, Inc., Palm Beach Investment Properties, Inc., Perdido Bay Management Corp., corporations, and their subsidiaries, and Joseph Klein and Arthur Meltzer, individually and as officers of said corporations.

The Agreement herein, by and between Cavanagh Communities Corporation (formerly Cavanagh Leasing Corporation), a corporation, and its wholly owned subsidiary corporations Cape Cave Corporation, Cavanagh Marketing Corporation (formerly Cavanagh Land Sales Corporation), Cavad, Inc., Universal Properties, Inc., Wellington Orient, Inc., Miami Beach Vacations, Inc., Palm Beach Investment Properties, Inc., and Perdido Bay Management Corp. and their subsidiaries, and Joseph Klein and Arthur Meltzer, individually and as past or present officers and/or directors of Cavanagh Communities Corporation and one of more of said subsidiary corporations, hereinafter sometimes referred to as respondents, is entered into in accordance with the Commission's rules governing consent order procedure.

1. Respondent Cavanagh Communities Corporation is a corporation organized, existing and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business located at 444 Brickell Avenue, Miami, Florida.

Respondent Cape Cave Corporation is a corporation organized, existing and doing business under and by

virtue of the laws of the State of Delaware, with its principal office and place of business located at 444 Brickell Avenue, Miami, Florida.

Respondents Cavanagh Marketing Corporation, Cavad, Inc., Wellington Orient, Inc., Miami Beach Vacations, Inc., Palm Beach Investment Properties, Inc., and Perdido Bay Management Corp., are corporations organized, existing and doing business under and by virtue of the laws of the State of Florida, with their principal offices and places of business located at 444 Brickell Avenue, Miami, Florida.

Respondent Universal Properties, Inc., is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its principal office and place of business located at 444 Brickell Avenue, Miami, Florida.

Respondents Joseph Klein and Arthur Meltzer are now and/or have been officers and directors of respondent Cavanagh Communities Corporation and several of the other corporate respondents. Their address is 444 Brickell Avenue, Miami, Florida.

2. Respondents have been served with the Commission's Complaint charging them with violation of Section 5 of the Federal Trade Commission Act, together with a form of the Order to Cease and Desist the Commission believed warranted in the circumstances.

3. Respondents admit all the jurisdictional facts set forth in the Commission's Complaint.

4. Respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of facts and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this Agreement.

5. This Agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this Agreement is accepted by the Commission it will be placed on the public record for a period of 60 days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within 60 days after acceptance, comments or views submitted to the Commission disclose facts or considerations which indicate that the Order contained in this Agreement is inappropriate, improper, or inadequate.

6. This Agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated in any respect, including but not limited to the acts

and practices alleged in the Commission's Complaint.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(d) of the Commission's rules, the Commission may, without further notice to respondents:

(a) Issue its decision containing the following Order to Cease and Desist in disposition of the proceeding; and

(b) Make information public in respect thereto. When so entered, the Order to Cease and Desist shall have the same force and effect and shall become final and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Mailing of the Complaint and Order to Cease and Desist to the attention of respondents' respective corporate secretaries at the address as set forth in this Agreement shall constitute service. Respondents waive the right to have any other manner of service.

8. The relief set forth in the Order herein fully satisfies any claim for consumer redress which the Commission may have under Sections 5 and 19 of the Federal Trade Commission Act, as amended, arising out of the acts and practices alleged in the Complaint. By its final acceptance of this Agreement, with such modifications, if any, which the parties may make prior to such final acceptance, the Commission waives its right to commence a civil action under Section 19 of the Federal Trade Commission Act, as amended, with respect to the acts and practices alleged in the Complaint.

9. The Complaint may be used in construing the terms of the Order, and no agreement, understanding, representation or interpretation not contained in the Order or the Agreement may be used to vary or contradict the terms of the Order.

10. Respondents have read the Commission's Complaint and the Agreement containing an Order to Cease and Desist and they understand that once the Order has been served, they will be required to file one or more compliance reports showing that they have fully complied with the Order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the Order after it becomes final.

ORDER

As used in this Order, the following definitions shall apply:

"Property Report" shall include documents entitled "Public Property Report," "Public Offering Statement," "Subdivision Public Report," "Offering Statement," "Prospectives," "Pro-

spectus," "Public Report," and any other document providing information regarding the purchase of land in general or a specific subdivision in particular which is required by federal or state law to be distributed to prospective purchasers or purchasers of land.

"Respondents' subdivision" refers to a subdivision:

(a) The land in which is being sold by one or more of the respondents; (b) for which one or more of the respondents is a mortgagee and exercises control over the advertising, offering for sale, or sale of land in the subdivision; (c) for which one or more of the respondents is the registrant with any state or federal agency which regulates land sales; or (d) for which one or more of the respondents is a party to the contracts of sale for lots therein which have been or are being sold to purchasers.

"Land" or "lots" shall mean any real property located in one of respondents' subdivisions, but shall exclude (i) land or lots upon which a residential or commercial structure is located; (ii) land or lots which is or are sold together with or under a contract to construct a house or other building thereon within 24 months of the date of sale of the land or lots; and (iii) land or lots sold to a purchaser pursuant to a single contract for a sum in excess of \$50,000.

"Commission" shall refer to the Federal Trade Commission and/or its duly authorized representatives and employees.

As used in this Order, a requirement to cease and desist from representing or misrepresenting shall include representing or misrepresenting directly or by implication, and by any manner or means.

No provision of this Order shall be construed as limiting the application of any other paragraph of this Order unless such limitation is expressly provided for in this Order.

It is ordered, That respondents Cavanagh Communities Corporation, Cape Cave Corporation, Cavanagh Marketing Corporation, Cavad, Inc., Universal Properties, Inc., Wellington Orient, Inc., Miami Beach Vacations, Inc., Palm Beach Investment Properties, Inc., and Perdido Bay Management Corp., corporations, and their officers, and their subsidiaries and the said subsidiaries' officers, and Joseph Klein and Arthur Meltzer, individually, and respondents' successors, assigns, agents, representatives and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, or sale of real property in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. (a) Failing to disclose, clearly and conspicuously, in any written or oral invitation or other communication concerning any event or activity, including but not limited to dinner parties or other similar gatherings, contests, or awards of free or low cost gifts, vacations, or sightseeing tours, or any other goods or services, which is in any manner a part of a plan or procedure to sell land, the following statement:

The purpose of (the event or activity) is to sell you land in (name of State in which land is located) priced from approximately (price which is at or above the price, including assessments, of at least 5% of the lots being offered for sale).

(b) If the invitation or communication referred to in subparagraph (a) above is in writing, such disclosure shall be in writing and shall be made clearly and conspicuously in the invitation or communication; if such invitation or communication is oral and delivered in person, such disclosure shall be both oral and in writing and shall be made clearly and conspicuously and in conjunction with the invitation or communication; if such invitation or communication is made by telephone, such disclosure shall be made orally and clearly and conspicuously in the telephone invitation or communication, and in writing. All written disclosures shall be received by the prospective purchaser prior to the event or activity.

(c) Misrepresenting the true nature and purpose of any event or activity, including but not limited to dinner parties or other similar gatherings, contests, awards of free or reduced price gifts or vacations, and sightseeing tours.

2. Failing to set forth as the title of any contract for the purchase of land, in boldface type of a minimum size of 24 points, the following language: "CONTRACT FOR THE PURCHASE OF LAND."

3. (a) Failing to print the following in 12-point boldface type as the only writing, in addition to that required by paragraph 2 above, subparagraph 3(b) below if applicable, and, at respondents' option, the name of the seller, the subdivision in which the lot is located, the contract number, and/or the date of the contract, on the first page of all contracts for the sale of land:

This is a contract by which you agree to purchase land.

The future value of this land, as well as all undeveloped real estate, is speculative and risky. It is unlikely that the value of the land will increase or that you will be able to resell your land without significant community development and population growth, which may not occur for a number of years, if at all.

[Subparagraph 3(b)(i) Disclosure]

[Subparagraph 3(b)(ii)-(vi) Disclosures]

- [Subparagraph 3(b)(vii) Disclosure]

You have 10 business days in which to cancel this contract and get all your money back. Carefully read the property report (sometimes called an offering statement, public report or prospectus) which must be given to you when you sign this contract. It explains many important facts about your lot. You should go over this contract and the property report with a qualified professional before your 10 days are up.

Provided, however, That in the event no property report is required for the lot or lots being offered for sale, the following paragraph shall be used in lieu of the last paragraph of the above disclosure:

You have 10 business days in which to cancel your contract and get all your money back. You should go over this contract with a qualified professional before your 10 days are up.

(b) Failing to print in the form and place set out in subparagraph (a) above, such of the following statements as are applicable:

(i) For contracts for the sale of lots whose elevations are below the 100-year flood level established by the United States Department of Housing and Urban Development, or are otherwise subject of flooding, add the following:

This land [as most of coastal Florida,] is susceptible to flooding. Unusual or costly building requirements may be applicable.

Provided, however, That the bracketed language must be omitted when the subdivision being advertised, if other than a Rotonda subdivision, is not located within five miles of the Atlantic or Gulf Coasts of Florida; And further provided, That, in the event respondents have a contractual obligation, in accordance with paragraph 15 below, to develop all lots being sold within the subdivision being advertised at sufficient elevations with regard to the established 100-year flood levels to enable purchasers to build on their lots with no extra expense or unusual building requirements, then the disclosure required by this subparagraph may be omitted.

(ii) For contracts for the sale of lots to which electricity and/or telephone service are not available at the time of sale and to which respondents or any other party, including any utility company franchised or regulated by a government agency, are not legally obligated to provide or assure the availability of electricity and/or telephone service, add the following, including whichever of the bracketed language is applicable:

No plans have been made to make electricity and telephone service available to your lot.

(iii) For contracts for the sale of lots to which electricity and/or telephone service will be provided only upon the payment of a line extension fee, add

the following, including whichever of the bracketed language is applicable:

The payment which must be made to a utility company in order to get electricity and telephone service to your lot may be very high.

(iv) For contracts for the sale of lots to which respondents or any other party, including any utility company franchised or regulated by a government agency, are not legally obligated to provide or assure the availability of potable water and/or sewage disposal, add the following, including whichever of the bracketed language is applicable:

[Drinkable water and sewage disposal] may not be available to your lot.

(v) For contracts for the sale of lots to which the legal obligation of respondents or any other party regarding the roads to be provided to such lots is limited to the installation of unpaved roads with no maintenance obligations, add the following, including the bracketed language if the roads to the lot being offered for sale have not been constructed at the time of sale:

[The land you are purchasing is undeveloped land.] Your lot will be accessible, if at all, only by unpaved, unmaintained roads which may become impassable.

(vi) For contracts for the sale of lots to which respondents or any other party are legally obligated to provide only drainage and/or unpaved roads with no maintenance obligations, and to which electricity and telephone service are not available at the time of sale, add the following, including the bracketed language if such roads have not been constructed at the time of sale, in lieu of the disclosures in subparagraphs (ii)-(v) above:

[The land you are purchasing is undeveloped land.] Electricity, water, sewage disposal, and telephone service are not planned and may be impossible to obtain. Your lot will be accessible, if at all, only by unpaved, unmaintained roads which may become impassable. Your lot has virtually no use at present or in the foreseeable future.

(vii) For contracts for the sale of lots to which respondents or any other party are legally obligated to provide only drainage, or no improvements at all, add the following in lieu of the disclosures in subparagraphs (ii)-(iv) above:

The land you are purchasing is completely undeveloped. No roads or other improvements are planned, and your lot is probably inaccessible by conventional means of transportation. Your lot has virtually no use at present or in the foreseeable future.

(viii) For contracts for the sale of lots which are designated or zoned for any use other than single family residential, add the following:

The designation or zoning of a lot as [indicate lot's designation or zoning classification,

e.g., multiple family residential] may have no bearing on its value.

4. Failing, in connection with the sale of land, to disclose, clearly and conspicuously, in all sales presentations, promotional materials, and advertisements other than billboards primarily containing road directions to a subdivision, the following statement:

Since land values are speculative and risky, you should consult a qualified professional before buying. It is unlikely that you will be able to resell your land or resell it at a profit without significant community development and population growth, which may not occur for a number of years, if at all.

Provided, however, That in lieu of the above statement, the following statement may be used in (i) radio or television advertisements of 30 seconds or less; (ii) magazine advertisements of 1/2 page or less; and (iii) newspaper advertisements of 1/2 page or less:

Remember—buying land is risky! Consult a qualified professional before buying!

5. Failing to furnish the purchaser of land with a fully completed copy of any contract at the time of its signing by the purchaser, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation, if any, and which shows the date of the transaction and contains the name and address of the respondent corporation which is the contracting party, provided that the contract need not at this time contain the signature of respondents.

6. Failing to print all conditions and provisions of any contract for the sale of the land in a clear and conspicuous manner, and, where any conditions or provisions are set forth on the reverse side of said contract, failing to indicate in a clear and conspicuous manner at the bottom of the front side of said contract that the purchaser should carefully examine the reverse side.

7. (a) Failing to furnish each purchaser of land, at the time he or she signs the contract, with a completed form in duplicate captioned "NOTICE OF CANCELLATION" which shall contain in boldface type of a minimum size of 10 points, except for the language designated as "Note" relating to notification, which may appear in any type setting which is clear and conspicuous, the following statement in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

[enter date of transaction]

[enter purchaser(s) name(s)]

You may cancel this transaction, without any loss, expense, penalty or obligation, at any time prior to midnight of the 10th business day after the above date.

If you cancel, all payments made by you under the contract will be returned within 15 calendar days following receipt by the seller of your cancellation notice.

To cancel this transaction, mail or deliver a signed copy of this cancellation notice or any other written notice, or send a telegram to: (name of applicable respondent), at (address of applicable respondent's place of business) not later than midnight of \_\_\_\_\_ (date).

NOTE.—Notification by mail shall be considered given at the time postmarked; notification by telegram shall be considered given at the time filed for transmission; and notification by other writing shall be considered given at the time delivered to respondent's place of business.

I (We) hereby cancel this transaction. (If only one purchaser signs this notice, it means he or she has the permission of any other purchasers to act for them.)

Purchaser's  
Signature

Date

Purchaser's  
Signature

(b) Failing, before furnishing copies to the purchaser of the "Notice of Cancellation" set forth in subparagraph (a) above, to complete both copies by entering the name of the applicable respondent, the address of the applicable respondent's place of business, the date of the transaction, the purchaser's name, and the date, not earlier than the 10th business day following the date of the transaction, by which the purchaser must give notice of cancellation.

(c) Failing to inform each prospective purchaser orally, at the time the contract is signed, of the right to cancel as stated in subparagraph (a) above.

8. Requiring the purchaser of land to make a personal inspection of any property or the general vicinity thereof as a condition precedent to the cancellation of any contract or the refund of any moneys paid thereunder, unless:

(a) Respondents limit such inspection to the purchaser's lot and the subdivision in which it is located;

(b) The purchaser is actually taken to and shown his or her lot; *Provided, however,* That if the purchaser's lot is not reasonably identifiable, and accessible by conventional means of transportation, during the inspection period provided by the contract, respondents shall extend the period until such time as the lot is identifiable and accessible, and shall notify the purchaser that his right to cancel his contract and receive a refund upon inspection of his lot has been so extended;

(c) In the event more than one purchaser has signed the contract, one purchaser is permitted to make the inspection as the representative of all the purchasers;

(d) Respondents provide the purchaser three business days following the date of inspection within which to cancel the contract or request the refund; and

(e) The purchaser's contract, as part of any provision requiring the purchaser to make a property inspection in order to cancel the contract and/or obtain a refund, clearly and conspicuously discloses the facts set out in subparagraphs (a)-(d) above.

9. (a) Failing to furnish each purchaser of land at the completion of the property inspection made in accordance with paragraph 8 above a completed form in duplicate captioned "NOTICE OF CANCELLATION" which shall contain in boldface type of a minimum size of 10 points, except for the language designated as "Note" relating to notification, which may appear in any type setting which is clear and conspicuous, the following statement in the same language, e.g., Spanish, as that used in the purchaser's contract:

NOTICE OF CANCELLATION

.....  
[enter date of inspection]

.....  
[enter purchaser(s) name(s)]

You may cancel your contract, without any loss, expense, penalty or obligation, at any time prior to midnight of the third business day after the above date.

If you cancel, all payments made by you under the contract will be returned within 10 business days following receipt by the seller of your cancellation notice.

To cancel your contract, mail or deliver a signed copy of this cancellation notice or any other written notice, or send a telegram to: (name of applicable respondent), at (address of applicable respondent's place of business) not later than midnight of (date).

NOTE.—Notification by mail shall be considered given at the time postmarked; notification by telegram shall be considered given at the time filed for transmission; and notification by other writing shall be considered given at the time delivered to respondent's place of business.

I (We) hereby cancel the contract. (If only one purchaser signs this notice, it means he or she has the permission of any other purchasers to act for them.)

.....  
Purchaser's Signature Date  
.....  
Purchaser's Signature

(b) Failing to complete both copies of the "Notice of Cancellation" set out in subparagraph (a) above prior to furnishing them to the purchaser by entering the name of the applicable respondent and the address of its place of business, the date of the lot inspection, the names of the purchaser(s)

making the inspection and the date, not earlier than the third business day following the date of said inspection, by which the purchaser(s) must give notice of cancellation.

10. (a) Failing in any instance where a timely notice of cancellation is received pursuant to subparagraphs 7(a) or 9(a) above, and said notice is not sufficient or proper in any manner and respondents do not intend to honor the notice, to immediately notify the purchaser by certified mail, return receipt requested, enclosing the notice, informing the purchaser of his or her error, and stating clearly and conspicuously that a sufficient notice properly signed must be mailed by midnight of the third day following the purchaser's receipt of said mailing if the purchaser is to obtain a refund.

(b) Failing to make refunds in accordance with the terms of any notices of cancellation timely received by respondents pursuant to subparagraphs 7(a), 9(a), or 10(a) above.

11. In connection with the refund provision set forth in paragraph 8 above, representing to prospective purchasers and purchasers that they may cancel their contracts and get refunds unless such is the fact and unless all conditions and limitations applicable thereto, including but not limited to the facts, where applicable, that the purchaser may be subjected to additional sales presentations while seeking to obtain a refund and that the purchaser must pay his or her transportation costs to and from the lot, are clearly disclosed in immediate conjunction therewith and with the same conspicuousness.

12. Transferring, selling, assigning, or otherwise conveying any note or other evidence of indebtedness of the purchaser executed subsequent to the date this Order becomes final to a finance company or other third party prior to midnight of the 20th business day following the day the contract was signed.

13. (a) Offering for sale or selling lots which are represented as suitable for homesites unless the contracts for the sale of such lots contain a legal obligation on the part of respondents in accordance with paragraph 15 below, to provide or assure the availability of roads, electricity, telephone service, potable water, sewage disposal, and where necessary, drainage, to such lots, installed or constructed to no less than those minimum government standards required for obtaining a building permit for a dwelling unit on such lots.

(b) Representing, in connection with the sale of land, that respondents will provide to a subdivision or lot therein, or that a subdivision or lot therein will have available, roads, electricity, telephone service, potable water, sewage

disposal, or drainage, unless the contracts for the sale of lots in that subdivision, at the time of the representation, contain a legal obligation on the part of respondents, in accordance with paragraph 15 below, to provide or assure the availability of each such utility or improvement represented.

14. Representing, in connection with the sale of land, that respondents' subdivisions have or will have available, or that residents of respondents' subdivisions or lot purchasers therein have or will have the use of, any recreational facility, improvement, utility, amenity, or structure whether or not located in respondents' subdivisions (other than those utilities and improvements listed in subparagraph 13(b) above), including but not limited to golf courses, clubhouses, waterways, lakes, marinas, hotels, motels, shopping facilities, professional service facilities, beaches, and parks, unless

(a) For representations of present availability or use: (i) such representation is true, and (ii) the terms and conditions of availability to or use by purchasers and residents are clearly and conspicuously disclosed at the time of such representation, provided that such terms and conditions regarding retail stores and public establishments need not be disclosed if they are typical and customary for such stores and establishments, and (iii) at the time of the representation, respondents reasonably believe the recreational facility, improvement, utility, amenity, or structure will continue to be available in the foreseeable future.

(b) For representations of availability or use in the future:

(i) The terms and conditions of availability to or use by purchasers and residents, including the date of completion or availability, are clearly and conspicuously disclosed at the time of such representation: *Provided*, That such terms and conditions regarding retail stores and public establishments—other than the date of completion—need not be disclosed if they are typical and customary for such stores and establishments; and

(ii) At the time of the representation, one of the following conditions is met: (a) Respondents are contractually obligated to provide such facility, improvement, utility, amenity, or structure in accordance with paragraph 15 below; or (b) Any other party is legally obligated to lot purchasers to provide such facility, improvement, utility, amenity, or structure, and respondents clearly and conspicuously disclose in immediate conjunction with such representation that respondents have no contractual obligation to make such facility, improvement, utility, amenity, or structure available or to assure its continued availability; or

(c) Such facility, improvement, utility, amenity, or structure is at least 50 percent completed with completion reasonably anticipated by respondents within one year, and respondents have a reasonable basis to believe it will be available for use by purchasers and residents when completed and will continue to be so available in the foreseeable future.

15. (a) With respect to any recreational facility, improvement, utility, amenity, or structure which respondents are contractually obligated to provide or make available, failing to provide (i) through (v) below in the contract:

(i) An adequate description of each recreational facility, improvement, utility, amenity, and structure to be provided or available.

(ii) The date by which each such recreational facility, improvement, utility, amenity, and structure will be provided or available. For improvements and utilities, said date shall be a date certain not later than the date the purchaser's final scheduled payment would be due under the payment schedule contained in the applicable contract in use at the time of purchase which was offered to purchasers not paying on an accelerated basis. *Provided*, That in the case of central water or central sewage facilities, the contract may provide either A or B below:

(A) Said facilities will be installed within one year after respondents' receipt of written notice from the purchaser that he or she intends to build on his or her lot, provided that if the contract provides for this alternative, such contract may also provide, where applicable, the roads to such lot do not have to be paved until the expiration of said one year period; or

(B) Said facilities will be available when a stated level of population density in a specified area is achieved: *Provided*, That the contract further states, in accordance with subparagraph (b) below, that respondents assure the availability of potable water by means of a well and/or sewage disposal by means of a septic tank.

(iii) The dollar amount of all costs, fees, and/or assessments which a purchaser must pay for the construction and/or installation of each recreational facility, improvement, utility, amenity, and structure; *Provided, however*, That if the costs, fees and/or assessments so represented are estimates, (1) the contract shall disclose this fact and that these costs, fees, and assessments may actually be higher. Said disclosure shall be made clearly, in immediate conjunction with the representation of the costs, fees, and/or assessments and with the same conspicuousness as such representation; and

(2) such estimates must be substantiated in writing at the time they are represented by competent and reliable engineering studies which shall include a reasonable allowance for inflation. Such substantiation shall be maintained for at least three years after all fees, costs and/or assessments which it relates to have been paid by the purchaser.

(iv) If under the terms of the contract the purchaser may be required to pay for the installation of a well and/or septic tank, a provision stated as follows, including whichever of the bracketed language is appropriate:

In the event that the purchaser determines, within five years after his payments are completed or the deed has been issued, whichever is later, that a [well or septic tank] cannot be used on his or her lot, the seller shall refund to the purchaser the cost of the test which determined that the [well or septic tank] cannot be used: *Provided*, That in the event the cost of the test is substantially higher than the prevailing rate for such test by qualified businesses in the vicinity of the applicable subdivision, the seller may limit such refund to the prevailing rate for such test.

It shall be the responsibility of the purchaser, within 90 days after determining that [either a well or septic tank] cannot be used on his or her lot to notify the seller of this fact and request a refund of the cost of the test which determined that the [well or septic tank] cannot be used.

(v) A provision stated as follows:

In the event the subdivision or the lot which is the subject of the contract has not been provided with or does not have available any contracted-for improvement or utility, or there has been a material failure to provide or make available any contracted-for recreational facility, amenity or structure, within six months of the time specified in the contract plus the actual number of days of any delay caused by any strike or work stoppage beyond respondents' control, or an act of God, the seller will, within 60 days after the expiration of the applicable time period, provide the purchaser by certified mail, return receipt requested, with notice of such failure to provide or such unavailability, and of the purchaser's right to a refund of all moneys paid (including but not limited to principal, interest, taxes, and assessments) under the contract plus interest at the rate of 7 percent per annum computed from the date of default: *Provided, however*, That at the time the purchaser is notified of such refund, the purchaser may also be offered the option of selection, in lieu of such refund, an exchange of the purchaser's lot, at no additional cost to the purchaser, for another lot to which all contractual obligations of respondents have been met, which was or would have been of at least equal price on the date the purchaser's contract was signed, which is located in the same subdivision or community, is at least the same size, has the same zoning classification, has the same utilities and improvements as respondents were obligated to provide under the original contract, and is located no further from the same or substantially similar recreational and commercial facilities and amenities as the original lot.

(b) If under the terms of the contract potable water and/or sewage disposal are to be provided for any period of time by means of a well and/or septic tank, in the event a well or septic tank cannot be used on such lot within 5 years after the purchaser completes his or her payments or receives a deed, whichever is later, respondents, within 60 days after determining or receiving notice of that fact, shall comply with either (i) or (ii) below, at respondents' option:

(i) Contract with the purchaser to provide central sewage and/or central water to the lot not later than 1 year after determining or receiving notice that a well and/or septic tank cannot be used on the lot: *Provided, however*, That if the deed to the lot had not been issued at the time respondents reach such a determination or receive such notice respondents may provide central sewage and/or central water to the lot at any time within 1 year from the date the purchaser's final scheduled payment is due under the contract.

(ii) Offer the purchaser a refund of all moneys paid (including but not limited to principal, interest, taxes, and assessments) under the contract plus interest at the rate of 7 percent per annum computed from the date of default: *Provided, however*, That at the time the purchaser is offered such refund, the purchaser may also be offered, in lieu of such refund, an exchange of the purchaser's lot for another lot to which all contractual obligations of respondents have been met, which was or would have been of at least equal price on the date the purchaser's contract was signed, and which is located in the same subdivision or community, is at least the same size, has the same zoning classification, has the same utilities and improvements as respondents were obligated to provide under the original contract, and is located no further from the same or substantially similar recreational and commercial facilities and amenities as the original lot.

(c) Failing to notify the purchaser of his or her right to a refund or exchange as set out in subparagraphs (a)(v) and (b) above; failing to provide central sewage and/or central water to the purchaser's lot as provided in subparagraph (b)(1) above; and failing to make the refund or exchange provided for in subparagraphs (a)(v) and (b) above within 30 days of receipt of the purchaser's request for such refund or exchange: *Provided, however*, That in the event respondents are obligated under this paragraph to make refunds exceeding \$500,000 as a result of a single default common to many lots, it shall not be a violation of this Order for respondents to prorate such refunds, with interest at a rate of 7 per-

cent per annum from the date of default, over a period of 5 years from the date of default.

16. (a) Representing that a central sewage and/or water system will be available when a stated level of population density in a specified area is achieved unless it is clearly and conspicuously disclosed in immediate conjunction therewith and with the same conspicuousness (i) that purchasers will be required to use a well and/or septic tank if they build on their lots before said level of population density is reached, and (ii) the approximate cost to the purchaser of installing a well and/or septic tank.

(b) Failing to clearly and conspicuously disclose in writing the substance of paragraph 15(a)(iv) above, at the time the deed is issued, to each purchaser of a lot to which a central sewage and/or water system will be made available when a stated level of population density in a specified area is achieved.

(c) Collecting assessments prior to the start of construction for a central sewage and/or a central water system which is required to be provided or made available when a stated level of population density is achieved unless the following conditions are complied with:

(i) Collection of such assessments is begun no sooner than 2 years prior to the commencement of construction of such system(s);

(ii) Such assessments are placed in escrow;

(iii) In the event construction does not commence within 2 years after the collection of assessments has begun, all such assessments shall be refunded to the purchasers from whom they were collected with interest at a rate of 7 percent per annum from the date each assessment payment was received until the date such refund was made; and

(iv) In the event the central sewage and/or central water system has not been provided or made available to a lot within 5 years after the collection of assessments has begun plus the actual number of days of any delay caused by an act of God or a strike or work stoppage beyond respondents' control, all such assessments shall be refunded to the purchasers of such lots with interest at a rate of 7 percent per annum from the date each assessment payment was received until the date such refund is made.

*Provided, however,* That in the event State or Federal regulations require that assessments collected pursuant to this subparagraph of the Order be placed in an escrow account subject to the control of a State or Federal agency, respondents shall use their best efforts to provide in any agreement for refund provisions in accord-

ance with subparagraphs (c)(iii) and (c)(iv) above or otherwise to obtain a legally binding commitment from such State or Federal agency to permit respondents to comply with subparagraphs (c)(iii) and (c)(iv) above.

(d) Failing to make refunds within 90 days after the expiration of the 2 year period described in subparagraph (c)(iii) above and after the expiration of the 5 year period described in subparagraph (c)(iv) above.

17. (a) Representing to a prospective purchaser or to a purchaser prior to the time a deed for his or her lot is issued, that respondents will construct or cause to be constructed a building on the prospective purchaser or purchaser's lot or will rent or sell such a building or units therein for the benefit of the purchaser, unless respondents offer to enter into a contract with the purchaser to do so or offer the purchaser the right to an option to enter into such a contract at a future date, on mutually agreeable terms, and unless that contract contains a provision which gives the prospective purchaser or purchaser, in the event respondents default in their obligation to build or have built, rent or sell such building or units therein, the right to cancel the contract for the purchase of the lot upon which said building has been or was to be constructed and receive a refund of all monies paid thereunder, including but not limited to payments of principal, interest, taxes, assessments, and recording costs, plus interest at the rate of 7 percent per annum from the date of default.

(b) Failing within 60 days of receipt of a prospective purchaser or purchaser's request for a refund made in accordance with subparagraph (a) above to make the refund so requested.

18. Soliciting or obtaining the purchaser's assent to or otherwise imposing any condition, waiver or limitation upon the right of a purchaser to a refund or exchange as set forth in paragraphs 15 and 17 of this Order; *Provided, however,* That:

(i) Respondents may require purchasers to request a refund or exchange within a stated time period of not less than 90 days after the purchaser is notified by respondents of their default under the contract;

(ii) This paragraph shall not preclude respondents from offering a purchaser additional alternatives which may be selected, at the purchaser's option, in lieu of a refund or exchange; and

(iii) In the event the purchaser has received a deed or other evidence of title in the contracted-for property other than a contract, or has recorded the contract, the purchaser must, as a condition of obtaining such refund or exchange, reconvey to the seller such

interest by deed and/or other appropriate instruments provided by respondents.

19. (a) Failing to include in all contracts for the sale of land entered into on or after the date this Order becomes final:

(i) A provision limiting the moneys paid by a purchaser under the contract to be forfeited in the event of the purchaser's default to an amount not greater than 40% of the "cash price"; and

(ii) A provision stating that, in the event the purchaser fails to make any payment required under the contract, the purchaser shall be deemed in default not later than six months after the payment was due: *Provided,* That the default has not been cured prior to that time; *Provided, however,* That respondents shall be permitted to delay declaring a delinquent purchaser in default if so requested by the purchaser.

(b) Failing to refund to purchasers, in accordance with the contract provision set forth in subparagraph (a)(i) above, all moneys paid under the contract, including but not limited to principal, interest, taxes, and assessments which in the aggregate exceed 40% of the "cash price," within 60 days after the purchaser is deemed to have defaulted: *Provided, however,* That it shall not be a violation of this Order for respondents to pro-rate all such refunds with interest at the rate of 8% per annum from the date of default, over a period of three years from the date of default or, in the event of a refund of \$1,500 or more to a single purchaser, over a period of five years from the date of default for that purchaser's refund: *And further provided,* That this subparagraph shall not preclude respondents from offering a defaulting purchaser additional alternatives which may be selected at the purchaser's option, in lieu of a refund.

For purposes of this paragraph of the Order, "cash price" shall be the amount of money described in the purchaser's contract as the "cash price" in accordance with § 226.2(n) of Truth-in-Lending Regulation Z, 12 CFR Part 226.

20. In connection with the sale of land:

(a) Failing to disclose, clearly and conspicuously in 10-point boldface type in printed advertisements and promotional materials, and clearly and conspicuously in sales films and other audio-visual materials used during sales presentations, for subdivisions in which at least 15% of the platted lots are, at the time of sale, at elevations below the 100-year flood level established by the United States Department of Housing and Urban Develop-

ment, or are otherwise subject to flooding, the following:

This land [as most of coastal Florida] is susceptible to flooding. Unusual or costly building requirements may be imposed.

*Provided, however,* That the bracketed language must be omitted when the subdivision being advertised, if other than a Rotonda subdivision, is not located within five miles of the Atlantic or Gulf Coasts of Florida: *And further provided,* That in the event respondents have a contractual obligation, in accordance with paragraph 15 above, to develop all lots being sold within the subdivision being advertised at sufficient elevations with regard to the established 100-year flood levels to enable purchasers to build on their lots with no extra expense or unusual building requirements, then the disclosure required by this subparagraph may be omitted.

(b) In the event a lot represented as suitable for a homesite whose elevation is below the 100-year flood level established by the United States Department of Housing and Urban Development, or which is otherwise subject to flooding, cannot lawfully be used, even with pilings, fill dirt, or other usual and customary building techniques, if any, as a homesite at the time the deed should issue due to zoning regulations or other laws related to the lot's elevation or susceptibility to flooding, respondents shall offer to the purchaser of such lot one of the following, or an option of selecting from one of the following:

(i) A refund of all moneys paid (including but not limited to principal, interest, taxes, and assessments) under the contract plus interest at the rate of 7% per annum computed from the date of default; or

(ii) An exchange of the purchaser's lot for another lot to which all contractual obligations of respondents have been met, which was or would have been of at least equal price on the date the purchaser's contract was signed, and which is located in the same subdivision or community, is at least the same size, has the same zoning classification, has the same utilities and improvements as respondents were obligated to provide under the original contract, and is located no further from the same or substantially similar recreational and commercial facilities and amenities as the original lot.

*Provided, however,* That this subparagraph of the Order should not be construed to limit any additional rights and remedies the purchaser may have under his or her contract.

(c) Failing to offer the purchaser the refund or exchange set out in subparagraph (b) above within 90 days of determining that the lot cannot lawfully

be used as a homesite at the time the deed should issue, and failing to make the refund or exchange in accordance with subparagraph (b) above within 30 days of receipt of the purchaser's request for such relief.

21. (a) Making any statement or representation in writing, or orally in sales films or other audio-visual materials used during sales presentations, concerning the purchase price of land without clearly disclosing in immediate conjunction therewith and with the same conspicuousness as such statement or representation the nature and estimated amount of any additional assessments and other improvement costs which must be paid by the purchaser to respondents or any third party: *Provided, however,* That this subparagraph shall not apply to the disclosure required by subparagraph 1(a) above.

(b) Failing to clearly disclose in the contract, in immediate conjunction with the purchase price of the lot and with the same conspicuousness:

(i) The nature and estimated amount of any assessments and other improvement costs; and

(ii) A reference to the other items for which payments are required, including but not limited to utilities not included in the assessments, fill dirt, pilings, conservation associations, property taxes, and canal maintenance, which must be paid by the purchaser to respondents or any third party in order to purchase such lot and make it usable for the purposes represented.

22. (a) Requiring purchasers of lots in respondents' subdivisions to join a Conservation Association or any other association, society, league, corporation, or other entity which can require its members to pay assessments or other fees [hereinafter in paragraph 22 referred to as a Conservation Association], or including in such purchasers' contracts or in the deeds of restriction provisions whereby they became members of a Conservation Association, unless the declaration, bylaws or other regulations governing the Conservation Association:

(i) Give each purchaser a vote in association matters at the time he or she becomes a member; (ii) apportion all votes in a fair and equitable manner, provided that land which has not been platted into lots shall not be apportioned or otherwise used as a basis for determining a member's voting rights; and (iii) provide nonresident members a reasonable means to participate and vote in Conservation Association matters.

(b) Failing to disclose to all prospective purchasers of land in subdivisions where a Conservation Association has been or is planned to be established, clearly and conspicuously in writing:

(i) The circumstances under which they become members of the Conservation Association;

(ii) That the Conservation Association may assess such purchasers for the maintenance of and capital improvements to the common properties in the subdivisions in which their lots are located, if such is the fact;

(iii) The specific items, and the assessment per lot for each such item, for which association members have been assessed over the past three years; and

(iv) The estimated time period during which respondents will be the sole voting member or will otherwise have voting control of the Conservation Association.

23. Representing any of the following to any prospective purchaser or purchaser of land:

(a) That the purchase of a lot in one of respondents' subdivisions is a way to insure financial security, to deal with inflation, or to become wealthy.

(b) That real estate is a good or safe investment.

(c) That land in respondents' subdivisions is being offered for sale for investment purposes or is suitable for investment purposes.

(d) That the purchase of a lot in one of respondents' subdivisions is a good or safe investment.

(e) That land is becoming scarce: *Provided, however,* That this subparagraph shall not prohibit any representations permitted under paragraph 43 below.

*Provided, however,* That this paragraph shall not prohibit any representations permitted under paragraph 25 below.

24. Representing to any prospective purchaser or purchaser of land that the prices for land in respondents' subdivisions periodically rise, or that such prices have increased, are increasing, or may or will increase, unless the following is clearly disclosed in immediate conjunction with such representations and with the same conspicuousness:

Price increases are made at the seller's discretion and do not mean that the land has increased in value or that a purchaser can resell a lot at the higher price or at any price.

*Provided, however,* That in the case of oral representations, such disclosures shall be made both orally and in writing.

25. Representing to any prospective purchaser or purchaser of land that the value of or demand for any land, including lots in respondents' subdivisions, has increased, is increasing, or will or may increase, or that purchasers have made, are making, or will or may in the future make, a profit

through the purchase of a lot or lots in respondents' subdivisions.

*Provided, however,* That respondents may truthfully represent to a prospective purchaser at the time of sale, or to a purchaser at the time of a property inspection:

(a) The price at which vacant lots in respondents' subdivisions have been resold by the original purchaser or subsequent purchasers if the following conditions are met:

(i) Respondents and/or their agents, representatives or employees were not parties (*i.e.*, seller or purchaser) to the resale;

(ii) The resale was an arms's-length transaction for cash or its equivalent;

(iii) The resale was of a lot in the same subdivision or community as the lot which is being offered for sale to the prospective purchaser or which was sold to the purchaser. For the purposes of this subparagraph, the term "community" shall mean two or more adjacent subdivisions sold pursuant to a common promotional plan;

(iv) The resale lot has the same zoning or use classification as the lot which is being offered for sale to the prospective purchaser or which was sold to the purchaser;

(v) The site classification (*e.g.*, interior lot, greenbelt, canal, riverfront, golf course) of the resale lot is comparable or less valuable than that of the lot which is being offered for sale to the prospective purchaser or which was sold to the purchaser;

(vi) The resale lot is similar in size or smaller and has the same or lesser improvements and utilities, as the lot which is being offered for sale to the prospective purchaser or which was sold to the purchaser;

(vii) At least five resales of lots meeting the conditions set out in this subparagraph have occurred within the two years prior to the representation;

(viii) The resale price does not exceed by more than 20% the mean or median price of all resales meeting the conditions set out in this subparagraph which occurred within two years of the representation. Respondents shall not be considered to be in violation of this subparagraph if the resale price they are representing exceeds the mean or median resale price by more than 20% solely due to resales which occurred within six months of the representation; and

(ix) The following is clearly disclosed in immediate conjunction with the representation and with the same conspicuousness:

The fact that other lots in this subdivision have been resold does not mean that there is a resale market, or that you will be able to resell your lot at any price. Check with a local real estate broker for resale information.

*Provided, however,* That in connection with the sale of land in the Rotonda subdivisions, respondents shall make no representations of the price of resales in the Oakland Hills segment of Rotonda West except with respect to sales of Oakland Hills lots, and shall not represent the price of resales in the other segments of Rotonda West in connection with the sale of lots in the other Rotonda subdivisions.

(b) The price at which any lot in a competing subdivision which is similar to the lot which is being offered for sale to the prospective purchaser or which was sold to the purchaser is currently being sold, or the last price at which any such lot was sold in a transaction to which respondents and/or their agents, representatives, or employees were not parties (*i.e.*, seller or purchaser), if the following is clearly disclosed in immediate conjunction with the representation and with the same conspicuousness:

The fact that lots in other subdivisions are being sold does not mean that you will be able to resell your lot at the same price or at any price. Check with a local real estate broker for resale information.

Respondents shall not be considered to be in violation of this subparagraph if the sales price represented is not current or the resale price represented is not the last such price solely due to price changes or new resales occurring within six months of the representation.

Respondents shall maintain, for a period of three years after making any representation pursuant to subparagraphs (a) or (b) above, data sufficient to substantiate each such representation, and shall make such data available during normal business hours to the Commission for inspection and copying.

26. Misrepresenting the past, present, or future sales price of lots in respondents' subdivisions.

27. Making any representation in connection with the sale of land which refers to or concerns investment in stocks, insurance, banks, or any other form of investment other than land in respondents' subdivisions and other comparable subdivisions.

28. Making representations in connection with the sale of land concerning or comprised of statistics or trends of population, employment, business, or industry, or making representations concerning or comprised of other statistics or trends, unless respondents have at the time of making such representations, and maintain for three years thereafter, a reasonable basis to believe:

(i) For representations concerning or comprised of statistics or trends regarding past or present events, that such representations are true; and

(ii) For representations concerning or comprised of statistics or trends regarding future events, that such statistics or trends will occur as represented.

A reasonable basis shall consist of current, relevant, and objective statistical or economic data or studies, where such data are collected or such studies are conducted in accordance with accepted applicable demographic, economic, and/or statistical principles.

29. Representing that respondents may or will buy back lots from or resell lots for purchasers, or may or will set up a resale division; or misrepresenting that purchasers will be able to sell their lots or their interest therein.

30. Representing that respondents have developed new towns or communities, or are well-known, experienced, or highly regarded community developers; or misrepresenting respondents' business experience, reputation, or financial conditions.

31. Representing that respondents' subdivisions or waterfront property therein provide access by boat to the Atlantic Ocean, Gulf of Mexico, or any other body of water, or that canals, lakes, or other waterways are navigable or can be used for any recreational activity, unless such is fact and unless all material qualifications pertaining to such access, navigability or use, including but not limited to the size or type of boats which can obtain access to open water or navigate the waterways and speed limits which may be established, are clearly disclosed in immediate conjunction therewith and with the same conspicuousness as such representation.

32. Misrepresenting the mileage, percentage, or other amount or proportion of any recreational facility, improvement or utility, including but not limited to roads, curbs, gutters, utility lines, and water or sewage mains, which has been completed, is under construction, or will be constructed in respondents' subdivisions.

33. Using similar names for subdivisions in which the recreational facilities, improvements, utilities, and amenities available in each such subdivision are not substantially identical: *Provided, however,* That respondents shall not be obligated to rename any currently platted subdivision.

34. (a) Making any representation concerning Palm Beach Garden in any advertisement, promotional material, or sales presentation for any land located in Palm Beach or Martin Counties, Florida.

(b) Making any representation concerning any recreational facility, improvement, utility, or amenity available or located in a city, community, subdivision or other geographic area during a sales presentation of in an ad-

vertisement or promotional material relating to one or more of respondents' subdivisions at which similar recreational facilities, improvements, utilities, or amenities have not been provided and there is no contractual obligation to so provide or assure the availability of, unless respondents disclose in immediate conjunction therewith and with the same conspicuousness as such representation that similar recreational facilities, improvements, utilities, or amenities will not be provided at respondents' subdivision or subdivisions to which the sales presentation, advertisement, or promotional material relates.

35. Representing:

(a) That Rotonda West, Rotonda Shores, Rotonda Lakes, Rotonda Heights, Rotonda Meadows, Rotonda Springs, Rotonda Sands, or Rotonda Villas have been or will be provided, either singly or in conjunction with one or more of the other Rotonda subdivisions, with a multimillion dollar clubhouse or clubhouses, underground electric or telephone lines, concrete curbs and gutters, sidewalks, a fully developed central core, a tennis clinic, more than two golf courses, or a private island.

(b) That Twin Lakes Country Club and Estates will be provided with gas lines.

(c) That Paradise Hills will be developed in any manner.

(d) That Palm Beach Heights has been or will be provided with any recreational facility, improvement, utility or amenity other than unpaved, unmaintained dirt roads and drainage.

(e) That any lot in Perdido Bay Country Club Estates will be developed prior to the date for completion of improvements stated in the contract.

*Provided, however,* That this paragraph shall not preclude respondents from making any of the representations prohibited by subparagraphs (a)-(e) above if, at the time the representation is made, respondents have a contractual obligation in accordance with paragraph 15 above to develop the subdivision as represented.

36. (a) Representing that any recreational facility, improvement, utility, amenity, or residential structure is planned for a subdivision or part thereof when such plans have been altered, abandoned, superseded, postponed, or otherwise will not be completed as represented.

(b) Representing that any recreational facility, improvement, utility, or amenity has been provided or is available at a subdivision or part thereof when such recreational facility, improvement, utility, or amenity has been closed or is no longer available for use.

37. In the event that the development plans for any subdivision, including plans for any recreational facility, improvement, utility, amenity, or residential structure, are materially altered, abandoned, or otherwise will not be completed as represented, failing to disclose such alteration, abandonment, or other change in plans within 90 days of such event to each purchaser of a lot in the subdivision in which the development plans were to occur, and to each purchaser in any other of respondents' subdivisions which is located within 25 miles of the subdivision in which the development plans were to occur: *Provided, however,* That in connection with development plans in the Rotonda subdivisions:

(i) If the subdivision in which the development plans were to occur is Rotonda West, then such disclosure shall be made to all purchasers of lots in each of the Rotonda subdivisions;

(ii) If the development plans concerned a recreational facility, improvement, utility, amenity, or residential structure which was to serve more than one of the Rotonda subdivisions, then such disclosure shall be made to all purchasers of lots in each such subdivision;

(iii) If the development plans were to occur in a subdivision other than Rotonda West, and the recreational facility, improvement, utility, amenity, or residential structure was not intended to serve more than one Rotonda subdivision, then such disclosure shall be made to all purchasers in the one subdivision affected.

Notwithstanding the above, if the change in development plans directly affects 100 or fewer lots, will have no impact on the overall development of a subdivision or community, and does not concern a recreational facility, amenity, or residential structure which was represented in any advertisement or promotional material for respondents' land, such disclosure is required to be made only to the purchasers of the lots directly affected.

38. Misrepresenting the past, present, or future development plans or state of development of any subdivision or part thereof, including but not limited to the recreational facilities, improvements, utilities, amenities, or residential structures therein; or misrepresenting the size, qualities, characteristics, location, or usefulness of any subdivision or part thereof.

39. (a) Representing that any person who acquired real property in any of respondents' subdivisions free, for a nominal cost, at a price substantially below fair market value, or as payment for services, purchased said property or chose to buy or live in said subdivision rather than in other places; or misrepresenting how or why a person

acquired property in any of respondents' subdivisions.

(b) Representing that any person who acquired real property in any of respondents' subdivision free, for a nominal cost, at a price substantially below fair market value, or as payment for services, acquired such property and/or lives in such subdivision unless it is clearly disclosed in immediate conjunction with such representation and with the same conspicuousness that the person acquired his property free, for a nominal cost, at a price substantially below fair market value, or as payment for services, whichever is appropriate.

40. (a) Representing that Ed McMahon is an officer of any of the corporate respondents.

(b) Representing that any well-known person is an officer or employee of any of the corporate respondents unless such representation is true and unless said person performs duties commensurate with the office and spends a substantial portion of his time in such corporate capacity; *Provided, however,* That respondents shall be permitted to make representation otherwise prohibited by this subparagraph when such representations are required by law, in the form and manner specifically prescribed by such law: *And further provided,* That documents containing such prescribed representations shall not be distributed to prospective purchasers or purchasers unless required by such law.

(c) Misrepresenting that any well-known person lives in one of respondents' subdivisions, owns stock in any of the corporate respondents, or is a substantial investor in any of the corporate respondents or in any of respondents' subdivisions.

41. Representing that General Electric Co. or its affiliates, subsidiaries, or divisions planned, designed, engineered, or developed any subdivision or part thereof, or put its entire corporate resources behind any subdivision; or misrepresenting the participation of General Electric Co., or any other company in respondents' subdivisions.

42. Representing that persons being solicited to purchase respondents' land are being asked to take the first step, are reserving the land, are taking an option to buy the land, are not making a final decision, or are not buying the land; or otherwise misrepresenting the legal significance of signing a contract.

43. Representing that prospective purchasers must sign a contract immediately in order to assure purchasing real property in a choice location or in a particular subdivision or community, unless such is the fact; or misrepresenting the number of lots available for sale at present or in the future in any subdivision, group of interrelated subdivision, or other area.

44. Failing to clearly and conspicuously disclose, both orally and in writing, to each prospective purchaser of any lot which is located within one-half mile of railroad tracks, the distance of the lot from said railroad tracks.

45. Including in any contract or other document any waiver, limitation or condition on the right of a purchaser to cancel a transaction or receive a refund under any provision of this Order, except as such waiver, limitation or condition is by this Order expressly allowed.

46. Including in any contract for the sale of land, or in any document shown or provided to purchasers or prospective purchasers of land, whether or not signed by such purchasers or prospective purchasers, language stating expressly or by implication:

(a) That no express or implied representations have been made in connection with the sale of respondents' land or that any particular representation has not been made in connection therewith;

(b) That the purchaser has had an opportunity to examine or understand any property report, offering statement or similar document required by state or Federal law to be made available to him: *Provided, however*, That such language may be included when required by the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. Sections 1701-20 (1970).

47. Making any statement or representation concerning the rights or obligations of respondents or the purchaser which differs in any material respect from the rights or obligations of the parties as stated in the contract.

48. Misrepresenting the right of a purchaser to cancel a transaction or receive a refund under any provision of this Order or any applicable statute or regulation.

49. Misrepresenting to any prospective purchaser or purchaser of land the contents or significance of any pleading, finding of fact, conclusion of law, order, decision, opinion, or any other document or written or oral ruling concerning any legal proceeding in a court, before an administrative agency, or in any other forum.

## II

*It is further ordered:* A. That within two months after this Order becomes final respondents forward to all current purchasers of land in Palm Beach Heights the letter attached as Appendix A: *Provided, however*, That if changes are necessary to render such letter accurate as of the date of mailing, respondents shall submit such changes to the Commission not less than 45 days prior to the date of mailing. The Commission, within 30 days after its receipt of such changes, shall

have the right to reject them in whole or in part, and respondents will then mail such letter with the changes, if any, which were not rejected by the Commission.

B. That within two months after this Order becomes final respondents forward to all current purchasers of land in any of the Rotonda subdivisions who purchased their lots prior to June 1, 1978, the letter attached as Appendix B: *Provided, however*, That if changes are necessary to render such letter accurate as of the date of mailing, respondents shall submit such changes to the Commission not less than 45 days prior to the date of mailing. The Commission, within 30 days after its receipt of such changes, shall have the right to reject them in whole or in part, and respondents will then mail such letter with the changes, if any, which were not rejected by the Commission.

C. That with respect to all contracts for the purchase of respondents' land other than the Perdido Bay Country Club Estates and Runaway Bay subdivisions entered into prior to the date this Order becomes final, respondents or their agents or representatives shall not (i) take legal action, or threaten to take legal action, to recover unpaid balances due under such contracts in the event a purchaser defaults; or (ii) represent to purchasers that they are personally liable to complete the payments under their contracts. In addition, respondent shall obtain and destroy all copies of executed promissory notes other than those in the possession or control of purchasers.

D. (1) That within six months after this Order becomes final respondents set aside and designate in the land records of Charlotte County, Florida, a portion of their property on Don Pedro Island, comprised of contiguous land exceeding five acres in size which fronts at least 400 feet on both the Gulf of Mexico and Lemon Bay, as not to be sold but to be retained by respondents in perpetuity for the use of residents of all the Rotonda subdivisions and as not to be further improved except in a manner consistent with such use, and file in the land records of Charlotte County a perpetual easement pursuant to which residents of all the Rotonda subdivisions will be granted access to the entire beach consistent with current State law; and (2) that respondents retain such property in perpetuity for the use of residents of all the Rotonda subdivisions and not improve such land except in a manner consistent with such use: *Provided, however*, That nothing herein shall prevent respondents from causing such property to be conveyed to one or more duly constituted Rotonda property owners associations or prevent respondents from reserving an

easement over or title to such property for the purpose of assuring access over the property.

E. That for a period of seven years from the date this Order becomes final respondents shall continue to provide free ferry service for Rotonda residents to Don Pedro Island, consistent with the ferry service previously provided such residents, and at the conclusion of such period respondents shall convey free and clear title to a ferry or other suitable water vehicle in good working condition, to one or more duly constituted Rotonda property owners associations.

F. That except with the prior authorization of the Commission, respondents, through June 30, 1990:

1. Shall limit the sale and development of land in Charlotte County, Florida, to the following land: the Rotonda subdivisions as platted on January 1, 1977, the land contiguous to the Rotonda subdivisions owned by respondents as of January 1, 1977, the Cape Haze subdivision, and Don Pedro Island; and

2. Shall not sell, in the land comprising the Rotonda subdivisions on January 1, 1977, a greater number of lots, or lots which would contain in the aggregate a greater potential population, than is contained in the plats in effect on January 1, 1977 for the Rotonda subdivisions. For the purposes of this subparagraph, (a) lots sold prior to the date this Order becomes final shall be included in determining the number of lots sold or the potential population of the lots sold; and (b) lots returned to inventory due to forfeiture, exchange, or any other reason shall not be considered as sold.

G. 1. That respondent Cape Cave Corporation send copies to the Commission of any reports concerning land development at the Rotonda subdivisions, or the expenditures for or the financing of such land development, which are or may be required to be submitted to the division of Florida Land Sales and Condominiums, Department of Business Regulation, State of Florida ("Division"), including but not limited any "Improvement Trust Reports" required to be submitted to the Division pursuant to various Improvement Escrow Agreements to which the division and Cape Cave Corporation are parties. Cape Cave Corporation shall submit copies of such reports within 15 days of the date said reports are required to be submitted to the Division.

2. Respondent Cape Cave Corporation shall maintain, for a period of 5 years after they are prepared, copies of all audited financial statements not submitted to the Commission pursuant to subparagraph (1) above, and shall make such financial statements available during normal business

hours to the Commission for inspection and copying.

### III

*It is further ordered:* A. That respondents deliver, by certified mail or in person, a copy of this Order to all of their present and future salesmen and other employees, independent brokers, advertising agencies and others who sell or promote the sale of respondents' land or who otherwise have contact with the public on behalf of respondents;

B. That respondents provide each person so described in paragraph (A) above with a form to be returned to respondents, clearly stating that person's intention to conform his or her business practices to the requirements of this Order;

C. That respondents inform each person described in paragraph (A) above that respondents shall not use any such person or the services of any such person, unless such person agrees to and does file notice with respondents that he or she will conform his or her business practices to the requirements of this Order;

D. That in the event such person will not agree to so file notice with respondents and to conform his or her business practices to the requirements of this Order, respondents shall not use such person or the services of such person;

E. That respondents so inform the persons described in paragraph (A) above that respondents are obligated by this Order to discontinue dealing with those persons who engage on their own in the acts or practices prohibited by this Order;

F. That respondents institute a program of continuing surveillance adequate to reveal whether the sales practices of each said person described in paragraph (A) above conforms to the requirements of this Order; and

G. That respondents discontinue dealing with any person described in paragraph (A) above, revealed by the aforesaid program of surveillance, who repeatedly engages on his own in the acts or practices prohibited by this Order: *Provided, however,* That in the event remedial action is taken, the sole fact of such dismissal or termination shall not be admissible against respondents in any proceeding brought to recover penalties for alleged violation of any other paragraph of this Order.

### IV

*It is further ordered:* A. That in the event the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. 1701-20 (1970), or any regulation promulgated pursuant thereto by the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development,

requires an act or practice which is prohibited by any provision of this Order, such Order prohibition shall be inoperative.

B. That in the event any provision of this Order requires an act or practice which is prohibited by the Interstate Land Sales Full Disclosure Act, presently codified at 15 U.S.C. 1701-20 (1970), or any regulation promulgated pursuant thereto by the Office of Interstate Land Sales Registration of the U.S. Department of Housing and Urban Development, such Order requirement shall be inoperative.

C. That in the event the Commission promulgates a valid trade regulation rule applicable to respondents' sale of land to consumers which contains provisions setting out the amount or percentage of moneys paid by a purchaser which may be retained by the seller in the event of the purchaser's default, then paragraph 19 of this Order shall be deemed modified by said provisions of the trade regulation rule, and said provisions shall be incorporated into this Order.

D. That in the event the Commission promulgates a valid trade regulation rule applicable to respondents' sale of land to consumers which contains provisions setting out disclosures to be made in contracts and/or in advertisements and promotional materials, any parts of paragraphs 3 and 4 of this Order which are inconsistent with the disclosures set out in said trade regulations rule shall be deemed modified by said provisions of the trade regulation rule, and said provisions shall be incorporated into this Order.

E. That in the event the notices required to be sent to purchasers by paragraphs II (A) and (B) of this Order are required by law to be approved by another federal agency prior to dissemination, in the event respondents submit such notice or offer to the appropriate federal agency for approval at least 45 days prior to the date it is due to be disseminated under this Order and such approval is not granted within 30 days, then the date by which the notice or offer must be disseminated will be extended to 15 days following the date respondents receive notice that such approval has been granted.

F. That this Order shall become effective in accordance with standard Federal Trade Commission procedure: *Provided, however,* That all written advertising and promotional materials, and form contracts, which must be filed with and accepted for dissemination by state or federal agencies, shall not be subject to the provisions of this Order, except for those provisions which prohibit or limit the use of any statement, representation, or misrepresentation, for a period of six months from the date this Order becomes

final or until said acceptance for dissemination is obtained from all applicable state or federal agencies, whichever occurs first: *And further, provided,* That until said six month period expires or said acceptance for dissemination is obtained, whichever occurs first, respondents shall file with the Commission monthly reports detailing respondents' progress toward obtaining the aforementioned acceptance for dissemination by the applicable state or federal agencies.

### V

*It is further ordered,* That respondent corporations shall forthwith distribute a copy of this Order to each of their operating divisions engaged in the sale of real property to consumers.

*It is further ordered,* That respondents herein shall, within 60 days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this Order.

*It is further ordered,* That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents, such as dissolution, assignment, reorganization, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this Order.

### APPENDIX A

#### IMPORTANT NOTICE TO PALM BEACH HEIGHTS LOT BUYERS

The Federal Trade Commission is sending this letter to all Palm Beach Heights lot purchasers. It contains facts you should know about your lot.

Palm Beach Heights is owned by Palm Beach Heights Development and Sales Corporation. Lots in Palm Beach Heights were sold on behalf of the owner by Palm Beach Investment Properties, Inc., a subsidiary of Cavanagh Communities Corporation.

In 1975, the Federal Trade Commission began a lawsuit against Cavanagh Communities Corporation, Palm Beach Investment Properties, Inc., and other subsidiaries of Cavanagh. This letter is part of a Consent Order which has been reached in settlement of that lawsuit.

Please read this letter and think about it carefully.

#### Your Palm Beach Heights lot.

Under your contract, the owner of Palm Beach Heights is required to put in unpaved (sand or gravel) roads. Many of these roads were required to be completed by December 31, 1975 or December 31, 1976. At the time of your purchase, county permits were not required in order to install the roads. Since that time, however, the county passed an ordinance which prohibits the construction of unpaved roads in subdivisions such as Palm Beach Heights, and therefore no roads have yet been constructed. The owner of Palm Beach Heights has filed a lawsuit in order to get unpaved roads approved for Palm Beach Heights, but has thus far been unsuccess-

cessful. If the county wins the lawsuit and if the owner refuses to put in paved roads, there will be no roads in Palm Beach Heights at all. Unless roads are constructed in Palm Beach Heights, your lot will not be usable as a homesite.

*It will be difficult to resell your lot.*

Even if the roads are put in, it is unlikely that you will be able to resell your lot in the foreseeable future at or near the price you have paid or are paying for it. You should be aware that neither Cavanagh nor Palm Beach Investment Properties will buy back your lot or help you resell it.

*Palm Beach Heights is likely to remain undeveloped.*

The owner of Palm Beach Heights is not required to put in electric or telephone lines, recreational canals, or any amenities whatever. In addition, the owner is not required to see that your lot has a water supply or a means of sewage disposal. The owner is required only to put in unpaved roads and drainage. Even if unpaved roads are eventually built, the owner does not have to maintain them, and they may become impassable due to erosion unless the property owners themselves decide to provide for maintenance.

*Payment for improvements and taxes.*

Under your contract, you are required to pay assessments for roads and drainage, taxes on your lot, and interest on both assessments and taxes if the owner has paid these costs on your behalf. You should be aware that you will be required to make a payment of between \$500 and \$1,000 per acre after you complete your regular payments to pay for these additional costs.

The matters discussed in this letter are serious, and require your attention.

If you have any questions about the contents of this letter, write to me. Please do not telephone.

If you have questions about your account or your specific lot call Cavanagh collect at (305) 353-1200. An account executive will return your call. Instead of calling, you may wish to write to:

Cavanagh Communities Corporation, 444 Brickell Avenue, Miami, Florida.

In any letter you should include your name as set forth in your contract, your account number, your current address and telephone number, and the name of the subdivision in which your lot is located.

Sincerely,

JEFFREY TURECK,  
Attorney.

#### APPENDIX B

##### IMPORTANT NOTICE TO ROTONDA LOT BUYERS

The Federal Trade Commission is sending this letter to all Rotonda lot buyers. It contains facts you should know about your lot.

In 1975, the Federal Trade Commission brought a lawsuit against Cavanagh Communities Corp., Cape Cave Corp. (the developer of Rotonda) and other Cavanagh subsidiaries. This letter is part of the Consent Order issued when the lawsuit was settled. The Deltona Corporation, which has managed Rotonda since May 1976, was not a party to the lawsuit or the Consent Order.

Please read this letter and think about it carefully. Then decide whether to go on making payments or stop. If you stop, you'll lose your lot and all the money you've paid for it so far.

In order to assist you in making your decision, you should consider all the facts outlined below:

#### I. Lot Value and Resale

[The following two paragraphs shall be included in letters to purchasers of lots in Rotonda West other than the Oakland Hills and Pebble Beach segments:]

There is no resale market in Rotonda for lots which have not been developed. If your lot is presently undeveloped, it is unlikely that you would be able to resell it now even at a substantial loss. The extent of community development and population growth in the particular area of Rotonda where your lot is located will determine whether or not you could resell your lot once it is developed. The population growth and community development necessary to enable you to sell your lot at or near the price you paid or are paying for it may not occur for many years.

You should be aware that neither Cavanagh nor The Deltona Corporation will buy back your lot or help you resell it.

[The following two paragraphs shall be included in letters to purchasers of lots in all Rotonda subdivisions other than Rotonda West, except that the words "if at all" at the end of the first paragraph shall be omitted in letters to purchasers of lots in Rotonda Heights, Rotonda Lakes, and Rotonda Shores:]

There is no resale market in Rotonda for lots which have not been developed. Since your lot is presently undeveloped, it is unlikely that you would be able to resell it now even at a substantial loss. After your lot is developed, it is unlikely that you will be able to resell it at or near the price you paid or are paying for it until there is substantial community development and population growth, which may not occur for many years, if at all.

You should be aware that neither Cavanagh nor The Deltona Corporation will buy back your lot or help you resell it.

#### II. Status of Rotonda

**A. Changes in Plan of Development.** The following changes or clarifications in the plans for the development of Rotonda have been announced by Cape Cave.

Except for the modifications described below, Cape Cave plans to complete construction and development of the Rotonda Community consistent with its contractual obligations. However, there is no guarantee that Cape Cave will be able to live up to these obligations. It is important to note that many of the changes discussed in this notice must still be approved by the appropriate governmental agencies. The approval process can be lengthy and its results cannot be assured.

**1. Improvement Schedule**—Cape Cave presently estimates that the improvements in Rotonda Lakes, Rotonda Heights, and certain areas of Rotonda West (Broadmoor, Long Meadow, White Marsh, and Pine Valley) will be finished December 31, 1978, instead of December 31, 1977. Also, it is estimated that Rotonda Springs will be finished by July 31, 1983, instead of August 31, 1982. Cape Cave now plans to complete all other subdivisions on time except for about 1400 lots in Rotonda Sands (and about a hundred lots elsewhere) which cannot be developed at all. Purchasers of these lots will be notified within 30 days and will be advised of

certain exchange rights to lots which can be developed.

**2. Improvement Assessments**—Current studies indicate that Cape Cave's original improvement assessment estimates will no longer be accurate in most instances. As a result, substantially higher assessment charges for many existing lot purchasers will be necessary. [Put in revised assessment figures.]

**3. Golf Courses**—The original design of Rotonda West was based upon construction of seven golf courses, one in each segment of Rotonda West except St. Andrews, by December 31, 1977. The golf course in the Oakland Hills segment of Rotonda West is complete and open to the public for play. However, while Cape Cave is also required by contract to complete the other six courses by that date, Cape Cave is no longer planning to do so. The areas formerly planned as golf courses will instead be landscaped to resemble golf courses, but will not be playable. Although Cape Cave has agreed to keep money in escrow to open the other golf courses later, this does not mean these courses will be built. Based on population projections, it does not seem that there will be a need for the second golf course for at least 5 years. The remaining courses are unlikely to be opened for many years, if ever.

**B. Flood Prevention Costs.** The Rotonda subdivisions, like most of coastal Florida, are located within an area now designated by the U.S. Department of Housing and Urban Development as a 100-year flood plain. That means it is expected that property in the area which is below a certain height may be subject to flooding once in 100 years. The Charlotte County Zoning Regulations now require that new houses shall have the lowest floor of the house built at or above the level of the 100-year flood. Many lots in Rotonda, including all or most lots in Rotonda Springs, Villas, [etc.] are below the 100-year flood level and will not be raised by the developer to such a level. Additional fill dirt or pilings paid for by the lot owner would therefore be required in order to build on these lots. The cost of fill dirt depends on the size of the house and lot and on the number of feet of elevation needed. For average houses and lots, the cost of fill dirt presently ranges from about \$400 for one foot of elevation to about \$2300 for four feet of elevation. Should you decide to use pilings, the cost is much greater.

**C. Various Improvements, Amenities and Facilities.** The complaint issued by the Federal Trade Commission also alleged that certain statements had been made regarding other plans for Rotonda which are not dealt with in your contract. The following information deals with those matters:

**1. Waterways**—In order to get permits to develop Rotonda, Cape Cave has had to make significant changes in the Rotonda canal system. Only 26 miles of the original 32-mile canal system are still proposed to be completed. None of the canals will connect with either Coral Creek (the large lake in Rotonda West) or the Gulf of Mexico. Although Deltona may attempt to get permits to connect the canal system to the Gulf, it is unlikely that they will be successful. Finally, you should be aware that the canal system will not be usable for such sports as water skiing.

**2. Don Pedro Island.** (a) While there are no current plans for development, it is anticipated that Don Pedro Island, where the

beach for Rotonda is located, may eventually be developed with high-rise condominiums and other structures.

(b) Cape Cave will designate an area of Don Pedro Island, comprising not less than 400 feet of beach frontage, for the perpetual use of Rotonda residents. This area is in addition to the beach frontage along the entire beach which must be maintained as a public area under Florida law.

(c) Access to Don Pedro is presently available free of charge by ferry from Gasparilla Marina, near Rotonda. Cape Cave has agreed to continue free ferry service to Don Pedro Island through 1983, after which the ferry will be donated to a Rotonda property owners association.

3. *Clubhouses*—At one time plans were announced to build a multi-million dollar clubhouse in Oakland Hills. This structure will not be erected. A more modest clubhouse has been constructed at a cost of approximately \$300,000. Other clubhouses are planned to be built when additional golf courses are opened, which probably will not occur for many years, if at all.

4. *Power Lines, Curbs and Gutters*—The Oakland Hills segment of Rotonda West will be serviced by underground power and telephone lines. All other power lines throughout Rotonda will be above ground. Oakland Hills will also be the only part of Rotonda to be constructed with curbs and gutters. In the rest of Rotonda, drainage will be provided by grass swales next to the paved roadway system.

5. *Commercial Establishments, Facilities, and Residential Housing*—Cape Cave assumes no responsibility, and has no plans, for development of the central core of Rotonda West. The company also assumes no obligation to establish commercial facilities in any other area of Rotonda or to assure that any existing commercial establishments remain in operation. A number of proposed housing projects and facilities that were previously announced will not be constructed. These include a hotel, garden apartments, and a townhouse complex.

D. *Environmental Problems*. The development of some areas in Rotonda is subject to the issuance of permits by government agencies. Delays, or rejection of proposed developments, are often encountered in attempting to obtain the necessary permits required for construction to proceed in such areas.

Permits to develop Rotonda have not been applied for at this time from the appropriate government agencies. Since the development of these subdivisions could have an adverse impact on the environment, there is a chance that these permits will be denied. If these permits are denied, Rotonda etc. could not be developed as planned. Therefore, if you continue to make payments you should be aware that there is some degree of risk that the permits will be denied, and your lot may not get developed.

#### IV. Options Available to Purchasers

There are a number of options available to you at this time which you should review based on the information provided in this notice:

1. You can continue making your payments.

2. You can refuse to make any further payments. According to your contract and the FTC Consent Order you cannot be required to pay any more money. If you elect this option, you will lose your land and all

the money you have paid. Also if you purchased your lot as an investment and not for your own use as a homesite, you may be able to declare the money you lost as a tax loss, deductible from your income on federal and state tax returns. It is suggested that you contact your local District Director of the Internal Revenue Service before deciding whether to stop payments, if your decision is based on the possibility of taking a tax loss. Whether your loss is deductible will be based on your specific situation.

3. Under your contract, you may have the right to exchange your lot for a different lot in Rotonda. You may be required to pay more money for this new lot, however.

4. Your contract has a "grace period" under which you can withhold payments without giving up your land for a period of from 60-150 days, depending upon the amount of money you have paid on your contract.

If you have any questions about the contents of this letter, write to me. Please do not telephone.

If you have questions about your account or the development of your specific lot call the Rotonda Customer Affairs Department of Deltona toll free at (800) ——. An account executive will return your call. Instead of calling, you may wish to write to:

Rotonda Customer Affairs, P.O. Box 450783, Miami, Florida 33145.

In any letter, you should include your name as set forth in your contract, your account number, your current address and telephone number, and the name of the Rotonda subdivision in which your lot is located.

Sincerely,

JEFFERY TURECK,  
Attorney.

CAVANAGH COMMUNITIES CORP., ET AL. DOCKET  
No. 9055

#### ANALYSIS OF CONSENT AGREEMENT TO AID PUBLIC COMMENT

On September 16, 1975, the Federal Trade Commission issued a Complaint against Cavanagh Communities Corporation, eight of its wholly-owned subsidiaries (Cape Cave Corp., Cavanagh Marketing Corp., Cavad, Inc., Universal Properties, Inc., Wellington Orient, Inc., Miami Beach Vacations, Inc., Palm Beach Investment Properties, Inc., and Perdido Bay Management Corp.), and two of its officers (Joseph Klein and Arthur Meltzer). During the course of the adjudicative proceeding, a Consent Agreement containing an Order to "cease and desist" and other remedies was offered to the Commission by the parties in settlement of the case. The Commission has considered the Consent Agreement and has accepted it.

The Consent Agreement has been placed on the public record for 60 days so that interested persons may read it and submit comments to the Commission. Any comments received during this 60-day period becomes part of the public record. After the 60-day period, the Commission will review the Consent Agreement in light of the comments received. It will then decide whether it should withdraw from the Agreement or make it final and implement the proposed Order.

The purpose of this analysis is to make it easier for the public to comment on the Consent Agreement. It is not intended to be

an official interpretation of either the Consent Agreement or the proposed Order.

#### Allegations in the Complaint

The Complaint alleges that the respondents (Cavanagh and the other companies and individuals against whom the Complaint was issued) falsely represented, through advertising, in sales presentations, and through statements by sales personnel:

That the purchase of a lot in their subdivisions is an investment which will provide significant financial return to purchasers;

That the current value of purchasers' lots has increased substantially over their original sales prices;

That respondents will buy back or resell purchasers' lots;

That certain recreational facilities, improvements and utilities, including golf courses, clubhouse, sidewalks, and water and gas lines, were planned or were already completed;

That General Electric Co. played a major role in the planning and development of Rotonda West;

The role of TV personality Ed McMahon in connection with respondent Cavanagh Communities Corp. and the Rotonda subdivisions.

The Complaint also alleges, among other things, that respondents failed to disclose that lots in some of their subdivisions are located in flood hazard areas, that significant expenses other than the purchase price of a lot had to be incurred by purchasers, and that land sales presentations had to be attended in order to receive free or low-cost gifts or services from respondents. Finally, provisions in respondents' contracts, including forfeiture and inspection refund provisions, are alleged to be unfair.

#### Proposed Consent Agreement—Section I

Section I of the Consent Agreement contains the provisions designed to prevent the recurrence of the unfair and deceptive acts and practices alleged in the Complaint. Most of the provisions in this section of the Order either prohibit respondents from making certain statements and representations or limit the use of such statements and representations. Other provisions in Section I require the disclosure of material facts, set up contract cancellation rights, and prohibit or modify other contract provisions.

A. Provisions which prohibit or limit the use of certain statements and representations.

The following Order paragraphs are the most significant of the provisions falling into this area:

Paragraphs 23-27 prohibit respondents from making almost any representation which states or implies that lots in their subdivisions are suitable for investment purposes. Paragraphs 23 and 27 prohibit respondents from representing their lots as good investments or comparing them to other forms of investment. Paragraphs 24 and 25, with very narrow exceptions, prohibit respondents from representing that the price, value or demand for any lot has increased, is increasing, or may increase. In the few instances where respondents are permitted to make representations as to resale prices or price increases, they must disclose that these prices may have no bearing on the purchaser's ability to resell his or her lot. Paragraph 26 prohibits respondents

from misrepresenting the sales prices of their lots.

Paragraphs 13-15 deal with representations concerning recreational facilities, improvements, utilities, amenities and structures to be made available at respondents' subdivisions or to purchasers of lots in these subdivisions. These paragraphs prohibit respondents from representing the availability of these facilities and improvements unless certain conditions are met to assure that they will be made available as represented. Paragraph 13(a) prohibits respondents from representing that their lots will be suitable for homesite use unless the utilities and improvements required for building purposes are contractually guaranteed. Paragraph 13(b) prohibits respondents from representing that specified improvements and utilities will be provided unless each represented improvement or utility is contractually guaranteed. Paragraph 14 prohibits respondents from representing the present or future availability of any non-essential recreation facility, improvement, utility, amenity or structure unless it is presently available or, for representations of future availability, is either contractually guaranteed or almost completed. Finally, Paragraph 15 sets out the terms of respondents' contractual obligation required to satisfy Paragraphs 13 and 14.

Paragraph 21 prohibits respondents from representing the sales price of their lots unless all other costs which must be paid by the purchaser, such as assessments and taxes, are disclosed.

Paragraphs 39 and 40 deal with the problem of the use of celebrities in advertising. Paragraph 39 prohibits respondents from representing that a person bought a lot in a subdivision when the person bought the lot at less than fair market value, or received the lot at no cost or as a payment for services. Paragraph 40 prohibits respondents from representing that a celebrity is an officer of any of the corporate respondents unless the celebrity actually performs the duties of such office and spends a substantial amount of time performing such duties.

Other Order paragraphs which seek to prevent misrepresentations by prohibiting certain statements or representations are Paragraph 17 (prohibits representations that respondents will construct buildings on purchasers' lots unless respondents offer to enter into a contract to do so); Paragraph 28 (prohibits statistical representations unless respondents have a "reasonable basis" to support them); Paragraph 29 (prohibits representations that respondents will buy back or resell purchasers' lots); Paragraph 30 (prohibits misrepresentations of respondents' business experience); Paragraph 31 (prohibits misrepresentations of marine activities available at respondents' subdivisions); Paragraph 32 (prohibits misrepresentations of the extent of construction at respondents' subdivisions); Paragraph 33 (prohibits using similar names for non-identical subdivisions); Paragraphs 34-38 (prohibit various misrepresentations regarding the development of subdivisions, and requires that changes in development plans be disclosed); Paragraph 41 (prohibits misrepresentation of the participation of any company, including General Electric Co., in the development of respondents' subdivisions); Paragraph 42 (prohibits misrepresenting the significance of signing a contract); Paragraph 43 (prohibits misrepresenting the need for signing a contract immediately);

Paragraphs 47 and 48 (prohibit misrepresenting purchasers' rights under their contracts or under the Order); and Paragraph 49 (prohibits misrepresenting any legal pleadings or rulings to purchasers).

B. Provisions requiring disclosure of material facts.

The provisions in Section I which require respondents to disclose certain material facts to prospective purchasers are the following:

Paragraphs 3 and 4 require respondents to disclose investment and other information on the front page of all contracts and in most advertisement and promotional materials. The main points of the disclosures in regard to investment are that the purchase of land is speculative and risky, and that it is unlikely that purchasers will be able to resell their lots for many years, if at all. Paragraph 3(b) also requires, where applicable, the disclosure on the front page of contracts, of possible flooding hazards, lack of availability or high cost of improvements and utilities, uselessness of the land, and the relation of zoning to value;

Paragraph 1 requires a disclosure, where applicable, that the purpose of holding dinner parties, awarding free gifts, and other similar promotions is to sell land. The approximate cost of the land must also be disclosed;

Paragraph 2 requires all contracts to be titled "Contract For the Purchase of Land";

Paragraph 20 requires that respondents' advertisements and promotional materials disclose, where applicable, that the land being advertised is subject to flooding, which may entail unusual or costly building requirements;

Paragraph 44 requires respondents to disclose to prospective purchasers of lots located  $\frac{1}{2}$  mile or less from railroad tracks, the distance from their lots to the tracks.

C. Contract cancellation rights.

Paragraphs 7-11 deal with the issue of purchasers' contract cancellation rights. Paragraph 7 gives purchasers a ten business day cooling-off period during which they may cancel their contracts and get a full refund for any reason whatever. Paragraphs 8 and 9 set standards for cancellation rights contingent on the purchaser's visit to the subdivision in which his or her lot is located. If respondents elect to offer such a cancellation option to purchasers, the option must remain in effect until the purchaser's lot is both accessible and identifiable. This insures that the purchaser knows what he or she is purchasing prior to the expiration of the cancellation option. As an additional safeguard, the purchaser must be given an additional three days following the subdivision visit in which to exercise the cancellation option. Paragraphs 10 and 11 are additional provisions designed to implement Paragraphs 7-9.

D. Provisions which prohibit or modify respondents' form contracts.

A final category of Order provisions in Section I are those which prohibit or set standards for certain contract provisions:

Paragraph 19 limits a purchaser's forfeiture in the event of default to an amount not greater than 40% of the "cash price" stated in the contract. The cash price is the price before interest or assessments are added on. Previously, respondents' contracts provided that all of a purchaser's payments were forfeited in the event of a default.

Paragraph 22 sets standards for the Conservation Associations (similar to a Home-

owners Association, with the power to assess members for maintenance of common property and enforce restrictive covenants) respondents set up in their subdivisions. If respondents' contracts require purchasers to become members of a Conservation Association, each purchaser must have a fairly apportioned vote from the time he or she becomes a member, and non-resident members must be afforded a reasonable means to participate in Association matters.

Paragraph 46 prohibits respondents from using two provisions in their form contracts which could serve as waivers of purchasers' rights. Subparagraph 46(a) prohibits the use of terms which state that certain express or implied representations have not been made by respondents. Subparagraph 46(b) prohibits respondents from using contract language by which the purchaser admits to having read the property report. Both of these provisions could serve to unfairly preclude a purchaser from successfully suing respondents for contract rescission.

Other Order provisions which deal with contract language are Paragraph 5, which requires contracts to be written in the same language used in the sales presentation; Paragraph 6, which requires contract provisions to be printed in a clear and concise manner; and Paragraph 45, which prohibits respondents' contracts from containing provisions which limit any cancellation rights contained in the Order.

E. Other Section I Order provisions.

The remaining provisions in Section I each deal with different issues. Paragraph 12 prohibits respondents from assigning any notes signed by purchasers to third parties until after the ten business day cooling-off period expires. This provision insures that purchasers will not remain liable to pay for their lots if they decide to cancel their contracts during the cooling-off period.

Paragraph 16 sets standards for respondents to comply with in those situations where they represent that central sewage and/or central water systems will be installed when required by population density. Subparagraph 16(a) requires respondents to disclose that a well and/or septic tank must be used prior to the installation of central water and sewage. They also must disclose the cost of the well and/or septic tank. Subparagraph 16(b) requires respondents to further disclose that purchasers have five years after the deed is issued to determine if a well or septic tank can be used on their lots. Subparagraph 16(c) prohibits respondents from collecting assessments for central sewage and water systems more than two years prior to the start of construction, and requires construction to be completed within five years. It also requires such assessments to be placed in escrow. Finally, subparagraph 16(d) orders respondents to refund the assessments if the sewage or water systems are not started or completed on time.

Lastly, Paragraph 18 prohibits respondents from imposing any condition or limitation on the right of a purchaser to a refund or exchange under Paragraphs 15 and 17 of the Order.

## Section II

Section II of the Order contains provisions designed to aid past purchasers of land from Cavanagh and its subsidiaries. Due to their poor financial condition, it was impossible to order respondents to make refunds to purchasers who bought land subject to

the abuses set out in the Complaint. Instead, we have attempted to provide purchasers with the facts they need to evaluate their land purchases, and, if they choose, relieve them from any obligation to make additional payments. Naturally, purchasers are not precluded from pursuing any of their traditional legal remedies.

Paragraphs A and B require respondents to send out "truth" letters to purchasers of lots in the Palm Beach Heights and Rotonda subdivisions within two months after the Order becomes final. These subdivisions account for approximately 95 percent of respondents' sales over the last ten years. These letters, attached to the Order as Appendixes A and B, disclose facts about investment, subdivision development, and assessments and other costs to purchasers. The Rotonda letter also informs purchasers about rights they have under their contracts and possible tax benefits if they default.

Paragraph C orders respondents to refrain from representing that purchasers are obligated to complete their contract payments, and from taking legal action to recover unpaid balances. Under this provision, all purchasers (other than purchasers in the Perdido Bay and Runaway Bay subdivisions) are given the option of discontinuing the payments under their contracts and forfeiting their past payments. This may be the only viable remedy for many purchasers who decide they no longer wish to purchase their lots.

Paragraphs D and E require respondents to maintain a portion of their oceanfront island, Don Pedro Island, in its natural state for Rotonda residents, and to provide access to the island for such residents.

Paragraph F limits the land in Charlotte County, Florida (the site of Rotonda) that respondents are permitted to sell through 1990, and limits the lots respondents are permitted to sell in Rotonda during this same period. The purpose of this paragraph is twofold. First, it is an attempt to limit the number of lots respondents can sell in the area of Rotonda, in order to make it easier for Rotonda purchasers to resell their lots. Second, by requiring respondents to concentrate their sales efforts in Charlotte County, in the immediate vicinity of Rotonda, it gives respondents an added incentive to complete the development of Rotonda.

Lastly, Paragraph G will enable the Commission to insure that respondents are spending a sufficient amount of their accounts receivable on the development of Rotonda. Although the Division of Florida Land Sales and Condominiums, through its Improvement Escrow Agreements, is primarily responsible for overseeing the development of Rotonda, the documents to be provided under Paragraph G will give the Commission sufficient information to keep abreast of any future problems.

#### Sections III, IV and V

Sections III, IV, and V are provisions designed to insure proper implementation of the Order, and to prevent respondents from having to comply with conflicting dictates of various agencies. Section III requires respondents to make sure that all their sales personnel, including independent contractors, comply with the Order. Section IV, Paragraphs A and B, state that where there

is a direct conflict between the Order and regulations promulgated by the Office of Interstate Land Sales Registration, the OILSR regulations take precedence. Paragraphs C and D hold that, if the Commission promulgates a land sales Trade Regulation Rule in two limited areas, forfeiture and investment disclosures, the TRR would modify the Order accordingly. Paragraph E holds that, if the "truth" letters which must be sent out under Section II are required to receive approval by another federal agency (presumably OILSR) prior to being sent to purchasers, respondents will not be held responsible for that agency's delay, if any, in approving the letters. Paragraph F relieves respondents from liability under certain Order provisions due to the necessity to get State approval to disseminate advertising and promotional materials. Finally, Section V sets out certain "boilerplate" provisions which deal with normal compliance obligations imposed upon all respondents subject to Orders of the Commission.

CAROL M. THOMAS,  
Secretary.

[FR Doc. 79-272 Filed 1-2-79; 8:45 am]

[6750-01-M]

[16 CFR Part 455]

#### USED MOTOR VEHICLES

##### Proposed Trade Regulation Rule; Extension of Time to File Post Record Comments

AGENCY: Federal Trade Commission.

ACTION: Extension of time to file post record comments.

SUMMARY: On June 30, 1978, notice of publication of the presiding officer's report on the proposed trade regulation rule on used motor vehicles was published in the FEDERAL REGISTER, 43 FR 28521. On November 14, 1978, notice of publication of the staff report on the proposed rule was published in the FEDERAL REGISTER, 43 FR 52729. The date on which comments on both reports would have been due was January 14, 1979. This notice extends the comment period to February 13, 1979.

DATE: Comments on both the presiding officer's and staff report must be filed no later than February 13, 1979.

ADDRESSES: Requests for copies of the reports should be sent to: Public Reference Branch, Room 130, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580. Comments should be sent to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

#### FOR FURTHER INFORMATION CONTACT:

Bernard J. Phillips, Attorney, Federal Trade Commission, Washington, D.C. 20580, 202-523-1642.

SUPPLEMENTARY INFORMATION: Pursuant to Rule 1.13(h) of the Commission's Rules of Practice, 16 CFR 1.13(h), interested persons are afforded 60 days to comment on the staff and presiding officer reports filed in rulemaking proceedings. In this proceeding that comment period is scheduled to end on January 14, 1979. The Commission has determined to extend the comment period to allow additional time for post-record comments including comments on a report by the Bureau of Economics will be placed on the record, January 5, 1979.

The Commission has determined that a limited extension of 30 days is in the public interest. Accordingly, all post record comments pursuant to Rule 1.13(h) must be filed no later than February 13, 1979. The Commission anticipates that no further extension of time will be necessary.

By direction of the Commission dated December 26, 1978.

JAMES A. TOBIN,  
Acting Secretary.

[FR Doc. 79-271 Filed 1-2-79; 8:45 am]

[1505-01-M]

#### DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Parts 222, 231]

#### GRAZING AND LIVESTOCK USE ON THE NATIONAL FOREST SYSTEM

Proposed Procedures for Determining Annual Grazing Fees

Correction

In FR Doc. 78-34777 appearing at page 58387 in the issue for Thursday, December 14, 1978, make the following corrections:

(1) In the third column of page 58387, the formula which appears at the top should have read as follows:

$$EC = \$1.23 \times \frac{FVI + (BCPI - PPI)}{100}$$

EC = Economic value

FVI = Forage value index

BCPI = Beef cattle price index

PPI = Price paid index

(2) In the first column of page 58388, the formula appearing under "Implementation" should have read as follows:

$$EC = \$1.23 \times \frac{195 + (216 - 246)}{100} = \$2.03$$

[1505-01-M]

## POSTAL SERVICE

[39 CFR Parts 310 and 320]

## RESTRICTIONS ON PRIVATE CARRIAGE OF LETTERS

Proposed Revisions in Comprehensive Standards for Permissible Private Carriage of Letters

## Correction

In FR Doc. 78-36217 appearing at page 60615 in the issue of Thursday, December 28, 1978, make the following correction:

On page 60615, in the middle column, under the heading "DATE", substitute "February 12, 1979" for "[45 days]".

[6730-01-M]

## FEDERAL MARITIME COMMISSION

[46 CFR Part 544]

[Docket No. 78-57]

## FINANCIAL RESPONSIBILITY FOR WATER POLLUTION, OUTER CONTINENTAL SHELF

## Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Proposed Rulemaking.

SUMMARY: The Federal Maritime Commission is hereby giving notice of proposed regulations affecting persons who own and operate vessels carrying oil from offshore facilities above the Outer Continental Shelf. A recently enacted Federal law imposes upon such vessel owners and operators a new liability for damages and removal costs resulting from discharges of oil. Vessel operators will be required to demonstrate that they are financially able to meet such potential liability before their vessels may lawfully engage in any segment of the transportation of oil from an offshore facility above the Outer Continental Shelf. This rulemaking proposes the manner by which financial responsibility can be demonstrated to the Commission in accordance with the new law and provides for the issuance of Certificates of Financial Responsibility which must be carried aboard vessels and presented to officials of the U.S. Coast Guard, or their designees, upon request.

DATES: Comments will not be accepted later than January 24, 1979.

ADDRESS: Comments should be directed to: Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION: This action is intended to propose regulations which will implement the vessel certification and financial responsibility provisions of Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (the OCSLA Act). The President's authority to issue regulations concerning financial responsibility with respect to vessels is expected to be delegated to the Commission shortly.

After considering comments from interested parties concerning these proposed regulations, the commission will issue its final regulations. The final regulations will not supersede the Commission's existing regulations which implement the vessel certification and financial responsibility provisions of two other laws; specifically, section 311 of the Federal Water Pollution Control Act (the FWPCA) and section 204(c) of the Trans-Alaska Pipeline Authorization Act (the TAPAA). Accordingly, after this proposed rulemaking is finalized, the Commission will maintain three separate sets of regulations concerning financial responsibility for oil pollution caused by vessels: 46 CFR Part 542 revised,<sup>1</sup> implementing section 311 of the FWPCA; 46 CFR Part 543, implementing section 204(c) of the TAPAA; and the hereby proposed 46 CFR Part 544, implementing the financial responsibility and related penalty provisions of the OCSLA Act insofar as those provisions apply to vessels.

These proposed regulations apply to a very limited class of vessels, i.e., those vessels which are transporting oil from an offshore facility located on the Outer Continental Shelf, and then only when such vessels are in offshore waters.

The OCSLA Act provides that the owner and any responsible operator of a subject vessel shall be "jointly, severally, and strictly liable for all loss for which a claim may be asserted under section 303 of" the OCSLA Act. Section 303 provides that claims for economic loss, arising out of incidents which cause or pose an imminent threat of oil pollution, may be asserted for removal costs and damages.

"Removal costs," include, but are not limited to, costs of reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from such inci-

<sup>1</sup>46 CFR Part 542 revised, entitled General Order 40, was issued on August 11, 1978 (43 FR 35704) and was modified on September 1, 1978 (43 FR 39102) by the temporary deletion of provisions concerning pollution caused by discharges of "hazardous substances."

dent; costs of actions taken to actually remove oil from the water and shorelines; and costs for restoring or replacing natural resources.

"Damages" include compensation for the following: injury to, or destruction of, real or personal property; loss of use of real or personal property; injury to or destruction of natural resources; loss of use of natural resources; loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources; and loss of tax revenue for a period of one year due to injury to real or personal property.

Under various conditions and circumstances set forth in Title III of the OCSLA Act, any person may assert a claim against a vessel owner and/or operator for removal costs and damages. Except under certain circumstances, the liability of a vessel owner and operator is limited to \$300 per gross ton of the involved vessel, or \$250,000, whichever is greater. Any claim authorized by section 303(a) of the OCSLA Act may be asserted directly against an insurer, guarantor or surety. (Merely for uniformity of reference, under these proposed regulations an insurer, guarantor or surety is termed an "underwriter.")

Section 305(a) of the OCSLA Act provides that the owner or operator of a subject vessel shall establish and maintain, in accordance with applicable regulations, evidence of financial responsibility in the amount of \$300 per gross ton or \$250,000, whichever is greater. The OCSLA Act and, therefore, these proposed regulations permit evidence of financial responsibility to be demonstrated only by means of insurance, surety bonds, guaranties and self-insurance.

In cases where a person is responsible for more than one vessel, the OCSLA Act provides that the evidence of financial responsibility need be established in an amount based only on the gross tonnage of the largest vessel. That provision of the law is compatible with evidence of financial responsibility in the form of surety bonds, guaranties and self-insurance, but it has little or no practical applicability to insurance. Insurance is always provided by underwriters on the basis of each vessel having its own separate coverage, not on the basis of the largest vessel covered by the insurance. Proposed Insurance Form FMC-193 reflects that fact. In any event, liability under the OCSLA Act (as well as the FWPCA and TAPAA) is based on a per incident basis. Thus, if two vessels belonging to the same vessel owner or operator each cause an oil pollution incident, the vessel owner and operator would be liable for an amount of removal costs and damages based on the aggregate gross tonnage of the two

vessels, not merely on the tonnage of the largest vessel. In effect, therefore, in cases of multiple vessel operation, the OCSLA Act requires evidence of financial responsibility in a lesser amount than the potential amount of liability at any given time.

Due to the OCSLA Act requirements concerning financial responsibility, these proposed regulations provide that, after a vessel operator submits (1) insurance or other acceptable evidence of financial responsibility, (2) an application Form FMC-192 and (3) appropriate fees, the Commission will issue a "Certificate of Financial Responsibility (Outer Continental Shelf)" to each vessel covered by the evidence of financial responsibility. The proposed regulations further provide that such Certificates shall be carried aboard the certificated vessels and be presented for inspection upon the request of the U.S. Coast Guard, or its designee, as proof of compliance with the financial responsibility provisions of the OCSLA Act.

Vessels which, upon request, cannot produce a valid Certificate issued by the Commission, are subject to denial of entry to any port or place in the United States or to the navigable waters of the United States. Such vessel also is subject to detainment at the port or place in the United States from which it is about to depart for any other port or place in the United States. The OCSLA Act further provides that any person who fails to comply with regulations implementing the financial responsibility provisions of the OCSLA Act shall be subject to a civil penalty in an amount not exceeding \$10,000.

Attention is directed to the following aspects of the proposed Part 544 regulations:

1. Section 544.1 sets forth, in general terms, the scope of these regulations by indicating the circumstances under which a vessel would become subject to those regulations. It should be noted, however, that a subject vessel also would be subject to the current regulations in Part 542 if such vessel (1) exceeded 300 gross tons; (2) was either self-propelled or had on board any type of oil (animal, vegetable or mineral), in any quantity for any purpose and (3) operated in the internal waters, coastal waters, three-mile territorial sea or any other navigable waters of the United States such as the Panama Canal. Eventually, the carriage of pollutants other than oil (which pollutants are termed "hazardous substances") also would subject such vessel to the regulations in Part 542. Any vessel also would be subject to the regulations in existing Part 543 if at any time it has on board, for any purpose, oil which had been transported through the trans-Alaska Pipeline

and which had not yet been brought ashore at a United States port.

The same vessel, therefore, eventually could be subject to three separate pollution laws and three separate sets of Commission regulations, requiring three separate Certificates of Financial Responsibility from the Commission. Congress has made clear its hope that the three separate water pollution laws soon can be combined into one, comprehensive "superfund" law, requiring only one Certificate of Financial Responsibility. Until that time, vessel operators who have difficulty in determining what water pollution regulations govern particular operations of their vessels should not hesitate to contact the Commission's Office of Water Pollution Responsibility (telephone 202-523-5820).

2. Section 544.3(d) of the proposed regulations provides that unless the regulations are complied with, a subject vessel operator " \* \* \* shall not permit such vessel to have on board, for any purpose, oil that has been produced by an offshore facility, unless that oil already has been brought ashore at a United States or foreign location." By that provision, the Commission intends to prohibit any vessel operator from loading, carrying, lightering, transshipping or storing Outer Continental Shelf-produced oil without first obtaining a Certificate pursuant to Part 544, unless (1) the oil has already been brought ashore at a United States or foreign location or (2) such loading, carrying, lightering, transshipping or storing, takes place, completely, in waters other than the offshore waters of the United States.

The reason for the two exemptions is the narrow definition of "vessel" <sup>2</sup> in section 301.5) of the OCSLA Act. That definition, by including the phrase "transporting oil directly from an offshore facility" excludes a vessel carrying Outer Continental Shelf-produced oil after the oil has been brought ashore. The definition also excludes a vessel not operating in offshore waters, i.e., the waters above submerged lands seaward from the coastline of a State and the waters above the Outer Continental Shelf. While Congress recognizes that vessels handling Outer Continental Shelf-produced oil in all waters of the United States should be covered under an OCSLA Act type law (i.e., a law that provides coverage for private parties as well as the Government), Congress

<sup>2</sup>The definition of vessel in section 301.5) of the OCSLA Act reads, in pertinent part, as follows: "(5) 'vessel' means every description of watercraft \* \* \* which is operating in the waters above the Outer Continental Shelf \* \* \* or which is operating in the waters above submerged lands seaward from the coastline of a State \* \* \* and which is transporting oil directly from an offshore facility;"

also has made it clear that such coverage must await the above referred to "superfund" law.

3. Section 544.8(b)(3)(iii) of the proposed regulations provides that, in order to avoid duplications of reports, self-insurers (and guarantors) need not submit financial data for purposes of Part 544, if the financial data submitted under Parts 540, 542, or 543 demonstrate amounts of net worth and working capital sufficient to satisfy, in the aggregate, Part 544 as well. Guarantors, however, would have to submit a Guaranty Form FMC-195.

4. The proposed Insurance, Surety and Guaranty Forms FMC-193, 194, and 195, respectively, require the vessel operator to be named thereon, but does not require the name of the vessel owner if different than the operator. As was the case when the Commission issued regulations to implement a similar joint and several liability statute in 1977 (the TAPAA), the Commission sees no need to burden underwriters under the OCSLA Act by requiring them to also list the names of each of the vessel owners of each of the vessels covered by a particular form. The more names listed on the forms, the greater the paperwork required from underwriters to keep the forms current.

However, the Commission wishes to emphasize that, because vessel owners and operators are jointly and severally liable for removal costs and damages under the OCSLA Act, any liability incurred by a vessel owner is also the liability of the vessel operator. Thus, Forms FMC-193 through 195 are intended to cover the liabilities of operators resulting from acts of the vessel owners as well as acts of the vessel operators. It follows, then, that a named vessel operator would remain covered by a particular Form FMC-193, 194, or 195 even though the vessel is sold to a new owner, provided, of course, that the vessel operator retains responsibility for operating the vessel for the new owner.

Comments are invited with respect to all aspects of the proposed regulations, especially (1) the specific amount of burden imposed by the reporting or recordkeeping requirements contained in these proposed regulations, and whether these requirements in any way duplicate information previously filed at a Federal agency, and (2) major economic costs and consequences of these regulations.

Because the new Certificates of Financial Responsibility required by the OCSLA Act need to be obtained as soon as possible, persons desiring to comment upon this proposed rulemaking will be afforded only 21 days in which to do so. Extensions of time within which to comment will be granted only upon a definite showing

of extreme necessity and impairment of the public interest. All commentators participating in this rulemaking proceeding shall file an original and 15 copies of their comments with the Commission.

Accordingly, it is proposed that Title 46 CFR be amended by the addition of a Part 544 reading as set forth below.

FRANCIS C. HURNEY,  
Secretary.

**PART 544—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION—OUTER CONTINENTAL SHELF**

Sec.	
544.1	Scope.
544.2	Definitions.
544.3	General.
544.4	Where to apply and obtain forms.
544.5	Time to apply.
544.6	Applications, general instructions.
544.7	Renewal of Certificates.
544.8	Financial responsibility, how established.
544.9	Certificates, issuance.
544.10	Operator's responsibility for identification.
544.11	Certificates, denial or revocation.
544.12	Fees.
544.13	Enforcement.
544.14	Service of process.

AUTHORITY: Section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978.

**§ 544.1 Scope.**

These regulations (Part 544 of Title 46 of the Code of Federal Regulations) implement the vessel financial responsibility requirements of the Outer Continental Shelf Lands Act Amendments of 1978. That Act applies to all vessels engaged in any segment of the transportation of oil from an offshore facility when such vessels are operating in the waters above submerged lands seaward from the coastline of a State or the waters above the Outer Continental Shelf.

**§ 544.2 Definitions.**

For purposes of this part, the following terms shall have the indicated meanings:

(a) "Act" means the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95-372).

(b) "Applicant" means any vessel operator, as defined in paragraph (p) of this section, who has applied for a Certificate or for the renewal of a Certificate.

(c) "Application" means Application for Certificate of Financial Responsibility (Outer Continental Shelf), Form FMC-192.

(d) "Cargo" means oil carried on board a vessel for purposes of transportation, in any quantity and under any conditions.

(e) "Certificatant" means any operator, as defined in paragraph (p) of this

section, who has been issued a Certificate.

(f) "Certificate" means a Certificate of Financial Responsibility (Outer Continental Shelf) issued by the Federal Maritime Commission pursuant to the regulations in this Part 544.

(g) "Commission" means the Federal Maritime Commission.

(h) "Damages" means economic loss arising directly or indirectly from oil pollution, including injury to, or destruction of, real or personal property; loss of use of real or personal property; injury to, or destruction of, natural resources; loss of use of natural resources; loss of profits or impairment of earning capacity due to injury to, or destruction of, real or personal property or natural resources; loss of tax revenue for a period of one year due to injury to real or personal property; and reasonable costs associated with preparation and presentation of natural resource damage claims. Removal costs are not included in this definition.

(i) "Discharge" means any emission, intentional or unintentional, and includes, but is not limited to, spilling, leaking, pumping, pouring, emptying, or dumping.

(j) "Financial responsibility" means proof of financial ability to satisfy claims for damages and removal costs as required by section 305(a)(1) of the Act.

(k) "Incident" means any occurrence or series of related occurrences, involving one or more vessels, which causes or poses an imminent threat of oil pollution from any source. For purposes of these regulations, an "imminent" threat, as used in the Act, is synonymous with a "substantial" threat, as used in the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321).

(l) "Insurer" means one or more acceptable insurance companies, corporations or associations of insurers, shipowners' protection and indemnity associations, or other persons acceptable to the Commission.

(m) "Offshore facility" includes any oil refinery, drilling rig, drilling structure, oil storage or transfer terminal, or pipeline, or any appurtenance related to any of the foregoing, which is used to drill for, produce, store, handle, transfer, process, or transport oil produced from the Outer Continental Shelf, and is located on the Outer Continental Shelf, except that a vessel or a deepwater port (as the term "deepwater port" is defined in section 3(10) of the Deepwater Port Act of 1974 (33 U.S.C. 1502)) is not included in this definition.

(n) "Oil" means petroleum, including crude oil or any fraction or residue therefrom, whether or not carried on board a vessel.

(o) "Oil pollution" means:

(i) The presence of oil, either in an unlawful quantity or which has been discharged at an unlawful rate (A) in or on the waters above submerged lands seaward from the coastline of a State, or on the adjacent shoreline of such State or (B) on the waters of the contiguous zone established by the United States under Article 24 of the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606); or

(ii) The presence of oil in or on the waters of the high seas outside the territorial limits of the United States (A) when discharged in connection with activities conducted under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 *et seq.*) or (B) causing injury to or loss of natural resources belonging to, appertaining to, or under the exclusive management authority of, the United States; or

(iii) The presence of oil in or on the territorial sea, navigable or internal waters, or adjacent shoreline of a foreign country, in a case where damages are recoverable by a foreign claimant under Title III of the Act.

(p) "Operator" or "vessel operator" means a demise charterer or any other person responsible for the operation of a vessel, including a person who both owns and is responsible for the operation of a vessel.

(q) "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters (as the term "lands beneath navigable waters" is defined in section 1301 of the Submerged Lands Act (43 U.S.C. 1301)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(r) "Owner" or "vessel owner" means any person holding legal or equitable title to a vessel. In a case where a Certificate of Registry or equivalent document has been issued, the owner shall be deemed to be the person or persons whose name or names appear thereon as owner; *Provided, however*, That where a Certificate of Registry has been issued in the name of the President or Secretary of an incorporated company pursuant to 46 U.S.C. 15, such incorporated company will be deemed to be the owner; *And provided, further*, That this definition does not include a person who, without participating in the management or operation of a vessel, holds indicia of ownership primarily to protect a security interest in that vessel.

(s) "Person" includes, but is not limited to, an individual, a governmental entity, a firm, a corporation, an association, a partnership, a joint-stock company, a joint venture, a consortium, a business trust, or an unincorporated organization.

(t) "Public vessel" means a vessel, not engaged in commerce, the operator of which is the Government of the United States or a State or political subdivision thereof, or the government of a foreign entity.

(u) "Remove," "removing," or "removal" means (1) the physical removal of oil from the water and shorelines; (2) the taking of such other actions as may be necessary to prevent, minimize or mitigate damage to the public health or welfare (including, but not limited to, fish, shellfish, wildlife and public or private property, shorelines and beaches), resulting from a discharge or substantial threat of a discharge of oil; (3) the restoration or replacement of natural resources damaged or destroyed as the result of a discharge of oil in violation of section 311(b) of the Federal Water Pollution Control Act; (4) reasonable measures taken, after an incident has occurred, to prevent, minimize, or mitigate oil pollution from such incident; and (5) measures of a similar or related nature under section 5 of the Intervention on the High Seas Act.

(v) "Submerged lands seaward from the coastline of a State" means the area of "lands beneath navigable waters" as described in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)(2)). Generally, that area can be described as all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastline of a State, and to the boundary line of each such State where in any case such boundary extends seaward (or into the Gulf of Mexico) beyond three geographical miles.

(w) "Underwriter" means an insurer, a surety company, a guarantor, or any other person, other than the operator, who provides evidence of financial responsibility for an operator.

(x) "United States" or "State" means any place under the jurisdiction of the United States, including, but not limited to, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the United States Virgin Islands, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands.

(y) "Vessel" means every description and size of watercraft or other artificial contrivance, other than a public vessel, which is operating in the waters above the Outer Continental Shelf or in the waters above submerged lands seaward from the coastline of a State, and which is engaged in any segment of the transportation of oil from an offshore facility, including carrying, lightering, transshipping, or storing such oil.

#### § 544.3 General.

(a) The regulations in this Part set forth the procedures whereby an owner and operator of a vessel subject to these regulations can demonstrate that each is financially able to meet liability for removal costs and damages in the amount of \$300 per gross ton of such vessel, or \$250,000, whichever is greater. That amount represents the maximum amount of liability under section 304 of the Act in a case where the owner and operator of a particular vessel are entitled to limit their liability. Owners and operators are jointly, severally and strictly liable.

(b) Upon the satisfactory demonstration of financial responsibility in accordance with the regulations of this part, the Commission shall issue Certificates which are to be carried aboard the vessels named on such Certificates. The carriage of a valid Certificate will indicate to the United States Coast Guard that the vessel named thereon is in compliance with the financial responsibility provisions of the Act. Failure to carry a valid Certificate subjects a vessel to enforcement action by the Coast Guard and also subjects the vessel owner and operator to penalty procedures by the Commission.

(c) In a case where a vessel is actually operated by its owner, or the owner is responsible for its operation, the owner shall be considered to be the operator and shall file the application for a Certificate. In all other cases, the vessel operator shall file the application.

(d) Before March 17, 1979, the operator of each vessel subject to the regulations in this part shall have submitted to the Commission a properly completed Application Form FMC-192, acceptable evidence of financial responsibility and application and certification fees. Otherwise, such vessel operator shall not permit such vessel to have on board, for any purpose, oil that has been produced by an offshore facility, unless that oil already has been brought ashore at a United States or foreign location.

(e) The gross tons of a vessel subject to these regulations shall be presumed to be the tonnage indicated in the vessel's Certificate of Registry, or, in the absence thereof, other marine documents acceptable to the Commission. If a vessel has more than one gross tonnage, the higher tonnage shall apply.

#### § 544.4 Where to apply and obtain forms.

(a) Any operator who wishes to be issued a Certificate shall file or cause to be filed with the Commission an Application Form FMC-192, fees and evidence of financial responsibility at the following address:

Office of Water Pollution Responsibility,  
Federal Maritime Commission, Wash-  
ington, D.C. 20573.

(b) Regulations concerning application Forms FMC-192 are set forth in §§ 544.5 and 544.6. Regulations concerning fees are set forth in § 544.12, and regulations concerning evidence of financial responsibility are set forth in § 544.8. Forms may be obtained from the Commission's Office in Washington, D.C. and from the Commission offices at New York, New York; New Orleans, Louisiana; Miami, Florida; San Francisco, California; Chicago, Illinois; Savannah, Georgia; San Pedro, California and Hato Rey, Puerto Rico. All requests for assistance, including telephone inquiries, in completing applications should be directed to the Commission's Office of Water Pollution Responsibility in Washington, D.C.

#### § 544.5 Time to apply.

A completed application, fees and evidence of financial responsibility shall be filed as soon as possible before March 17, 1979. After that date, filings shall be made at least 21 days prior to the date the Certificate is required. Applications will be processed in the order in which they are filed.

#### § 544.6 Applications, general instructions.

(a) All applications and supporting documents shall be in English. All monetary terms shall be in United States currency.

(b) Only vessel operators, as defined in paragraph (p) of § 544.2, may apply for a Certificate. The spaces on the Application Form FMC-192 shall be filled in only with the information requested or the phrase "Not applicable."

(c) The application shall be signed by an authorized official of the applicant, whose title shall be shown in the space provided on the application. A written statement proving authority to sign shall be required where the signer is not disclosed on the application as an individual (sole proprietor) applicant, a partner in a partnership applicant, or a director or officer of a corporate applicant.

(d) If, prior to the issuance of a Certificate, the applicant becomes aware of a change in any of the facts contained in the application or supporting documentation, the applicant shall, in writing, within five (5) days of becoming aware of the change, notify the Commission of the change.

#### § 544.7 Renewal of Certificates.

After Certificates are issued, certificate holders shall apply to the Commission for the issuance of renewal Certificates. Such applications shall be made in writing at least 21 days, but not earlier than 90 days, prior to the expiration dates of the existing Certificates.

Each application shall be accompanied by appropriate recertification (renewal) fees, shall identify any item of information on the original Application Form FMC-192 which has changed since the original application was filed, and shall set forth the correct information in full.

**§ 544.8 Financial responsibility, how established.**

(a) *General.* In addition to filing an Application Form FMC-192 and appropriate fees, each vessel operator subject to the regulations in this Part shall demonstrate that it is able to satisfy liability under Title III of the Act, in an amount not less than \$300 per gross ton or \$250,000, whichever is greater. The evidence of financial responsibility required by these regulations shall cover the vessel owners as well as the vessel operators, jointly and severally. The amount of evidence of financial responsibility required by the regulations in this Part 544 is separate from and in addition to the amount, if any, required of an applicant pursuant to Parts 540, 542 and 543 of this title.

(b) *Methods.* An applicant shall establish evidence of financial responsibility by any one of, or by any acceptable combination of, the following methods:

- Insurance;
- Surety Bond;
- Self-Insurance;
- Guaranty.

(1) *Insurance.* Insurance may be established by filing with the Commission an Insurance Form FMC-193 executed by an insurer which is acceptable to the Commission for purposes of the regulations in this part;

(2) *Surety Bond.* An applicant may file with the Commission a Surety Bond Form FMC-194, executed by the applicant and by a surety company which is located in the United States and which is acceptable to the Commission for purposes of the regulations in this part. To be acceptable, surety companies must, at a minimum, be certified by the United States Department of the Treasury with respect to the issuance of Federal bonds in the penal sum of the bonds to be issued under these regulations;

(3) *Self-Insurance.* A vessel operator may qualify as a self-insurer by maintaining, in the United States, working capital and a net worth, each in the amount of \$300 per gross ton of the largest vessel to be self-insured or \$250,000, whichever is greater. For the purposes of this subparagraph, "working capital" is defined as the amount of current assets located in the United States, less all current liabilities; and "net worth" is defined as the amount of all assets located in the United States, less all liabilities. The amounts

of working capital and net worth required by this subparagraph are in addition to the amounts of working capital and net worth, if any, required by Part 540 (Security for the Protection of the Public), Part 542 (Financial Responsibility for Water Pollution) and Part 543 (Oil Pollution Cleanup—Alaska Pipeline) of this Title 46. Maintenance of the required working capital and net worth shall be demonstrated by submitting with the initial application the items specified in subdivision (i) of this subparagraph for the applicant's last fiscal year preceding the date of application. Thereafter, for each of the applicant's fiscal years, the applicant/certificant shall submit the items specified in subdivisions (i) and (ii) of this subparagraph and shall be subject to the provisions of subdivisions (iii), (iv), (v) and (vi) of this subparagraph:

(i) *Initial and annual submissions.* An applicant/certificant shall submit an annual, current non-consolidated balance sheet and an annual, current non-consolidated statement of income and surplus, certified by an independent Certified Public Accountant. Those financial statements shall be accompanied by an additional statement from the applicant's/certificant's Treasurer (or equivalent official in the case of non-corporate applicant/certificant), certifying to both the amount of current assets and the amount of total assets, included in the accompanying balance sheet, which are located in the United States and acceptable for purposes of this part, e.g., not pledged for purposes of Part 540, Part 542 or Part 543. If the balance sheet and statement of income and surplus cannot be submitted in non-consolidated form, consolidated statements may be submitted if accompanied by an additional statement prepared by the involved Certified Public Accountant, certifying to the amount by which (A) the applicant's/certificant's total assets, located in the United States and acceptable for purposes of this part, exceed its total liabilities, and (B) the applicant's/certificant's current assets, located in the United States and acceptable for purposes of this Part, exceed its current liabilities. Such additional statement by the Certified Public Accountant must specifically name the applicant/certificant, must indicate that the amounts so certified relate only to the applicant/certificant, apart from any other entity, and must identify the consolidated financial statement to which it applies;

(ii) *Semi-annual submissions.* When the applicant's/certificant's demonstrated net worth is not at least ten times the required amount, an affidavit shall be filed by the applicant's/certificant's corporate Treasurer (or the equivalent official in cases where

the applicant/certificant is not a corporation) covering the first six months of the applicant's/certificant's fiscal year. Such affidavits shall state that neither the working capital nor the net worth have, during the first six months, fallen below the required amounts;

(iii) *Additional submissions.* If an applicant's/certificant's annual and semi-annual submissions of financial data under Parts 540, 542 or 543 demonstrate amounts large enough to meet the requirements of this part as well, separate annual and semi-annual submissions for purposes of this part shall not be necessary. Additional financial information, however, shall be submitted upon request of the Commission. All applicants/certificants who choose self-insurance shall notify the Commission within five days of the date such persons know, or have reason to believe, that the amount of working capital or net worth have fallen below the amounts required by this subparagraph;

(iv) *Time for submissions.* All required annual financial statements shall be received by the Commission within three calendar months after the close of the applicant's/certificant's fiscal year, and all six-month affidavits within one calendar month after close of the applicable six-month period. Upon written request, the Commission may grant a reasonable extension of the time limits for filing financial statements/affidavits: *Provided,* That the request sets forth good and sufficient reason to justify the requested extension and is received 15 days before the statements/affidavits are due. The Commission will not consider a request for an extension of more than 45 days;

(v) *Failure to submit.* Failure to timely file any statement, data, or affidavit required by this subparagraph (3) shall cause the revocation of the Certificate;

(vi) *Waivers of submissions.* For good cause shown in writing by the applicant/certificant, the Commission may waive the working capital requirement in cases where the applicant/certificant is an economically regulated public utility, a municipal or higher-level governmental entity, or an entity which operates solely as a charitable, non-profit organization. The Commission will consider good cause to have been shown in those cases when the applicant/certificant demonstrates in writing that the grant of such waiver would benefit at least a local public interest without resulting in undue risk to the environment and without resulting in undue risk that the applicant's/certificant's limits of liability could not be met. In addition, for good cause shown in writing by an applicant/certificant, the Commission

may waive the working capital requirement in any case where it can be demonstrated that working capital is not a significant factor in the applicant's/certificant's financial condition. An applicant's/certificant's net worth in relation to the amount of its exposure under the Act, as well as a history of stable operations will be major elements in such demonstration;

(4) *Guaranty.* A vessel operator may file with the Commission a Guaranty Form FMC-195 executed by a guarantor acceptable to the Commission for purposes of the regulations in this part. A guarantor shall be subject to and must fully comply with all of the self-insurance provisions of subparagraph (3) of this paragraph (b). In addition, the amounts of working capital and net worth required to be demonstrated by an acceptable guarantor shall be no less than the aggregate amounts underwritten as a guarantor and self-insurer pursuant to these regulations and the regulations of Part 540, Part 542 and 543 of this title;

(5) *Other methods.* An applicant may not choose any other method of demonstrating financial responsibility, nor any modifications of any of the foregoing methods;

(c) *Forms—General.* The Commission's Application Form FMC-192, Insurance Form FMC-193, Surety Bond Form FMC-194 and Guaranty Form FMC-195, as appended to this part, are hereby incorporated into this part. If more than one insurer, guarantor, or surety joins in executing an insurance, guaranty, or surety bond form, such action shall constitute joint and several liability on the part of such joint underwriters. Each form submitted to the Commission pursuant to these regulations shall set forth in full the correct name of the vessel operator to whom Certificates are to be issued.

(d) *Direct action.* Forms FMC-193 through FMC-195 shall permit a claimant to commence an action for removal cost and damage claims authorized by section 303 of the Act directly against the underwriter. Such forms shall also provide that in the event such action is brought directly against the underwriter, such underwriter shall be entitled to invoke only those rights and defenses permitted by section 305(c) of the Act.

(e) *Public access to data.* Financial data filed by applicants, certificants, and underwriters shall be public information to the extent required by the Freedom of Information Act and permitted by the Privacy Act.

#### § 544.9 Certificates, issuance.

(a) A separate Certificate for each vessel listed on completed applications shall be issued by the Commission when acceptable evidence of financial

responsibility has been provided and appropriate fees have been paid. Such Certificates will be issued only to vessel operators, as defined in paragraph (p) of § 544.2. Each Certificate shall be effective for not more than three years from the date of issue.

(b) The original Certificate shall be carried on the vessel named on the Certificate. However, a legible copy (certified as accurate by a notary public or other person authorized to take oaths) may be carried in lieu of the original Certificate if the vessel is an unmanned barge which (1) does not require a Certificate of Inspection from the United States Coast Guard, (2) is owned and operated by United States entities and (3) does not have a facility which the vessel operator believes would offer suitable protection for the original Certificate issued by the Commission. If a copy is carried aboard such barge, the original shall be retained at a location in the United States and shall be kept readily accessible for inspection by U.S. Government officials.

(c) Erasures or other alterations on a Certificate or copy is prohibited (even if made by government authorities) and automatically voids such Certificate or copy.

(d) If at any time after a Certificate has been issued a certificant becomes aware of a change in any of the facts contained in the application or supporting documentation, the Certificant shall notify the Commission in writing within five (5) days of becoming aware of the change.

(e) If for any reason, including a vessel's demise or transfer to a new operator, a certificant ceases to be the vessel's operator, as defined in paragraph (p) of § 544.2, the certificant shall, within ten (10) days, complete the reverse side of that vessel's original Certificate and return it to the Commission. Such Certificate and any copy thereof is automatically void (whether or not returned to the Commission), and its use is prohibited. Where such voided Certificate cannot be returned because it has been lost or destroyed, the certificant shall, as soon as possible, submit the following written information to the Commission:

(1) The number of the Certificate and the name of the vessel;

(2) The date and reason why the certificant ceased to be the operator of the vessel;

(3) The location of the vessel on the date the certificant ceased to be the operator;

(4) The name and mailing address of the person to whom the vessel was returned, sold or transferred; and

(5) The reason why the Certificate cannot be returned.

#### § 544.10 Operator's responsibility for identification.

Except in the case of unmanned barges, operators who are not also the owners of certificated vessels shall carry on board such vessels the original or legible copy of the demise charter-party or any other written document which demonstrates that such operators are, in fact, the operators designated on the Certificates. Such documents shall be presented for examination to U.S. Government officials upon request.

#### § 544.11 Certificates, denial or revocation.

(a) A certificate shall be denied or revoked for any of the following reasons:

(1) Making any willfully false statement to the Commission in connection with an application for an initial Certificate or a request for a renewal Certificate or the retention of an existing Certificate;

(2) Failure of an applicant or certificant to establish or maintain acceptable evidence of financial responsibility as required by the regulations in this part;

(3) Failure to comply with or respond to lawful inquiries, regulations, or orders of the Commission pertaining to activities subject to this part;

(4) Failure to timely file the statements or affidavits required by subdivisions (i), (ii), or (iii) of subparagraph (3) of paragraph (b) of § 544.8 of these regulations; or

(5) Cancellation or termination of any insurance form, surety bond or guaranty issued by an underwriter pursuant to these regulations, unless acceptable substitute evidence of financial responsibility has been submitted to the Commission.

(b) Denial or revocation of a Certificate shall be immediate and without prior notice in a case where the applicant or certificant (1) is no longer the responsible operator of the vessel in question, (2) fails to furnish acceptable evidence of financial responsibility in support of an application, (3) permits the cancellation or termination of the insurance form, surety bond or guaranty upon which the continued validity of the Certificate was based, or where (4) the Certificate no longer reflects current information, as would occur in the case of a name change or other change. In any other case, prior to the denial or revocation of a Certificate, the Commission shall advise the applicant or certificant, in writing, of its intention to deny or revoke the Certificate, and shall state the reason therefor.

(c) If the reason for an intended revocation is failure to file the required financial statements or affidavits, the revocation shall be effective ten (10) days after the date of the notice of in-

tention to revoke, unless the certificant shall, prior to revocation, demonstrate that the required statements were timely filed.

(d) If the intended denial or revocation is based upon one of the reasons in § 544.11(a) (1) or (3), the applicant or certificant may request, in writing, a hearing to show that the applicant or certificant is in compliance with the provisions of the regulations in this part, and, if such request is received within 30 days after the date of the notification of intention to deny or revoke, such hearings shall be granted by the Commission. Hearings pursuant to these regulations shall be conducted in accordance with the Commission's rules of practice and procedure (46 CFR Part 502).

§ 544.12 Fees.

(a) This section establishes the application fee which shall be imposed by the Commission for processing Application Form FMC-192 and also establishes the certification fee which shall be imposed for the issuance or renewal of Certificates.

(b) No Certificate shall be issued unless the application and/or certification fees set forth in paragraphs (d) and (e) of this section have been paid.

(c) Fees shall be paid by check, draft, or postal money order in United States currency, and be made payable to the Federal Maritime Commission.

(d) Each applicant who submits Application Form FMC-192 for the first time shall pay an initial, non-refundable application fee of \$100. Applications for additional Certificates, or to amend or renew existing Certificates, shall not require new application fees. However, once an Application Form FMC-192 is withdrawn or denied for any reason, and the same applicant, holding no valid Certificates, wishes to reapply for a Certificate (covering the same or new vessel), a new application form and application fee of \$100 shall be required.

(e) Applicants shall pay a \$20 fee for each Certificate issued. Applicants shall submit such certification fee for each vessel listed in, or later added to, an application. The \$20 certification fee is required to renew or to reissue a Certificate for any reason, including, but not limited to, a name change or a lost Certificate.

(f) Certification fees shall be refunded, upon receipt of a written request, if the application is withdrawn or denied prior to issuance of the Certificates. Over-payments in the application fees and/or the certification fees will be refunded on request only if the refund is \$10 or more. However, any overpayments not refunded will be credited, for a period of three years from the date of receipt of the monies by the Commission, for the applicant's

possible future use in connection with the regulations in this part.

§ 544.13 Enforcement.

(a) Any operator of a vessel subject to the regulations in this part who fails to comply with the regulations in this part shall be subject to a civil penalty of not more than \$10,000 for each such failure to comply, in accordance with section 312(a) of the Act. Such penalties may be assessed and compromised by the Federal Maritime Commission pursuant to the provisions of section 312(a) of the Act.

(b) The Secretary of the Department in which the Coast Guard is operating may (1) deny entry to any port or place in the United States or the navigable waters of the United States and (2) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to the regulations in this part, which, upon request, does not produce a valid Certificate.

§ 544.14 Service of process.

When executing the forms required by the regulations in this part, each applicant and underwriter shall designate thereon a person in the United States as its agent for service of process for the purposes of Title III of the Act and of the regulations in this part. Each designation shall be acknowledged in writing by the designee unless the designee, pursuant to these regulations, has already furnished the Commission with a "master" concurrence showing that it has agreed in advance to act as the United States agent for service of process for the applicant or underwriter in question.

FORM FMC-192

FEDERAL MARITIME COMMISSION,  
WASHINGTON, D.C. 20573

APPLICATION FOR CERTIFICATE OF FINANCIAL RESPONSIBILITY (OUTER CONTINENTAL SHELF)

INSTRUCTIONS: Please type or print clearly and submit this application to the Office of Water Pollution Responsibility, Federal Maritime Commission, Washington, D.C. 20573. The application is in four parts: Part I—General; Part II—Evidence of Financial Responsibility; Part III—Declaration; and Part IV—Concurrence of Agent. Applicants must answer Item 4 and all other applicable questions. If a question does not apply, answer "not applicable." Incomplete applications will be returned. If additional space is required, supplemental sheets may be attached.

THIS SPACE FOR USE BY FMC ONLY

GENERAL (PART I OF 4 PARTS)

1. (a) Legal name of applicant (name of legally responsible operator of all vessels listed in Part II):

(b) English equivalent of legal name if customarily written in language other than English:

(c) Trade name, if any:

2. (a) Is this the first time the above-named applicant is applying for a Certificate of Financial Responsibility (Outer Continental Shelf)?

NOTE.—This question does not refer to any other type of Certificate.

Yes

No If "No," complete item "b" below.

(b) What FMC control number was assigned to the first Application Form FMC-192?

3. (a) State applicant's legal form of organization, i.e., whether operating as an individual, corporation, partnership, association, joint stock company, business trust or other organized group of persons (whether incorporated or not), or as a receiver, trustee, or other liquidating agent, and briefly describe current business activities and length of time engaged therein:

(b) If a corporation, association, or other organization, please indicate:

Name of state of foreign country in which incorporated or organized:

Date of incorporation or organization:

(c) If a partnership, give name and address of each partner:

4. Name and address of applicant's United States agent or other person authorized by applicant to accept legal service in the United States (see PART IV):

EVIDENCE OF FINANCIAL RESPONSIBILITY (PART II OF 4 PARTS)

5. Please list each vessel for which a Certificate is desired. Vessels for which the operator named in item 1(a) is not responsible should not be listed in this form. In column (f) indicate the number "1" if the operator is also the registered owner. Indicate "2" in column (f) if the operator is not the registered owner.

(a) Name of Vessel

(b) Type of Vessel

(c) Country of registry

(d) Registration number

(e) Gross tons

(f) "1" or "2"

(g) If applicant indicated "2" for any vessel listed above in column 5(f), please indicate:

Name of vessel

Owner

Owner's mailing address

6. Items 7 through 10 are optional methods of establishing financial responsibility. Check the appropriate box(es) below and answer only the item(s) which are applicable to this application:

Insurance (Answer Item 7)

Surety Bond (Answer Item 8)

Guaranty (Answer Item 9)

Self-Insurer (Answer Item 10)

7. Name and address of applicant's insurer (evidence of insurance acceptable to the Federal Maritime Commission must be filed on Insurance Form FMC-193 before a Certificate will be issued.):

8. (a) Total amount of surety bond. (Surety Bond Form FMC-194 must be filed with and acceptable to the Commission before a Certificate will be issued.):

(b) Name and address of applicant's surety:

9. (a) Name and address of applicant's guarantor (Guaranty Form FMC-195 and all required financial data must be filed before a Certificate will be issued.):

PROPOSED RULES

Part IV-A

(b) Guarantor's fiscal year:

to (Month) (Day) (Month) (Day)

10. If applicant intends to qualify as a self-insurer, attach all required financial data and indicate fiscal year:

to (Month) (Day) (Month) (Day)

DECLARATION (PART III OF 4 PARTS)

11. Applicant's mailing address (street, number, post office box, city, state or country, and ZIP code if in the United States):

12. Telex Number and answerback:

13. Type or print in this space the name and title of the official who is signing this application:

14. Area code and telephone number:

I declare that I have examined this application, including any accompanying schedules and statements, and, to the best of my knowledge and belief, it is true, correct, and complete. Furthermore, it is agreed that the applicant named in item 1(a) of Part I above is the responsible operator of all vessels now listed in or later added to this application. I also agree that in the event the agent designated in item 4 of Part I above, or his replacement as may be appointed later with the approval of the Federal Maritime Commission, cannot be served due to death, disability, or unavailability, the Secretary, Federal Maritime Commission, shall be deemed to be the agent for service of process. I have signed this application in my above-indicated capacity as an authorized official of the applicant, or, if acting under a power of attorney, pursuant to the power vested in me by the said applicant as evidenced by the attached document.

IMPORTANT

Date: Signature of above official:

NOTE.—Please be sure that Parts I, II, and III have been completed in full and that Part III has been dated and signed. Then proceed to Part IV, attached.

Comments:

The statements hereinabove set forth are made subject to penalties prescribed by law for any person who knowingly and willfully makes false statements on any matter within the jurisdiction of an agency of the United States (18 U.S.C. 1001).

CONCURRENCE OF AGENT (PART IV OF 4 PARTS)

Part IV-A must be completed by the person designated in Item 4 of Part I to serve as applicant's United States agent for service of legal process. Part IV-B must be completed by the applicant. After Parts IV-A and IV-B are completed, Part IV should be submitted to the Commission by the applicant or by the agent, either separately or together with Parts I, II, and III. (Part IV need not be completed if the agent designated in Item 4 of Part I already has submitted to the Commission an acceptable blanket Concurrence of Agent, agreeing to serve on behalf of certain applicants who designate such agent. Part IV also need not be completed if the applicant is a United States entity and has appointed itself as agent in item 4 of Part I.)

It is hereby agreed that

(Type name of United States agent) shall serve as the herein named applicant's United States agent for service of legal process for purposes of Part 544, Title 46, CFR, and Title III of the Outer Continental Shelf Lands Act Amendments of 1978. This designation and agreement shall cease immediately in the event that said applicant designates a new agent acceptable and agreed to by the Federal Maritime Commission.

Date: Signature of person signing on behalf of agent: Title: Business address:

Part IV-B

TO BE COMPLETED BY APPLICANT

Name of applicant (from item 1(a)): Signature of person signing on behalf of applicant: (person signing here should also sign in appropriate place on Part III) Date: Type or print name and title:

FEDERAL MARITIME COMMISSION

INSURANCE FORM FMC-193 NO. — FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER TITLE III OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1978 (PUB. L. 95-372)

(Name of Insurer) (hereinafter "Insurer") hereby certifies that for purposes of complying with the provisions of section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter "Act"), each of the vessel operators specified in the schedules below is insured by it, in respect to each of the vessels respectively specified therein, against liability for removal costs and damages to which such vessel operators could be subjected under Title III of the Act. The amount of liability insured herein is \$300 per gross ton or \$250,000, whichever is greater, per vessel, in any one incident.

(Name of Agent) with offices located at is hereby designated as the Insurer's agent for service of process for the purposes of Title III of the Act and for the purposes of the regulations of the Federal Maritime Commission (Part 544 of Title 46, Code of Federal Regulations). If the designated agent cannot be served due to death, disability or unavailability, the Secretary of the Federal Maritime Commission shall be deemed to be the agent for service of process.

The Insurer consents to be sued directly in respect of any claim authorized under section 303 of the Act against any of the said operators: Provided, however, That in

any such direct action its liability per vessel in any one incident shall not exceed \$300 per gross ton of such vessel or \$250,000, whichever is greater. The Insurer shall be entitled to invoke only the rights and defenses permitted by Title III of the Act to the vessel operator and the defense that the incident was caused by the willful misconduct of the vessel operator.

The insurance evidenced by this undertaking shall be applicable only in relation to incidents occurring on or after the effective date and before the termination date of this undertaking, and shall be applicable only to incidents giving rise to claims authorized under section 303 of the Act in respect to any of the below-listed vessels.

The effective date of this undertaking shall, for each vessel listed below, be the date such vessel is named in or added to the schedules below. For each such vessel, the termination date of this undertaking shall be 30 days after the date of receipt of written notice by the Federal Maritime Commission (FMC) that the Insurer has elected to terminate the insurance evidenced by this undertaking, and has so notified the vessel operator. However, for any vessel carrying Outer Continental Shelf-produced oil as cargo that has been loaded prior to the scheduled date of termination, such termination shall not take effect until (1) completion of discharge of such cargo, or (2) until 60 days after the date of receipt in writing by the FMC of notice that the Insurer has elected to terminate the insurance evidenced by this undertaking, whichever date is earlier.

Termination of this undertaking as to any vessel shall not affect the liability of the Insurer in connection with an incident occurring prior to the date such termination becomes effective.

If, during the currency of this undertaking, a below-named operator requests that an additional vessel be made subject to this undertaking, and if the Insurer accedes to such request and should so notify the FMC, then such vessel shall be deemed included in the schedules below.

If more than one insurer joins in executing this document, such action shall constitute joint and several liability on the part of such insurers. The definitions in 46 CFR 544.2 shall apply to this undertaking.

Effective Date of Coverage for Vessels Originally Named on this Undertaking:

Day/month/year (Name of Insurer) (Mailing Address)

By: (Signature of Official Signing on Behalf of Insurer)

Typed Name and Title of Signer Insurance Form FMC-193 No. —

SCHEDULE OF VESSELS AND ASSURED OPERATORS

Vessel	Gross Tons	Assured Operator
--------	------------	------------------

Insurance Form FMC-193 No. —

SCHEDULE OF VESSELS AND ASSURED OPERATORS ADDED TO ABOVE SCHEDULE

Vessel	Gross Tons	Assured Operator	Date Added
--------	------------	------------------	------------

Insurance Form FMC-193 No. —

[Surety Co. Bond No. —]

FEDERAL MARITIME COMMISSION

OIL DISCHARGE SURETY BOND FORM FMC-194 FURNISHED AS EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER TITLE III OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1978 (PUBL. 95-372)

KNOW ALL MEN BY THESE PRESENTS, that We

(Name of Vessel Operator)

of (City, State, and Country) as Principal (hereinafter called Principal), and

(Name of Surety)

a company created and existing under the laws of

(State and Country)

and authorized to do business in the United States, as Surety (hereinafter called Surety), are held and firmly bound unto the United States of America and other claimants for damages and removal cost liability under Title III of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter "Act") in the penal sum of

(Penal Sum May Not Be Less Than \$250,000)

for which payment, well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, The Principal intends to become or is a holder of a Certificate of Financial Responsibility (Outer Continental Shelf) pursuant to the provisions of Part 544 of Title 46, Code of Federal Regulations, and has elected to file with the Federal Maritime Commission (FMC) such a bond as will insure financial responsibility to meet liability for removal costs and damages in connection with claims authorized by section 303 of the Act, and

WHEREAS, this bond is written to insure compliance by the Principal with the requirements of section 305(a)(1) of the Act, and shall inure to the benefit of claimants under Title III of the Act,

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to claimants any sum or sums for which the Principal may be held legally liable under Title III of the Act, then this obligation, to the extent

of such payment, shall be void, otherwise to remain in full force and effect.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond. In no event shall the Surety's obligation hereunder exceed the amount of said penalty: *Provided*, That the Surety furnishes written notice to the FMC forthwith of all claims filed, judgments rendered, and payments made by said Surety under this bond.

Any claim for which the Principal may be liable under Title III of the Act may be brought against the Surety. In the event of such direct claim, the Surety shall be entitled to invoke only (1) the rights and defenses permitted by Title III of the Act to the Principal (vessel operator) and (2) the defense that the incident giving rise to the claim was caused by the willful misconduct of the Principal.

This bond is effective the — day of —, 19—, 12:01 a.m., standard time at the address of the Surety as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice sent by certified mail to the other party with a copy (plainly indicating that the original notice was sent by certified mail) to the FMC at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said written advice by the FMC: *Provided, however*, That with respect to any of the Principal's vessels which are carrying Outer Continental Shelf-produced oil as cargo that has been loaded prior to the time such termination would otherwise have become effective, such termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the FMC of notice of termination of the bond by the Principal or the Surety under the conditions set forth above, whichever date is earlier. The Surety shall not be liable hereunder in connection with an incident occurring after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety in connection with an incident occurring prior to the date such termination becomes effective.

The Surety designates

(Name of Agent)

with offices at —

as the Surety's agent for service of process for the purposes of Title III of the Act and for the purposes of the regulations of the FMC (Part 544 of Title 46, Code of Federal Regulations). If the designated agent cannot be served due to death, disability, or unavailability, the Secretary of the FMC shall be deemed to be the agent for service of process.

If more than one surety company joins in executing this bond, such action shall constitute joint and several liability on the part of such sureties. The definitions in 46 CFR 544.2 shall apply to this bond.

In witness whereof, the Principal and Surety have executed this instrument on the — day of —, 19—.

(Please type name of signer under each signature. In the case of a partnership, each partner must sign.)

PRINCIPAL

(Individual Principal or Partner)  
(Business Address)

(Individual Principal or Partner)  
(Business Address)

(Individual Principle or Partner)  
(Business Address)

Corporate Principal

Business Address

By  
(Affix Corporate Seal)

Title

SURETY

Corporate Surety

Business Address

By  
(Affix Corporate Seal)

Title  
Surety Co. Bond No. —

Form FMC-194

FEDERAL MARITIME COMMISSION

GUARANTY FORM FMC-195 IN RESPECT OF LIABILITY FOR DISCHARGE OF OIL UNDER TITLE III OF THE OUTER CONTINENTAL SHELF LANDS ACT AMENDMENTS OF 1978 (P.L. 95-372)

1. WHEREAS

(Name of Vessel Operator)

(hereinafter referred to as the "Operator") is the Operator of the Vessel(s) specified in the annexed schedules (hereinafter "Vessel" or "Vessels"), and whereas the Operator desires to establish its financial responsibility

## PROPOSED RULES

in accordance with section 305(a)(1) of the Outer Continental Shelf Lands Act Amendments of 1978 (hereinafter referred to as "the Act"), the undersigned Guarantor hereby guarantees, subject to the provisions of clause 4 hereof, to discharge the Operator's legal liability for damages and removal costs under Title III of the Act, in the event that such legal liability has not been discharged by the Operator within 21 days after the claimant has obtained a final judgment (after appeal, if any) against the Operator, in accordance with Title III of the Act, or has become entitled to payment of a specified sum by virtue of a compromise settlement agreement made with the Operator, with the approval of the Guarantor. Upon payment of the agreed sum, the Operator is to be fully, irrevocably and unconditionally discharged from all further liability to the claimant under this Guaranty with respect to such claim. The Operator's legal liability under Title III of the Act, which is covered by this Guaranty, is \$300 per gross ton or \$250,000, whichever is greater.

2. The Guarantor's liability per vessel in any one incident, under this Guaranty, shall in no event exceed \$300 per gross ton or \$250,000, whichever is greater, provided that the Guarantor furnishes prompt written notice to the Federal Maritime Commission (FMC) of all claims filed, judgments rendered and payments made by the Guarantor under this Guaranty.

3. The Guarantor's liability under this Guaranty shall attach only in relation to incidents giving rise to claims, authorized under section 303 of the Act, against the Operator in respect of any of the Vessels for removal costs and damages, occurring on or after the effective date of this Guaranty and before the termination date of this Guaranty. The effective date, as to each of such Vessels, shall be the date such Vessel is named in Schedule A or added to Schedule B below. The termination date, as to each of such Vessels, shall be the date 30 days after the date of receipt by the FMC of notice in writing that the Guarantor has elected to terminate this Guaranty. *Provided, however,* That with respect to any Vessel which is carrying Outer Continental Shelf-produced oil as cargo that has been loaded prior to the scheduled date of termination, such termination shall not become effective (1) until completion of discharge of such cargo, or (2) until 60 days after the date of receipt by the FMC of such notice of termination, whichever date is earlier. Termination of this Guaranty as to any of such Vessels shall not affect the liability of the Guarantor in connection with an incident occurring prior to the date such termination becomes effective.

4. Any claim against the Operator, authorized by section 303 of the Act, may be brought directly against the Guarantor. In the event of such direct claim, the Guarantor shall be entitled to invoke only (1) the rights and defenses permitted by Title III of the Act to the vessel operator and (2) the defense that the incident was caused by the willful misconduct of the Operator.

5. If, during the currency of this Guaranty, the Operator requests that a vessel operated by the Operator, and not specified in the annexed Schedules A and B, should become subject to this Guaranty, and if the Guarantor accedes to such request and so notifies the FMC in writing, then such vessel shall thereupon be deemed to be one

of the Vessels included in Schedule B and subject to this Guaranty.

6. The Guarantor hereby designates

.....  
(Name of Agent)

with offices at \_\_\_\_\_

as the Guarantor's agent in the United States for service of process for purposes of Title III of the Act and for purposes of Part 544 of Title 46, Code of Federal Regulations. If the designated agent cannot be served due to death, disability or unavailability, the Secretary of the FMC shall be deemed to be the agent for service of process.

7. If more than one Guarantor joins in executing this Guaranty, such action shall constitute joint and several liability on the part of such guarantors.

8. The definitions in 46 CFR Part 544 shall apply to this Guaranty.

Effective date:

.....  
(Month/Day/Year and Place of Execution)

.....  
(Type Name of Guarantor)

.....  
(Type Address of Guarantor)

By:

.....  
(Signature)

.....  
(Type Name and Title of Person Signing Above)

FMC-195 Guaranty No. —

SCHEDULE A.—Vessels Initially Listed

Vessels	Gross Tons	Operator
FMC-195 Guaranty No. —		

FMC-195 Guaranty No. —

SCHEDULE B.—Vessels Added in Accordance With Clause 5

Vessels	Gross Tons	Operator	Date Added
FMC-195 Guaranty No. —			

FMC-195 Guaranty No. —

[FR Doc. 79-224 Filed 1-2-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS

COMMISSION

[47 CFR Part 15]

[Gen. Docket No. 78-348]

MEASUREMENT TECHNIQUES OF TELEVISION RECEIVER NOISE FIGURES

Order Extending Time for Filing of Technical Papers and Conference

AGENCY: Federal Communications Commission.

ACTION: Extension of time.

SUMMARY: Because of delay in publishing and distributing copies of Docket No. 78-348, the dates for submitting technical papers and for the technical conference have been extended.

DATES: Technical papers must be submitted by January 15, 1979. The technical conference will be held on February 15, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Lawrence Middlekamp, OCE/Laboratory Division (301) 725-1585.

ORDER EXTENDING DATES FOR FILING OF TECHNICAL PAPERS AND CONFERENCE [43 FR 51650]

Adopted: December 19, 1978.

Released: December 21, 1978.

By the Chief Engineer:

1. On November 1, 1978, the Commission adopted a Notice of Inquiry in the above captioned matter. Paragraph 6 (B.2) required technical papers to be submitted by January 1, 1979; and, paragraph 6 (B.3) set February 1, 1979, as the date for the technical conference.

2. Because of the delay in publishing and distributing the docket an extension of time to January 15, 1979 for filing of technical papers (6 B.2), and February 15, 1979 for the Conference (6 B.3) is hereby ordered pursuant to § 0.241(d) of the Commission's Rules.

RAYMOND E. SPENCE,  
Chief Engineer.

[FR Doc. 79-288 Filed 1-2-79; 8:45 am]

[4910-06-M]

## DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Chapter II]

[Docket No. RSSI-78-5, Notice No. 7]

## GENERAL SAFETY INQUIRY

## Public Hearing

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Change of Hearing Dates.

SUMMARY: The purpose of this notice is to reschedule the fifth 2-day public hearing that FRA will conduct to evaluate and improve the effectiveness of its safety regulatory program. The effect of this action will be to postpone the fifth hearing on signal and train control systems from January 17 and 18 to February 21 and 22, 1979. This action is taken in response to numerous requests received from persons and organizations desiring to participate in this public hearing.

DATES: (1) The public hearing will begin at 10:00 a.m. on February 21, 1979. (2) Prepared written statements for the hearing should be submitted by February 13, 1979, in triplicate to the Docket Clerk, Office of the Chief Counsel (RCC-1), Federal Railroad Administration, Room 4406, 2100 Second Street, SW., Washington, D.C. 20590. (3) Persons desiring to participate in the hearing should notify the

principal program person by February 13, 1979, and indicate the amount of time they need to present their views.

ADDRESS: Hearing Location: Trans Point Building, Room 3201, 2100 Second Street, SW., Washington, D.C. 20590.

## FOR FURTHER INFORMATION CONTACT:

Principal Program Person: Rolf Mowatt-Larssen, Office of Safety (RRS-20), FRA, Room 4414N, 2100 Second Street, SW., Washington, D.C. 20590, phone 202-426-0924.

Principal Attorney: Barbara Betsock, Office of the Chief Counsel (RCC-40), FRA, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590, phone 202-426-8285.

SUPPLEMENTARY INFORMATION: On December 12, 1978, FRA published in the FEDERAL REGISTER a notice of public hearing (43 FR 58100). That notice announced that the fifth two-day public hearing concerning signal and train control systems would be held on January 17 and 18, 1979.

FRA has recently received communications from numerous interested persons and organizations requesting that this hearing be postponed to facilitate their participation. FRA wishes to encourage the participation of all interested persons and organizations in the hearing being held to improve its safety regulatory program. Therefore, the fifth two-day hearing has been rescheduled at a later date as indicated in this notice.

Although the hearing has been postponed, the issues to be addressed are

in no way affected by this postponement. Accordingly, interested persons should refer to the notice published in the FEDERAL REGISTER on December 12, 1978 (43 FR 58100), for a summary of the issues that will be addressed at this hearing.

## PUBLIC PARTICIPATION

FRA requests that the Association of American Railroads, the American ShortLine Railroad Association, individual railroads, signal and train control equipment suppliers, the National Transportation Safety Board, railroad employee organizations and other interested persons participate actively in the hearing. Specifically, FRA requests that these persons and organizations provide knowledgeable spokespersons and pertinent technical, manufacturing, service, and cost data. These spokespersons should present detailed information to justify their positions.

Section 25, Interstate Commerce Act, as amended (49 U.S.C. 26); Sections 202 and 208, Federal Railroad Safety Act of 1970 (45 U.S.C. 431 and 437); § 1.49(g) and (n) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g) and (n)).

Issued in Washington, D.C. on December 28, 1978.

JOHN M. SULLIVAN,  
Administrator.

FR Doc. 79-290 Filed 1-2-79; 8:45 am

# notices

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.

[3410-11-M]

## DEPARTMENT OF AGRICULTURE

Forest Service

### ROADLESS AREA REVIEW AND EVALUATION (RARE II)

#### Amendment to the Inventory List

Notice is hereby given of amendment to the inventory of roadless and undeveloped areas within the National Forests and Grasslands, as published in the FEDERAL REGISTER, Friday, November 18, 1977, pages 59690-59715. Subsequent amendments were published Tuesday, February 14, 1978, pages 6291-6292, Thursday, June 8, 1978, pages 24876-24881, Tuesday, October 3, 1978, pages 45754-45755, Thursday, October 19, 1978, page 48670, and Wednesday, December 13, 1978, pages 58208-58209.

The inventory has been subject to adjustment from time to time as corrected data becomes available, as areas are modified or areas are added or deleted from the list. Public review has been continuous, and many challenges for both additions and deletions of particular areas have been made. Decisions are rendered as expeditiously as possible; however, not all challenges have been acted on, and some decisions have been appealed to the Secretary of Agriculture. It is the objective of RARE II to publish a final environmental statement that will display a proposed allocation of roadless areas according to the inventory as it exists on this date. Administrative review and resolution will continue as a separate process for challenge or appeals regarding specific areas that are not currently a part of the inventory.

This amendment contains 4 changes to eliminate private land from an inventoried area, 30 changes reflect a recalculation of acreage, 11 areas have been changed or deleted to reflect enactment of wilderness legislation, one area found to meet inventory criteria is added, 9 areas have been changed to reflect inclusion of additional acreage found to meet inventory criteria, 3 areas are deleted to reflect allocation to nonwilderness uses as a result of completed land management plans, 8 areas have been added for the purpose of considering in RARE II portions of primitive areas not previously endorsed by the administration for wilderness classification, 1 typographical

error is corrected, and 2 areas are changed as a result of allocation of additional acreage to RARE II evaluation in a completed land management plan.

## State: Alaska:

## Chugach National Forest:

The inventory list is changed to reflect a revision of the numbering system and show a recalculation and correction of gross acreage.

*Area code, area name and gross acres*

CA001, A-Resurrection, 112,500.  
CB001, B-Resurrection, 174,000.  
C0002, Boston Bar, 52,000.  
C0003, Johnson Pass, 147,500.  
CA004, A-Kenai Lake, 149,500.  
CB004, B-Kenai Lake, 52,000.  
CA005, A-E, Kenai Mountain, 221,500.  
CB005, B-E Kenai Mountain, 73,000.  
C0006, Twenty mile, 171,000.  
C0007, Harriman Fiord, 83,000.  
C0008, Golden, 130,500.  
C0009, Unakwik, 118,000.  
C0010, Columbia Glacier, 17,000.  
C0011, Nellie Juan, 32,500.  
C0012, Prince William Sounds Islands, 137,400.  
C0013, Montague Islands, 204,500.  
C0014, Fidalgo/Gravina, 328,000.  
C0015, Hinchbrook-Hawkins, 145,000.  
C0016, Sheridan Glacier, 171,900.  
C0017, Copper River Wetlands, 69,800.  
C0018, Bering Lake, 539,100.  
C0019, Tonki Cape, 64,000.  
C0020, Red Peak, 57,000.  
C0021, Malina Bay, 38,000.

## State: Arizona:

## Apache-Sitgreaves National Forest:

Add P3169, Blue Range Primitive, 1,090 acres

(To add to the inventory for the purpose of considering in RARE II a portion of a primitive area not previously endorsed by the administration for wilderness classification).

## State: Idaho:

## Clearwater National Forest:

Change 1300, Mallard Larkins, to 137,234 acres

(Reflects recalculation of acreage)

## Clearwater, Payette, and Nezperce National Forests:

Add P4913, IPA-Parts, 411,552 acres

Add P1300, Mallard L, 67,146 acres

Add P1913, Dixie Tail, 8,288 acres

(To add to the inventory for the purpose of considering in RARE II portions of primitive areas not previously endorsed by the administration for wilderness classifications.)

## Salmon National Forests:

Delete 4507, Haystack Mountain

Delete 4508, Phelan

Delete 4509, Deep Creek

(Reflects allocation to nonwilderness uses as a result of the Leesburg land management plan).

## State: Illinois:

## Shawnee National Forests:

Change 9100, Garden of the Gods, to 4,373 acres

(Reflects recalculation of acreage and deletion of 408 acres of private land from the roadless areas).

## State: Michigan:

## Ottawa National Forests:

Change Sylvania, 9211, to A9211, 17,974 acres

(Reflects deletion of 3,242 acres of private land and developments).

## State: Minnesota:

## Superior National Forests:

Change 9132, Little Indian Sioux, to A9132, 970 acres

Change Brule Lake-Eagle Mtn., 9138 to A9138, 7,427 acres

Change Kawishiwi Lake to Sawbill, 9139 to A9139, 15,715 acres

Delete 9133, Moose Portage III

Delete 9134, Baldpate Lake

Delete 9135, Hegman Lakes

Delete 9136, Wood Lake

Delete 9137, South Kawishiwi River

Change 9140, Baker-Homer-Brule Lakes, to 8,942 acres

(The above changes and deletions reflect classification as wilderness all or portions of the inventoried roadless areas pursuant to PL 95-495).

Change 9117, Mississippi Creek, to 7,211 acres

Change 9119, Tait Lake, to 7,000 acres

(Reflects recalculation of acreage).

## State: Mississippi:

## National Forests in Mississippi:

Change 08311, Black Creek from 5,000 acres to 4,560 acres.

(The purpose of this change is to eliminate private lands from the inventoried area).

## State: Missouri:

## Mark Twain National Forests:

Change 9220, Devilsbackbone, to 6,830 acres

(Reflects recalculation of acreage).

## State: Montana:

## Beaverhead National Forests:

Change 1549, Madison, to 157,795 acres

(Reflects recalculation of acreage).

## State: New Hampshire:

## White Mountain National Forests:

Change 9066, Pemigewasset, to 76,610 acres

Change 9067, Sandwich Range, to 37,884 acres

(Reflects addition of acreage which a completed land management plan allocated to be studied with an adjacent roadless area).

## State: New Mexico:

## Gila National Forests:

Add P3167, Gila Primitive, 49,032 acres

Add P31689, Black and Aldo, 30,726 acres

Add P3169, Blue Range Primitive, 21,400 acres

(To add to the inventory for the purpose of considering in RARE II portions

of a primitive area not previously endorsed by the administration for wilderness classification).

## State: Oregon:

## Malheur National Forests:

Add 6248, Pine Creek, 5,400 acres

Change 6232, Myrtle-Silvies to 13,426 acres

Change 6234, Malheur River, to 6,719 acres

Change 6238, Strawberry Mtn., to 415,710 acres

Change 6240, Monument Rock, to 26,150 acres

Change 6241, North Form Malheur, to 18,735 acres

Change 6243, Dixie Butte, to 17,142 acres

Change 6252, Greenhorn Mtn., to 47,014 acres

(These changes, and the addition of one area, are made to include additional acreage found to meet inventory criteria).

## Mt. Hood National Forests:

Change 6095, Salmon-Huckleberry, to 68,800 acres

(To include additional area found to meet inventory criteria).

## Ochoco National Forests:

Change 6214, Lookout Mountain, to 15,360 acres

(To reflect additional area found to meet inventory criteria).

## Umpqua National Forests:

Change 6130, Rogue Umpqua Divide, to 64,509 acres

(To include additional area found to meet inventory criteria).

## State: Tennessee:

## Cherokee National Forests:

Roadless Area Flint Mill, previously identified as 8280, is corrected to 8176.

## State: Texas:

## National Forests in Texas:

Change 8133, Four Notch, from 6,850 acres to 5,606 acres

(The purpose of this change is to eliminate private lands from the inventoried area).

## State: Utah:

## Ashley National Forests:

Add P4913, HUPA-4, 34,367 acres

(To add to the inventory for the purpose of considering in RARE II a portion of a primitive area not previously endorsed by the administration for wilderness classification).

## State: Washington:

## Olympic National Forests:

Change 6081, Quilcene, to 68,182 acres  
(Reflects recalculation of acreage).

## State: Wisconsin:

## Nicolet National Forests:

Delete 9175, Blackjack Springs

Delete 9176, Whisker Lakes

(To reflect classification as Wilderness pursuant to Pub. L. 95-494).

Dated: December 27, 1978.

F. LEROY BOND,  
*Acting Chief.*

[FR Doc. 79-270 Filed 1-2-79; 8:45 am]

## [3410-16-M]

## Soil Conservation Service

## SOIL AND WATER RESOURCES

## Meetings

Pursuant to the Soil and Water Resources Conservation Act (RCA), Pub. L. 95-192, the U.S. Department of Agriculture (USDA), under the leadership of the Soil Conservation Service (SCS), is appraising the Nation's soil, water, and related resources; developing a national soil and water conservation program; and preparing a statement of national policy concerning these resources.

The Secretary of Agriculture designated an interagency coordinating committee to guide this implementation effort. Interested individuals are invited to attend the coordinating committee meetings as observers. The next meeting of the committee will be held at 2 p.m., Thursday, January 4, 1979, in Room 218-A, Administration Building, U.S. Department of Agriculture. For further information about this or future meetings, contact Lawrence Libby, Executive Secretary to the Committee, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6827.

(Pub. L. 95-192, 91 Stat. 1407, 16 U.S.C. 2001 et seq., November 18, 1977.)

Dated: December 22, 1978.

DAVID G. UNGER,  
*Deputy Assistant Secretary for  
Conservation, Research and  
Education.*

[FR Doc. 79-289 Filed 1-2-79; 8:45 am]

## [6320-01-M]

## CIVIL AERONAUTICS BOARD

## AMERFORD AIRWAYS, INC.

Application for an All-Cargo Air Service  
Certificate

DECEMBER 21, 1978.

In accordance with Part 291 (14 CFR 291) of the Board's Economic Regulations (effective November 9, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 34027, from Amerford Airways, Inc. of Jamaica, New York for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of § 291.12(c) of Part 291, interested persons may file an answer in opposition to this application on or before January 24, 1979. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to

the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

PHYLLIS T. KAYLOR,  
*Secretary.*

[FR Doc. 79-273 Filed 1-2-79; 8:45 am]

## [6335-01-M]

## COMMISSION ON CIVIL RIGHTS

## MARYLAND 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 Maryland Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on January 17, 1979 at 2574 Riva Road, Unit 1A, Annapolis, Maryland 21401.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to propose suggestions for the project proposal for a study of complaint procedures against the Baltimore police.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 28, 1978.

JOHN I. BINKLEY,  
*Advisory Committee  
Management Officer.*

[FR Doc. 79-275 Filed 1-2-79; 8:45 am]

## [6335-01-M]

## MARYLAND 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 Maryland Advisory Committee (SAC) of the Commission will convene at 10:00 a.m. and will end at 4:00 p.m. on January 27, 1979 in Conference Room #1, BWI Airport, Baltimore, Maryland.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss methodology for the study of the complaint procedures involving al-

leged police brutality or other misconduct.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. December 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 79-276 Filed 1-2-79; 8:45 am]

[6335-01-M]

PENNSYLVANIA 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 Pennsylvania Advisory Committee (SAC) of the Commission will convene at 12:00 noon and will end at 3:00 p.m. on January 11, 1979, in the Federal Building and Courthouse, Room 804, Harrisburg, Pennsylvania 17108.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss program planning for and access the status of civil rights in the State of Pennsylvania.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. December 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 79-277 Filed 1-2-79; 8:45 am]

[6335-01-M]

WASHINGTON 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 Washington Advisory Committee (SAC) of the Commission will convene at 9:00 a.m. and will end at 12:00 noon on January 27, 1979 at 915 Second Avenue, Room 2854, Seattle, Washington 98174.

Persons 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 ongoing and future projects.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. December 28, 1978.

JOHN I. BINKLEY,  
Advisory Committee  
Management Officer.

[FR Doc. 79-278 Filed 1-2-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

MEMORY AND MEDIA SUBCOMMITTEE OF THE  
COMPUTER PERIPHERALS, COMPONENTS  
AND RELATED TEST EQUIPMENT TECHNICAL  
ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Memory and Media Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Monday, January 22, 1979, at 1:30 p.m. in Room 5611, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Computer Peripherals, Components and Related Test Equipment Technically Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977 and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Memory and Media Subcommittee of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was established on December 21, 1978, with the approval of the Assistant Secretary for Industry and Trade, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Memory and Media Sub-

committee was formed to study random and sequential access computer related peripheral memory devices and to provide the Committee with information to include in reports to the Department related to the Committee's charter.

The Subcommittee meeting agenda has five parts:

GENERAL SESSION

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of Subcommittee membership.
4. Discussion of the work program for the subcommittee.

EXECUTIVE SESSION

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be presented at any time before or after the meeting.

With respect to agenda item (5), the Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the Executive Session of the meeting have been properly classified under Executive Order 11652 or 12065. All Subcommittee members have appropriate security clearances.

Copies of the minutes of the open portion of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office for Export Ad-

Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on September 14, 1978 (43 FR 41071).

Dated: December 28, 1978.

RAUER H. MEYER,  
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-291 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### BOSTON UNIVERSITY SCHOOL OF MEDICINE

##### Withdrawal of Application for Duty Free Entry of Scientific Article

The Boston University School of Medicine has withdrawn Docket Number 78-00405 an application for duty-free entry of an ultramicrotome.

Accordingly, further administrative proceedings will not be taken by the Department of Commerce with respect to this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 79-256 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### NATIONAL INSTITUTES OF HEALTH, ET AL.

##### Applications for Duty Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of

Commerce, Washington, D.C. 20230, on or before January 23, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 79-00070.

Applicant: National Institutes of Health, Building 10, Room 7B-15, Bethesda, Maryland 20014.

Article: Balloon Inflation Device complete with accessories and special accessories.

Manufacturer: Schneider Medintag, AG, Switzerland.

Intended use of article: The article is intended to be used to increase the blood flow to the heart of patients with coronary artery disease by dilating obstructions in the coronary arteries.

Application received by Commissioner of Customs: December 5, 1978.

Docket Number: 79-00071.

Applicant: National Institutes of Health, Building 10, Room 7B-15, Bethesda, Maryland 20014.

Article: 2 (Two) each 16 Gruntzig Dilatation Catheters and accessories.

Manufacturer: Schneider Medintag, AG, Switzerland.

Intended use of article: The article is intended to be used to increase the blood flow to the heart of patients with coronary artery disease by dilating obstructions in the coronary arteries.

Application received by Commissioner of Customs: December 5, 1978.

Docket Number: 79-00072.

Applicant: Brigham Young University, Provo, Utah 84602.

Article: JNM/FX 90Q(II) Nuclear Magnetic Resonance Spectrometer, and accessories.

Manufacturer: JEOL Ltd., Japan.

Intended use of article: The article is intended to be used for chemical investigations of the following:

(a) Structure of molecules with constrained geometry derived from such compounds as 2,5-norbornadione and 2,5-norbornadiene.

(b) Structure of synthetic and naturally occurring compounds of potential medicinal interest, particularly anticancer compounds: Non-pteridine heterocycles designed as inhibitors of folate dependent enzymes other than dihydrofolate reductase, e.g., 2-aryl-2,3-dihydro-1H-imidazo (1,5-a)quinolinium salts and related quinoxalines and triazanaphthalenes.

(c) Configuration and rates of inversion of novel heterocyclic compounds.

(d) Search for organoboron compounds which could be used in laser separation of boron isotopes.

(e) Electrochemical oxidation of amines.

(f) Preparation of polymeric surface active agents using perfluorinated amines.

(g) Resins from coal.

(h) Radical-radical reactions of stable radicals.

(i) Macrocyclic polyethers and their derivatives.

(j) Factors which influence conformations and aggregation in biopolymers.

(k) Identity of compounds in air particulates.

(l) Catalysts for photochemical production of hydrogen.

(m) Role of Manganese in photosynthesis.

(n) Synthesis of heterocyclic antimetabolites: Pyrrolopyrimidines, pyrrolopyridazines, pyrrolopyrimidines, pyrrolopyridazines, and pyrimidopyrrolopyridazines.

(o) Synthesis of quinolino (1,2-c) quinazoline quaternary salts.

(p) Carcinogenic polycyclic thiophenes in flue dust.

(q) Pollic acid antagonists: pyridazino(2,3-d) pyridazines.

(r) Extracts of common barks and berries.

The article will also be used for educational purposes in various chemistry courses.

Application received by Commissioner of Customs: December 13, 1978.

Docket Number: 79-00073.

Applicant: University of Wisconsin School of Pharmacy, 425 N. Charter Street, Madison, Wis. 53706.

Article: FX90Q FT NMR Spectrometer and accessories.

Manufacturer: JEOL Ltd., Japan.

Intended use of article: The article is intended to be used for the measurement of  $T_{\rho}$  ( $T_{\rho}$  in the rotating frame) in a program devoted to the analysis of conformation and conformation dynamics of nucleotides and oligonucleotides via the phosphorus-proton and proton-proton nuclear Overhauser effects and phosphorous and carbon spin-lattice relaxation.

Application received by Commissioner of Customs: December 13, 1978.

Docket Number: 79-00084.

Applicant: University of Arizona, Dept. of Cellular and Develop. Biology, Tucson, Arizona 85721.

Article: Electron Microscope, Model JEM 100CX/SEGZ with eucentric goniometer stage and accessories.

Manufacturer: JEOL Ltd., Japan.

Intended use of Article: The article is intended to be used for the investigation of ultrastructural correlates of experimentally and developmentally induced alterations of physiological and genetic functions in cells, tissues and viruses. Experiments will be conducted to explore the possibilities of virus gene delivery systems; to explicate some features of differentiation using the pigment cell as a model system; to map viral DNA and RNA; to determine the mechanism of hormonal control of the pituitary; to determine the structural organization of membrane receptor in hormonal non-responsive mutant cells; to develop some understanding of the origin of

primitive multicellularity using bacteria as a model system. In addition, the article will be used to train students and faculty in the use and maintenance of electron microscopes and in the interpretation of electron microscope data in the courses Cell and Dev. Biology 312, 299 and 399.

Application received by Commissioner of Customs: December 13, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director,  
Statutory Import Programs Staff.

[FR Doc. 79-254 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### UNIVERSITY OF ILLINOIS—URBANA

##### Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

**DOCKET NUMBER:** 78-00412. **APPLICANT:** University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. **ARTICLE:** 89 mm Widebore 85000 Gauss Superconducting Solenoid Magnet. **MANUFACTURER:** Oxford Instruments, United Kingdom. **INTENDED USE OF ARTICLE:** The article is intended to be used for studies of very low concentrations of deuterium nuclei in biological membranes, dilute protein solution. Experiments will consist of observation of electronic quadrupole splittings of deuterium resonance in artificial and biological membrane labelled with deuterium nuclei.

**COMMENTS:** No comments have been received with respect to this application.

**DECISION:** Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the U.S. Customs Service received this application (August 31, 1978).

**REASONS:** The foreign article provides a wide bore (89 mm) at room

temperature and a field strength of 8.5 Tesla. The Department of Health, Education, and Welfare advises in its memorandum dated November 28, 1978 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use at the time Customs received this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the U.S. Customs Service received this application.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,  
Director, Statutory  
Import Programs Staff.

[FR Doc. 79-255 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### ANNOUNCING IMPORT RESTRAINT LEVELS FOR CERTAIN COTTON, WOOL AND MAN- MADE FIBER TEXTILE PRODUCTS FROM MA- LAYSIA, EFFECTIVE JANUARY 1, 1979

**AGENCY:** Committee for the Implementation of Textile Agreements.

**ACTION:** Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Malaysia, effective on January 1, 1979.

**SUMMARY:** The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia, establishes levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 317, 319, 320, 331, 339, 340, 347, 348, 445, 446, and 638/639, produced or manufactured in Malaysia and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be lim-

ited to the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

**EFFECTIVE DATE:** January 1, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

ARTHUR GAREL,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

DECEMBER 27, 1978.

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products, exported from Malaysia in the following categories in excess of the indicated twelve-month levels of restraint:

Category	Twelve-Month Level of Restraint
317	3,000,000 square yards.
319	1,350,000 square yards.
320	6,500,000 square yards.
331	429,296 dozen pairs.
339	138,889 dozen.
340	228,317 dozen.
347	83,764 dozen.
348	50,548 dozen.
445	6,720 dozen.
446	13,441 dozen.
638/639	151,466 dozen of which not more than 56,800 dozen shall be in Category 639.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Malaysia, which have been exported to the United States

prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of May 17 and June 8, 1978, between the Governments of the United States and Malaysia which provide, in part, that: (1) within the aggregate and group limits, specific levels of restraint, including their sublimits, may be exceeded by designated percentages; (2) specific levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Malaysia and with respect to imports of cotton, wool and man-made fiber textile products from Malaysia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments.

[FR Doc. 79-206 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### ANNOUNCING IMPORT RESTRAINT LEVELS FOR CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE POLISH PEOPLE'S REPUBLIC, EFFECTIVE ON JANUARY 1, 1979

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products from Poland, effective on January 1, 1979.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the

Polish People's Republic establishes levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 333, 334, 335, 338, 339, 347, 410, 433, 434, 435, 443/643/644, 634, 635, 645/646 and 647, produced or manufactured in Poland and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be limited to the designated twelve-month levels of restraint. The level of restraint for Category 338 (only T.S.U.S.A. 380.0651 and 380.0652) has been adjusted to reflect carry-forward used in the agreement year which began on January 1978. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-5423).

ARTHUR GAREL,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

DECEMBER 27, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement of January 9 and 12, 1978, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of Janu-

ary 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Poland, in excess of the indicated levels of restraint:

Category	Twelve-Month Levels of Restraint
333.....	64,420 dozen.
334.....	16,949 dozen.
335.....	31,826 dozen.
338.....	610,972 dozen of which not more than 180,556 dozen shall be in T.S.U.S.A. numbers 380.0628, 380.0029, 380.0651 and 380.0652.
339.....	203,187 dozen.
347.....	60,000 dozen.
410.....	1,704,000 square yards.
433.....	7,014 dozen.
434.....	3,704 dozen.
435.....	5,611 dozen.
443/643/644.....	12,751 dozen.
634.....	107,797 dozen.
635.....	56,465 dozen.
645/646.....	73,557 dozen.
647.....	107,191 dozen.

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Poland, which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of January 9 and 12, as amended, between the Governments of the United States and the Polish People's Republic, which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

In carrying out the above directions, entry into the United States for con-

sumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of cotton, wool and man-made fiber textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

[FR Doc. 79-207 Filed 1-2-79; 8:45 am]

**ANNOUNCING IMPORT RESTRAINT LEVELS FOR  
CERTAIN COTTON, WOOL AND MAN-MADE  
FIBER TEXTILE PRODUCTS FROM THAILAND**

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Thailand, effective on January 1, 1979.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978 between the Governments of the United States and Thailand establishes levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 320, 331, 338/339, 340, 445/446, 639 and 645/646, produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool, and man-made fiber textile products in Categories 320, 331, 338/339, 340, 445/446, 639 and 645/646 be limited to the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773),

and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION  
CONTACT:

Jane C. Bonds, International Trade  
Specialist, Office of Textiles, U.S.  
Department of Commerce 20230  
(202/377-5423).

ARTHUR GAREL,  
Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.

DECEMBER 27, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979 entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products, produced or manufactured in Thailand, in excess of the indicated twelve-month levels of restraint:

Category	Twelve-Month Level of Restraint
320.....	8,000,000 square yards
331.....	336,286 dozen pairs
338/339.....	477,041 dozen
340.....	84,135 dozen
445/446.....	14,254 dozen
639.....	1,057,888 dozen
645/646.....	60,553 dozen

In carrying out this directive, entries of cotton textile products in the foregoing categories, except Categories 320, 331, 445/446 and 639, produced or manufactured in Thailand which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 320, 331, 445/446 and 639 that have been exported to the United States before January 1, 1979 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of October 4, 1978, between the Governments of the United States and Thailand which provide, in part, that: (1) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above, will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton, wool and man-made fiber textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments.

[FR Doc. 79-205 Filed 1-2-79; 8:45 am]

**CERTAIN COTTON, WOOL, AND MAN-MADE  
FIBER TEXTILE PRODUCTS FROM THE REPUB-  
LIC OF SINGAPORE**

Announcing Import Restraint Levels

DECEMBER 28, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool and man-made fiber textile products imported from Singapore, effective on January 1, 1979.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, between the Governments of the United States and the Republic of Singapore establishes levels of restraint for certain cotton, wool and man-made fiber textile products in Categories 315, 347/348, 445/446, 604, 638/639, and 641, produced or manufactured in Singapore and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter

from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile products in the foregoing categories be limited to the designated levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ARTHUR GAREL,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

DECEMBER 28, 1978.

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

COMMISSIONER OF CUSTOMS,  
*Department of the Treasury,*  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 21 and 22, 1978, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products exported from Singapore in the following categories, in excess of the designated twelve-month levels of restraint:

Category	12-Month Level of Restraint
315.....	1,000,000 square yards.
347/348.....	525,000 dozen of which not more than 452,156 dozen shall be in Cat. 347 and not more than 204,094 dozen shall be in Cat. 348.
445/446.....	20,000 dozen.
804.....	700,000 pounds.

Category	12-Month Level of Restraint
638/639.....	2,801,600 dozen of which not more than 350,200 dozen shall be in Cat. 638.
641.....	48,276 dozen.

In carrying out this directive, entries of textile products in the foregoing categories, except Category 315, produced or manufactured in Singapore, which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter. Textile products in Categories 315 and 602 that have been exported before January 1, 1979 shall not be subject to this directive.

The levels of restraint set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 21 and 22, 1978, between the Governments of the United States and the Republic of Singapore which provide, in part, that: (1) within the aggregate and applicable group limits, specific limits and sub-limits may be exceeded by designated percentages; (2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement, referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773), and September 5, 1978 (43 F.R. 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton, wool and man-made fiber textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 79-259 Filed 1-2-79; 8:45 am]

**[3510-25-M]**

**CERTAIN COTTON TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA**

**Announcing Import Restraint Levels**

DECEMBER 28, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton textile products from Romania during the twelve-month period beginning on January 1, 1979.

SUMMARY: The Bilateral Cotton Textile Agreement of January 6 and 25, 1978 between the Governments of the United States and the Socialist Republic of Romania establishes levels of restraint for cotton textile products in Categories 333, 334, 338, 340, and 359, produced or manufactured in Romania and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 333, 334, 338, 340 and 359 be limited to the designated twelve-month levels of restraint.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

**FOR FURTHER INFORMATION CONTACT:**

Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

ARTHUR GAREL,  
*Acting Chairman, Committee for the Implementation of Textile Agreements.*

DECEMBER 28, 1978.

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

COMMISSIONER OF CUSTOMS,  
*Department of the Treasury,*  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December

15, 1977; pursuant to the Bilateral Cotton Textile Agreement of January 6 and 25, 1978, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in the following categories in excess of the indicated levels of restraint.

Category	12-Month Level of Restraint
333	66,298 dozen.
334	236,320 dozen.
338	250,000 dozen of which not more than 97,222 dozen shall be in T.S.U.S.A. numbers 380.0028, 380.0029, 380.0651 and 380.0652.
340	112,500 dozen.
359	652,174 pounds.

In carrying out this directive, entries of cotton textiles products in the foregoing categories, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of January 6 and 25, 1978, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) the two governments will consult regarding increases in consultation levels and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), and September 5, 1978 (43 FR 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,  
Acting Chairman, Committee for the  
Implementation of Textile Agree-  
ments.

[FR Doc. 79-261 Filed 1-2-79; 8:45 am]

### [3510-25-M]

#### CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA

##### Announcing Import Restraint Levels

DECEMBER 28, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products from Romania during the twelve-month period beginning on January 1, 1979.

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania establishes levels of restraint for wool and man-made fiber textile products in Categories 433/434, 435/444, 443, 459, 634, 638/639, 643/644 and 645/646, produced or manufactured in Romania and exported to the United States during the twelve-month period beginning on January 1, 1979. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that entry into the United States for consumption, or withdrawal from warehouse for consumption, of wool and man-made fiber textile products in Categories 433/434, 435/444, 443, 459, 634, 638/639, 643/644 and 645/646 be limited to the designated twelve-month levels of restraint. The levels of restraint for Categories 443 and 643/644 (not knit) have been adjusted to reflect carryforward used during the agreement year that began on January 1, 1978.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773), and September 5, 1978 (43 F.R. 39408)).

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Shirley Hargrove, Trade and Industry Assistant, Office of Textiles, U.S.

Department of Commerce, Washington, D.C. 20230 (202/377-5423).

ARTHUR GAREL,  
Acting Chairman, Committee for the  
Implementation of Textile  
Agreements.

DECEMBER 28, 1978.

#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,  
Department of the Treasury,  
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on January 1, 1979 and for the twelve-month period extending through December 31, 1979, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories in excess of the indicated levels of restraint.

Category	12-Month Level of Restraint
433/434	225,000 square yards.
435/444	6,944 dozen.
443	6,990 dozen.
459	75,000 pounds.
634	53,269 dozen of which not more than 36,320 dozen shall be in T.S.U.S.A. numbers 380.0405, 380.8101, 380.8109, 380.8111 and 791.7460.
638/639	2,675,000 square yards.
643/644 <sup>1</sup>	20,025 dozen.
643/644 <sup>2</sup>	2,083 dozen.
645/646	149,456 dozen.

<sup>1</sup> In Category 643/644, all T.S.U.S.A. numbers except 380.0420, 380.8145, 380.8148, 382.0447, 382.7866 and 382.7868.

<sup>2</sup> In Category 643/644, only the T.S.U.S.A. numbers listed in footnote 1.

In carrying out this directive, entries of wool and man-made fiber textile products in the foregoing categories, produced or manufactured in the Socialist Republic of Romania, which have been exported to the United States prior to January 1, 1979, shall, to the extent of any unfilled balance, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978. In the event the levels of restraint established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment according to the provisions of the bilateral agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) specific limits within the applicable group limits may be exceeded by designated percentages to account for flexibility; (2) specific ceilings may be increased for carryover and carryforward up to 11 per-

cent of the applicable category limit; (3) consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 F.R. 884), as amended on January 25, 1978 (43 F.R. 3421), March 3, 1978 (43 F.R. 8828), June 22, 1978 (43 F.R. 26773), and September 5, 1978 (43 F.R. 39408).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,

*Acting Chairman, Committee for  
the Implementation of Textile  
Agreements.*

[FR Doc. 79-260 Filed 1-2-79; 8:45 am]

#### [1505-01-M]

#### ENDANGERED SPECIES COMMITTEE

#### CONSIDERATION OF AN EXEMPTION FOR THE GRAYROCKS DAM AND RESERVOIR PROJECT

#### Hearing

#### Correction

In FR Doc. 78-35733 appearing on page 59871 in the issue for Friday, December 22, 1978, in the middle column, under the heading SUPPLEMENTARY INFORMATION, under the third paragraph and above paragraph "(2)" insert the following:

"Public hearings will be held for the purpose of receiving information and comment relevant to the Committee's determinations. The hearings will be held on January 8, 1979. The hearings will be held in Washington, D.C., at 9:00 a.m. at the Department of the Interior Auditorium, 18th and C Streets NW.; and in Cheyenne, Wyoming at the Ramada Inn Conference Room, 3839 East Lincoln Way.

Information and comment is solicited on: (1) The availability of reasonable and prudent alternatives to the Grayrocks Project, and the nature and extent of the benefits of the Project

and of alternative courses of action consistent with conserving the whooping crane and its critical habitat;"

#### [6450-01-M]

#### DEPARTMENT OF ENERGY

#### NATIONAL PETROLEUM COUNCIL, TASK GROUPS OF THE COMMITTEE ON MATERI- ALS AND MANPOWER REQUIREMENTS

#### Meetings

Notice is hereby given that a subcommittee and three task groups of the Committee on Materials and Manpower Requirements will meet in January 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The subcommittee scheduling a meeting is the Government Subcommittee. The three task groups scheduling meetings are the Task Group on Well Servicing, the Task Group on Tubular Steel, and the Task Group on Geological and Geophysical Services. The time, location and agenda of each task group meeting follows:

The first meeting of the Government Subcommittee will be on Tuesday, January 23, 1979, starting at 9:00 a.m. in the Main Conference Room on the 26th floor of the General Crude Oil Company's office, One Allen Center Building, 500 Dallas Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of scope of the NPC study on Materials and Manpower Requirements.
3. Discussion of the study methodology to be employed by the Government Subcommittee.
4. Discussion of the timetable of the Government Subcommittee.
5. Discussion of any other matters pertinent to the overall assignment of the Government Subcommittee.

The first meeting of the Well Servicing Task Group will be on Thursday, January 11, 1979, starting at 9:00 a.m. in the Board Room of WellTech, Inc., 700 Rusk Avenue, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.

2. Discussion of scope of the NPC study on Materials and Manpower Requirements.

3. Discussion of the study methodology to be employed by the Well Servicing Task Group.

4. Discussion of the timetable of the Well Servicing Task Group.

5. Discussion of any other matters pertinent to the overall assignment of the Well Servicing Task Group.

The second meeting of the Tubular Steel Task Group will be on Thursday, January 18, 1979, starting at 9:00 a.m. in the Conference Room of the U.S. Steel offices on the 20th floor of the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Tubular Steel Task Group and review of assignments.

3. Discussion of the timetable of the Tubular Steel Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Tubular Steel Task Group.

The second meeting of the Geological and Geophysical Task Group will be on Thursday, January 25, 1979, starting at 10:00 a.m. in the meeting room of the Marriott Inn North, 7750 LBJ Freeway North, Dallas, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the study methodology to be employed by the Geological and Geophysical Services Task Group and review of assignments.

3. Discussion of the timetable of the Geological and Geophysical Services Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Geological and Geophysical Services Task Group.

The meetings are open to the public. The chairman of the task groups are empowered to conduct the meetings in a fashion that will, in their judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task groups will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202-633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Transcripts or summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000

Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C. on December 27, 1978.

R. D. LANGENKAMP,  
Acting Assistant Secretary for  
Resource Applications.

[FR Doc. 79-263 Filed 1-2-79; 8:45 am]

[1505-01-M]

Economic Regulatory Administration  
DOMESTIC CRUDE OIL ALLOCATION  
PROGRAM

Entitlement Notice for October 1978  
Correction

In FR Doc. 78-35711 appearing at page 60185 in the issue for Tuesday, December 26, 1978, the following corrections are made to the table "Entitlements for crude oil":

1. On page 60187, the following entry should be added in alphabetical order:

Entitlement position

Reporting firm short name	Deemed old oil adjusted receipts	Total issued	Exceptions and appeals	Entitlements		Required to buy	Required to sell
				Product	California		
Coastal	234,547	1,216,507	0	-13,378	0	0	981,960

2. Also on page 60187, in the entry for "Goldking", the figure under the last column headed "Required to sell" which reads "42,750" is corrected to read "42,758."

3. On page 60188, in the entry for "Princeton", the figure under the last column headed "Required to sell" which reads "78,954" is corrected to read "70,954".

4. On page 60189, in the entry for "Tonkawa", the figure under the last column headed "Required to sell" which reads "26,951" is corrected to read "28,951".

terconnection between the facilities of PGT and Northwest.

DATE: Petitions to intervene, comments and requests for hearing: January 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Finn K. Neilsen, Director, Import/Export Division, 2000 M Street, N.W., Room 6318, Washington, D.C. 20461, telephone 202-254-9730.

Mr. Martin S. Kaufman, Office of General Counsel, 12th and Pennsylvania Avenue, N.W., Room 5116, Washington, D.C. 20461, telephone 202-566-9380.

1979. The applicant has agreed to pay the currently effective border price of \$2.16 (U.S.) per MMBtu as established by the Canadian National Energy Board. Applicant proposes to take delivery of the natural gas at the Kingsgate import point on the U.S.A. Canadian border. Northwest has contracted with PGT, an interstate pipeline company, to have the gas transported from Kingsgate to the two existing points of interconnection between the facilities of PGT and Northwest near Stanfield, Oregon and Spokane, Washington. Transportation costs will be subject to the provisions of Rate Schedule T-1 and the General Terms and Conditions of PGT's FPC Gas Tariff, Original Volume No. 1. No new or additional facilities are necessary to effect the importation and transportation of this gas.

The ERA hereby invites petitions for intervention, comments on the application in ERA Docket No. 77-009-NG, and requests for hearing to be filed with the Economic Regulatory Administration, Room 6318, 2000 M Street, Washington, D.C., 20461, in accordance with the requirements of the rules of practice and procedure (18 CFR 1.8) and the regulations under the Natural Gas Act (18 CFR 157.10). Petitions for intervention, comments, or requests for hearing should be marked "ERA Docket No. 77-009-LNG" on the first page and the envelope, and will be accepted for consideration if filed no later than 4:30 p.m., January 26, 1979.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing which may be convened therein must file a petition to intervene in accordance with the above-mentioned rules.

A formal hearing will not be held on this application if no petition to intervene is filed within the required time, or if the ERA on its own review of the

[6450-01-M]

[ERA Docket No. 77-009-LNG]

NORTHWEST PIPELINE CORP.

Application for an Order Amending the Order Authorizing the Continued Importation of Natural Gas Into the United States from Canada

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of receipt of application and invitation to submit comments and petitions to intervene in the proceeding.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application under section 3 of the Natural Gas Act from Northwest Pipeline Corporation (Northwest) to import natural gas from Westcoast Transmission Company (Westcoast) of Vancouver, Canada. Northwest will take delivery of the gas at the Kingsgate import point on the U.S.A.-Canadian border. Pacific Gas Transmission Company (PGT) will receive the volumes at Kingsgate and transport such volumes for delivery to Northwest at two existing points of in-

SUPPLEMENTARY INFORMATION: On November 16, 1978, Northwest Pipeline Company, P.O. Box 1526, Salt Lake City, Utah 84110, filed an application (ERA Docket No. 77-009-NG) pursuant to section 3 of the Natural Gas Act, and part 153 of the regulations under the Natural Gas Act, requesting authorization to import natural gas by pipeline from Canada to the United States as more fully set forth in the application on file with the ERA. The application is open to public inspection in ERA's Public Docket Room at 2000 M Street, N.W., Washington, D.C., Room No. B-120 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except for Federal holidays.

Northwest has contracted with Westcoast to continue purchasing natural gas for a one year period commencing November 1, 1978. Northwest proposes to purchase and import 125,000 Mcf per day on peak days and up to 30,000 Mcf on an average day basis of natural gas beginning November 1, 1978, and ending on October 31,

matter finds that a grant of the approval is in the public interest. However, if during the appropriate comment period a request for such hearing is timely filed by an intervener and is granted by ERA, or if the ERA on its own motion believes that such a hearing is required, further notice of such hearing will be duly given.

Issued in Washington, D.C., on December 28, 1978.

FINN K. NEILSEN,  
Acting Assistant Administrator,  
Fuels Regulation, Economic  
Regulatory Administration.

[FR Doc. 79-262 Filed 1-2-79; 8:45 am]

[6740-02-M]

**DEPARTMENT OF ENERGY**

Federal Energy Regulatory Commission

[Docket No. RA79-61]

**ANADARKO PRODUCTION CO.**

Filing of Petition for Review Under 42 U.S.C.  
7194

DECEMBER 26, 1978.

Take notice that Anadarko Production Company (Anadarko) on November 30, 1978, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of Secretary of Energy, issued on October 31, 1978, which granted exception relief to Panhandle Eastern Pipeline Company.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before January 8, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St. NE., Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-230 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. CP79-116]

**COLUMBIA GAS TRANSMISSION CORP. AND  
COLUMBIA GULF TRANSMISSION CORP.**

Application

DECEMBER 27, 1978.

Take notice that on December 12, 1978, Columbia Gas Transmission Corporation (Columbia), P.O. Box 1273, Charleston, West Virginia 25325, and Columbia Gulf Transmission Corporation (Columbia Gulf), 3805 West Alabama Avenue, Houston, Texas 77002, (Applicants) filed in Docket No. CP79-116 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Columbia operates a pipeline system which extends in a southeasterly direction from an existing point of delivery from Columbia Gulf to Columbia which is in Madison County, Kentucky, to an existing point of delivery from Columbia to Cumberland Valley Pipe Line Company (Cumberland) in Clay County, Kentucky. The application further states that Columbia has approximately 5,500 Mcf of local production available to this system from currently attached supply sources, and that the actual production from these supply sources is currently limited to Columbia's market requirements in this area. It is stated that during the winter period the full level of production can be utilized to serve Columbia's market requirements, but that during the summer period Columbia's local market requirements are only approximately 2,600 Mcf per day. It is further stated that in addition to the approximately 2,900 Mcf per day which cannot be produced during the summer period, Columbia is negotiating with Cumberland for the purchase of an additional 5,000 Mcf per day. As a result, Columbia would have available approximately 7,900 Mcf of gas per day which cannot be absorbed by its local markets during summer periods but is needed to supply Columbia's other interstate markets, it is said.

Applicants propose the construction of a new point of interconnection at Bybee, Madison County, Kentucky, in order to move available gas volumes to Columbia's interstate market. Applicants states that the new interconnection would permit Columbia Gulf to receive gas volumes for transportation to its existing delivery points to Columbia in northeastern Kentucky. It is indicated that in order to establish the new point of interconnection Colum-

bia Gulf would construct an interconnecting tap facility at an estimated cost of \$15,900 and Columbia would construct measuring facilities at an estimated cost of \$11,600.

It is asserted that Columbia Gulf's pipeline system operates at pressure in excess of Columbia's pipeline system at the proposed Bybee interconnection. Therefore, Columbia proposes to install three 230 horsepower units totaling 690 horsepower in Estill County, Kentucky, at a point approximately 14.1 miles south of Bybee at an estimated cost of \$96,000. Columbia's pipeline system on the suction side of the proposed compressor station is limited to 300 psig operation but on the discharge side is capable of 1,000 psig operation, thereby permitting the discharge pressure to match Columbia Gulf's operation pressure, it is stated.

Applicants indicate that the total estimated cost of the facilities proposed herein is \$124,400, which cost they would finance from internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to

appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-231 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket Nos. CP74-289 et al., CP77-289, and CP78-500; Docket No. CP77-512]

EL PASO NATURAL GAS CO. AND CLAY  
BASIN STORAGE CO.

Order Amending Prior Orders Issuing Certificates of Public Convenience and Necessity, Setting Question for Hearing, Issuing Temporary Certificate, Denying Appeal of Tariff Rejection, and Granting Petitions To Intervene

DECEMBER 22, 1978.

On August 30, 1978, El Paso Natural Gas Company (El Paso) filed in Docket Nos. CP77-289 and CP78-500 respectively, applications for certificates of public convenience and necessity authorizing certain amendments to the terms of the plan of restitution approved by the Commission in its Opinion No. 800-B.<sup>1</sup> El Paso alleges that the restitution of gas has not progressed as rapidly as El Paso had originally contemplated, and maintains that it is in the public interest that the restitution be expedited. Toward that end El Paso makes three general proposals: (1) El Paso requests that the terms of the restitution plan be amended to permit certain beneficiaries of the restitution gas to dispose of their entitlement (by sale or storage) in a way not contemplated in Opinion No. 800-B; (2) El Paso seeks authority to transfer from Priority 1 and 2 customers to Priority 5 customers<sup>2</sup> the burden of certain alleged continuing costs attributable to the unrepaid balance of restitution gas; (3) El Paso seeks authority to offset undercollected revenues related to the plan of restitution against overcollected revenues unrelated to the plan of restitution, where both the undercollection and overcollection were from the same group of customers. As explained, *infra*, we shall grant in substantial part proposal (1), set for hearing proposal (2), and deny proposal (3).

I. BACKGROUND

In order to provide winter-season protection for its Priority 1 and 2 East of California (EOC) customers, El

<sup>1</sup>Opinion and Order on Remedial Compliance Filing and Granting Conditioned Certificate of Public Convenience and Necessity After Statutory Hearing," issued December 30, 1977, in Docket No. CP74-289, et al.

<sup>2</sup>"Priority 1, 2, and 5 customers" refers to buyers which purchase gas from El Paso for Priority 1, 2, or 5 use as defined in El Paso's curtailment plan.

Paso entered into a special operating arrangement with Pacific Gas and Electric Company (PG&E) to utilize PG&E's excess storage capacity to husband gas. The agreement with PG&E provided that El Paso would predeliver a certain volume of gas to PG&E during the summer injection period in return for the future ability to curtail, otherwise scheduled deliveries to PG&E if and when additional gas is needed by El Paso to sustain deliveries to its EOC Priority 1 and 2 requirements. The arrangement included a surcharge to EOC Priority 1 and 2 customers to recover the cost of service, with a provision to recover from or pay back to the customers any excess or deficiency resulting from such surcharge.

El Paso commenced making predeliveries to PG&E in 1974 pursuant to temporary certificate authorization. During the 1974 and 1975 summer injection periods El Paso predelivered approximately 28.8 Bcf of gas to PG&E. The special operating arrangements expired by their own terms on April 30, 1977. As circumstances developed, El Paso was able to serve all EOC high priority loads without resorting to reducing otherwise scheduled deliveries to PG&E, and so El Paso never called for return of any of these volumes.

In Opinion No. 800<sup>3</sup> the Commission granted permanent authorization for the special operating arrangement with PG&E. However, it was determined that the manner by which El Paso had accumulated the gas volumes it predelivered to PG&E was discriminatory. Gas was appropriated from EOC Priority 5 end users rather than from all Priority 5 end users on El Paso's system. Thus, the Commission directed that corrective action be taken to restore prospectively the volumes misappropriated from EOC Priority 5 customers, and El Paso was required to file a proposal consistent therewith.

El Paso filed a proposal to implement restitution which was addressed in Commission Opinion No. 800-B. Opinion No. 800-B authorized El Paso to return the advance sale volumes, in accordance with a schedule of customer entitlements, to those Priority 5 customers from whom the advance sale volumes were originally taken. However, in order to insure service to the EOC high priority customers during the 1977-78 winter season the Commission authorized 5.8 Bcf of gas to be retained in PG&E's storage facilities for drawdown as needed through April 30, 1978. In net effect Opinion 800-B authorized the immediate repayment of all of the advance sale

<sup>3</sup>Opinion No. 800, 58 FPC (May 23, 1977). See also Opinion No. 800-A, 59 FPC (July 20, 1977).

volume (28.8 Bcf of gas) save 5.8 Bcf, the repayment of which would be deferred until after April 30, 1978.

In conjunction with the authorization granted in Opinion No. 800-B to implement restitution the Commission accepted El Paso's related tariff filings. These tariff filings provided that El Paso would impose upon its customers purchasing gas for Priority 1 and 2 use a surcharge related to the special operating arrangements with PG&E. The surcharge was designed to recover El Paso's cost of service related to the restitution of the 28.8 Bcf of advance sale gas over the period May 1977 through October 31, 1978.<sup>4</sup> Although El Paso proposed to impose the surcharge over the 12-month period from November 1, 1977 through October 31, 1978,<sup>5</sup> it anticipated that full restitution of the advance sale gas would be complete by April 1978.

facilities operating charge=2.71¢×net cumulative sales of advance sale gas to PG&E

carrying charge=1.3%×net cumulative sum paid by PG&E for advance sale gas  
reduction in deliveries charge=57.65¢×portion of advance sale gas delivered to meet EOC P-1 and P-2 requirements during 77-78 winter (up to 5.8 Bcf)

The actual surcharge imposed, based upon El Paso's estimated timing of the advance sale gas payback, was .7905¢ per Mcf.

However, the restitution was not complete by April 1978 as El Paso had contemplated. Indeed, El Paso estimates that as of November 1, 1978, 16.8 Bcf of gas still remains to be repaid.

II. PROPOSAL

In its instant pleadings El Paso claims that this "delay" in the restitution has engendered several difficulties. First El Paso claims that the outstanding balance "800-B payback" gas remaining to be taken back by the affected EOC customers "has and will continue to burden PG&E with substantial operating difficulties" until full restoration of payback volumes. El Paso claims that while the original advance sale arrangement was undertaken by PG&E in contemplation of excess storage capacity through the summer of 1977, PG&E no longer has excess storage capacity. Second, El Paso points out that as long as gas remains to be paid back pursuant to Opinion No. 800-B costs will continue to be accrued by PG&E, which passes those costs to El Paso. As noted earlier, in Opinion No. 800-B the Commission authorized El Paso to recover such costs associated with the restitu-

<sup>4</sup>El Paso's tariff also included a provision to recover from or payback to the P-1 and P-2 customers any excess or deficiency yielded by such surcharge.

<sup>5</sup>The surcharge imposed was a function of the balance of gas remaining to be refunded consisting of three separate charges, to wit:

tion by means of a surcharge against the EOC P-1 and P-2 customers. However, the tariff authority to impose such surcharge ended October 31, 1978, and so El Paso presently stands to suffer the burden of PG&E's costs incurred on and after November 1, 1978. Finally El Paso points out that whomever properly should bear the surcharge is suffering an ever-increasing burden as long as the restitution is incomplete.

In view of these difficulties, El Paso consulted the parties affected by the "800-B payback" to determine how to expedite the restitution. As a result of those consultations, El Paso tendered the instant filings in which it makes three general proposals designed to complete the restitution by February 28, 1979.

#### A. RESTRUCTURED RESTITUTION PLAN

First, El Paso proposes that the restitution plan contemplated in Opinion No. 800-B be amended to permit expeditious payback. El Paso explains that subsequent to the issuance of Opinion No. 800-B various circumstances including an abundance of cheap purchased electric power, a slowdown in the economy and the conversion of some customers to a fuel other than natural gas—have contributed to a reluctance on the part of certain EOC Priority 5 customers to take their respective full compliment of restitution gas. Accordingly El Paso has arranged for certain customers to dispose of their respective entitlement by means other than that which was contemplated in Opinion No. 800-B.

##### 1. Sale of Entitlement

El Paso states that certain customers are willing to relinquish their "800-B payback" entitlement for certain consideration.<sup>6</sup> At the same time certain other customers are willing to purchase and utilize those quantities of 800-B payback gas relinquished by others.<sup>7</sup> El Paso applies in Docket No. CP78-500 for certificate authority to transport and deliver for direct sale to APS, Salt River, Phelps Dodge, and Kennecott the volumes of gas which Southern Union (708,000 Mcf) and Cananea (416,000 Mcf) are presently entitled to receive under the terms of Opinion No. 800-B. Additionally El Paso seeks authority to pay Southern Union and Cananea the difference between the proceeds of such direct sale (\$1.75 per Mcf) and the sum of El Paso's effective Rate Schedule B-1 rate at the time of such sale plus 7

cents (representing the Arizona Transaction Privilege and Education Excise Tax payable by El Paso on the proceeds of such sale).<sup>8</sup>

##### 2. Storage of Entitlement

In addition El Paso states that one customer, Southwest Gas Corporation (Southwest), requests that a portion of its "800-B payback" entitlement be stored on Southwest's behalf by El Paso in the Clay Basin Storage facility.

Southwest has advised El Paso that, while it intends to take back the major part of its allocable share of the restitution gas prior to February 28, 1979, it desires to store the remaining portion for its own use as required during subsequent periods. To accommodate Southwest, El Paso and Clay Basin Storage Company (Storage Company) have agreed to enter into a Letter Agreement which will permit the preservation (through September 30, 1980) of a portion of the restitution gas in the Clay Basin Storage Field.

By order issued September 30, 1977, in *Mountain Fuel Resources, Inc.*, Docket Nos. CP76-285, *et al.*, temporary certificate authorization was granted to El Paso, Storage Company, Northwest Pipeline Corporation (Northwest) and Mountain Fuel Resources, Inc. (Mountain Fuel) for the utilization of a portion of the Clay Basin Field located in Goggett County, Utah, for the protection of service to El Paso's EOC Priority 1 and 2 markets through December 31, 1979. Subsequently, the parties entered into various agreements to extend the term of such arrangements through September 30, 1980. By order issued July 3, 1978, the various parties received temporary authorization for the extended Clay Basin Storage Arrangements.

El Paso and Storage Company in Docket Nos. CP77-289 and CP77-512, respectively, request that the July 3, 1978, order be amended to permit the utilization of the Clay Basin Storage Arrangements to store a portion of the restitution gas entitled to Southwest.

El Paso will sell to Storage Company and deliver to Northwest, for Storage Company's account, those quantities of restitution gas to be stored for Southwest. Northwest will transport such quantities to the Clay Basin Storage Field where such gas will be delivered to Mountain Fuel for injection into the field for Storage Company's account. The gas will be held in storage until Southwest calls for equivalent quantities. The return of such gas to Southwest will be accomplished by reversing the above described delivery procedure, with El Paso making deliv-

<sup>8</sup> El Paso's current Rate Schedule B-1 rate is \$1.3685.  $(\$1.3685 + \$0.07) = \$1.4385$  difference to be paid Southern Union and Cananea.

eries to Southwest for Storage Company's account at existing delivery points. Such deliveries to Southwest will be subject to the prior use of the Clay Basin arrangements to make gas available for protection of service to El Paso's EOC Priority 1 and 2 markets. However, the deliveries of gas to Southwest will be made at Southwest's request without regard to the priorities of service to be served thereby.

El Paso will sell the restitution gas for storage at Storage Company at the current Rate Schedule G rate and Storage Company will sell such gas back to Southwest at a rate in effect for El Paso's sales of gas to Southwest at the time of delivery.

As consideration for the storage service, Southwest will pay El Paso a monthly surcharge.<sup>9</sup> Such surcharge will be designed to compensate El Paso for all costs associated with the storage service provided for Southwest and will be consistent with the surcharge approved by the Commission in the September 30, 1977, Order in Docket Nos. CP76-285, *et al.*

#### B. OFFSET OF CHARGES

As explained earlier the restitution plan adopted by the Commission in Opinion No. 800-B contemplated the imposition by El Paso of a surcharge to recover its costs incurred during the pendency of the restitution. El Paso originally calculated and billed the surcharge under the assumption that full restitution would be made by April 1978. As it developed the gas was not repaid as rapidly as El Paso had anticipated, and so El Paso's estimate of surcharge was substantially understated. Indeed El Paso estimates that its revenue deficiency as of October 31, 1978, is approximately \$6.5 million. Although the tariff approved by the Commission in Opinion No. 800-B included a provision to recover or flow through any over-under-collections of the surcharge when compared with actual costs incurred through October 31, 1978, El Paso proposes a different mechanism to recover its undercollection of the "800-B payback" surcharge. El Paso proposes to offset that undercollection of revenues against a \$7 million overcollection by El Paso against the same group of customers for an unrelated storage service. To this end El Paso filed on August 30, 1978, proposed tariff revisions in Docket No. CP77-289.

#### C. REALLOCATION OF SURCHARGE

El Paso was granted authority to impose the "800-B payback" surcharge through October 31, 1978. Sub-

<sup>9</sup> Any difference between the cost of gas sold to Storage Company and the proceeds of Storage Company's sale to Southwest will be reflected as a credit or debit in the calculation of the surcharge.

<sup>6</sup> Compania Minera de Cananea, SA de CU (Cananea) and Southern Union Company (Southern Union).

<sup>7</sup> Arizona Public Service Company (APS); Salt River Project Agricultural Improvement and Power District (Salt River); Kennecott Copper Corporation (Kennecott); Phelps Dodge Corporation (Phelps).

sequent to that date El Paso has no further authority to recoup its costs related to the restitution plan. For the period subsequent to October 31, 1978, El Paso proposes in Docket No. CP78-500 a surcharge which would be imposed only against those EOC Priority 5 customers having restitution volumes remaining unrepaid after November 1, 1978. The surcharge would be imposed against the respective EOC P-5 customers in proportion to the respective share of gas each had outstanding of the total restitution volumes outstanding. In net effect this proposal would shift the burden of the surcharge effective November 1, 1978, from EOC Priorities 1 and 2 customers to those EOC Priority 5 customers which have yet to take their full "800-B payback" entitlement.

### III. OTHER PLEADINGS

El Paso filed, concurrently with its companion applications in Docket Nos. CP77-289 and CP78-500, a Petition for Expedited Procedures.<sup>10</sup> El Paso supplemented that Petition on September 7, 1978. These two requests for expedited procedures, in turn, generated a flurry of response and counter-response.<sup>11</sup> Finally on November 17, 1978, El Paso filed in Docket No. CP74-289, *et al.* a request for temporary authorization as necessary to assure that El Paso may impose its surcharge effective November 1, 1978.

After due notice of the instant application AEPSCO and El Paso Electric Company (El Paso Electric) filed petitions to intervene in Docket No. CP78-500.\* Both AEPSCO and El Paso Electric are EOC Priority 5 customers of El Paso with outstanding entitlement to restitution gas under Opinion No. 800-B. Both protest so much of El Paso's proposal that would impose the surcharge on EOC Priority 5 customers rather than Priorities 1 and 2 customers, and both request hearing on this matter. In addition, AEPSCO objects to El Paso's proposed offset of charges. There are no objections to El Paso's proposal to restructure the plan of restitution adopted in Opinion No. 800-B.

Arizona Public Service Company  
Southern California Gas Company  
Southwest Gas Corporation

<sup>10</sup>By its petition El Paso asked that we act upon the instant certificate and tariff matters without awaiting or considering answers or protests. No compelling reason was given for employing such extraordinary procedures and so we declined to do so.

<sup>11</sup>On September 15, 1978, PG&E filed an answer in support of El Paso's petition for expedition. On September 22, 1978, Arizona Electric Power Cooperative, Inc. and the City of Willcox (AEPSCO) filed an answer objecting to the requested shortening of procedures. Finally on October 4, 1978, PG&E a reply to AEPSCO's answer.

\* Petitions to intervene were also filed by:

The State of New Mexico Energy and Minerals Department  
Pacific Gas and Electric Company  
Salt River Project Agricultural Improvement and Power District  
Southern Union Company

None of these petitioners expressed any objection to El Paso's proposal.

### IV. DISCUSSION

#### RESTRUCTURED RESTITUTION PLAN

It was the Commission's intent, as expressed in Opinion Nos. 800, 800-A and 800-B, that the volumes of gas originally curtailed from the EOC Priority 5 customers for purposes of El Paso's special operating arrangement with PG&E be repaid to the same priority 5 customers and in the same proportions from which it came. El Paso's proposal would allow some Priority 5 customers to sell their entitlement and another to store its entitlement for later use not necessarily to serve the same Priority 5 usage which was originally curtailed. Nevertheless, since the distribution customers to whom the restitution is directed have effectively waived their rights to the restitution volumes, we see no conflict between Opinion Nos. 800-800B and the restructured repayment arrangements.

There remains, however, one difficulty with this portion of El Paso's proposal. Under the agreements tendered by El Paso pursuant to which Southern Union and Cananea will sell their respective restitutionary entitlements there is no certainly when, if ever, the prospective buyers will purchase the restitution gas. Thus it is possible that the proposed sale will not expedite restitution at all. However, that concern is substantially allayed by our decision, discussed below, temporarily permitting El Paso to impose the "800-B payback" surcharge against the Priority 5 customers which have outstanding payback entitlements. The fact that Southern Union and Cananea will suffer the surcharge as long as any part of their entitlement is outstanding will, we think, encourage every reasonable effort on their part to expedite the restitution.

#### OFFSET OF SURCHARGES

The proposal of El Paso to offset the undercollection attributable to the "800-B payback" surcharge against an overcollection attributable to El Paso's Clay Basin storage arrangements has previously been acted upon by the Commission. By letter order dated October 2, 1978, we rejected those tariff sheets which would have affected the proposed offset. On October 19, 1978, El Paso filed an appeal from the Commission's letter order. Subsequently on November 22 and 29, 1978, El Paso tendered separate filings in Docket No. CP74-289, *et al.* and Docket No. CP77-289 pursuant to its existing tariff pro-

viding, respectively, for recoupment of the undercollected "800-B payback" surcharge and credit for the overcollected Clay Basin surcharge.

El Paso has existing tariff language permitting the recoupment/payback of surcharge under/overcollections as necessary with respect to both the "800-B payback" and Clay Basin storage arrangements. El Paso has not shown how the two matters bear anything in common warranting an offset of the respective surcharges. Moreover El Paso has offered no change in its tariff language to permit such an offset. The *ad hoc* offset that El Paso here proposes would lend much difficulty to the task of tracing the revenues attributable to these two separate surcharges in future tariff filings. Since El Paso has offered no substantial benefit to be gained by the offset we affirm our previous rejection of the proposed tariff sheets implementing a surcharge offset.

#### REALLOCATION OF "800-B PAYBACK" SURCHARGE FROM PRIORITIES 1 AND 2 TO PRIORITY 5 CUSTOMERS

As long as the "800-B payback" is incomplete El Paso continues to incur charges from PG&E. However after October 31, 1978, El Paso no longer has tariff authority to pass those charges to any of its customers by means of a surcharge. As we have noted in the past, it is not our intent to have El Paso suffer financial hardship for providing a service found to be required by the public convenience and necessity.<sup>12</sup> The question then is against whom should El Paso assess the surcharge.

El Paso suggests in the instant filings that commencing November 1, 1978, the "800-B payback" surcharge should be assessed against these EOC Priority 5 customers that have restitution volumes outstanding. El Paso contends that after October 31, 1978, there is no further service of benefit to Priorities 1 and 2 customers, and so the surcharge should not properly be assessed against them. El Paso maintains that the continued necessity of the surcharge is wholly attributable to the delay by certain Priority 5 customers accepting their respective payback entitlements, therefore those customers should bear the continuing surcharge.

El Paso further contends that assessing the surcharge against those Priority 5 customers will redound to the general benefit of the affected parties. To the extent the Priority 5 customers suffer the surcharges their motivation increases to expedite the payback. The sooner the payback is complete, El Paso's argument goes, the sooner PG&E is relieved of the burden on its

<sup>12</sup>See, e.g., Opinion No. 800-B, *supra*, mimeo p. 13.

storage capacity and the lesser will be the total accumulation of surcharges.

In response AEPSCO maintains that it "is not dragging its feet in using this payback gas. El Paso's recent increase in flowing gas supplies as well as various operational considerations, have made it impossible for AEPSCO to use the 800-B payback gas as fast as El Paso projected it could."<sup>13</sup> Moreover, AEPSCO contends there is no factual support for the proposed surcharge which must be justified anew since it is to be applied to a new set of customers.

El Paso Electric appears to agree with AEPSCO's latter contention and protests the imposition of the surcharge against customers which intend to complete payback within the time specified in El Paso's application (February 28, 1979).

In Opinion No. 800-B we did not establish a specific timetable for the restitution. Instead, both the contributor (PG&E) and the receivers (EOC Priority 5 customers) were accorded discretion in scheduling daily deliveries of restitution gas. On the other hand we did assume that restitution would be accomplished in good faith "as promptly as possible."<sup>14</sup>

Thus, the propriety of assessing the surcharge against those Priority 5 customers that have outstanding payback entitlements appears to turn largely on the factual question of the good faith ability of those customers to take the payback gas. Several other factual questions also appear to be relevant:

What is the extent of burden, if any, on PG&E of any delay in completing the payback.

How is the surcharge factually defined and what is its purpose.

Who receives the benefit of the service to which the surcharge is related and in what proportion.

We presume AEPSCO and El Paso Electric seek evidentiary hearing in order to explore these factual issues. For that purpose we shall grant their request for hearing.

Although we do not decide as a final matter herein against whom the surcharge properly should be assessed, we do conclude that the surcharge should not continue to be assessed against Priorities 1 and 2 customers pending the outcome of that final decision. Instead we shall grant, *pendente lite*, under temporary authority El Paso's proposal to assess the surcharge against those certain Priority 5 customers.

The current surcharge mechanism does not encourage expedition of the

restitution. Since the Priority 5 customers have not been obliged to pay the surcharge the surcharge does not serve as a financial incentive for them to hasten their takes of payback gas. Indeed there may be a disincentive for the Priority 5 customers have, in effect, a storage service without charge. Moreover, as El Paso's surcharge undercollection demonstrates, the longer the payback obligation continues the greater the total surcharges.<sup>15</sup> Furthermore, if as PG&E contends the payback obligation is presently burdening its storage capability, then any delay in restitution would only increase that burden.

Accordingly, we shall grant, effective November 1, 1978, temporary authority for El Paso to assess the "800-B payback" surcharge against those Priority 5 customers with outstanding payback entitlements as outlined in El Paso's application. By so doing total surcharges and burden on PG&E, if any there may be, will be minimized *pendente lite*. The surcharge assessed pursuant to this temporary grant of authority shall be subject to refund as ultimately deemed appropriate as a result of the hearing ordered herein.

#### SCHEDULE OF RESTITUTION

We note with regard to the expedition of the restitution that each Priority 5 customer, save one, has provided El Paso a projection of its contemplated schedule for taking the outstanding payback volumes. The lone holdout is AEPSCO. AEPSCO gives no explanation in its several pleadings for its refusal. AEPSCO does not allege, nor can we envision, how such a payback schedule would infringe on AEPSCO's exercise of discretion in scheduling its receipt of gas paybacks.

Without commenting on the reasonableness of AEPSCO's failure to date to take its payback entitlement, we think "good faith" requires that AEPSCO at least give El Paso its best estimate of how it expects to take its payback entitlement. If for no other reason, estimated payback schedules provide El Paso with some basis upon which to bill its surcharge. This would help avoid a recurrence of the past year's experience when El Paso's surcharge, based on its estimated date of payback completion, was understated by approximately \$6.5 million.

Accordingly, we shall order that AEPSCO provide within 30 days of this order its plan for the disposition of its "800-B payback" entitlement.

<sup>13</sup>Illustrative of the magnitude of this problem is El Paso's experience this past year. Had payback been complete as contemplated by El Paso on April 30, 1978, total surcharges would have been approximately \$10 million. The continuation of the payback through November 1, 1978, has amassed an additional \$7 million in surcharges.

#### EL PASO'S TARIFF SUBMITTALS

Finally, we must deal with El Paso's proposed tariff sheets filed in conjunction with its instant certificate applications.<sup>16</sup> El Paso has asked for waiver of § 154.22 of our Regulations (18 CFR 154.22) to permit the acceptance of the tendered sheets concurrently with this order. El Paso's intent it appears was to insure continuity of its surcharge collection by requesting an effective date of November 1, 1978. We have effectively assured such continuity by granting El Paso temporary authorization to impose the surcharge effective November 1, 1978. However, the terms of this order leaves the tariff sheets themselves in some disarray. Certain portions of those sheets have been rejected and other portions may be affected by our conclusions herein. Therefore, we shall deny waiver of § 154.22 and thereby require El Paso to submit tariff sheets consistent with the terms of this order.

#### The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require (1) that the order issued December 30, 1977, accompanying Opinion No. 800-B in Docket No. CP74-289, *et al.*, and the order issued July 3, 1978, *Mountain Fuel Resources, Inc., et al.*, in Docket No. CP76-285, *et al.* be amended as hereinafter ordered, and (2) that a temporary certificate of public convenience and necessity be issued granting El Paso authority to assess the "800-B payback" surcharge against those EOC Priority 5 customers with outstanding payback entitlements subject to the ultimate determination of the Commission in the hearing hereinafter ordered.

(2) Participation by the above-named petitioners in these proceedings may be in the public interest.

#### The Commission orders:

(A) The terms of Opinion No. 800-B and accompanying order issued December 30, 1977, are amended to permit the revised scheme of restitution including the transportation of natural gas by El Paso on behalf of Southern Union and Cananea for direct sale to certain Priority 5 customers and on behalf of Southwest for storage in the Clay Basin Field all as more fully set forth herein and in the application of EL Paso in Docket No. CP78-500.

(B) The terms of the Commission's order issued July 3, 1978, in Docket No. CP76-285 issuing a temporary cer-

<sup>16</sup>Certain of these tariff sheets, specifically those that propose the surcharge offset, were filed as El Paso's biannual Clay Basin Surcharge adjustment as well as in conjunction with its certificate application.

<sup>13</sup>AEPSCO's Answer to El Paso's Petition for Expedited Procedures filed September 22, 1978, at p. 5.

<sup>14</sup>See Opinion No. 800-B, *supra* mimeo pp. 11-12.

tificate governing the operation of the Clay Basin Storage project is amended to permit the use of Clay Basin for storage of Southwest's "800-B payback" entitlement as more fully set forth herein and in the applications of El Paso and Clay Basin Storage Company in Docket Nos. CP77-289 and CP77-512 respectively.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 16 thereof and the Commission's rules and regulations, a public hearing shall be held concerning El Paso's proposal, effective November 1, 1978, to assess the "800-B payback" surcharge against EOC Priority 5 customers with outstanding payback entitlements.

(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 prehearing conference in this proceeding to be held within 30 days of the issuance of this order in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., 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.

(E) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 16 thereof, a temporary certificate of public convenience and necessity is granted to El Paso authorizing it to collect, subject to refund upon the ultimate resolution of the hearing ordered in Paragraph (c) above, a surcharge from those certain Priority 5 customers with outstanding "800-B payback" entitlements all as more fully set forth herein and in the application of El Paso in Docket No. CP78-500.

(F) El Paso's appeal of the Commission's letter order dated October 2, 1978, in Docket No. CP77-289 is denied.

(G) El Paso's request for waiver of § 154.22 of the Commission's Regulations is denied.

(H) AEPSCO, as recipient of restitution gas ordered to be repaid pursuant to the terms of Commission Opinion No. 800-B, is directed to provide El Paso and file with the Commission within 30 days of this order its plan for the disposition of its "800-B payback" entitlement.

(I) The above-named petitioners are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene;

and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any orders of the Commission entered in these proceedings.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-232 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. CP75-104; Docket No. CP76-118]

HIGH ISLAND OFFSHORE SYSTEM AND U-T  
OFFSHORE SYSTEM

Order Granting Amendments To Certificates of  
Public Convenience and Necessity

DECEMBER 22, 1978.

On October 2, 1978, U-T Offshore System (U-T) filed pursuant to Section 7(c) of the Natural Gas Act, Section 157.5 *et seq.* of the Commission's Regulations and Section 1.7 of the Commission's Rules of Practice and Procedure a petition to amend further the certificate of public convenience and necessity granted to U-T by order issued January 13, 1977, as amended by orders issued March 7, 1978, and June 12, 1978. U-T requests authorization to transport up to 730,000 Mcf per day of gas for its shippers on a firm basis and, to the extent its existing facilities permit U-T to do so, transport all of the gas its shippers make available to it from the High Island Offshore System (HIOS) on an interruptible overrun basis, all as more fully set forth in U-T's application to amend which is on file with the Commission and open to public inspection.<sup>1</sup>

On October 19, 1978, HIOS filed pursuant to Section 7(c) of the Natural Gas Act, Section 157.5 *et seq.* of the Commission's Regulations and Section 1.7 of the Commission's Rules of Practice and Procedure, a petition to further amend the certificate of public convenience and necessity granted to HIOS by order issued June 4, 1976, as amended.<sup>2</sup> HIOS requests authorization, to the extent its existing facilities permit it to do so, to transport gas on an interruptible overrun basis, in excess of its present certificated firm capacity of 988,000 Mcf per day.<sup>3</sup>

<sup>1</sup>On October 16, 1978, U-T filed with the Commission, a petition for temporary authorization to transport natural gas volumes tendered by its shippers in excess of U-T's certificated capacity of 589,920 Mcf per day, until such time as the Commission acted upon U-T's October 2, 1978, petition.

<sup>2</sup>The certificate has previously been amended by orders issued on July 20, 1976, December 6, 1976, June 12, 1978 and June 21, 1978.

<sup>3</sup>HIOS also requested the issuance of a temporary certificate pending final action on the petition to amend.

I. THE U-T PROPOSAL

U-T owns and operates approximately 30 miles of 42-inch pipeline and appurtenant facilities extending from a point of interconnection with the HIOS system in West Cameron Block 167, offshore Louisiana, to a point of interconnection with the existing onshore facilities of Transcontinental Gas Pipe Line Corporation (Transco) near Johnson's Bayou, Louisiana. U-T was originally authorized to transport up to 589,920 Mcf per day of gas for Natural Gas Pipeline Company of America (Natural), United Gas Pipe Line Company (United) and Transco.

On June 12, 1978, the Commission issued an order giving both HIOS and U-T blanket authorization to transport, within the limits of their respective certificated capacities, natural gas for shippers not affiliated with HIOS or U-T. U-T states that the capacity requested in its system by affiliated and non-affiliated shippers exceeds 1 Bcf per day. Due to the certificated capacity limitation of 589,920 Mcf per day, U-T shippers received firm capacity entitlements pursuant to Paragraph 2.2 of the transportation agreements with U-T. Furthermore, as a result of the mechanics of Paragraph 2.2 and the different mix of shippers on the HIOS and U-T systems, the U-T shippers in HIOS have less firm capacity in U-T than they have in HIOS. Therefore, none of the U-T shippers are presently able to transport as much gas through U-T as they are able to transport through HIOS on a firm basis.

U-T states that its onshore facilities in Johnson's Bayou, Louisiana were designed to receive up to 600,000 Mcf per day having an average liquid hydrocarbon content of 10 barrels per MMCF at a pressure of 850 psi and at a temperature of 120 degrees Fahrenheit. U-T states that the gas transported through its system to date has had an average liquid hydrocarbon content of only about 2 barrels per MMcf, an average temperature of 70 degrees Fahrenheit and a gas pressure of about 1,050 psi. Furthermore, the gas delivered through U-T has contained less water vapor than expected. U-T, therefore, concludes that without the installation of any new facilities, it is presently capable of transporting and redelivering all pipeline quality natural gas that its shippers are able to transport through HIOS within their currently effective contract demands.

U-T, therefore, proposes that it be permitted to transport on a firm basis approximately 730,000 Mcf per day pursuant to the following contract demands:

## Shippers and proposed contract demands

	Million Cubic feet
Natural.....	131,530
Transco.....	131,530
United.....	143,500
Columbia.....	40,620
Consolidated.....	24,950
Tennessee.....	15,270
El Paso.....	17,580
Trunkline.....	133,130
Northern.....	86,420
National Fuel.....	5,490

730,000

U-T also seeks authorization to transport as much overrun gas as its shippers are able to transport through the HIOS system.<sup>4</sup>

U-T further proposes to cease transportation service pursuant to its interim rate and to commence service under its permanent rates on November 1, 1978, utilizing the Commission's prescribed demand-commodity rate design. U-T states that it expects to have available for transportation during the 12-month period beginning November 1, 1978, some 239,805,000 Mcf of gas. U-T proposes to utilize the 239,805,000 Mcf volume, which equates to 90% of the contract demands annualized, in the computation of the commodity component of the two part rate. U-T bases the 239,805,000 Mcf figure upon factors such as pipeline maintenance and repair, adverse weather, well workovers and other factors, but states that it is difficult to forecast the volumes which will be transported through Stingray Pipeline Company's facilities into HIOS and U-T. Should U-T transport more than 239,805,000 Mcf, it would recompute its commodity rate on the basis of the larger volume and credit any overcollection to its reserve for depreciation, after appropriate allowance for income taxes. Finally, with regard to the interruptible overrun service, U-T proposes to credit the demand revenues attributable to such service proportionately to each shipper having unused capacity during the period in which the overrun service was rendered. As to demand revenues not redistributed to the shippers U-T proposes to credit such revenues to its reserve for depreciation, after appropriate allowance for income taxes.

## II. THE HIOS PROPOSAL

HIOS owns and operates a system to transport natural gas from the High Island Area in Offshore Texas to a point of interconnection at Block 167 in the West Cameron Island Area on Offshore Louisiana with the facilities of the U-T system and the facilities of Michigan Wisconsin Pipe Line Compa-

ny (Michigan Wisconsin) HIOS was originally authorized to transport up to an aggregate of 988,000 Mcf per day.

The affiliated and non-affiliated shippers through the HIOS system have requested firm capacity in the system substantially in excess of the certificated firm capacity of 988,000 Mcf per day. Pursuant to the provisions of Paragraph 2.2 of the HIOS transportation agreements, the contract demands of each shipper have been reduced below those volumes in excess of 988,000 Mcf per day. HIOS, therefore, proposes to transport on an interruptible overrun basis, volumes in excess of 988,000 Mcf per day, to the extent that its existing facilities will permit.<sup>5</sup> HIOS proposes to credit the demand revenues attributable to such service proportionately to each shipper having unused capacity during the period in which the overrun service was rendered. Further, should HIOS transport more than 360,620,000 Mcf annually, it proposes to credit the revenues attributable to such excess volumes to its reserve for depreciation, after appropriate allowance for income taxes.

## III. DISCUSSION

We believe that it is in the public interest to approve the interruptible overrun service proposed by U-T and HIOS. As U-T and HIOS state, the transportation of such additional supplies of gas by U-T and HIOS will assist the shippers in meeting their customers' requirements. We will, however, require U-T and HIOS to file with the Commission within 30 days of the date of this order flow diagrams showing the ability of the respective systems to transport volumes in excess of their present firm capacities of 589,920 Mcf per day and 988,000 Mcf per day respectively. We further believe that the rate methodology proposed by U-T and HIOS for the overrun service are appropriate.

HIOS and U-T propose to credit those demand revenues attributable to the interruptible overrun gas transported through temporary unused capacity proportionately to those shippers having unused capacity. Any additional interruptible demand revenues would be credited, net of taxes, to the reserve for depreciation. Moreover, HIOS and U-T propose to credit any commodity revenues resulting from transportation of volumes in excess of 360.6 and 239.8 bcf, respectively, to the reserve for depreciation, after appropriate allowance for income taxes. The effect of the pro-

posals would be that HIOS and U-T would be able to recover their costs and that individual shippers presently unable to utilize their contracted capacity would be compensated for the use of such capacity by others. We recognize that both HIOS and U-T are in a period of build-up in throughput volumes and that contracted capacities have not yet been fully aligned with the needs of individual shippers. We will, therefore, accept the proposals to credit the demand revenues for the interruptible service to those shippers having unused capacity for a one (1) year period from January 1, 1979, after which time the contracted capacities should more nearly represent the capacity requirements. Should it be possible to render interruptible overrun service after than one-year period, we will require that the revenues accrue to the benefit of the system and all shippers.

HIOS and U-T propose to credit to the reserve for depreciation any remaining demand revenues and any commodity revenues attributable to volumes transported in excess of the volumes used for purposes of determining the level of the commodity charges. This would assure that the companies would not over-recover fixed costs and would ultimately enable those shippers having invested in the projects and contracted for firm capacity to benefit from the interim use of the systems. While this approach appears reasonable, the particular treatment of the revenues results in remaining book investment being reduced through increases in the accumulated depreciation reserve more rapidly than the amounts charged to book depreciation expenses. Moreover, the proposals would credit only after tax revenues which avoids recording income tax expense, including provision for deferred income taxes. It appears that a more reasonable approach would be to require a supplemental depreciation charge equal to all revenues attributable to excess volumes. This approach coupled with the comprehensive tax allocation procedures required in the original certificate authorizations will achieve the same rate base but will better facilitate the determination of income tax allowance in future rate proceedings. For this reason we will require that the excess revenues be added to both the depreciation expense and the accumulated depreciation reserve.

We have directed that U-T and HIOS utilize a 100% load factor in computing the commodity portion of their permanent rates.<sup>6</sup> U-T, in its Oc-

<sup>4</sup>U-T proposes to charge its shippers a rate for the interruptible overrun service equivalent to the proposed demand-commodity rate for firm service at a 100% load factor.

<sup>5</sup>HIOS proposes to charge its shippers a rate for the interruptible overrun service equivalent to the proposed demand-commodity rate for firm service at a 100% load factor.

<sup>6</sup>On the U-T system, see e.g., the Commission orders of January 13, 1977, and March 7, 1978, in Docket No. CP78-118. On the HIOS system, see e.g., the Commission order of July 20, 1976.

tober 2 petition, proposes to utilize the 239,805,000 Mcf volume which it estimates will be available for transportation through its system during the 12-month period, November 1, 1978, through October 31, 1979, in computing the commodity component of its permanent rate. This volume equates to a 90% load factor. As we have noted previously U-T states that its estimate of volumes for the 12 months ending October 31, 1979, is based upon such factors as normal maintenance and repair, adverse weather conditions and routine well workovers.

We will accept U-T's estimate that approximately 239,805,000 Mcf will be transported over the 12-months ended October 31, 1979. Therefore, since some shippers in U-T are unable to utilize their full contract demands, U-T's methodology of utilizing a 90% load factor for computing the commodity rate will result in a charge more in line with the actual use of the system. If the commodity charge is based upon a realistic estimation of the annual volumes which will flow through the system, U-T will have a greater assurance of earning its allowed return and the shippers utilizing the system will pay a charge which reflects a fair share of the costs. Since a build-up period is now being experienced on the U-T system, we will limit the utilization of the 90% load factor computation in U-T's commodity rate to a one year period. We will also require U-T to provide detailed deliverability studies which establish the volumes from specific wells that U-T anticipates will be delivered through its system during the 12-months ended October 31, 1979. Since neither HIOS nor U-T were able to render the proposed services commencing November 1, 1978, as requested, the authorization issued herein shall be effective January 1, 1979.

*The Commission orders:*

(A) The certificates of public convenience and necessity issued to HIOS and U-T in Docket Nos. CP75-104 and CP76-118 respectively are amended to permit HIOS and U-T to render an interruptible overrun service commencing January 1, 1979, pursuant to the following conditions:

(1) the rate charged shall be based upon U-T's and HIOS' 100 percent load factor firm rate.

(2) for the first year of service, demand revenues attributable to any unused capacity under the contract to HIOS and U-T shippers shall be credited proportionately to each shipper having unused capacity during the period in which the overrun service is rendered. Thereafter, a supplemental charge for depreciation and concurrent credit to accumulated provisions for depreciation shall be recorded in

an amount equal to such demand revenues.

(3) a supplemental charge for depreciation and concurrent credit to accumulated provisions for depreciation shall be recorded in an amount equal to all revenues attributable to annual volumes transported in excess of 360,620,000 Mcf by HIOS and all demand revenues attributable to annual volumes transported in excess of 266,450,000 Mcf by U-T.

(4) within 30 days from the date of this order, U-T and HIOS shall submit detailed flow diagrams showing their maximum capacity utilizing their existing facilities.

(5) HIOS and U-T shall file tariff sheets consistent with the conditions proposed herein.

(B) U-T is herein permitted to increase its transportation contract demands to 730,000 Mcf per day commencing January 1, 1979, subject to the following conditions:

(1) for the first year of service, U-T, in computing the commodity component of its permanent rate shall utilize 239,805,000 Mcf as the annual billing determinant.

(2) a supplemental charge for depreciation and a concurrent credit to accumulated provisions for depreciation shall be recorded in an amount equal to any overcollections attributable to the commodity rate resulting from U-T transporting annual volumes in excess of 239,805,000 Mcf.

(3) thereafter, U-T, in computing the commodity component of its permanent rate shall utilize the 100% load factor volume of 266,450,000 Mcf.

(4) within 30 days of the date of this order, U-T shall provide detailed deliverability studies which establish the volumes from specific wells that U-T anticipates will be delivered through its system during the 12 months ended October 31, 1979.

(C) The return on equity portion of HIOS' and U-T's rates shall be collected subject to refund pending Commission determination of the appropriateness of their rates of return.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-233 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket Nos. CP75-104, et al.]

**HIGH ISLAND OFFSHORE SYSTEM**

**Order Granting Appeal in Part and Denying Appeal in Part, Rejecting Resubmitted Tariff Sheets and Directing HIOS To Make a Complainee Filing**

DECEMBER 22, 1978.

On December 7, 1978, the Director of the Office of Pipeline and Producer

Regulation of the Federal Energy Regulatory Commission issued a letter<sup>1</sup> rejecting the September 29, 1978 initial rate filing of High Island Offshore System (HIOS) in the captioned docket. On December 15, 1978, HIOS filed an appeal from Staff's rejection of its initial rate filing and re-filing its previously rejected tariff sheets. For the reasons set forth below, we shall grant in part and deny in part HIOS' appeal.

HIOS' initial rate filing was rejected for inconsistencies with its certificate authorization and tariff. The annual cost of service included in HIOS' filing contained approximately \$10 million of costs associated with separation, dehydration and measuring services performed onshore at Cameron Meadows and Grand Chenier, Louisiana. The rejection letter noted that HIOS' transportation agreements prohibit it from processing gas. In addition, HIOS failed to allocate costs to the transportation and handling of liquids and liquefiables as required by the conditions of its certificate.<sup>2</sup> Finally, Section 4 of HIOS' proposed rate schedule provides that demand revenues attributable to overrun gas transported through temporary unused capacity be credited to certain shippers on a proportionate share basis. Staff's rejection letter pointed out that no accounting of other potential overrun demand and commodity revenues was proposed. For these reasons, HIOS' filing was rejected without prejudice to HIOS' rights to make appropriate certificate and tariff applications to: (1) provide for processing services; (2) show an allocation of costs to transportation of liquids; and (3) account for all potential overrun demand and commodity revenues.

In its appeal, HIOS contends that it is obligated to measure, separate and dehydrate the gas transported through its system and that such functions do not constitute processing of the gas. The Commission is satisfied that the services performed onshore at Cameron Meadows and Grand Chenier, Louisiana do not involve processing of the gas and, therefore, are in compliance with HIOS' transportation agreements.

Staff's rejection letter also found HIOS' filing deficient for failure to account for all potential overrun demand and commodity revenues. In an order issued this day,<sup>3</sup> the issue of crediting of revenues was resolved by the Commission and need not be discussed further in this order.

<sup>1</sup> Pursuant to 18 CFR Section 3.5(f)(3).

<sup>2</sup> High Island Offshore System, Docket Nos. CP75-104, CP75-81, CP75-16 (issued June 4, 1976), Ordering Paragraph C & E.

<sup>3</sup> High Island Offshore System, et al., Order Granting Amendments to Certificates of Public Convenience and Necessity, Docket Nos. CP75-104, et al.

HIOS argues that it is entitled to include in its cost of service as a charge to the shippers for the transportation of gas approximately \$10 million in costs, a portion of which is associated with handling of liquids and liquefiabiles. In addition HIOS has failed to allocate any costs to the transportation of such liquids and liquefiabiles. This position is in conflict with the conditions of HIOS' certificate which require that costs shall be allocated to the handling and transportation of liquids and liquefiabiles. HIOS is permitted to charge its shippers for all costs incurred in transporting and handling either gas or liquids. However, HIOS must provide for recovery of costs associated with the handling of liquids and liquefiabiles through a separate charge.<sup>4</sup> To the extent that a portion of the \$10 million included in HIOS' cost of service is related to the separation of liquids, then those charges, as well as the charges allocated to the transportation of liquids, must be recovered through a separate charge.

HIOS notes (Petition, pp. 10-11) that a charge of 20 cents per barrel is the only charge which the Commission has previously found appropriate for allocating the costs of transportation and delivery of liquids from offshore to onshore. It was further pointed out that this charge as adjusted to reflect subsequent inflation has been proposed by other pipelines for meeting certificate conditions similar to those contained in HIOS' certificate.

The Commission finds that for purposes of meeting HIOS' certificate requirements, a unit charge for the transportation and delivery of liquids of 20 cents per barrel as adjusted to reflect inflation<sup>5</sup> would be appropriate.

With respect to a unit charge for the transportation and delivery of liquefiabiles by HIOS, the Commission finds that a charge, equal to the unit rate resulting from 100 percent load factor usage of the charges under its FERC tariff for the transportation of gas, would meet the requirements of HIOS' certificate.

Accordingly, we shall reject HIOS' resubmitted tariff sheets and shall direct HIOS to file prior to January 1, 1979, revised tariff sheets reflecting a rate for transportation of gas which excludes from its earlier claimed

<sup>4</sup>The necessity of requiring a separate allocation of these costs is a result of the outstanding issue as to whether the shippers may pass on such charges to their gas customers. (See FERC order issued April 12, 1978, *Union Oil Company of California*, Docket Nos. C177-828, et al.)

<sup>5</sup>The inflation adjustment shall be based upon the GNP Implicit Price Deflator methodology reflected on Appendix C to HIOS' petition from 1970 through the latest period available at the time HIOS makes its compliance filing.

annual cost of service the sum of the following amounts: (1) a unit charge of 20 cents per barrel adjusted for inflation for the transportation and handling of liquids based on annual throughout (2) a charge for transportation and delivery of liquefiabiles which is equal to the unit charge resulting from 100 percent load factor usage under its FERC tariff for the transportation of gas times the annual volumes, and (3) the portion of the charges from Mich-Wisc and UTOS attributable to the separation, handling and storage of liquids. The unit charges for the liquids and the liquefiabiles service shall be separately stated. Upon receipt of a filing complying with the above stated provisions, the Commission shall grant waiver of the 30 day notice requirements and permit the tariff to become effective on January 1, 1979. These allocation methods shall be considered appropriate for purposes of meeting HIOS certificate requirements but shall be subject to review in a HIOS rate proceeding under section 4 or 5 of the Natural Gas Act or a rate filing made pursuant to Ordering Paragraph A of the Commission's December 6, 1977, order issued in *High Island Offshore System, et al.*, Docket No. CP75-104, et al., whichever is sooner.

*The Commission orders:*

(A) The appeal of HIOS is granted in part to eliminate those conditions of the Staff rejection letter which would require HIOS to make appropriate certificate and tariff applications to:

- (1) provide for processing services;
- (2) account for all potential overrun demand and commodity revenues.

(B) HIOS' resubmitted tariff sheets submitted in Appendix B to its petition are rejected.

(C) HIOS is hereby directed to file prior to January 1, 1979 a new tariff application in compliance with the certificate conditions discussed in this order. Upon receipt of a filing in compliance with this order, the Commission shall grant waiver of the 30 day notice requirement and make it effective as of January 1, 1979.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-234 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Project No. 2800, Docket No. ES78-44]

LAWRENCE HYDROELECTRIC ASSOCIATES AND  
ESSEX CO.

Application

DECEMBER 22, 1978.

Take notice that on December 15, 1978, the Lawrence Hydroelectric Associates (LHA), a limited partnership organized under the laws of the Commonwealth of Massachusetts, with its principal business office in Boston, Massachusetts, filed an application pursuant to Section 204 of the Federal Power Act, seeking authorization to (1) secure a construction loan of up to \$25 million, and (2) issue 25-year secured notes (equal to 80% of project costs) of up to \$18,656,000, and to provide equity capital (equal to 20% of the project costs) at the time of completion of project No. 2800.

Any person desiring to be heard or to make any protests with reference to said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before January 3, 1979. The application is on file and available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-235 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RA79-7]

McCULLOCH GAS PROCESSING CORP.

Filing of Petition for Review Under 42 U.S.C.  
7194

DECEMBER 26, 1978.

Take notice that McCulloch Gas Processing Corporation (McCulloch) on December 1, 1978, filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of Secretary of Energy, issued on November 22, 1978, denying McCulloch's application for exception relief.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before January 8, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a

party must file a petition to intervene. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-236 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. CP79-107]

**McCULLOCH INTERSTATE GAS CORP.**

**Application**

DECEMBER 21, 1978.

Take notice that on December 8, 1978, McCulloch Interstate Gas Corporation (Applicant), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed an application in Docket No. CP79-107 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the transportation of natural gas for Montana-Dakota Utilities Company (MDU), all as more fully set forth in the application on file with the Commission and open to public inspection.

On November 8, 1978, the Commission issued an order in Docket No. CP77-1, *et al.*, requiring Applicant to apply for certificate authority to continue transporting natural gas from the Atlantic Richfield Company (Arco) to MDU. Accordingly, Applicant states that the instant filing is an attempt to comply with that requirement.

The proposed transportation service would entail Applicant's transporting approximately 46,000 Mcf per month of MDU's gas from Arco's Kitty Processing Plant to Arco's Recluse Plant, both in Cambell County, Wyoming. Applicant states that further detail concerning the proposed service must await the execution of a transportation agreement between it and MDU.

Applicant requests that the certificate authority be for a limited term only, to expire if and when the Commission authorizes the abandonment proposed by Applicant in the proceeding pending in Docket No. CP77-1.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 12, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-237 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RP73-43 (PGA78-4)]

**MID LOUISIANA GAS CO.**

**Order Terminating Proceeding**

DECEMBER 27, 1978.

**BACKGROUND**

On June 16, 1978, Mid Louisiana Gas Company (Mid Louisiana) filed Alternate Thirtieth Revised Sheet No. 3a to FERC Gas Tariff First Revised Volume No. 1. Included in this filing were certain costs attributable to two emergency gas purchases which Mid Louisiana made from Louisiana Intra-state Gas Corporation (LIG) at rates in excess of the appropriate nationwide rate. By order issued July 31, 1978 the rates contained in Alternate Thirtieth Revised Sheet No. 3a were suspended one day, to become effective August 2, 1978, and hearing procedures were instituted to determine whether the rates paid in the emergency purchases were prudent under the circumstances. Acceptance of the rates for filing was further conditioned upon the filing of a revised sheet (Substitute Alternate Thirtieth Revised Sheet No. 3a) reflecting proper supplier rates. No protests or petitions for intervention were filed.

Pursuant to the Commission's order of July 31, 1978, Mid Louisiana's case-in-chief was timely filed. The Company's evidence included prepared testimony and certain exhibits. In addition, Mid Louisiana filed written answers to interrogatories propounded by the Commission Staff. An informal prehearing conference was held on September 27, 1978, at which time the evidence and issues were reviewed and the question of prudence of the rates was resolved. On October 12, 1978, Staff issued its Statement of Position wherein it determined that the costs incurred by Mid Louisiana for purchase of emergency gas were prudent under the circumstances.

Staff found that Mid Louisiana exhibited a need for the emergency gas as evidenced by the fact that priority two customers would have been curtailed without such gas. Also, Mid Louisiana did attempt to find alternate gas supplies from at least three other sources but was unable to obtain any gas at prices as low as the subject emergency purchases. The prices paid did not exceed the prices paid for new contracts for intrastate gas in Louisiana which prevailed during the period of ongoing emergency sales. Finally, the language of the Emergency Purchase contracts entered into by Mid Louisiana and LIG demonstrates that the parties did not use their corporated affiliation in an improper manner. Mid Louisiana was under no obligation to take a required amount of gas nor did the contracts require Mid Louisiana to purchase gas for the full 60 day term. Staff concluded that the emergency purchases were at rates a reasonable and prudent pipeline would pay for gas under the same circumstances and accordingly recommended that this docket and the refund obligation of Mid Louisiana be terminated.

On November 2, 1978, Mid Louisiana filed a *Motion for Waiver and Omission of Intermediate Decision Procedure* in which it recited the foregoing facts and conclusions and requested that, on the basis of the record developed in this proceeding, the Substitute Alternate Thirtieth Revised Sheet No. 3a be approved and the refund condition contained in the Commission's order of July 31, 1978, be terminated. On November 7, 1978, Staff filed comments in support of Mid Louisiana's motion.

**DISCUSSION**

Our review of the record in this proceeding indicates that the emergency purchases were reasonable and prudent under the circumstances in this case, as supported by Staff's findings in its Statement of Position. No other issues exist between Mid Louisiana and the Staff. Good cause therefore exists to terminate this proceeding.

*The Commission orders:* (A) This proceeding is hereby terminated.

(B) Mid Louisiana's refund obligation contained in the Commission's order of July 31, 1978, is hereby terminated.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-238 Filed 1-2-79; 8:45 am]

**[6740-02-M]**

[Docket No. RP74-97 (PGA79-1)]

**MONTANA-DAKOTA UTILITIES CO.**

**Order Accepting for Filing and Suspending  
PGA Rate Increase, and Prescribing Conditions**

DECEMBER 27, 1978.

On December 1, 1978, Montana Dakota Utilities Company (MDU) tendered for filing a proposed rate adjustment pursuant to its PGA clause,<sup>1</sup> containing a surcharge of 10.516¢ per Mcf to recover deferred gas costs of \$91,794. The deferred account balance includes an adjustment of \$18,988 to correct an error in the computation of the deferred balances for the months of July, August, and September 1975. MDU states that inaccurate base gas costs were used in the original calculations. MDU requests an effective date of January 1, 1979.

Public notice of the filing was issued on December 7, 1978, providing for protests or petitions to intervene to be filed on or before December 15, 1978.

MDU requests waiver of its present PGA clause to recover the balance in the deferred account using a four month surcharge in lieu of its normal six month surcharge. MDU states that Order Nos. 13 and 13-A change MDU's PGA adjustment dates to May 1 and November 1 of each year from its present adjustment dates of January 1, and July 1. MDU states that the requested waiver is necessary to synchronize the recovery of the balance in the deferred account to these new adjustment dates. MDU further states that carrying charges on the deferred balance will be significantly reduced by amortizing such balance over the shortened period. We agree that MDU should be permitted to use a one-time four month recovery period for its surcharge, and we shall grant the requested waiver.

MDU has included in its total system gas costs, and allocated to all of its customers, the costs of purchases made from a new field in Converse County, Wyoming (Powell II). This gas has been used exclusively to

<sup>1</sup>Tenth Revised Sheet No. 3A to FERC Gas Tariff, Original Volume No. 4.

serve MDU's Sheridan System, which is entirely within the State of Wyoming, physically isolated from MDU's interstate pipeline system, and has been operated previously as a non-jurisdictional intrastate distribution system. The inclusion of Powell II gas costs in MDU's PGA adjustment attributable to serving MDU's Sheridan System is an issue of proceedings in Docket No. RP74-97 (PGA78-1). Accordingly, we shall suspend the effectiveness of MDU's filing for one day until January 2, 1978 and provide that the inclusion of costs related to the Powell II purchases for service to the Sheridan System shall be subject to the outcome of the proceedings in Docket No. RP74-97 (PGA78-1).

*The Commission orders:* (A) MDU's proposed Tenth Revised Sheet No. 3A to FERC Gas Tariff, Original Volume No. 4 is accepted for filing, and suspended for one day until January 2, 1979, at which time it may become effective subject to refund.

(B) Waiver of MDU's PGA clause provisions governing semiannual adjustments is hereby granted to allow MDU to recover the deferred gas cost balance included in its December 1, 1978 filing over a four month period.

(C) Inclusion of costs of the intrastate Powell II gas purchases for service to MDU's intrastate Sheridan System is hereby subject to the outcome of proceedings in Docket No. RP74-97 (PGA78-1).

By the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-239 Filed 1-2-79; 8:45 am]

**[6740-02-M]**

[Docket No. ER77-427 and Docket No.  
ER77-473]

**MINNESOTA POWER & LIGHT CO. AND  
SUPERIOR WATER, LIGHT & POWER CO.**

**Certification**

DECEMBER 26, 1978.

Take notice that on October 23, 1978, Presiding Administrative Law Judge Sherman P. Kimball certified the settlement agreement in Docket No. ER77-473. Docket Nos. ER77-427 and ER77-473 were consolidated by Order of the Commission issued July 21, 1977. Docket No. ER77-473 involves Superior's one jurisdictional customer, Dahlberg Light & Power Company, which did not intervene in this proceeding.

The Presiding Judge indicated that at the commencement of the hearing in the consolidated proceeding on June 6, 1978, counsel indicated on the record that a settlement in principle had been reached in connection with Docket No. ER77-473 (Tr. 35). Counsel

for Superior thereafter presented the offer of settlement, as formalized, dated October 11, 1978, at a conference convened on October 20, 1978.

The Presiding Judge also indicated the settlement offer was received in evidence as Exhibit 2. The Presiding Judge was requested to certify the proposed settlement and the underlying record in Docket No. ER77-473 to the Commission.

The Presiding Judge further indicated Superior and the Commission Staff are the only active parties to Docket No. ER77-473. The Public Service Commission of Wisconsin has intervened, but its petition for intervention stated that no hearing was requested and it sought to participate only in the event a formal hearing is held.

The Presiding Judge also stated that it should be noted that the hearing in Minnesota Power & Light Company, Docket No. ER77-427, has been concluded and is currently at the briefing stage.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 12, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-240 Filed 1-2-79; 8:45 am]

**[6740-02-M]**

[Docket No. RP73-37 (PGA79-1)  
(DCA79-1)]

**PANHANDLE EASTERN PIPE LINE CO.**

**Change in Tariff**

DECEMBER 27, 1978.

Take notice that on December 14, 1978 Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing Twenty-Seventh Revised Sheet No. 3-A and Fourth Revised Sheet No. 3-B to its FERC Gas Tariff, Original Volume No. 1. Panhandle submits that these revised tariff sheets reflect rate adjustments as follows:

(1) A DCA Commodity Surcharge Adjustment pursuant to Section 16.6(e) of the General Terms and Conditions; and

(2) A Rate Adjustment pursuant to Section 18.4 of the General Terms and Conditions, such adjustment reflecting a proposed Pipeline Supplier rate adjustment to be effective concurrently herewith; and

(3) A PGA Rate Adjustment pursuant to Section 18.2 of the General

Terms and Conditions which reflects the current cost of gas and recovery of amounts in the deferred purchased gas cost account; and

(4) Changes in purchased gas costs directly attributable to the Natural Gas Policy Act of 1978 pursuant to Section 154.38(d)(4)(x) of the Commission's Regulations.

An effective date of February 1, 1979 is proposed.

Panhandle states that copies of its filing have been served on all jurisdictional customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-241 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RP73-49 (PGA79-1)]

**SOUTH GEORGIA NATURAL GAS CO.**

Revision to Tariff

DECEMBER 22, 1978.

Take notice that on December 1, 1978, South Georgia Natural Gas Company (South Georgia) tendered for filing the following sheets to its FPC Gas Tariff, First Revised Volume No. 1: Eighth Revised Sheet No. 4, First Revised Sheet No. 33 and First Revised Sheet No. 34.

These tariff sheets and supporting information are being filed 30 days before the effective date of January 1, 1979, pursuant to the Purchased Gas Adjustment Provisions set out in Section 14 of South Georgia's tariff.

South Georgia states that Eighth Revised Sheet No. 4 reflects increases in the rates of Southern Natural Gas Company as filed on November 22, 1978, to be effective January 1, 1979. South Georgia states that this rate change will increase the cost of purchased gas by \$6,960,171. In addition, Eighth Revised Sheet No. 4 reflects a surcharge adjustment filed pursuant to Section 14.3 of the General Terms

and Conditions of South Georgia's FERC Gas Tariff. This surcharge is proposed to be assessed over a six month period beginning January 1, 1979, and is intended to recoup a debit balance of \$369,370 in South Georgia's Unrecovered Purchased Gas Account.

In Order No. 13, the Commission required pipelines to adopt the principles of interperiod income tax allocation in connection with balances in Account No. 191 and not to compound interest. First Revised Sheet Nos. 33 and 34 set out revisions to the Unrecovered Purchased Gas Account as required by Order No. 13.

South Georgia states further that, pursuant to the requirement set forth in Docket No. RM79-1, it elects to continue to recover its Purchased Gas Costs through its Purchased Gas Cost Adjustment Clause.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). It appears that a period for filing protests and petitions to intervene shorter than fifteen days is reasonable and consistent with the public interest. Accordingly, all such petitions or protest should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-247 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. ER79-113]

**SOUTHERN INDIANA GAS AND ELECTRIC CO.**

Proposed Tariff Change

DECEMBER 27, 1978.

Take notice that Southern Indiana Gas and Electric Company (Southern Indiana) on December 19, 1978, tendered for filing, proposed changes in its FPC Electric Service Tariff.

Southern Indiana indicates that the purpose of this filing is to revise Service Schedule A—Contract Power. The Capacity Charge for Contract Power is proposed to be increased from \$1.75 to \$2.60 per Kw per month of Scheduled and Unscheduled Demand and the Capacity Charge for Emergency Service and Maintenance Power in Service Schedules B and C, is proposed to be

increased from \$0.40 to \$0.60 per Kw per week and the term of the interconnection agreement is extended to December 1, 1988 and thereafter, unless terminated by either party by written notice to the other not less than five (5) years prior to any termination date.

The proposed revision and addition reflect a desire on the part of both parties to provide for present and anticipated future increases in costs and to attain the maximum benefit from the interconnection of their systems.

Southern Indiana requests waiver of the notice requirements of Section 35.3 of the Commission's regulations to permit an effective date of January 1, 1979.

Southern Indiana states that copies of the filing were served upon City of Jasper, Indiana who has filed its Certification of Concurrence.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 19, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-242 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RP77-120]

**STINGRAY PIPELINE CO.**

Change in Tariff

DECEMBER 22, 1978.

Take notice that on November 29, 1978 Stingray Pipeline Company (Stingray) tendered for filing Eleventh Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. An effective date of January 1, 1979 was proposed.

Stingray states that the FERC approved a final settlement of all issues affecting Stingray's rates in this docket on September 11, 1978, and that this settlement reflected a Federal Income Tax level of 48%. Stingray proposes a reduction of \$.04 per Mcf in its demand rate to reflect the reduction in the Federal Income Tax level

to 46% provided by the Revenue Act of 1978.

Stingray submits that this revised tariff sheets reflects a rate adjustment due to the Federal Income Tax level being reduced to 46% by the Revenue Act of 1978.

Stingray states that copies of its filing have been served on all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). It appears that a period for filing protests and petitions to intervene of less than fifteen days is reasonable and consistent with the public interest. Accordingly, all such petitions or protests should be filed on or before December 29, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-248 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RM79-3]

**NATURAL GAS POLICY ACT OF 1978**

**Receipt of Report of Determination Process**

DECEMBER 27, 1978.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

A report in conformance with 18 CFR 274.105 has been received by the Commission from the following jurisdictional agency:

*Agency and Date*

State of Arizona, Oil and Gas Conservation Commission, December 14, 1978.

A copy of this report is available for public inspection in the Commission's Office of Public Information, Room

1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-249 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. CP79-109]

**TEXAS EASTERN TRANSMISSION CORP.**

**Application**

DECEMBER 27, 1978.

Take notice that on December 8, 1978, Texas Eastern Transmission Corporation (Applicant), One Houston Center, Houston, Texas 77002, filed an application in Docket No. CP79-109 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas for Indiana Gas Company, Inc. (Indiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Indiana and Applicant, on November 6, 1978, executed an agreement pursuant to which Applicant would transport for Indiana up to 550 dekatherms equivalent of natural gas per day from Lebanon, Ohio, to an existing point of delivery in Greensburg, Indiana. Applicant states that it would charge \$226.00 per month for all rendered services. It is stated that Indiana has an urgent need for the gas to meet its high priority requirements during the upcoming winter.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its

designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 7-243 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. RP74-41]

**TEXAS EASTERN TRANSMISSION CORP.**

**Proposed Changes in FERC Gas Tariff**

DECEMBER 27, 1978.

Take notice that Texas Eastern Transmission Corporation on December 18, 1978, tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Substitute Forty-sixth Revised Sheet No. 14  
Substitute Forty-sixth Revised Sheet No. 14A  
Substitute Forty-sixth Revised Sheet No. 14B  
Substitute Forty-sixth Revised Sheet No. 14C  
Substitute Forty-sixth Revised Sheet No. 14D

These sheets are issued pursuant to the Purchased Gas Cost Adjustment provision and Demand Charge Adjustment Commodity Surcharge provision contained in Sections 23 and 12.4, respectively, of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1. The change in the proposed rates reflects a Cost of Gas Adjustment, a Surcharge Adjustment, and a Demand Charge Adjustment Commodity Surcharge. The Cost of Gas Adjustment and Surcharge Adjustment reflect amounts attributable to the Natural Gas Policy Act of 1978 (NGPA). Texas Eastern states that such NGPA amounts are in accordance with the Commission's directives expressed in Docket Nos. RM79-3 and RM79-7.

The proposed effective date of the above tariff sheets is February 1, 1979.

Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 16, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-244 Filed 1-2-79; 8:45 am]

[6740-02-M]

**TRANSCONTINENTAL GAS PIPE LINE CORP.,  
ET AL.**

**Order Amending Order Issuing and Amending  
Certificates**

DECEMBER 20, 1978.

In the matter of Transcontinental Gas Pipe Line Corporation (Docket Nos. CP76-241 and CP76-242), Southern Natural Gas Company (Docket No. CP76-249), Gas Gathering Corporation (Docket No. CP76-270), Natural Gas Pipeline Company of America (Docket No. CP77-156), Texas Eastern Transmission Corporation and National Fuel Gas Supply Corporation (Docket No. CP77-185).

On November 20, 1978, Cone Mills Corporation filed in Docket Nos. CP76-242, CP76-249, and CP76-270 an application for rehearing or, in the alternative, a motion for clarification of the order of October 18, 1978, in Docket No. CP76-241, *et al.*, which, *inter alia*, amended the order issuing certificates of public convenience and necessity in the former dockets pursuant to Section 7(c) of the Natural Gas Act authorizing the transportation of natural gas in interstate commerce within the contemplation of Section 2.79 of the Commission's General Policy and Interpretations. The order of October 18, 1978, authorized the transportation of natural gas for Cone Mills Corporation and Nabisco, Inc., for high priority end uses.

Based upon information submitted in support of the applications and petitions to amend, which information is summarized in the order of October 18, 1978, the Commission concluded,

<sup>1</sup>The pleading was not filed within the time prescribed by the Natural Gas Act for applications for rehearing; therefore, it cannot be entertained as such.

Based on the foregoing forecasts, it appears that not all of Cone Mills' and Nabisco's plants will be subjected to high priority gas curtailment over the next two winters. All parties are, therefore, reminded that gas is not to be transported to any Cone Mills or Nabisco facility absent high priority gas curtailment. [mimeo. p. 9]

The Commission ordered.

(E) The gas to be transported herein is to be transported only to those plants which are experiencing high priority curtailment. [mimeo. p. 12]

It is to the latter condition that Cone Mills Corporation objects.

Among the gas supply forecasts supplied to Cone Mills Corporation and Nabisco, Inc., and transmitted to the Commission as part of and in support of the applications and petitions to amend which were granted by the order of October 18, 1978, were those of Peoples Gas Light and Coke Company which serves the Nabisco, Inc., plant in Chicago, Illinois, and of National Fuel Gas Supply Corporation which serves the Nabisco, Inc., plants in Buffalo and Niagara Falls, New York. These two suppliers project no curtailments of gas deliveries to those plants of Nabisco, Inc., for high priority uses during the time in question. Because certain of the requests for transportation authorizations pertained to both Cone Mills Corporation and Nabisco, Inc., the admonition and condition in the order with respect to the limitation of the authorizations to transportation of gas only to plants experiencing curtailments of gas deliveries for high priority uses necessarily pertains to transporters which are common to both Cone Mills Corporation and Nabisco, Inc.

Paragraph (f) of Section 2.79 recognizes that arrangements may not be possible between gas producers and industrial purchasers which would permit the purchasers to vary the amount of gas received depending upon the degree of curtailments of deliveries to such purchasers by their traditional suppliers. In those instances in which such arrangements cannot be made, paragraph (f) sets forth a policy to issue transportation certificates upon the condition that the industrial purchaser agree to reduce the volume of gas it would receive under the curtailment plan of its existing supplier for high priority uses to the extent that the volumes of gas transported under the transportation certificates exceed the volume of curtailment experienced by the customer for high priority uses. Cone Mills Corporation claims that as the result of the limitation imposed by ordering paragraph (E), it cannot avail itself of the relief provided by paragraph (f) of Section 2.79 because at the time of the filing of the application for rehearing its plants were not being curtailed.

The Commission concurs that ordering paragraph (E) is unduly restrictive. The intent of the policy on transportation of natural gas for industrial consumers is set forth in part in paragraph (e) of Section 2.79 wherein the policy is stated to apply to those consumers whose deliveries are curtailed or are subject to imminent curtailment. Consistent therewith ordering paragraph (E) will be modified to limit deliveries to those plants to which deliveries of gas for high priority uses are being curtailed or which are subject to imminent curtailment.

The order of October 18, 1978, notes, at mimeo. p. 4, that Transcontinental Gas Pipe Line Corporation's (Transco) treatment of the revenues derived from the authorized transportation service is not at issue because it is Transco's policy to credit such revenues to its Unrecovered Purchased Gas Costs, Account No. 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies. By letter filed November 17, 1978, Transco advises that it is not its policy to credit such revenues to Account No. 191 and that the disposition of revenues from the authorized transportation service are the subject of its offer of settlement submitted in the proceeding pending in Docket No. RP77-108. Upon review the Commission finds that the disposition of such revenues are indeed the subject of the offer of settlement pending in Docket No. RP77-108 and so the order of October 18, 1978, will be modified to condition Transco's treatment of such revenues to the disposition of Docket No. RP77-108.

*The Commission finds:*

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the order of October 18, 1978, be amended as hereinafter ordered.

*The Commission orders:*

The order of October 18, 1978, is amended by modifying ordering paragraph (E) thereof to read as follows:

(E) The gas authorized to be transported herein is to be transported only to those plants which are experiencing high priority curtailment or which are subject to imminent curtailment.

and by adding the following ordering paragraph (L):

(L) The treatment of revenues for the transportation service by Transco is subject to the disposition of the proceedings pending in Docket No. RP77-108.

and in all other respects said order shall remain in full force and effect.

By the Commission. Chairman Curtis and Commissioner Smith voted present.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-245 Filed 1-2-79; 8:45 am]

[6740-02-M]

[Docket No. ER79-107]

THE UPPER PENINSULA POWER CO.

Filing

DECEMBER 27, 1978.

Take notice that on December 14, 1978, the Upper Peninsula Power Company (UPPCO) tendered for filing proposed changes in the rate schedules for service to the Alger-Delta Cooperative Electric Association, The Ontonagon County Rural Electrification Association, Village of Baraga, City of Gladstone, Village of L'Anse, City of Negaunee, and to the Wisconsin Electric Power Company.

UPPCO states that the schedule in the rate filed will supersede the schedule presently on file with this Commission.

UPPCO further states that the proposed changes would increase revenues from these jurisdictional sales

by \$630,214 based on the 12-month period ended May 31, 1978.

UPPCO requests an effective date of January 31, 1979, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon UPPCO's affected jurisdictional customers, and the Michigan Public Service Commission, according to UPPCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 79-246 Filed 1-2-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

CASES FILED

Week of December 8 Through December 15, 1978

Notice is hereby given that during the week of December 8, 1978 through December 15, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. 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. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,  
Director, Office of  
Hearings and Appeals.

DECEMBER 21, 1978.

List of Cases Received by the Office of Hearings and Appeals

[Week of December 8 through December 15, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 8, 1978	Central Petroleum Corporation, Bronx, New York.	DPI-0032	Exception from base fee requirements. If granted: Central Petroleum Corporation would be permitted to import residual fuel oil on a fee exempt basis and would receive a refund of fees already paid.
Dec. 8, 1978	New England Power Company, Houston, Texas.	DRH-0037	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the Objections which have been raised to a Proposed Remedial Order issued to Coastal States Gas Corporation (Case No. DRO-0113).
Dec. 8, 1978	Northland Oil & Refining Company, Tulsa, Oklahoma.	DES-0129	Stay Request. If granted: The obligation of Northland Oil & Refining Company to purchase entitlements would be stayed pending a determination on its Application for Exception.
Dec. 8, 1978	Phillips Petroleum Company, Bartlesville, Oklahoma.	DEZ-0001	Interlocutory Order. If granted: The DOE would hold in abeyance the Application for Exception filed by Phillips Petroleum Company to enable the firm to submit additional data regarding the DOE's proposal to modify the 15 percent rate of return used in analyzing capital investment cases.
Dec. 8, 1978	Save O.K. Oil & Gas Company, Lakeland, Florida.	DEE-2048	Exception to change supplier. If granted: Save O.K. Oil & Gas Co. would be assigned a new base period supplier of motor gasoline to replace the Superior Oil Company.
Dec. 8, 1978	Texaco, Inc., Houston, Texas	DEE-2049 thru DXE-2067.	Extension of relief granted in <i>Texaco, Inc.</i> , Case Nos. DXE-1238 thru DXE-1240, DXE-1242, DXE-1244, DXE-1246 thru DXE-1255, DXE-1257 (decided August 9, 1978) (unreported decision); Case Nos. DEE-1384, DEE-1388 (decided October 4, 1978) (unreported decision); Case No. DEE-0948 (decided July 6, 1978) (unreported decision). If granted: The applicant would be permitted to increase its prices to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products at its Apache, Blessing, Camrick, Coalinga Nose, Dover Hennessey, Elmwood, Headless, Humble, Lamesa, Lockridge, Maurice, Mermentau, North Cowden, Old Ocean, Onoa, Pampa, Pledge, Wilcox and Wilson Creek plants.
Dec. 11 1978	Office of Special Counsel, Washington, D.C.	DRD-0016	Motion for Discovery. If granted: The Office of Special Counsel would be granted discovery in connection with a Proposed Remedial Order issued to Crown Central Petroleum Company by DOE Region III on August 31, 1978.
Dec. 12, 1978	Amerada Hess Corporation, New York, New York.	DEE-2073	Price Exception (Section 212.73). If granted: Amerada Hess Corporation would be permitted to sell the crude oil produced from the Tioga Madison Unit, located in Williams, Mountrail and Burke Counties, North Dakota at upper tier ceiling prices.
Dec. 12, 1978	Kenneth L. Tipps, Denver, Colorado	DEE-2074	Price Exception (Section 212.73). If granted: Kenneth L. Tipps would be permitted to sell the crude oil produced from the Marick 1-A lease, located in Cimarron Field, Washington County, Colorado, at upper tier ceiling prices.

## List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of December 8 through December 15, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Dec. 12, 1978	Mid-Michigan Truck Service, Inc., Kalama-zoo, Michigan.	DES-0130	Stay Request. If granted: Mid-Michigan Truck Service, Inc. would receive a stay of the provisions of 10 CFR 211.25 pending the finalization of the Proposed Decision and Order issued to the firm on December 12, 1978 (Case No. DXE-1997).
Dec. 12, 1978	Nevada Refining Company, Bakersfield, California.	DEE-2072	Exception from Entitlements Program (California Crude Oil). If granted: Nevada Refining Company would be issued additional entitlements for each barrel of California crude oil which it purchases and processes in its refinery.
Dec. 14, 1978	Kimwill Oil Associates, Washington, D.C.	DEE-2075	Price Exception (Section 212.73). If granted: Kimwill Oil Associates would be permitted to sell the crude oil produced from E/2 Warrant No. 2837 located in Mead Township, Warren County, Pennsylvania, at upper tier ceiling prices.
Dec. 14, 1978	Oahu Gas Service, Inc., Washington, D.C.	DEH-0041	Motion for Evidentiary Hearing. If granted: An evidentiary hearing would be convened with respect to the Motion for Reconsideration filed by Oahu Gas Service, Inc. in connection with the September 20, 1978 Decision and Order which was issued to the firm.
Dec. 14, 1978	Town Pump, Inc., Washington, D.C.	DST-2046 and DES-2046	Request for Temporary Stay and Request for Stay. If granted: Town Pump, Inc. would be granted a temporary increase in its base period allocation of motor gasoline pending a final determination on its application for exception.
Dec. 15, 1978	R. W. Tyson Producing Co., Inc., Jackson, Mississippi.	DXE-2068 thru DXE-2071	Price Exception (Section 212.73). If granted: R. W. Tyson Producing Co., Inc. would be permitted to sell the crude oil produced from the Carter No. 1, Vickers No. 3, Federal Land Bank No. 1, and McCann No. 1 Wells located in Jones County, Mississippi at market prices.
Dec. 15, 1978	San Joaquin Refining Company, Newport Beach, California.	DEX-0132	Supplemental Order. If granted: San Joaquin Refining Company's obligations to purchase entitlements during the period December 1978 through June 1979 would be stayed in part pending a final Decision and Order in Case No. DXE-1977.
Dec. 15, 1978	Union Oil Company of California, Los Angeles, California.	DXE-2076	Extension of relief granted in <i>Union Oil Company of California</i> , 2 DOE Par. — (December 1, 1978). If granted: Union Oil Company of California would be permitted to continue to sell the crude oil produced from Pt. Conception Field located in Santa Barbara County, California at upper tier ceiling prices.

## Notices of Objection Received

Date	Name and location of applicant	Case No.
Dec. 8, 1978	Charter Oil Co., Jacksonville, Florida	DEE-0456
Dec. 11, 1978	Tauber Oil Company, Washington, D.C.	DEO-0154
Dec. 12, 1978	Osage Tribe of Indians, Tulsa, Oklahoma	DEE-0939
Dec. 15, 1978	Kern County Refinery, Los Angeles, California	DXE-1904
Dec. 13, 1978	Southland Oil Co., Washington, D.C.	DXE-1903
Dec. 13, 1978	Warrior Asphalt Co., Washington, D.C.	DXE-1891
Dec. 14, 1978	Bunting Oil Co., Washington, D.C.	FEE-4409
Dec. 14, 1978	Mohawk Petroleum Corp., Los Angeles, California	DXE-1905
Dec. 14, 1978	Gulf Oil Corp., Houston, Texas	DEE-1952

## Proposed Remedial Orders

Dec. 12, 1978	Gilliland Oil and Land Company, Fresno, California	DRO-0157
Dec. 12, 1978	LaJet, Inc., Abilene, Texas	DRO-0156
Dec. 12, 1978	Locus Corporation, Abilene, Texas	DRO-0155

[FR Doc. 79-196 Filed 1-2-79; 8:45 am]

[6450-01-M]

## ISSUANCE OF PROPOSED DECISIONS AND ORDERS

December 11 through December 15, 1978

Notice is hereby given that during the period December 11 through December 15, 1978, the Proposed Decision and Order which is summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an Application for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures 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 the new procedures, 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 new 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 ag-

grieved 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 this Proposed Decision and Order 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.

DECEMBER 21, 1978.

San Joaquin Refining Company, Newport Beach, California, DXE-1977, crude oil

San Joaquin Refining Company filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program). The exception request, if granted, would relieve San Joaquin of its obligation to purchase entitlements under the provisions of Section 211.67 beginning in December 1978 to account for the firm's crude oil runs to stills and receipts in October 1978 and subsequent months. On December 14, 1978 the DOE issued a Proposed Decision and Order which determined that during the period December 1, 1978 through February 28, 1979, San Joaquin's obligation to purchase entitlements should be reduced by \$1,007,574 per month, and that during the period March 1, 1979 through June 30, 1979, San Joaquin's obligations to purchase entitlements should be reduced by \$134,603 per month.

[FR Doc. 79-195 Filed 1-2-79; 8:45 am]

#### [1505-01-M]

### FARM CREDIT ADMINISTRATION

#### IMPROVING GOVERNMENT REGULATIONS

Final Report

Correction

In FR Doc. 78-32639 appearing at page 54291 in the issue of Tuesday, November 21, 1978, make the following changes:

1. On page 54292, second column, first complete paragraph, twentieth line, "tion" should be corrected to read "ting".
2. On Page 54292, third column, fourth paragraph, 12th line, "of" should be corrected to read "or".
3. On page 54292, third column, fifth paragraph, first line, "13 CFR" is corrected to read "12 CFR".

#### [6730-01-M]

### FEDERAL MARITIME COMMISSION

(Independent Ocean Freight Forwarder  
License No. 2009)

EDWARD R. THOMAS

#### Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Edward R. Thomas, 109-45 124th Street, Jamaica, New York, 11420, FMC No. 2009, was cancelled effective November 11, 1978.

By letter dated September 5, 1978, Edward R. Thomas was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 2009 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Edward R. Thomas has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) section 5.10(d) dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 2009 be and is hereby revoked effective November 11, 1978.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2009, issued to Edward R. Thomas be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published by the FEDERAL REGISTER and served upon Edward R. Thomas.

ROBERT G. DREW,  
Director, Bureau of  
Certification and Licensing.

[FR Doc. 79-257 Filed 1-2-79; 8:45 am]

#### [6730-01-M]

### INDEPENDENT OCEAN FREIGHT FORWARDERS LICENSES

#### Revocation

By Decision served July 24, 1978, in Docket No. 77-53, *Licensing of Independent Ocean Freight Forwarders* (Federal Register, Vol. 43, No. 146, P. 32776, July 28, 1978), the Federal Maritime Commission amended its General Order 4 (46 CFR 510) to require all licensed independent ocean freight forwarders to file with the Commission a surety bond in the

amount of \$30,000. The amendment stated that if a licensee fails to file such bond on or before December 1, 1978, the license shall be revoked in accordance with Rule 510.9 of General Order 4.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond in the prescribed amount is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will automatically be revoked or suspended for failure of a licensee to maintain a valid bond on file.

The following licensed independent ocean freight forwarders have failed to furnish a valid surety bond in the amount of \$30,000:

FMC-2108, Mateus Shipping Corporation, 42 Broadway, Room 1737, New York, NY 10004.

FMC-2107, TMI (Trade & Marketing International Limited, dba), 3579 East Cliff Drive, Salt Lake City, Utah 84117.

FMC-2071, Holder's Overseas Shipping & Crating Services Corp., 360 Sumner Avenue, Brooklyn, NY 11221.

FMC-2057, Astro Maritime Agency, Inc., 100 Brannan Street, San Francisco, CA 94107.

FMC-2048, Harold L. Burke, 11412 Gaynor Avenue, Granada Hills, CA 91344.

FMC-2047, William M. Beidl, 618 Fifth Avenue, River Edge, NJ 07661.

FMC-2043, International Exporters Consultants, Inc., One World Trade Center, Suite 5121, New York, NY 10048.

FMC-2027, Alf Halbig, 39 Broadway, Suite 2701, New York, NY 10006.

FMC-2025, Robert Warren, 610 N.E. 12th Avenue, No. 206, Hallandale, FL 33009.

FMC-1999, Air Van Lines, Inc., 8151 Occidental Avenue, Seattle, WA 98124.

FMC-1991, Continental Crating & Forwarding, Inc., 9821 Clinton Drive, Houston, TX 77029.

FMC-1983, Jan Shipping Co. (Jean Catanzaro, dba), 116 John Street, New York, NY 10038.

FMC-1978, Corponic Shipping, Inc., Bldg., No. 2148, Suite 215, Miami International Airport, Miami, FL 33148.

FMC-1972, Social Export Forwarding (William R. Kokott and Maxine Stafford, dba), 4415 Bandini Blvd., Los Angeles, CA 90023.

FMC-1964R, International Cargo Express (F. Carlos Maidana, dba), 5534 Armour Drive, Houston, TX 77020.

FMC-2071, Holder's Overseas Shipping & Crating Services Corp., 360 Sumner Avenue, Brooklyn, NY 11221.

FMC-2057, Astro Maritime Agency, Inc., 100 Brannan Street, San Francisco, CA 94107.

FMC-2048, Harold L. Burke, 11412 Gaynor Avenue, Granada Hills, CA 91344.

FMC-2047, William M. Beidl, 618 Fifth Avenue, River Edge, NJ 07661.

FMC-2043, International Exporters Consultants, Inc., One World Trade Center, Suite 5121, New York, NY 10048.

FMC-2027, Alf Halbig, 39 Broadway, Suite 2701, New York, NY 10006.

FMC-2025, Robert Warren, 610 N.E. 12th Avenue, No. 206, Hallandale, FL 33009.

FMC-1999, Air Van Lines, Inc., 8151 Occidental Avenue, Seattle, WA 98124.

- FMC-1991, Continental Crating & Forwarding, Inc., 9821 Clinton Drive, Houston, TX 77029.
- FMC-1983, Jan Shipping Co. (Jean Catanzaro, dba), 116 John Street, New York, NY 10038.
- FMC-1978, Corponic Shipping, Inc., Bldg., No. 2148, Suite 215, Miami International Airport, Miami, FL 33148.
- FMC-1972, Socal Export Forwarding (William R. Kokott and Maxine Stafford, dba), 4415 Bandini Blvd., Los Angeles, CA 90023.
- FMC-1964R, International Cargo Express (F. Carlos Maldana, dba), 5534 Armour Drive, Houston, TX 77020.
- FMC-1954, Mover's International, Inc., 18800 Highway 99, Suite 110, Lynwood, WA 98036.
- FMC-1917, Jar Forwarding, Ltd., 198 Broadway, No. 607, New York, NY 10038.
- FMC-1904, Hopkins Services (James Edward Hopkins, dba), 1314 Texas Avenue, Suite 1204, Houston, TX 77002.
- FMC-1883, Dachser Transport of America, Inc., 148-02 New York Blvd., Jamaica, NY 11434.
- FMC-1882, New England Household International, Division of New England Household Moving & Storage, Inc., 241 W. Central Street, Natick, MA 01760.
- FMC-1873, Ibertresa, U.S.A., Inc., One World Trade Center, Suite 8553, New York, NY 10048.
- FMC-1862, Merit Brokerage Co., Inc., 1748 W. Katella Avenue, Orange, CA 92667.
- FMC-1839, Allen E. Jones Company, 3030 N. 21 E., Omaha, Nebraska 68110.
- FMC-1818, Michael C. Williams, Francisco Zuniga Street, 5A-18, Terrazas de Fairview, Cupey, Rio Piedras, Puerto Rico 00926.
- FMC-1806, Globe Expeditors Ltd., 4034 Tugwell Drive, Franklin Park, IL 60131.
- FMC-1795, Export International (James E. Jones, Jr., dba), 3780 Starlighter Drive, Virginia Beach, VA 23452.
- FMC-1787R, AAA Foreign Freight Forwarders (Antonio S. Jimmy, dba), 2505 Champlain Street, N.W., No. 2, Washington, D.C. 20019.
- FMC-1774, Tierra Mar Aire Packing & Shipping Inc., 45-18 83rd Street, Elmhurst, NY 11373.
- FMC-1755, Takasuke Okada, 1129-G Dominquez Street, Carson, CA 90746.
- FMC-1750R, Panocean Services (Christine K. Stockwell, dba), 1241 High Street, Oakland, CA 94601.
- FMC-1749, Aeromar (Ruth H. Skinner, dba), 107 Camp Street, New Orleans, LA 70130.
- FMC-1724, Satin Air Freight, Incorporated, 147-02 181 Street, Jamaica, NY 11413.
- FMC-1719, Mer Shipping Company (Manuel A. Ronquillo, dba), 15 West 44th Street, Room 329, New York, NY 10036.
- FMC-1714R, Essex Shipping Company (Pablo Fernando Guevara, dba), 106-16 Corona Avenue, Corona, NY 11368.
- FMC-1710, Skelton-Kohara & Co. (Leslie Parker Skelton, dba), Suite 402, 850 Richards Street, Honolulu, Hawaii 96813.
- FMC-1693, Mattoon & Co., Inc., & Mattoon & Co., Inc. of L.A., 244 Jackson Street, San Francisco, CA 94111.
- FMC-1692, Blais Forwarding (Eva A. Blais, dba), 530 W. 6th Street, Suite 608, Los Angeles, CA 90014.
- FMC-1691, El Faro De Cabo Rojo Shipping Co., Inc., 363 Metropolitan Avenue, Brooklyn, NY 11211.
- FMC-1689, Malvar Cargo Service (Alberto Malvar, dba), 7760 N.W. 71st Street, Miami, FL 33166.
- FMC-1685, Sergio E. Vasquez, 1215 West 6th Street, Los Angeles, CA 90017.
- FMC-1677, Thomas A. Farrelly Co., Inc., 400 Post Road, Fairfield, CT 06430.
- FMC-1676, Pouch Forwarding Corporation, Edgewater Street, Clifton, Staten Island, NY 10305.
- FMC-1659, Richard Macchione, Board of Trade Bldg., Suite 315, 131 State Street, Boston, MA 02109.
- FMC-1650, Inter-Crest Maritime & Associates, 427 West 5th Street, Main Office, Suite 424, Los Angeles, CA 90013.
- FMC-1647, Nissin International Transport, U.S.A., Inc., 623 Hindry Avenue, Inglewood, CA 90301.
- FMC-1642R, D&A Forwarding Service (Dan Antonoglou, dba), 17710 N.W. 32 Avenue, Miami, FL 33056.
- FMC-1607R, Norma E. Sanchez, Room 302, Grosch Bldg., No. 402 Comercio Street, Old San Juan, Puerto Rico 09001.
- FMC-1600, Fast Cargo Services of Miami, Inc., 9416 N.W. 13th Street, Miami, FL 33172.
- FMC-1598, S. J. Watt, 20528 Woodland, Harper Woods, MI 48225.
- FMC-1564, La Borincana Travel Agency, Inc., 1744 Washington Street, Boston, MA 02118.
- FMC-1562, All Ports Household Goods Forwarders, 2556 31st Street, Astoria, NY 11102.
- FMC-1559, Ocean Freight Agency (Richard James Peck, dba), 9424 N.W. 13 Street, A-51, Miami, FL 33126.
- FMC-1556, A. Amato, P.O. Box 3342, Baton Rouge, LA 70821.
- FMC-1555, By-Line Traffic Service, Inc., 15033 Alondra Blvd., La Mirada, CA 90637.
- FMC-1549, Almont Shipping Company, U.S. Highway 421 North, P.O. Box 1726, Wilmington, NC 28401.
- FMC-1548, Jumpe Forwarders Corp., Langford Building, Room 502, 121 S.E. First Street, Miami, FL 33131.
- FMC-1538, Division M, Inc., 4139 George, Schiller Park, IL 60176.
- FMC-1536, Amerea Forwarding Company (Moo Hyun Sonn, dba), 74 Trinity Place, Room 2007, New York, NY 10006.
- FMC-1529, Valley Transportation & Warehouse Co., Inc., 1825 S. Black Canyon Highway, Phoenix, AZ 85009.
- FMC-1524, Kennelly & Sisman Co., 563 Lycaete Avenue, Detroit, MI 48214.
- FMC-1513, Coast Alaska Pacific, Ltd., 22906 76th West, Edmonds, WA 98020.
- FMC-1478, Dean Forwarding Company, Inc., 5252 Argosy Drive, Huntington Beach, CA 92647.
- FMC-1474R, D. L. Buchanan, Inc., 101 Beachmont, Port Lavaca, TX 77979.
- FMC-1465, Mantis Transport Corp., P.O. Box 329 Bowling Green Station, New York, NY 10004.
- FMC-1464R, Miami Cargo Services (Ramon Arguelles & Ramon E. Arguelles, dba), 3050 Biscayne Blvd., Suite 306, Miami, FL 33137.
- FMC-1459, Air Cargo Expeditors, Inc. dba Ace Shipping Corp., P.O. Box 8621, San Francisco, CA 94128.
- FMC-1454, Aarid Consolidators & Forwarders, Inc., 1340 Chesapeake Avenue, Baltimore, MD 21226.
- FMC-1447, Atlas International (Gonzalo Garcia, dba), P.O. Box 523317, Miami, FL 33152.
- FMC-1422, Glen Ellyn Storage Corporation, 384 Duane Street, Glen Ellyn, IL 60137.
- FMC-1411, Surface Cargo Specialists, Inc., 11 Broadway, New York, NY 10004.
- FMC-1410R, Apollo International Company, 10984 North Freeway, Houston, TX 77038.
- FMC-1409, Arrow World, Inc., P.O. Box 9605, Alexandria, VA 22304.
- FMC-1406R, Perishable Forwarders International, Inc., 390 E. Alisal Street, Salinas, CA 93901.
- FMC-1386R, Smith's Moving & Storage Company, Inc., 611 South Pickett Street, Alexandria, VA 22304.
- FMC-1381, United Dispatch Services (Rene Lopez & David Romano, dba), 1349 N.W. 88th Avenue, Miami, FL 33126.
- FMC-1343, Chesapeake Shipping, Inc., 1961 Benhill Avenue, Baltimore, MD 21226.
- FMC-1294, L.T.C. Air Cargo, Inc., 114-32 Sutphin Blvd., Jamaica, NY 11430.
- FMC-1289R, Brie International Customhouse Brokers, Inc., Betty R. Irby dba Brie International, 4910 E. 5th Avenue, No. 114B, Columbus, OH 43217.
- FMC-1285, Imperial Air Freight Service, Inc., 57 Freeman Street, Newark, NY 07105.
- FMC-1280R, "K" Shipping Co. (Nak Hyun Sohn, dba), 12 Riverview Drive, Upper Montclair, NJ 17043.
- FMC-1267, Orlando Sala, 402 Comercio Street, Office 301, Old San Juan, Puerto Rico 00903.
- FMC-1250, Adolfo Ferrer Luchessi, P.O. Box 2092, Old San Juan, Puerto Rico 00903.
- FMC-1236, Imperial Van Lines, Inc., of California, 2805 Columbia Street, Torrance, CA 90503.
- FMC-1227R, Fast Shipping Company, 9984 S.W. 19 Street, Miami, FL 33165.
- FMC-1201, Lion Transfer & Storage Company, 663 Taylor Street, N.E., Washington, D.C. 20017.
- FMC-1186, Wall Shipping Customhouse Brokers, Inc., P.O. Box 17145, Air Cargo Bldg., Dulles International Airport, Washington, D.C. 20041.
- FMC-1178, W. D. Lurry & Company (Walter David Lurry III, dba), 111 Iberville Street, No. 510, New Orleans, LA 70130.
- FMC-1153, Nettles & Company, Inc., 10600 West Higgins Road, Rosemont, IL 60018.
- FMC-1144, Mangill Shipping Corp., 39 Broadway, Room 1017, New York, NY 10006.
- FMC-1139R, Engel Van Lines, Inc., 901 Julia Street, Elizabeth, NJ 07201.
- FMC-1105, A. F. Burstrom & Son, Inc., 15400 Lincoln Boulevard, Oak Park, MI 48237.
- FMC-1073, S. Swartz, Customhouse Broker (Serena Swartz, dba), P.O. Box 15126, Kansas City, MO 64106.
- FMC-1053, Aerotype, Inc., P.O. Box 20048, New Orleans, LA 70141.
- FMC-1041, Delfa Lines Agency (Robert Joseph Fearon, dba), Metroport Terminals, P.O. Box 983, Tampa, FL 33601.
- FMC-988, H.E. Schurig & Co. of Louisiana, 1810 International Trade Mart Tower, New Orleans, LA 70130.
- FMC-972, Stone & Downer Company, 131 State Street, Boston, MA 02109.
- FMC-966, Abarim Freight Service, Inc., 232 6th Street, Brooklyn, NY 11215.
- FMC-961, International Expeditors, Inc., 325 Spring Street, New York, NY 10013.

- FMC-955R, A.B. Barone Forwarding, Inc., 611 Gravier Street, Room 805, New Orleans, LA 70130.
- FMC-899, J. Ashton Greene & Associates (J. Ashton Greene, dba), P.O. Box 494, Montebella Road, Pass Christian, MS 39571.
- FMC-852R, Leo Hill, Inc., 704 North 13th Street, Tampa, FL 33605.
- FMC-818, J.P. Reiss Co. (Josiah Reiss, dba), 150 Broadway, Suite 1709, New York, NY 10038.
- FMC-801, Stevens Shipping & Terminal Company, Public Ledger Building, 6th & Chestnut Streets, Philadelphia, PA 19106.
- FMC-779, Gerry Schmitt & Company (Geraldine L. Schmitt, dba), 28111 Hoover Road, Suites 5A & 6A, Warren, MI 48092.
- FMC-773, Novo International Corp., 100 Bush Street, San Francisco, CA 94104.
- FMC-686, Trans-World Shipping Service, Inc., 300 Water Street, Baltimore, MD 21202.
- FMC-684, Miguel A. Vega, P.O. Box 29262, 65th Infantry Station, Rio Piedras, Puerto Rico 00929.
- FMC-672, Southern Steamship Agency, Inc., 61 Saint Joseph Street, Mobile, AL 36601.
- FMC-622, Malabe Shipping Co., Inc., 45 Bergen Street, Brooklyn, NY 11201.
- FMC-608R, Murray H. Weiss & Son, Inc., 1115 Main Street, Room 502, Bridgeport, CT 06601.
- FMC-599, The Firm of Juan B. Figueroa (Rigoberto Figueroa Jimenez I. dba), Caribbean Towers Bldg., Room 321, 670 Ponce de Leon Avenue, Santurce, PR 00903.
- FMC-524, B. R. Anderson & Co., 1000 Second Avenue, Seattle, WA 98104.
- FMC-520, Pistorino & Company, Inc., 115 Broad Street, Boston, MA 02110.
- FMC-481, W. O. Smith & Co., Inc., Law Bldg. No. 423-527, Norfolk, VA 23514.
- FMC-466R, B.H. Sobelman & Co., Inc., 248 Bourse Bldg., Philadelphia, PA 19106.
- FMC-457, Continental Forwarding Inc., One World Trade Center, Suite 1509, New York, NY 10048.
- FMC-398, Herb B. Meyer & Co., Inc., 11223 South Hindry Avenue, Los Angeles, CA 90009.
- FMC-381R, Sobel Shipping Co., Inc., 11 Broadway, New York, NY 10004.
- FMC-373, Merit Shipping Company, One Broadway, New York, NY 10004.
- FMC-347, T.A. Provence & Company, Incorporated, One Stuart Circle, Mobile, AL 36601.
- FMC-339, Hampton Roads Shipping Corporation, C&O Terminal Building, Newport News, VA 23607.
- FMC-323R, G. Cosimano, Inc., P.O. Box 17092 Dulles Airport, Door 75, Cargo Bldg. No. 3, Washington, DC 20041.
- FMC-319, Bishop & Bahler, 156 University Avenue, Palo Alto, CA 94301.
- FMC-316, Express Package Shipping Co. of America (Rebecca Rosenthal, dba), 853 Broadway, Room 410, New York, NY 10003.
- FMC-306, W.C. Auger & Company, 545 Sansome Street, San Francisco, CA 94126.
- FMC-283, Sea-Lanes Shipping Co., Inc., 39 Broadway, Suite 1017, New York, NY 10004.
- FMC-267, Alba Forwarding Co., Inc., 30 Vesey Street, New York, NY 10007.
- FMC-162, Geo. S. Bush & Co., Inc., P.O. Box 8829, Portland, OR 97208.
- FMC-141, Tom J. Watts, 1409 E. Jefferson, Brownsville, TX 78520.
- FMC-133, A.L. Rankin (Arthur Louis Rankin, dba), 722 Wilson Bldg., Corpus Christi, TX 78401.
- FMC-99, Glen Shipping Company (Raul Daniel Flores, dba), 44 Beaver Street, Room 403, New York, NY 10004.
- FMC-84, The J.D. Richardson Company, 1225 Lafayette Bldg., Detroit, MI 48226.
- FMC-64, Heidi's, Inc., 107 Washington Street, New York, NY 10006.
- FMC-1345R, Sentry Air Freight Corp. dba Sentry Ocean Services, Bldg. No. 2141 MIAD, Miami International Airport, Miami, FL 33148.
- FMC-1930, Panda Freight Forwarders, Inc., 1303 N.W. 78 Avenue, Miami, FL 33126.

Therefore, Notice is hereby given that the Independent Ocean Freight Forwarder Licenses identified above were revoked effective December 2, 1978, in accordance with Rule 510.5 of Federal Maritime Commission General Order 4, for failure to submit the required \$30,000 bond.

*It is ordered,* That such licenses be returned to the Commission.

*It is further ordered,* That a copy of this Notice be published in the FEDERAL REGISTER and served upon the above identified persons.

By the Commission December 27, 1978.

FRANCIS C. HURNEY,  
Secretary.

[FR Doc. 79-258 Filed 1-2-79; 8:45 am]

#### [6210-01-M]

### FEDERAL RESERVE SYSTEM

#### CITIZENS BANCORPORATION

#### Proposed Acquisition of Citizens Management Services Corporation

Citizens Bancorporation, Sheboygan, Wisconsin, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Citizens Management Services Corporation, Sheboygan, Wisconsin. Notice of the application was published on November 14, 1978 in the *Appleton, Wisconsin Post Crescent*, and the *Sheboygan, Wisconsin Press*, on November 11, 1978 in the *Green Bay, Wisconsin Post Gazette*, and the *Milwaukee, Wisconsin Journal* and on November 16, 1978 in the *Madison, Wisconsin State Journal*.

Applicant states that the proposed subsidiary would engage *de novo* in providing management consulting advice to non-affiliated banks. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 22, 1979.

Board of Governors of the Federal Reserve System, December 22, 1978.

GRIFFITH L. GARWOOD,  
Deputy Secretary  
of the Board.

[FR Doc. 79-266 Filed 1-2-79; 8:45 am]

#### [6210-01-M]

### TRELECO, INC.

#### Formation of Bank Holding Company

DECEMBER 27, 1978.

Treleco, Inc., Trenton, Nebraska, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of State Bank of Trenton, Trenton, Nebraska. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than January 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 22, 1978.

GRIFFITH L. GARWOOD,  
*Deputy Secretary  
of the Board.*

[FR Doc. 79-267 Filed 1-2-79; 8:45 am]

[1610-01-M]

## GENERAL ACCOUNTING OFFICE

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on December 14, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed OSM request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before January 22, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

The OSM, Interior Department, is requesting an extension of the clearance of Form OSM 705-1, Statement of Employment and Financial Interests (For Use by State Employees). State employees who will be performing functions or duties under Public Law 95-87, the Surface Mining Control and Reclamation Act of 1977, are required to file this form. The information collected by the form concerns employment and financial interests of the employees, their spouses, minor children, and other relatives who are full-time residents of their immediate household.

State regulatory agencies will use this form to ensure that their employees comply with section 517(g) of the Surface Mining Control and Reclamation Act which states that no employ-

ee of the State Regulatory Authority shall have a direct or indirect financial interest in any underground or surface coal mining operation. This information may also be reviewed by OSM officials. If the statement is provided to the OSM, it will be subject to the requirements of Federal law, including the Privacy Act of 1974, 5 U.S.C. 552a, as stated on the form. The OSM estimates potential respondents to be approximately 800 State employees and that reporting time will average 30 minutes per annual response.

NORMAN F. HEYL,  
*Regulatory Reports,  
Review Officer.*

[FR Doc. 79-294 Filed 1-2-79; 8:45 am]

[1610-01-M]

### REGULATORY REPORTS REVIEW

#### Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on December 21, 1978. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB, ICC, and NRC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before January 22, 1979, and should be addressed to Mr. John Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

#### CIVIL AERONAUTICS BOARD

The Civil Aeronautics Board (CAB) requests an extension no change clearance of the reporting requirements of CAB Form 272 of Part 375—Navigation of Foreign Civil Aircraft Within the United States. The objective of this reporting requirement is to regulate the admission to, and navigation in, the United States of foreign civil aircraft other than aircraft operated by holders of foreign air carrier permits. This reporting requirement is

mandatory under the Federal Aviation Act. CAB estimates that respondents number approximately 60 foreign air carriers who complete an average of 4 forms annually and that each Form 272 requires one hour to complete.

The CAB also requests extension no change clearance of the recordkeeping requirements contained in the following parts of the CAB's Economic Regulations: Part 207—Charter Trips and Special Services; Part 208—Terms, Conditions, and Limitations of Certificates to Engage in Supplemental Air Transportation; Part 212—Charter Trips by Foreign Air Carriers; and Part 214—Authorizing Charter Transportation Only. These recordkeeping requirements are mandatory under the Federal Aviation Act. CAB estimates that respondents number approximately 46 U.S. certificated route carriers for Part 207, 10 U.S. supplemental carriers for Part 208, 69 foreign route carriers for Part 212, and 30 foreign charter-only carriers for Part 214. The CAB does not estimate that there will be any additional burden imposed on the air carriers because the air carriers would normally retain the required documents even in the absence of the CAB's regulation.

#### INTERSTATE COMMERCE COMMISSION

The ICC is requesting an extension no change clearance of the Report of Incentive Per Diem Items—Railroads, Form IPD (ACC-128) which all railroads are required to file pursuant to order of the Interstate Commerce Commission dated April 28, 1970, in Ex Parte No. 252 (Sub No. 1), Incentive Per Diem Charges—1968. The information collected on Form IPD will enable the Commission to determine the effectiveness of the incentive per diem program in lessening the shortage of general service unequipped boxcars, and to ascertain whether the monies generated from the incentive per diem are being used in accordance with its regulations. The ICC estimates the reporting burden for carriers to average 8 hours per response. Reports are mandatory and ICC estimates that 350 railroads will file them.

#### NUCLEAR REGULATORY COMMISSION

The Nuclear Regulatory Commission (NRC) requests clearance of a new recordkeeping requirement to be contained in 10 CFR Part 35, Human Uses of Byproduct Material. New section 35.25 requires that teletherapy licensees maintain, for inspection by the NRC, records of the measurements and tests required by sections 35.21 through 35.24. Teletherapy licensees are required to perform periodic full calibration and spot-check measurements on each teletherapy unit used to treat patients. Sections 35.21 through 35.24 are designed to ensure

that teletherapy units are properly calibrated so that patients will receive the prescribed radiation dose. The recordkeeping requirement imposed by new section 35.25 is needed to allow representatives of NRC's Office of Inspection and Enforcement to determine if a licensee has complied with the required measurements and tests. The NRC estimates that potential respondents will be approximately 590 licensees and that the burden per licensee will average 3 hours annually.

NORMAN F. HEYL,  
Regulatory Reports,  
Review Officer.

[FR Doc. 79-295 Filed 1-2-79; 8:45 am]

[4110-02-M]

**DEPARTMENT OF HEALTH,  
EDUCATION, AND WELFARE**

Office of Education

PRIVACY ACT OF 1974

Announcement of Two New Systems of  
Records

AGENCY: Office of Education/HEW.  
ACTION: Publication of two notices of new systems of records.

SUMMARY: The Office of Education proposes to establish two new systems of records, as defined by the Privacy Act. The systems' numbers and names are:

09-40-0081—Women Administrators in Vocational Education  
09-40-0082—Health Education Assistance Loan Program Loan Control Master File

DATES: HEW filed new system reports for these systems with the Director, OMB, the Speaker of the House of Representatives, and the President of the Senate on December 22, 1978.

These systems will be operable 60 days from that date. The routine uses will be adopted as proposed on February 2, 1979, unless the Acting Director of the Fair Information Practices Staff receives comments which would result in a contrary determination.

ADDRESSES: Persons wishing to comment may address comments in writing to: Acting Director, Fair Information Practices Staff, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201.

Comments received will be available for inspection in Room 526F, Hubert H. Humphrey Building.

FOR FURTHER INFORMATION CONTACT:

William A. Wooten, Privacy and Information Rights Officer, Office of Education, 400 Maryland Avenue

SW., Room 3851 Donohoe Building, Washington, D.C. 20202, (202) 472-2655.

**SUPPLEMENTARY INFORMATION:**

1. Women Administrators in Vocational Education.—The Office of Education will use the personal information to publish a *Directory of Women Administrators in Vocational Education*. OE will make the directory available to the vocational education community and other interested parties. The purpose is to identify women who administer programs in non-traditional areas for women, and to make their names available to persons who need their services. These women will submit the information voluntarily. OE considers the information public.

2. Health Education Assistance Loan Program Loan Control Master File.—The personal information will be used to administer loans of the Health Education Assistance Loan Program. The information is submitted voluntarily by those wishing to participate in the program, and represents the minimum necessary to satisfy lenders and to protect the federal interest in the loans. Applicants for loans must include all the information, except the Social Security Number, for the application to be accepted by OE and lending institutions.

Dated: December 22, 1978.

FREDERICK M. BOHEN,  
Assistant Secretary for  
Management and Budget,

09-40-0081

**System name:**

Women Administrators in Vocational Education.

**Security classification:**

None.

**System location:**

The National Center for Research in Vocational Education, The Ohio State University, 1960 Kenny Road, Columbus, Ohio 43210.

**Categories of individuals covered by the system:**

Women administrators of vocational education programs who voluntarily submit personal information to be published in a *Directory of Women Administrators in Vocational Education*. A panel of six vocational education administrators representing two state education agencies, two local education agencies, universities/colleges, and junior/community colleges/technical institutes will choose which individuals to invite to submit information for publication in the directory.

**Categories of records in the system:**

Name; job title; employing organization; size of budget administered;

number of vocational programs, students, and teachers supervised; school district serving; percentage of time devoted to administering a vocational-technical education program; number of years in present position; highest level of education; specialized training in administration; area of expertise; experience in policymaking and decisionmaking; and membership in professional administration associations. All information in this system will become public information.

**Authority for maintenance of the system:**

Section 171(a) (1) and (2) of the Vocational Education Act of 1963 as amended by Section 202(a) of Public Law 94-482. Information is provided voluntarily. Failure to provide the information would result in the individual not being included in the directory.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

As all information in this system will be public, and not subject to disclosure accounting (45 CFR § para. 5b.9(c)), there are no routine use disclosures.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

**Storage:**

The directory will be printed and distributed to the U.S. Office of Education, members of the Directory Selection Criteria Panel, ERIC, and staff of the National Center for Research in Vocational Education. The directory will also be made available to the vocational education community and other interested persons on a cost-recovery basis through the National Center for Research in Vocational Education Publication Department. Survey forms will be stored in standard file cabinets and on magnetic tape.

**Retrievability:**

OE, its contractor, and other users retrieve information by name of an individual. The users will utilize information to identify and contact respondents whose skills and experience might qualify them for job opportunities, or to participate in meetings on vocational education.

**Safeguards:**

Only authorized contractor employees, or employees of OE, will have access to individual data in the system. The contractor will maintain information in accordance with NBS and departmental ADP security standards. This limited access will serve to protect the integrity of individual data in the system.

**Retention and disposal:**

OE will maintain hard copy until the information is obsolete. OE will main-

tain magnetic tapes until the contractor updates the directory.

**System manager(s) and address:**

Project Director for Directory of Women Administrators, Research Branch, Bureau of Occupational and Adult Education, Room 5018 ROB-3, 7th and D Streets SW., Washington, D.C. 20202.

**Notification procedure:**

In order to determine whether a record exists in the system of records under her name an individual should either consult the directory or contact the system manager at the above address, and provide her name.

**Records access procedures:**

An individual interested in seeing her record should contact the system manager, provide her name, and reasonably specify the record contents being sought.

**Contesting record procedures:**

An individual who wishes to contest the content of a record in the system should contact the system manager, identify herself, and state, in writing, which portion of the record should be changed. The individual should also provide a justification and authorization for the change.

**Record source categories:**

Individuals will provide necessary information directly to the Office of Education and its contractor on a voluntary basis.

**Systems exempted from certain provisions of the act:**

None.

09-40-0082

**System name:**

Health Education Assistance Loan Program (HEAL), Loan Control Master File.

**Security classification:**

None.

**System location:**

ROB#3, Room 3674, 7th & "D" Streets, S.W., Washington, D.C. 20202.

**Categories of individuals covered by the system:**

Students applying for health education assistance loans or having received educational loans under the provisions of the HEAL Program.

**Categories of records in the system:**

Contains name, social security number or other identifying number, birthdate, demographic background, educational status, loan location and

status, financial information about the individual for whom the record is maintained. Contains lender and school identification.

**Authority for maintenance of the system:**

Title VII, Part C, Subpart I of the Public Health Service Act (42 U.S.C. 294-294I).

**Routine uses of records maintained in the system including categories of users and the purposes of such uses:**

The information may be provided by OE to Federal, State or local agencies, to private parties such as relatives, present and former employers, business and personal associates, to guarantee agencies, to educational and financial institutions, and to agency contractors, in order to verify the identity of the applicant, to determine program eligibility and benefits, to permit servicing or collection of the loan, to counsel the borrower in repayment efforts, to investigate possible fraud and abuse and to verify compliance with program regulations, or to locate a delinquent or defaulted borrower.

The information may be provided by OE to an educational agency or lending institution against which a complaint has been made; and for uses 1, 3, 4, 5, 6, 8 and 9 in Appendix B of the Departmental Regulations (45 CFR Part 5b).

Disclosure may be made by OE to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

In the event of litigation where one of the parties in (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department of any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

**Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**

**Storage:**

OE maintains the file on magnetic tape and disk packs in a library room at the above named location. A micro-

film file will be kept in the same location and stored in a file cabinet.

**Retrievability:**

OE retrieves information by social security number or other identifying number. Data are utilized to provide HEAL Program staff with statistical and managerial reports. Other uses by HEAL staff include: to identify students participating in the HEAL Program; to determine eligibility of loan applicants; to determine loan status of borrower; to compute insurance premium for Federal insurance; to compile and generate managerial and statistical reports; to update file and correct errors.

**Safeguards:**

HEAL screens authorized contractor personnel. Contractor will maintain automated data in accordance with provisions of departmental ADP systems security standards. Direct access is restricted to authorized staff in performance of official duties. Maintained in locked cabinets.

**Retention and disposal:**

OE retains information as long as the loan is unpaid. At the time of full payment OE will erase computer tapes and destroy all paperwork.

**System manager(s) and address:**

Director, Division of Policy and Program Development, Bureau of Student Financial Assistance, U.S. Office of Education, 400 Maryland Avenue, S.W., ROB#3, Room 3674, Washington, D.C. 20202.

**Notification procedure:**

An individual should contact the system manager to determine whether a record exists for him or her. The individual should at the above address supply name, date of birth, and social security number or other identifying number whichever is appropriate.

**Record access procedures:**

An individual who is interested in seeing his or her record should contact the system manager, provide the information listed in notification procedure and reasonably specify the record contents being sought.

**Contesting record procedures:**

An individual who wishes to contest the content of his or her record in this system should contact the system manager, identify himself or herself and state, in writing, which portion of the record should be changed and provide a justification and authorization for the change.

## Record source categories:

OE obtains information from applications, correspondence, medical records, necessary legal documentation, and reports from borrowers and their families, lenders, schools, medical reports, employers, credit agencies, and Federal and State governmental agencies.

## Systems exempted from certain provisions of the act:

None.

[FR Doc 78-35832 Filed 12-28-78; 10:05 a.m.]

## [4310-55-M]

## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: The Columbus Zoological Gardens, Powell, Ohio 43065.

The applicant requests a permit to export one (1) male and one (1) female captive-bred South American Tapir (*Tapirus terrestris*) to the Ruhr Zoo, West Germany for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3565. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-199 Filed 1-2-79; 8:45 am]

## [4310-55-M]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: F. M. Driscoll, Lexington Pheasantry, Kelso, Washington 98626

The applicant requests a permit to import in the course of a commercial activity one (1) captive-bred female white-eared pheasant (*Crossoptilon*

*crossoptilon*) from Ontario, Canada for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3554. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-200 Filed 1-2-79; 8:45 am]

## [4310-55-M]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

DECEMBER 27, 1978.

Applicant: Robin Huw Crompton, Harvard University, Cambridge, Massachusetts 02138.

The applicant requests a permit to import two (2) specimens of mouse lemurs (*Microcebus murinus*) from the United Kingdom for scientific research.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3570. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-201 Filed 1-2-79; 8:45 am]

## [4310-55-M]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: Bob E. Riley, Windy Hill Bird Farm, Robstown, Texas 78380.

The applicant requests a permit to purchase in interstate commerce four (4) captive-bred male and four (4) captive-bred female white-eared pheasants (*Crossoptilon crossoptilon*) from Charles Sivelle, Dix Hills, New York for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3550. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHOO,  
Chief, Permit Branch, Federal  
Wildlife Permit Office, U.S.  
Fish and Wildlife Service.

[FR Doc. 79-202 Filed 1-2-79; 8:45 am]

## [4310-55-M]

## ENDANGERED SPECIES PERMIT

## Receipt of Application

Applicant: San Francisco Zoological Gardens, San Francisco, California 94132.

The applicant requests a permit to import one (1) captive-bred Persian Leopard (*Panthera pardus saxicolor*) from Mallorca, Spain for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3557. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer

to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHO, *Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.*

[FR Doc. 79-203 Filed 1-2-79; 8:45 am]

[4310-55-M]

**ENDANGERED SPECIES PERMIT**

**Receipt of Application**

Applicant: Charles Sivelle, Dix Hills, New York 11746

The applicant requests a permit to export four (4) captive-bred male and four (4) captive-bred female Palawan Peacock Pheasants (*Polyplectron emphanus*) to Mr. Van Ende of Belgium.

Humane care and treatment during transport has been indicated by the applicant.

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 2-3574. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: December 27, 1978.

DONALD G. DONAHO, *Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.*

[FR Doc. 79-204 Filed 1-2-79; 8:45 am]

[4310-05-M]

**Office of Surface Mining Reclamation and Enforcement**

**ADVISORY COMMITTEE ON MINING AND MINERAL RESOURCES RESEARCH**

**Meeting**

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. App. I) and the Office of Management and Budget's Circular No. A-63, Revised.

The Advisory Committee on Mining and Mineral Resources Research will meet from 9:00 a.m. to 5:00 p.m. (or completion of business) on January 16, 1979, in room 1042, Columbia Plaza, 2401 E Street, N.W., Washington, D.C.

The meeting will deal with the following principal subjects:

1. Opening statement—Director Walter N. Heine.
2. Review of minutes of previous meeting—Assistant Director David R. Maneval.
3. Review of quarterly progress of mineral institutes.
4. Review of procedures for requesting, processing and awarding research grants.
5. Discussion of site visits to designated Mining and Mineral Resources Research Institutes.
6. Policies and future activities of the Advisory Committee.

The meeting of this committee is open to the public. Approximately 40 visitors can be accommodated on a first come, first serve basis. Written statements concerning the subjects are welcome.

Visitors who expect to attend should make this known no later than January 9, 1979, to: Dr. David R. Maneval, Assistant Director, Technical Services and Research, Office of Surface Mining, Room 114, South Interior Building, 19th and Constitution Avenue, N.W., Washington, D.C. 20240, phone (202) 343-5238.

PAUL L. REEVES, *Deputy Director.*

[FR Doc. 79-265 Filed 1-2-79; 8:45 am]

[4810-25-M]

**JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES**

**ADVISORY COMMITTEE ON ACTUARIAL EXAMINATIONS**

**Meeting**

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Sheraton Park Hotel, 2660 Woodley Road, N.W., Washington, D.C. on January 24, 1979, beginning at 9:00 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on the Joint Board's examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, Sections 1242(a)(1)(B) and (C) and to discuss possible topics for inclusion on the syllabus for the Joint Board's examinations.

A determination as required by Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with discussion of questions which may appear on the Joint Board's examinations will fall within the exceptions to the open meeting requirement set forth in Title 5 U.S. Code, Section 552b(c)(9)(B), and that the public interest requires that

such portion be closed to public participation.

The portion of the meeting dealing with the Joint Board examination syllabus will commence at approximately 3:15 p.m. and will be open to the public as space is available. Time permitting, after discussion of the syllabus by Committee members, interested persons may make statements germane to this subject. Persons wishing to make oral statements should advise the Committee Management Officer in writing prior to the meeting to aid in scheduling the time available and should submit the written text or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to ten minutes in length. Any interested person may file a written statement for consideration by the Committee by sending it to Mr. Leslie S. Shapiro, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: December 28, 1978.

LESLIE S. SHAPIRO, *Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.*

[FR Doc. 79-208 Filed 1-2-79 8:45 am]

[7536-01-M]

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**HUMANITIES PANEL**

**Meeting**

DECEMBER 26, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street N.W., Washington, D.C. 20506, in the first floor conference room from 9 a.m. to 5:30 p.m. on January 12, 1979.

The purpose of the meeting is to review Archaeology applications submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning March 1, 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal

views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

V. J. LOUGHNAN,  
*Acting Advisory Committee  
Management Officer.*

[FR Doc. 79-253 Filed 1-2-79; 8:45 am]

[7590-01-M]

**NUCLEAR REGULATORY  
COMMISSION**

[Docket Nos. 50-3, 50-247 and 50-286]

**CONSOLIDATED EDISON CO. OF NEW YORK,  
INC., POWER AUTHORITY OF THE STATE OF  
NEW YORK**

**Issuance of Amendment to Facility Operating  
License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 19 and 43 to Facility Operating License Nos. DPR-5 and DPR-26 issued to Consolidated Edison Company of New York, Inc. and Amendment No. 19 to Facility Operating License No. DPR-64 issued to Power Authority of the State of New York (the licensees), which revised Technical Specifications for operation of the Indian Point Station, Unit No. 1 and Indian Point Generating Plant, Unit Nos. 2 and 3 (the facilities) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

These amendments revised the Technical Specifications to allow use of morpholine in the secondary side and its discharge to the river when used, and made a change in the entrainment survival sampling station.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments were not required since the amendments did not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in con-

nection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendment dated April 20, 1977 and May 27, 1977, (2) Amendment Nos. 19, 43, and 19 to DPR-5, DPR-26 and DPR-64, respectively, and (3) the Commission's letter dated December 21, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 21st Day of December 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,  
*Chief, Operating Reactors  
Branch No. 1, Division of Oper-  
ating Reactors.*

[FR Doc. 79-251 Filed 1-2-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

**PORTLAND GENERAL ELECTRIC CO. TROJAN  
NUCLEAR PLANT, CITY OF EUGENE,  
OREGON, PACIFIC POWER & LIGHT CO.**

**Exemption**

**I.**

Portland General Electric Company, the city of Eugene, Oregon and Pacific Power & Light Company (the licensees) are the holders of Facility Operating License No. NPF-1 which authorizes the operation of the nuclear power reactor known as Trojan Nuclear Plant (the facility) at steady reactor power levels not in excess of 3411 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensees' site in Columbia County, Oregon.

**II.**

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensees submitted on March 31, 1977 an ECCS evaluation for proposed operation using 17 x 17 fuel manufactured by the Westinghouse Electric Corporation. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensees was based upon an ECCS evaluation developed by the Westinghouse Electric Corporation (Westing-

house), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants. Moreover, the Trojan facility has not operated since March 17, 1978.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200°F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the Safety Evaluation Report (SER), the staff determined that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved Westinghouse model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate

that when operated at the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 have not yet been completed by Westinghouse for the Trojan facility. They are expected to be completed and submitted before April, 1979.

Operation of the facility would nevertheless be technically in non-conformance with the requirements of § 50.46, in that specific computer runs for the particular facility employing revised models with the Westinghouse metal-water error corrected and with the proposed model changes considered as a complete entity will not be complete for some time. However, operation as specified in this Exemption will assure that the ECCS system will conform to the performance criteria of § 50.46. Accordingly, while the actual computer runs for the specific facility are carried out to achieve full compliance with 10 CFR 50.46, operation of the facility will not endanger life or property or the common defense and security.

In the absence of any safety problem related to this ECCS matter associated with operation of the facility during the period until the computer computations are completed, there appears to be no public interest consideration favoring restriction of the operation of the captioned facility. Accordingly, the Commission has determined that an exemption in accordance with 10 CFR 50.12 is appropriate. The specific exemption is limited to the period of time necessary to complete computer calculations.

#### IV.

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Columbia County Courthouse Law Library, Circuit Court Room, St. Helens, Oregon 97501.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Portland General Electric Company, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 12, 1978.

(3) This Exemption in the matter of Trojan Nuclear Plant.

Wherefore, in accordance with the Commission's regulations as set forth in 10 CFR Part 50, the licensees are hereby granted an exemption from the requirements of 10 CFR 50.46(a)(1) that ECCS performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K, without errors discussed herein.

This exemption is conditioned as follows:

As soon as possible, but not later than April 1, 1979, the licensees shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

Dated at Bethesda, Md., this 20th day of December 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,  
Director, Division of Operating  
Reactors, Office of Nuclear Re-  
actor Regulation.

[FR Doc. 79-252 Filed 1-2-79; 8:45 am]

[8010-01-M]

### SECURITIES AND EXCHANGE COMMISSION

[Administrative Proceeding File No. 3-5608]

#### SHELL OIL CO. AND SHELL PIPE LINE CORP.

#### Application and Opportunity for Hearing

DECEMBER 22, 1978.

NOTICE IS HEREBY GIVEN THAT Shell Oil Company, a Delaware corporation ("Shell"), and Shell Pipe Line Corporation, a Maryland corporation ("Shell Pipe Line"), have filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Morgan Guaranty Trust Company of New York, a New York trust company (the "Bank"), under a certain indenture which is qualified under the 1939 Act and under New Indentures which are not qualified under the 1939 Act are not so likely to involve a material conflict of interest as to make it necessary in the public interest or the protection of investors to disqualify the Bank from acting as Trustee under any of said indentures.

Shell and Shell Pipe Line allege that:

1. The Bank, as trustee, has entered into an Indenture dated July 1, 1969 (the "1969 Indenture") with Shell Pipe Line and Shell pursuant to which there have been issued \$60,000 aggregate principal amount of Shell Pipe Line's 7½% Guaranteed Sinking Fund Debentures Due 1999 (the "Shell Pipe Line Debentures"). Payment of the Shell Pipe Line Debentures has been unconditionally guaranteed by Shell pursuant to the terms of such Debentures and the 1969 Indenture. The 1969 Indenture was filed as exhibit 2(a)(1) to Registration Statement No. 2-33377 under the Securities Act of

1933, as amended (the "1933 Act") and has been qualified under the 1939 Act.

2. On October 31, 1978 the Parish of Ascension, a political subdivision of the State of Louisiana (the "Parish") and the Bank, as trustee, entered into two Indentures dated as of October 1, 1978 (the "1978 Indentures") pursuant to which the Parish issued its Pollution Control Revenue Bonds (Shell Oil Company Project) Series 1978 in the aggregate principal amount of \$17,000,000 and its Environmental Improvement Revenue Bonds (Shell Oil Company Project) Series 1978 in the aggregate principal amount of \$1,000,000 (collectively, the "Bonds"). The Bonds are being issued to finance the cost of certain pollution control and environmental improvement facilities at Shell's chemical plant located in the Parish at Geismar, Louisiana. The Parish has entered into two Agreements of Sale as of September 1, 1978 with Shell (the "1978 Agreements of Sale") pursuant to which said facilities are upon completion thereof from time to time, to be acquired by the Parish from Shell and simultaneously resold to Shell. The Bonds will be payable from, and secured by a pledge of, the income and revenues derived from the sale of said facilities, which income and revenues will be sufficient to pay the principal of, premium, if any, and interest on the Bonds. The Bonds have not been registered under the 1933 Act on the basis of the exemption provided by Section 3(a)(2) thereof and the 1978 Indentures have not been qualified under the 1939 Act on the basis of the provisions of Section 304(a)(4)(B) thereof.

3. Under section 8.08(c)(ii) of the 1969 Indenture, the Bank shall not be deemed to have a conflicting interest by reason of acting as Trustee under the 1978 Indentures if Shell and Shell Pipe Line shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeships under the 1969 Indenture and under the 1978 Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of said Indentures.

4. Neither Shell nor Shell Pipe Line is in default under the 1969 Indenture or the 1978 Indentures. Shell's obligations under its guarantees in respect of the Shell Pipe Line Debentures and its obligations under the 1978 Agreements of Sale as they relate to the Bonds are wholly unsecured and rank equally *pari passu*. There are no covenants of Shell included in the 1978 Agreements of Sale comparable to those in the 1969 Indenture. Shell

Pipe Line has no obligations in respect of the Bonds.

5. Such differences as exist between the 1969 Indenture and the 1978 Indentures and the 1978 Agreements of Sale are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under any of said Indentures.

Shell and Shell Pipe line have waived (a) notice of hearing, (b) hearing on the issues raised by said application and (c) all rights to specify procedures under Rule 8(b) of the Commission's Rules of Practice.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice is further given that any interested person may, not later than January 15, 1979 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,  
*Secretary.*

[FR Doc. 79-296 Filed 1-2-79; 8:45 am]

**[8025-01-M]**

**SMALL BUSINESS ADMINISTRATION**

[License No. 05/15-5025]

**POOLED RESOURCES INVESTING IN MINORITY ENTERPRISES, INC.**

**Filing of Application for Approval of Conflict of Interest Transaction**

Notice is hereby given that Pooled Resources Investing in Minority Enterprises, Inc. (Prime), 1845 David Whitney Building, Detroit, Michigan 48226, a Federal licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1978) for ap-

proval of a conflict of interest transaction.

It is proposed that Prime loan \$75,000 to Mr. John Thomas, 20925 Lahser Road, Apartment 300, Southfield, Michigan 48034. The Funds will be used to purchase and operate a taxi-servicing facility and a fleet of taxicabs. Prime will make a 5 year loan with an interest rate of 15 percent.

Mr. John Thomas is the former President of Prime (resigned May 28, 1978); however, Mr. Thomas has remained as a consultant until Prime elected a new President. Pursuant to Section 107.3(a) of the Regulations, Mr. Thomas is considered to be an associate of Prime.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1978) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any person may, not later than January 18, 1979, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communication should be addressed to the Deputy Associate Administrator for 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 Detroit, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 27, 1978.

ARTHUR P. CYR,  
*Acting Deputy Associate  
Administrator for Investment.*

[FR Doc. 79-229 Filed 1-2-79; 8:45 am]

**[8025-01-M]**

[Delegation of Authority No. 30, Rev. 15, Amdt. 25]

**PROGRAM ACTIVITIES IN FIELD OFFICES**

**Delegation of Authority**

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on November 24, 1978 (43 FR 55220) is hereby further amended to reflect changes in position titles and dollar limitations in the Surety Guarantee Program. Additionally, the title of Part III has been changed due to reorganization and authority to enter into lease guarantee agreements has been deleted because no funds for the program have been appropriated since FY 1976.

Accordingly, Delegation of Authority No. 30, Rev. 15, Part III, is amended as follows:

**PART III—OTHER FINANCIAL AND GUARANTEE PROGRAMS**

**Section C—Deleted**

**SECTION D—Surety Guarantee.** 1. To guarantee sureties against portion of losses resulting from the breach of bid, payment, or performance bonds on contracts, not to exceed the following amounts:

- a. Regional Director, \$500,000
- b. Assistant Regional Director for F&I, \$500,000.
- c. District Director, Philadelphia, San Francisco, New York, Baltimore, and all Region IV District Offices only, \$500,000
- d. Assistant District Director for F&I, Philadelphia, New York, San Francisco, Baltimore, and all Region IV District Offices only, \$500,000.
- e. Surety Bond Coordinator, \$250,000.
- f. Senior Surety Bond Guarantee Specialist, \$250,000.
- g. Chief, Financing Division, Philadelphia District Office only, \$250,000.
- h. Chief, CED Division, New York and Philadelphia District Offices only, \$250,000.

Effective Date: January 3, 1979.

HAROLD A. THEISTE,  
*Acting Associate Administrator  
for Operation.*

[FR Doc. 79-228 Filed 1-2-79; 8:45 am]

**[8025-01-M]**

**REGION III PHILADELPHIA ADVISORY COUNCIL**

**Public Meeting**

The Small Business Administration Region III Philadelphia Advisory Council will hold a public meeting at 1:00 p.m., on Wednesday, January 17, 1979, in the Philadelphia District Office Conference Room, U. S. Small Business Administration, Philadelphia District Office, Suite 400, East Lobby, One Bala Cynwyd Plaza, Bala Cynwyd, Pennsylvania, to discuss such business as may be presented by members, the staff of the Small Business Administration, or others attending.

For further information, write or call George J. Forensky, Acting District Director, U. S. Small Business Administration, Suite 400 East Lobby, One Bala Cynwyd Plaza, 231 St.

Asaphs Road, Bala Cynwyd, Pennsylvania 19004—(215) 596-5901.

K. DREW,  
Deputy Advocate for  
Advisory Councils.

[FR Doc. 79-269 Filed 1-2-79; 8:45 am]

[4710-09-M]

**DEPARTMENT OF STATE**

[Public Notice 644]

**FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976**

**Applications for Permits to Fish Off the Coasts of the United States**

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265)

as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to Section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the FEDERAL REGISTER.

Applications have been received from Italy, Japan, Poland, and the

Union of Soviet Socialist Republics for fishing during 1979 and are reproduced herewith. Individual vessel applications for fishing during 1979 have been received from foreign nations and are summarized herein.

If additional information regarding any application is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (Telephone: (202)634-7265).

Dated: December 27, 1978.

JAMES A. STORER,  
Director, Office of  
Fisheries Affairs.

Fishery codes and designation of regional councils which review applications for individual fisheries are as follows:

Code	Fishery	Regional council
ABS	Atlantic Billfishes and Sharks.....	New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean.
BSA	Bering Sea and Aleutian islands trawl, longline and herring gillnet.....	North Pacific.
CRB	Crab (Bering Sea).....	North Pacific.
GOA	Gulf of Alaska.....	North Pacific.
NWA	Northwest Atlantic.....	New England and Mid-Atlantic.
SMT	Seamount groundfish (Pacific Ocean).....	Western Pacific.
SNL	Snails (Bering Sea).....	North Pacific.
WOC	Washington, Oregon, California trawl.....	Pacific.

Activity codes specify categories of fishing operations applied for as follows:

Activity code and fishing operations

- 1—Catching, processing, and other support.
- 2—Processing and other support only.
- 3—Other support only.

Nation/vessel name/vessel type	Application No.	Fishery	Activity
<b>Japan:</b>			
Hokuto Maru No. 5, cargo/transport vessel.....	JA-79-0002.....	BSA.....	1
Katsuyama Maru, pair trawler.....	JA-79-0833.....	BSA.....	1
Shiroyama Maru, pair trawler.....	JA-79-0834.....	BSA.....	1
Tateyama Maru, pair trawler.....	JA-79-0835.....	BSA.....	1
Nishiyama Maru, pair trawler.....	JA-79-0836.....	BSA.....	1
Kaiyo Maru, cargo/transport vessel.....	JA-79-1137.....	GOA, BSA.....	3
<b>Poland:</b>			
Saturn, large stern trawler.....	PL-79-0056.....	WOC, GOA, BSA.....	1
<b>U.S.S.R.:</b>			
Berill, large stern trawler.....	UR-79-0378.....	NWA.....	1
Yukhan Syutiste, large stern trawler.....	UR-79-0382.....	NWA.....	1
Gordy, cargo/transport vessel.....	UR-79-0409.....	NWA.....	3
Rambinas, cargo/transport vessel.....	UR-79-0410.....	NWA.....	3
Strogij, cargo/transport vessel.....	UR-79-0412.....	NWA.....	3
Stoiky, cargo/transport vessel.....	UR-79-0413.....	NWA.....	3
Uragan, cargo/transport vessel.....	UR-79-0418.....	NWA.....	3
Yugla, tanker fuel/water.....	UR-79-0430.....	NWA.....	3
Rumbula, tanker fuel/water.....	UR-79-0431.....	NWA.....	3
Debretsen, tanker fuel/water.....	UR-79-0432.....	NWA.....	3
Zhalgeris, tanker fuel/water.....	UR-79-0433.....	NWA.....	3
Narvskij Zaliv, cargo/transport vessel.....	UR-79-0437.....	NWA.....	3
Privolzhsk, cargo/transport vessel.....	UR-79-0441.....	NWA.....	3
Noginsk, cargo/transport vessel.....	UR-79-0442.....	NWA.....	3
Kazis Prejkshas, cargo/transport vessel.....	UR-79-0443.....	NWA.....	3
Vladivostok, cargo/transport vessel.....	UR-79-0444.....	NWA.....	3
Ostrov Mednij, cargo/transport vessel.....	UR-79-0445.....	NWA.....	3
Aktyubinsk, cargo/transport vessel.....	UR-79-0446.....	NWA.....	3
Fritz Hekkert, cargo/transport vessel.....	UR-79-0447.....	NWA.....	3
Antanas Snehkus, cargo/transport vessel.....	UR-79-0448.....	NWA.....	3
Dimant, cargo/transport vessel.....	UR-79-0449.....	NWA.....	3
Ostrov Atlasova, cargo/transport vessel.....	UR-79-0450.....	NWA.....	3
Ostrov Russkij, cargo/transport vessel.....	UR-79-0451.....	NWA.....	3
Ostrov Litke, cargo/transport vessel.....	UR-79-0452.....	NWA.....	3
Ostrov Sibiryakova, cargo/transport vessel.....	UR-79-0453.....	NWA.....	3
Ostrov Kotlin, cargo/transport vessel.....	UR-79-0454.....	NWA.....	3
Ostrov Beringa, cargo/transport vessel.....	UR-79-0455.....	NWA.....	3
Pioner Zapolyarya, large stern trawler.....	UR-79-0490.....	NWA.....	1
Leningrad, large stern trawler.....	UR-79-0594.....	NWA.....	1
Korall, large stern trawler.....	UR-79-0598.....	NWA.....	1
Ants Lalkmaa, large stern trawler.....	UR-79-0611.....	NWA.....	1
Birshthonas, large stern trawler.....	UR-79-0685.....	NWA.....	1
Iokhannes Semper, large stern trawler.....	UR-79-0686.....	NWA.....	1
Kaskad, large stern trawler.....	UR-79-0687.....	NWA.....	1

Nation/vessel name/vessel type	Application No.	Fishery	Activity
Kazan, large stern trawler	UR-79-0688	NWA	1
Komsomol Ukrainy, large stern trawler	UR-79-0689	NWA	1
Koltsov, large stern trawler	UR-79-0690	NWA	1
Luga, large stern trawler	UR-79-0691	NWA	1
Lyudas Gira, large stern trawler	UR-79-0692	NWA	1
Nikolayevsky Komsomolets, large stern trawler	UR-79-0693	NWA	1
Otrog, large stern trawler	UR-79-0694	NWA	1
Radischev, large stern trawler	UR-79-0695	NWA	1
Robert Eideman, large stern trawler	UR-79-0696	NWA	1
Sinyavino, large stern trawler	UR-79-0697	NWA	1
Yakov Smushkevich, large stern trawler	UR-79-0698	NWA	1
Yaronimas Uboryavichus, large stern trawler	UR-79-0699	NWA	1
Sulak, factory ship	UR-79-0238	BSA, GOA, WOC	2
Slavny, patrol vessel (cargo)	UR-79-0407	NWA	3
Alexander Maxutov, large stern trawler	UR-79-0553	BSA, GOA, WOC	3
Japan:			
Shosei Maru No. 30, Danish seiner	JA-79-0556	BSA	1
Taisei Maru No. 101, cargo/transport	JA-79-1144	NWA, CRB, BSA, GOA, SNA	3
Chiyo Maru No. 57, longliner	JA-79-1319	ABS	1
Mexico:			
Costa De Noruega, large stern trawler	MX-79-0060	NWA	1
Nuevo Mundo, large stern trawler	MX-79-0061	NWA	1
Italy:			
Tortorelli E, large stern trawler	IT-79-0011	NWA	1
Nicola Specchio, large stern trawler	IT-79-0017	NWA	1
Giovanni Cefalu', large stern trawler	IT-79-0022	NWA	1
De Glosa L., large stern trawler	IT-79-0023	NWA	1

[FR Doc. 79-191 Filed 1-2-79; 8:45 am]

[4710-02-M]

Agency for International Development

[Redelegation Nos. 5.16, 23.3, 38.12, 40.4, 41.5, 75.3, 99.4, 100.3]

REDELEGATION OF AUTHORITIES TO THE FIELD LATIN AMERICA AND THE CARIBBEAN REGION

SECTION I. DEFINITION

AID MISSIONS AND OFFICES

AID Missions subject to this redelegation of authorities shall be the AID Missions located in Barbados, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Paraguay, Peru, and ROCAP.

SECTION II. AUTHORITIES

A. IMPLEMENTING AUTHORITIES

Authority to negotiate, execute, and implement, in accordance with applicable statutes and regulations, all loan, grant and guaranty agreements, and amendments thereto, to their respective countries, whether heretofore or hereafter authorized, including authority:

1. To sign project agreements, trust fund agreements, and grant agreements with foreign governments, foreign government agencies, and international organizations having a mem-

bership consisting primarily of such foreign governments;

2. To sign Project Implementation Orders (PIO's or PIPA's); and

3. To approve all borrower/grantee contracts financed in whole or in part by an AID loan or grant.

B. WAIVER AUTHORITIES

Selected Free World

Authority to waive, in accordance with applicable statutes and regulations, including the terms of Delegation of Authority No. 40 (AID Handbook 5) and the criteria prescribed by Supplement B of AID Handbook 1, U.S. source, origin or nationality requirements, to permit procurement of goods and services, other than transportation services, in countries included in AID Geographic Code 941 (Selected Free World) and the cooperating country, when the cost of goods and services does not exceed \$50,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, as amended (the "Act"); provided, however, that any waiver of the United States source and origin requirements for motor vehicle procurement shall not exceed \$25,000 for any one transaction.

Free World

Authority to make specific exceptions to U.S. or AID Geographic Code 941 source, origin or nationality requirements, in accordance with applicable statutes and regulations, includ-

ing the terms of Delegations of Authority No. 40 (AID Handbook 5) and the criteria prescribed by Supplement B of AID Handbook 1, to permit procurement of goods and services, other than transportation services, in any country included in AID Geographic Code 899 (Free World), when the cost of goods and services does not exceed \$50,000 (exclusive of transportation costs) of funds made available under the Act; provided, however, that any waiver of the United States source and origin requirements for motor vehicle procurement shall not exceed \$25,000 for any one transaction.

Emergency Procurement

Authority to approve waivers of source, origin, and nationality requirements in accordance with applicable statutes and regulations in situations involving emergency or disaster relief, for procurement not in excess of \$100,000 per transaction, from countries included in AID Geographic Code 941 and 899.

C. EXCESS PROPERTY

In accordance with the provisions of Section 607 of the Act and of AID Handbook 16, and subsequent to my authorizing such assistance, authority:

1. To execute transfer or transfer/trust agreements with friendly countries or with international organizations having a membership primarily of foreign governments;

2. To make the determination prescribed in subsection 607(b) of the Act.

## D. SPECIAL DEVELOPMENT ACTIVITIES

Authority to use a total of \$50,000 annually in Development Grant funds for Special Development Activities undertaken pursuant to the provisions of AID Manual Order 1323.1.1 or such other amount as may be authorized by AID/W.

## E. EXTENSION OF TERMINAL DATES

In accordance with AIDTO Circular A-24, dated January 26, 1978, and any amendments thereto, authority to extend:

1. the terminal date for signing a Project Agreement for a cumulative period of not to exceed six months;
2. the terminal date for meeting initial conditions precedent for a cumulative period of not to exceed six months;
3. the terminal date for requesting disbursing authorizations for a cumulative period of not to exceed one year; and
4. the terminal date for completion of performing services and furnishing goods (the PACD) for a cumulative period of not to exceed one year.

## SECTION III. REDELEGATION OF AUTHORITIES

Pursuant to the authorities delegated to me as Assistant Administrator for Latin America and the Caribbean, I hereby delegate all of the authorities set forth in Section II hereof, retaining for myself concurrent authority to exercise any of the functions herein redelegated, to the Director, AID Affairs Officer, or AID Representative, as appropriate, or Missions or Offices included in Section I.

## SECTION IV. MISCELLANEOUS

A. The authorities redelegated pursuant to Section III hereof shall be exercised after consultation with a Regional Legal Advisor or GC/LAC, as appropriate, and/or SER/CM or SER/COM, as appropriate.

B. The authorities redelegated pursuant to Section III hereof may, in the discretion of the principal AID Officer, be further redelegated to one additional officer or may be exercised by the person acting in the capacity of the respective Mission Director, AID Affairs Officer or AID Representative while the latter is out of the country (with my prior approval).

C. This redelegation of authorities shall become effective on the date of my execution of this document and shall supersede on that date all delegations of authority previously issued to the affected AID Missions or Offices or to the United States Embassies by the Assistant Administrator for Latin America and the Caribbean and/or the Deputy U.S. Coordinator of the Alliance for Progress; provided, howev-

er, that all actions taken under the delegations of authority which are hereby superseded shall remain valid and are hereby reaffirmed.

Dated: December 6, 1978.

ABELARDO L. VALDEZ,  
Assistant Administrator for  
Latin America and the Caribbean.

## SECTION I. DEFINITION

## AID MISSIONS AND OFFICES

AID Missions and Offices subject to this redelegation of authorities shall be the AID Missions or Offices located in Brazil, Ecuador, and Uruguay.

## SECTION II. AUTHORITIES

## A. IMPLEMENTING AUTHORITIES

Authority to negotiate, execute, and implement, in accordance with applicable statutes and regulations, all loan, grant, and guaranty agreements, and amendments thereto, to their respective countries, whether heretofore or hereafter authorized, including authority:

1. to sign project agreements, trust fund agreements, and grant agreements with foreign governments, foreign government agencies, and international organizations having a membership consisting primarily of such foreign governments;
2. to sign Project Implementation Orders (PIO's or PIPA's); and
3. to approve borrower/grantee contracts financed in whole or in part by an AID loan or grant; provided that this approving authority shall be limited to contracts not to exceed \$50,000.

## B. WAIVER AUTHORITIES

*Selected Free World*

Authority to waive, in accordance with applicable statutes and regulations, including the terms of Delegation of Authority No. 40 (AID Handbook 5) and the criteria prescribed by Supplement B of AID Handbook 1, U.S. source, origin or nationality requirements, to permit procurement of goods and services, other than transportation services, in countries included in AID Geographic Code 941 (Selected Free World) and the cooperating country, when the cost of goods and services does not exceed \$25,000 (exclusive of transportation costs) of funds made available under the Foreign Assistance Act of 1961, as amended (the "Act").

*Free World*

Authority to make specific exceptions to U.S. or AID Geographic Code 941 source, origin or nationality requirements, in accordance with applicable statutes and regulations, including the terms of Delegation of Author-

ity No. 40 (AID Handbook 5) and the criteria prescribed by Supplement of B of AID Handbook 1, to permit procurement of goods and services, other than transportation services, in any country included in AID Geographic Code 899 (Free World), when the cost of the goods and services does not exceed \$25,000 (exclusive of transportation costs) of funds made available under the Act.

## C. EXCESS PROPERTY

In accordance with the provisions of Section 607 of the Foreign Assistance Act of 1961, as amended, (the "Act"), and of AID Handbook 16, and subsequent to my authorizing such assistance, authority:

1. to execute transfer or transfer/trust agreements with friendly countries or with international organizations having a membership primarily of foreign governments;
2. to make the determination prescribed in subsection 607(b) of the Act.

## D. SPECIAL DEVELOPMENT ACTIVITIES

Authority to use a total of \$50,000 annually of Development Grant Funds for Special Development Activities undertaken pursuant to the provisions of AID Manual Order 1323.1.1 or such other amount as may be authorized by AID/W.

## E. EXTENSION OF TERMINAL DATES

In accordance with AIDTO Circular A-24, dated January 26, 1978, and any amendments thereto, authority to extend:

1. the terminal date for signing a Project Agreement for a cumulative period of not to exceed six months;
2. the terminal date for meeting initial conditions precedent for a cumulative period of not to exceed six months;
3. the terminal date for requesting disbursing authorizations for a cumulative period of not to exceed one year; and
4. the terminal date for completion of performing services and furnishing goods (the PACD) for a cumulative period of not to exceed one year.

## SECTION III. REDELEGATION OF AUTHORITIES

Pursuant to the authorities delegated to me as Assistant Administrator for Latin America and the Caribbean, I hereby delegate all of the authorities set forth in Section II hereof, retaining for myself concurrent authority to exercise any of the functions herein redelegated to the Director, AID Affairs Officer, or AID Representative, as appropriate, of Missions or Offices included in Section I.

## SECTION IV. MISCELLANEOUS

A. The authorities redelegated pursuant to Section III hereof shall be exercised after consultation with a Regional Legal Advisor, or GC/LAC, as appropriate, and/or SER/CM or SER/COM, as appropriate.

B. The authorities redelegated pursuant to Section III may be redelegated, in the discretion of the principal AID Officer, to one additional officer or may be exercised by the person acting in the capacity of the respective Mission Director, AID Affairs Officer or AID Representative.

C. This redelegation of authorities shall become effective on the date of my execution of this document and shall supersede on that date all delegations of authority previously issued to the affected AID Missions or Officers or the United States Embassies by the Assistant Administrator for Latin America and the Caribbean and/or the Deputy U.S. Coordinator of the Alliance for Progress; provided, however, that all actions taken under the delegations of authority which are hereby superseded shall remain valid and are hereby reaffirmed.

Dated: December 6, 1978.

EDWARD W. COY,  
Acting Assistant Administrator  
for Latin America and the Caribbean.

[FR Doc. 79-197 Filed 1-2-79; 8:45 am]

[4810-40-M]

## DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series—  
No. 31-78]

## TREASURY BONDS OF 1944

DECEMBER 28, 1978.

## 1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$1,500,000,000 of United States securities, designated Treasury Bonds of 1994 (CUSIP No. 912810 CF 3). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

## 2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated January 11, 1979, and will bear interest from that date, payable on a semiannual basis on August 15, 1979, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature February 15, 1994, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

## 3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, January 4, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, January 3, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be pro-rated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a  $\frac{1}{4}$  of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 96.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price

on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3. 7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

#### 4. RESERVATIONS

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

#### 5. PAYMENT AND DELIVERY

5. 1. Settlement for allotted securities must be made or completed on or before Thursday, January 11, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Tuesday, January 9, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Monday, January 8, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will

not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest ac-

count has been established, and the securities have been inscribed.

#### 6. GENERAL PROVISIONS

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

ANTHONY M. SOLOMON,  
*Acting Secretary  
of the Treasury.*

#### SUPPLEMENTARY STATEMENT

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

[FR Doc. 79-274 Filed 1-2-79; 8:45 am]

[7035-01-M]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 766]

#### ASSIGNMENT OF HEARINGS

DECEMBER 27, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 135231 (Sub-27F), North Star Transport, Inc., now being assigned for hearing on January 11, 1979, (2 days), at the Court Room No. 584, Federal Building, 316 North Robert Street., St. Paul, Minnesota.

MC 35227 (Sub-8F), Edson Express, Inc., now assigned January 8, 1979, at Denver, Colo., is postponed to February 26, 1979, (15 days), at Denver, Colo., in a hearing room to be later designated.

MC 114457 (Sub-445F), Dart Transit Company, now being assigned January 15, 1979, (5 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 2202 (Sub-560F), Roadway Express, Inc., now assigned for hearing on January 11, 1979, at Lake Charles, Louisiana will be held in the Downtowner Motel Inn.

MC 118696 (Sub-10), Ferree Furniture Express, Inc., now being assigned for January 30, 1979 (2 days), at Chicago, Ill., in Room 204A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

MC 128460 (Sub-4F), John J. Conahan DBA, Central Air Freight Service, now being assigned for hearing on January 18, 1979 (2 days), at Philadelphia, Pennsylvania, at the New Court House, 601 Market Street.

MC 114632 (Sub-169), Apple Lines, Inc., No. MC 117940 (Sub-No. 284F), Nationwide Carriers, Inc., and No. MC 144622 (Sub-No. 2F), Glenn Bros. Trucking, Inc., now assigned for hearing on January 11, 1979, at New York, N.Y. is postponed indefinitely.

MC 113908 (Sub-421), Erickson Transport Corporation, now being assigned for continued hearing on February 5, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 20783 (Sub-111f), Tompkins Motor Lines, Inc., now assigned for January 9, 1979, at Tampa, Florida is canceled and reassigned for January 9, 1979 (4 days), at Orlando, Florida at the Holiday Inn, 6515 International Drive.

MC 116077 (Sub-395F), DSI Transport, Inc., now assigned for February 14, 1979, at New Orleans, La., is canceled and reassigned for February 14, 1979 (3 days), at Houston, Texas, at the Holiday Inn—Downtown, 801 Calhoun Street.

H. G. HOMME, Jr.,  
Secretary.

[FR Doc. 79-189 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Docket No. AB-1 (Sub-No. 62)]

**CHICAGO AND NORTH WESTERN  
TRANSPORTATION CO.**

**Abandonment Near Conover and Phelps in  
Vilas County, WI; Findings**

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on November 6, 1978, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of its branch line of railroad between milepost 0.0 near Conover, WI, to milepost 9.2 at Phelps, WI, a distance of 9.2 miles in Vilas County, WI. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice,

(February 2, 1979) unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 79-183 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Docket No. AB-1 (Sub-No. 69F)]

**CHICAGO AND NORTH WESTERN  
TRANSPORTATION CO.**

**Abandonment in Webster and Hamilton  
Counties, IA; Findings**

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided December 13, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the

protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978) and further that applicant shall keep intact all of the right-of-way underlying the track between Evanston and Flugstad including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company only of that portion of the proposed abandonment between Evanston, IA, (milepost 6.7) to Flugstad, IA, (milepost 13.7). A certificate of public convenience and necessity permitting abandonment of the above-described line was issued to the Chicago and North Western Transportation Company. Since no investigation for this part of the line was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment only of that portion of the proposed abandonment between Evanston, IA, (milepost 6.7) to Flugstad, IA, (milepost 13.7) shall become effective on or before February 20, 1979.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 79-190 Filed 1-2-79; 8:45 am]

**[7035-01-M]**

[Docket No. AB-111]

**DETROIT, TOLEDO, AND IRONTON RAILROAD CO.**

**Abandonment Portion of Tecumseh Branch, Lenawee County, MI, and Fulton County, OH, and Abandonment-Operations over the Tracks of Norfolk and Western Railway Co. Between Leaf and Page, Lenawee County, MI; Findings**

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision decided October 31, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), the present and future public convenience and necessity permit abandonment by the Detroit, Toledo, and Ironton Railroad Company of operations (a) over the portion of its Tecumseh Branch extending from milepost 18.7 near Wauseon, Fulton County, OH, to near milepost 32 at Bimo, Lenawee County, MI, and (b) over the trackage owned and operated by the Norfolk and Western Railway Company extending from milepost 35.7 near Leaf, Lenawee County, MI, to milepost 44.3 near Page, Lenawee County, MI. A certificate of abandonment will be issued to the Detroit, Toledo, and Ironton Railroad Company based on the above-described finding of abandonment; 30 days after publication of this notice (February 2, 1979), unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon noti-

fication to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 79-185 Filed 1-2-79; 8:45 am]

**[7035-01-M]**

[Docket No. AB-43 (Sub-No. 40)]

**ILLINOIS CENTRAL GULF RAILROAD CO.**

**Abandonment Near Soso and Laurel in Jones County, MS; Findings**

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision decided July 17, 1978, and the decision of the Commission, Division 2, acting as an Appellate Division, served November 14, 1978, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that the present and future public convenience and necessity permit abandonment of that portion of the Illinois Central Gulf Railroad Company line of railroad extending from milepost 141.8 at Soso, MS, to milepost 151.1 at Laurel, MS, a distance of 9.3 miles located in Jones County, MS, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.-Abandonment Goshen*, 354 I.C.C. 584 (1978), and subject to the condition that, subsequent to the abandonment, the Illinois Central Gulf Railroad Company will continue to base rates on pulpwood and chips on mileages existing prior to the abandonment, contingent upon the elimination over a two year period of mileage blocks in the existing rate scales for distances less than 50 miles. Further, applicant shall keep intact all of the right-of-way underlying the track, within the City of Laurel for a period of 120 days from the effective date of a certificate to permit any state and/or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the

right-of-way. A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment 30 days after publication of this notice, (February 2, 1979) unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 79-186 Filed 1-2-79; 8:45 am]

**[7035-01-M]**

[Docket No. AB-83 (Sub-No. 3)]

**MAINE CENTRAL RAILROAD CO.**

**Abandonment Between North Anson and Bingham, in Somerset County, ME; Findings**

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by

a decision decided March 30, 1978, and the decision of the Commission, Division 1, acting as an Appellate Division, served November 20, 1978, adopted the decision of the Administrative Law Judge, which is administratively final, stating that the present and future public convenience and necessity permit the abandonment by the Maine Central Railroad Company of its line of railroad extending from about half a mile north of the railroad bridge over the Carrabassett River at North Anson to milepost 120.29 in Bingham, a distance of about 16 miles, in Somerset County, ME, subject to conditions for the protection of labor that are at least as beneficial as provisions established pursuant to Section 5(2)(f) of the Interstate Commerce Act and pursuant to Section 405 of the *Rail Passenger Service Act of 1976* (45 U.S.C. 565). A certificate of abandonment will be issued to the Maine Central Railroad Company based on the above-described finding of abandonment, 30 days after publication of this notice, (February 2, 1979) unless within 30 days from the date of publication, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the *FEDERAL REGISTER* on March 31, 1976, at 41 FR 13691, as

amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 79-184 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Finance Docket No. 28919F]

**WEST VIRGINIA RAILROAD MAINTENANCE AUTHORITY**

**Acquisition and Operation—Over Chesapeake & Ohio Railway Co. Near Cass and Durbin in Pocahontas County, W. VA.**

West Virginia Railroad Maintenance Authority (RMA), 922 Quarrier Street, Suite 422, Charleston, WV 25301, represented by John P. Killoran, Executive Director, West Virginia Railroad Maintenance Authority, 922 Quarrier Street, Suite 422, Charleston, WV 25301, hereby give notice that on the 6th day of December, 1978, it filed with the Interstate Commerce Commission at Washington, DC, an application under Section 1(18) of the Interstate Commerce Act for a decision approving and authorizing the acquisition and operation of a line of railroad owned by the CHESAPEAKE AND OHIO RAILROAD COMPANY (C&O) of a portion of its Greenbrier Branch between C&O Valuation Station 4117+75 at or near Cass, WV, and C&O Valuation Station 5021+22 at or near Durbin, WV, a distance of approximately 17.21 miles, all in Pocahontas County, WV.

RMA proposes to acquire by donation the entire Greenbrier Branch between North Caldwell and Durbin, in Greenbrier and Pocahontas Counties, approximately 92.04 miles of right-of-way. In addition, RMA proposes to acquire all track, ties and other track materials between Cass and Durbin, a distance of approximately 17.21 miles for approximately \$600,000 and, if permission is granted by the Commission, operate as a common carrier, subject to Part I of the Act, over this section of the line. That portion of the line not now operated will be held by the State in Rail Bank for possible future operation. By application filed March 15, 1975, in Docket No. AB-18 (Sub-No. 17) C&O sought authority to abandon the line of railroad subject of this application. The abandonment application was approved and the certificate was issued by the Commission on October 20, 1978.

In the opinion of the Applicant, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of

the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,  
Acting Secretary.

[FR Doc. 79-187 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Docket No. 36388]

**1977-1978 PLATFORM STUDY OF CLASS I AND CLASS II MOTOR COMMON CARRIERS OF GENERAL FREIGHT SUBJECT TO ACCOUNTING; INSTRUCTION 27**

Informal Conference

AGENCY: Interstate Commerce Commission.

ACTION: Setting this matter for informal conference.

SUMMARY: An informal conference with the Commission's staff will be held on January 11, 1979. The purpose of this conference is to solicit comments and recommendations from interested parties concerning the staff's analysis of the 1977-1978 Platform Study data. The results of analysis of this data will be released as a rulemaking proceeding for formal adoption by the Commission prior to use in costing procedures.

NOTICE OF INTENT TO PARTICIPATE: This conference is open to all parties having an interest in this matter, and who have substantive comments or recommendations con-

cerning the analysis of the 1977-1978 Platform Study data. A notice of intent to participate in this informal conference is due by January 5, 1979. This notice of intent should be directed to:

William T. Bono, Chief, Section of Cost Development, Room 6331, Interstate Commerce Commission, Washington, D.C. 20423.

**SUPPLEMENTARY INFORMATION:** The Commission's Order in Docket No. 36388, 1977-1978 Platform Study of Class I and Class II Motor Common Carriers of General Freight Subject to Accounting Instruction 27, formally initiated the 1977-1978 Platform Study. A discussion of the conduct of the study and the staff's analytical procedures may be obtained from William T. Bono at the above address or by calling (202) 275-7653.

In order to give interested parties an opportunity to provide the Commission staff with recommendations and suggestions on various approaches for analyzing the 1977-1978 Platform Study data, an informal conference is scheduled for January 11, 1978, at 9:00 a.m. at the Commission's offices in Washington, D.C. Persons intending to participate are requested to notify the Commission by January 5, 1979. The participants should include a statement estimating how much time would be required for any formal oral presentations they intend to make. Substantive written comments of interested participants are welcomed by the Commission staff prior to the conference. All parties participating in the conference are requested to submit a written summary of their comments by January 19, 1979. Written comments should also be forwarded to William T. Bono at the above address.

To promote an informative discussion of the 1977-1978 Platform Study, the conference will open with a discussion of the sample design and implementation. At the end of the discussion, questions will be taken. In addition, comments will be invited concerning the analysis required to compute the platform handling times. Specific areas of interest include:

1. Data editing procedures;
2. Methods by which cluster shipment time may be apportioned to the individual shipments within the cluster;
3. The method for determining what shipment characteristics should be used in the analysis; and,
4. Methods for computing platform handling times.

The above list is neither intended to be all inclusive nor to set limitations upon the particular issues or sub-issues to be discussed.

Dated: DECEMBER 28, 1978.

JAMES B. THOMAS, Jr.,  
Director, Bureau of Accounts.  
[FR Doc. 79-188 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Docket No. AB-6 Sub-No. 56F]

**BURLINGTON NORTHERN, INC.**

**Abandonment Near Lombardville and Buda in Stark and Bureau Counties, IL; Findings**

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided December 13, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978), the present and future public convenience and necessity permit the abandonment by the Burlington Northern, Inc. of a line of railroad known as the Lombardville to Buda Line extending from railroad milepost 6.80 near Lombardville, IL, to railroad milepost -0.32 near Buda, IL, a distance of 7.12 miles, in Stark and Bureau Counties, IL. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern, Inc. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, Jr.,  
Acting Secretary.  
[FR Doc. 79-280 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Docket No. AB-2 (Sub-No. 23F)]

**LOUISVILLE AND NASHVILLE RAILROAD CO.**

**Abandonment Near Dotiki Junction at Clay in Webster County, KY; Findings**

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a Certificate and Decision decided December 13, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 I.C.C. 584 (1978) and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Louisville and Nashville Railroad Company of a portion of its line of railroad known as the Morganfield Branch extending from railroad milepost MB-296.92 near Dotiki Junction, KY, to the end of the line, milepost MB-299.37 at Clay, KY, a distance of 2.45 miles, in Webster County, KY. A certificate of public convenience and necessity permitting abandonment was issued to the Louisville and Nashville Railroad Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

H. G. HOMME, Jr.,  
Acting Secretary.  
[FR Doc. 79-279 Filed 1-2-79; 8:45 am]

[7035-01-M]

[Decision No. MC-112184 (Sub-No. 57)]

**THE MANFREDI MOTOR TRANSIT CO. EXTENSION; CLEVELAND PAINT INGREDIENTS, NEWBERRY, OH**

Decided: DECEMBER 15, 1978.

We have considered the record in this proceeding and:

- (1) Petition of applicant, filed September 18, 1978, for reconsideration; and
- (2) Reply by Quality Carriers, Inc., protestant, filed October 6, 1978.

**SUMMARY OF THE PROCEEDING**

Applicant seeks a permit authorizing transportation of paint and paint products, in bulk, in tank vehicles (1) from Oak Creek, WI and Wallingford, CT to Cleveland, OH, and (2) from Cleveland, OH to 17 named points in the United States and to described ports of entry on the International Boundary line between the United States and Canada. The proceeding was assigned for handling under the modified procedure and two protestants, Quality Carriers, Inc., and Coastal Tank Lines, Inc., filed verified statements in opposition to the application. Review Board Number 3, by decision entered August 1, 1978, granted authority to the applicant to transport paint ingredients from Cleveland, OH, to described ports of entry on the International Boundary line between the United States and Canada. As a preliminary matter, the board concluded that the supporting shipper's statements contained evidence concerning only the service from Oak Creek to Cleveland and from Cleveland to the described ports of entry, and it then treated the application as one seeking authority to provide only this service. It determined that there is a need for such service from Oak Creek and Cleveland. But it also determined that granting authority from Oak Creek could result in a complete diversion from protestant Quality of all of its traffic handled for the shipper from Oak Creek, and that there is a possibility of substantial harm to Quality without there being a showing that applicant's duplicating services are or will be needed. The board also concluded that the shipper's products moving from Cleveland are paint ingredients, not paint or paint products, and that the granting of authority to transport such commodities should be published in the FEDERAL REGISTER.

Applicant seeks reconsideration of the review board's decision challenging the board's failure to make a complete grant of the authority sought. Protestant Quality opposes any grant of authority to provide service from Oak Creek to Cleveland, OH. Protestant Coastal, by failing to file a reply

to applicant's petition, has indicated a lack of continuing interest in this proceeding and in the involved traffic, detracting from the weight its opposition normally would be accorded.

**PERTINENT FACTS AND CONCLUSIONS**

We believe this proceeding should be reopened for reconsideration on the present record. The evidence of record, when considered in light of the pleadings, warrants a grant of the authority sought, to the extent set forth in the appendix to this decision.

In its petition, applicant asserts that the review board erred in considering the application only as seeking authority from Oak Creek to Cleveland and from Cleveland to the specified Canadian ports of entry, in finding that a grant of authority to provide service from Oak Creek to Cleveland would not be consistent with the public interest and the national transportation policy, and in granting authority to transport paint ingredients rather than paint and paint products.

The supporting shipper, PPG Industries, Inc., developed a new type of automobile undercoating paint in 1977. Since the introduction of this new product, PPG's sales of undercoating paint have increased very substantially and are continuing to increase. PPG manufactures this new paint at Cleveland and produces ingredients for the paint at Oak Creek. It appears that shipper also either produces or purchases ingredients for the paint at Wallingford, CT. PPG ships the undercoating paint from Cleveland to automobile assembly facilities in the United States and Canada.

The evidence submitted by PPG in support of the application relates almost entirely to its traffic from Oak Creek to Cleveland and from Cleveland to the Canadian ports of entry. Virtually no evidence has been presented in support of the other portions of the application, which are unopposed, other than identification of the origins and destinations for the involved traffic and identification of the commodity shipped. However, it does appear that PPG ships paint ingredients from Oak Creek and Wallingford to Cleveland, and that it either has, or is now seeking, customers for its undercoating paints at the 17 specific destination points set forth in part (2) of the application. Although this evidence is quite minimal, we believe the review board should have considered it. The supporting shipper has not identified the volume of traffic moving from Wallingford to Cleveland or from Cleveland to points in the United States, how that traffic now moves, or how much of that traffic will be tendered to applicant if the application is granted. Shipper has, however, presented evidence showing that it is

shipping large volumes of a new product from its Cleveland facilities and that it is vigorously expanding its share of the automobile undercoating paint market. In these circumstances, specific evidence regarding traffic volumes may not be available and would be of somewhat limited value. Further, where relatively new traffic is involved and the shipper bases its support for new transportation service largely on projected future need, meaningful evidence of adequacy of existing service will be less likely to be available.

Our consideration of the evidence under the criteria of section 209(b) of the Interstate Commerce Act leads us to conclude that the portions of the application not considered by the review board should be granted to the extent set forth in the appendix. (1) Applicant will continue to serve eight shippers, a weak but adequate showing under the first criterion. (2) Applicant will serve shipper with dedicated equipment which has been specially modified to handle shipper's traffic. (3) No carrier protests a grant of authority to provide service from Wallingford to Cleveland or from Cleveland to the 17 specific destination points set forth in part (2) of the application. No protestant, therefore, stands to be adversely affected by a grant of the authority sought to that extent. (4) A denial of the portions of the application not considered by the review board, however, would prevent shipper from expanding its use of applicant's specialized services as it continues to increase its marketing and distribution of its new undercoating paint. (5) The changing character of shipper's transportation requirements, other than as already discussed, does not appear to be a significant factor in this proceeding.

Although we have been able to ascertain at least the outline of shipper's reasonable transportation requirements based on the evidence and the inferences which may be drawn from the evidence, we would remind applicant that an evidentiary presentation in support of an application which is, at best, skeletal, unnecessarily increases the burden on this Commission in framing an appropriate grant of authority. Applicant is cautioned to take greater care in any future proceedings to present supporting evidence in a more complete and coherent manner than was done in this proceeding.

The review board considered the evidence of need for service from Oak Creek to Cleveland and concluded that a grant of such authority would not be consistent with the public interest and the national transportation policy. We believe that the review board, in considering the evidence regarding the Oak Creek traffic, gave undue weight

to the possibility of diversion of traffic from protestant Quality. From February 1977 to February 1978, shipper's traffic from Oak Creek to Cleveland increased from 2 loads a day to 11 loads a day. Only protestant Quality has appropriate authority and equipment to handle this traffic. It has been handling all of this traffic and has been providing good service. In view of the substantial and increasing volume of this traffic, however, shipper should not be forced to rely on the services of a single carrier. Although a loss of all of shipper's Oak Creek to Cleveland traffic would be detrimental to protestant's operations, the record does not reveal that a grant of authority to applicant might realistically result in a diversion of all or most of this traffic from protestant to applicant. The shipper states that it will not deprive Quality of any traffic or revenue, and, in fact, anticipates that it will be able to increase the amount of traffic tendered to Quality due to the substantial increase in demand for its products. As shipper's traffic increases, Quality should fact little, if any, loss of traffic to applicant so long as it continues to provide responsive service. We must conclude, therefore, that a grant of authority to provide service from Oak Creek to Cleveland, as set forth in the appendix, will be consistent with the public interest and the national transportation policy.

Applicant asserts that the review board erred in granting authority to transport paint ingredients rather than paint and paint products as sought in the application. The evidence indicates that the traffic involved in part (1) of the application consists of shipments of ingredients used in the production of shipper's undercoating paint and that the traffic involved in part (2) of the application consists of shipments of PPG's automobile undercoating paint. The evidence does not disclose that the commodities moving to Cleveland are other than the "clear" and the "major intermediate" used in producing the undercoating paint. These commodities have not been shown to be paint, but appear to be paint ingredients. The authority granted in part (1) of the application, therefore, will be for the transportation of paint ingredients and publication of notice of the scope of the authority granted will be required for the reasons discussed in the review board's decision.

*We find, on reconsideration:*

Operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, performing the service described in the appendix, will be consistent with the public interest and the national transportation policy. Ap-

plicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision does not significantly affect the quality of the human environment. An appropriate permit should be granted.

The holding by applicant of the permit authorized here and the certifies it holds in No. MC-128302 will be consistent with the public interest and the national transportation policy subject to the condition in the appendix.

*It is ordered:*

The proceeding is reopened for reconsideration on the present record.

The decision of Review Board Number 3, entered August 1, 1978, to the extent inconsistent with this decision, is vacated.

A permit will be issued authorizing the operations described in the appendix if applicant complies with the appropriate requirements set forth in the Cost of Federal Regulations (49 C.F.R. §§ 1043, 1044, 1053, and 1307). Applicant must comply within 90 days after the date of service of this decision or the grant of authority will be void and the application will stand denied.

This decision will be effective 30 days after its date of service.

By the Commission, Division 1, Acting as an Appellate Division, Commissioners Brown, Gresham, and Clapp.

NANCY L. WILSON,  
*Acting Secretary.*

**APPENDIX**

**SERVICE AUTHORIZED:**

To transport (1) paint ingredients, in bulk, in tank vehicles, from Oak Creek, WI, and Wallingford, CT, to Cleveland, OH; and (2) paint and paint products, in bulk, in tank vehicles, from Cleveland, OH, to (a) Leeds, MO, Chicago, IL, Tarreytown, NY, Wilmington, DE, Oklahoma City, OK, Baltimore, MD, Atlanta, Doraville, and Lakewood, GA, Arlington, TX, Norfolk, VA, Minneapolis and St. Paul, MN, Louisville, KY, Fremont, San Jose, Southgate and Van Nuys, CA; and (b) ports of entry on the International Boundary line between the United States and Canada which lie between Buffalo, NY, and Calais, ME, inclusive, under a continuing contract or contracts with PPG Industries, Inc., of Pittsburgh, PA.

**CONDITION:**

The right of the Commission is expressly reserved to impose such conditions in the future as it may find necessary in order to insure that the operations of applicant conform to the provisions of section 210 of the Act.

**SPECIAL CONDITION FOR ISSUANCE OF PERMIT:**

Issuance of the above authorized permit is subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this proceeding. Issuance of a

permit will be withheld until 30 days after such publication and the disposition of any petitions for leave to intervene filed within that time.

IFR Doc. 79-281 Filed 1-2-79; 8:45 am

[7035-01-M]

[Notice No. 238]

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

DECEMBER 21, 1978.

The following are notices of filing of applications for temporary authority under Section 210(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**

MC 21227 (Sub 13 TA), filed November 13, 1978. Applicant: MIDLAND TRUCK LINES, INC., 311 Marion St., St. Louis, MO 63104. Representative: George M. Catlett, 709 McClure Bldg., Frankfort, KY 40601. Authority sought to operate as a common carri-

er, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evansville, IN and the facilities of General Electric Co. and Mead Johnson & Co. Mount Vernon, IN, from Evansville, IN, over Indiana Highway 62 to Mount Vernon, IN with service restricted to the facilities of the General Electric Co. and Mead Johnson & Co., located at Mount Vernon, IN, for 180 days. SUPPORTING SHIPPER(S): General Electric Company, Eexan Lane, Mt. Vernon, IN. Mead Johnson & Co., 2404 Pennsylvania Ave., Evansville, IN 47721. SEND PROTESTS TO: P. E. Binder, I.C.C., Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 29886 (Sub 359 TA), filed November 13, 1978. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI. Representative: Albert P. Barber, 4314 39th Avenue, Kenosha, WI 53142. *Trucks and truck chassis, in secondary movements, in driveway service, and parts and equipment thereof*, from Chesapeake and Portsmouth, Virginia to points in the United States (except AK and HI). RESTRICTION: The authority granted herein is restricted to the transportation of vehicles manufactured or assembled at the sites of the plants of A.B. Volvo, in Sweden, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Freightliner Corporation, P.O. Box 3849, Portland, OR 97208. SEND PROTESTS TO: Gail Daugherty, Trans. Asst., I.C.C., U.S. Federal Bldg., & Courthouse, 517 East Wisconsin Avenue, Rm. 619, Milwaukee, WI 53202.

MC 49368 (Sub-105TA), filed November 14, 1978. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Road, Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in initial movements, in truckway service, from the facilities of General Motors Corporation located at Flint, MI to points in AL, FL, GA, MN, NC and SC, for 180 days. The operations described herein are limited to a transportation service to be performed under a continuing contract or contracts with General Motors Corporation. SUPPORTING SHIPPER(S): General Motors Corporation, GM Logistics Operations, 30007 Van Dyke Avenue, Warren, MI 48090. SEND PROTESTS TO: Timothy S. Quinn, ICC, 604 Federal Building and

U.S. Courthouse, 231 W. Lafayette Boulevard, Detroit, MI 48226.

MC 56679 (Sub-115TA), filed November 13, 1978. Applicant: BROWN TRANSPORT CORP. 352 University Avenue S.W., Atlanta, GA 30315. Representative: Leonard S. Cassell, 352 University Avenue S.W., Atlanta, GA 30315. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size and weight, between Miami, FL and Key West, FL, serving all intermediate points, from Miami FL over U.S. 1 to Key West, FL and return over the connection with the above described route, all points in the FL Keys South of Florida City, FL and serving Commercial Zones, for 180 days. There are approximately (19) statement of support attached to this application which may be examined at the I.C.C., in Wash. D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 85961 (Sub-4TA), filed November 13, 1978. Applicant: LYNN E. SIGLER D/B/A Alturas Fort Bidwell Stage Line, 1200 W. 11th Street, Alturas, CA 96101. Representative: Lynn E. Sigler, 1200 W. 11th Street, Alturas, CA 96104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, between Alturas, CA and Klamath Falls, OR, serving all intermediate points, from Klamath Falls, OR over OR Highway 39 to the Oregon/California border, thence over CA highway 139 to the junction with CA highway 299, thence via CA highway 299 to Alturas, CA. Note: Tacking and interlining requested, for 180 days. SUPPORTING SHIPPER(S): Fitzhugh Creek Gun Shop, Reno Highway, Alturas, CA 96101. Groves Hardware and Dept. Store, 604 Main St., Cedarville, CA 96104. Surprise Valley Drug, 521 Main Street, Box 190, Cedarville, CA 96104. Fort Bidwell General Store, P.O. Box 187, Fort Bidwell, CA 96112. SEND PROTESTS TO: W. J. Huetig, I.C.C., 203 Federal Bldg., 705 North Plaza St., Carson City, NV 89701.

MC 95540 (Sub-1055TA), filed November 13, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin

Road, P.O. Box 1636, Lakeland, FL 33802. *Wearing apparel and store displays, fixtures and supplies*, from Minneapolis, MN to Philadelphia, PA. There is no environmental impact involved in this application, for 180 days. SUPPORTING SHIPPER(S): County Seat Stores, P.O. Box 1442, Minneapolis, MN 55440. SEND PROTESTS TO: Donna M. Jones, Trans. Asst., I.C.C., Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 95540 (Sub-1056TA), filed November 13, 1978. Applicant: WATKINS MOTOR LINES, INC. 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Representative: Benjy W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. *Wearing apparel and store displays, fixtures and supplies*, from Dallas, TX to Tampa, and Orlando, FL and Atlanta, GA. There is no environmental impact involved in this application, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): County Seat Stores, P.O. Box 1442, Minneapolis, MN 55440. SEND PROTESTS TO: Donna M. Jones, Trans. Asst., I.C.C., Monterey Bldg., Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 107403 (Sub-1137TA), filed November 13, 1978. Applicant: MATTLECK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., same as above. *Lubricating oils and hydrolic fluids*, in bulk, in tank vehicles, from Carrollton, GA, to Greenville, MS, Little Rock, AR, Plaquemine, LA and Freeport, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): E. F. Houghton & Co., 451 Garrett St., Carrollton, GA 30117. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., ICC, 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 108053 (Sub-151TA), filed November 13, 1978. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., 1520 West 23rd St., Fremont, NE 68025. Representative: Arther J. Sibik, 7025 South Pulaski Road, Chicago, IL 60629. *Alcoholic liquors*, in containers, from Lawrenceburg, IN, Louisville, KY, and Detroit, MI to points in CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Wilbert T. Patterson, General Traffic Mrg., Joseph E. Seagram & Sons, Inc., 800 Third Ave., New York, NY 10022. SEND PROTESTS TO: Carroll Russell, I.C.C., Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 108461 (Sub-131TA), filed November 14, 1978. Applicant: SUNDANCE FREIGHT LINES, INC., dba, SUNDANCE TRANSPORTATION, 821 E. Pasadena, P.O. Box 7676, Phoe-

nix, AZ 85011. Representative: William S. Richards, 48 Post Office Place, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *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, (1) Between Tucson, AZ and Lordsburg, NM, serving no intermediate points. From Tucson, AZ, over Interstate Hwy 10 (AZ Hwy 86, U.S. Hwy 80 and NM Hwy 14) to Lordsburg, NM and return over the same route. (2) Between Phoenix, AZ and Albuquerque, NM, serving no intermediate points, as follows: From Phoenix, AZ, over Interstate Hwy 17 to Flagstaff, AZ, thence over Interstate Hwy 40 to Albuquerque, NM and return over the same route, for 180 days. With authority to tack and interline at Tucson and Phoenix, AZ, and Lordsburg and Albuquerque, NM and to serve the commercial zones of all authorized service points. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 353 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Andrew V. Baylor, ICC, Room 2020 Federal Building, 230 N. First Avenue, Phoenix, AZ 85025.

MC 113822 (Sub-9TA), filed November 14, 1978. Applicant: DALGARNO TRANSPORTATION, INC., Box 340, Casper, WY 82601. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110. (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in AR, AZ, CA, CO, ID, KS, LA, MS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY; and (2) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations

at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in AR, AZ, CA, CO, ID, KS, LA, MS, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, for 180 days. To the extent required in Ex Parte 55 Sub No. 8, applicant seeks authority to tack the applied for authority to its existing authority in Docket Nos. MC-113822 Sub Nos. 3 and 4. Restriction: The above authority to the extent that it duplicates authority presently held by applicant in Docket No. MC-113822 Sub Nos. 3 and 4 shall not be construed as conferring more than a single operating right. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 11 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul A. Naughton, ICC, Room 105 Federal Building and Court House, 111 South Wolcott, Casper, WY 82601.

MC 114457 (Sub-446TA), filed October 25, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills (Same as above). *Office furniture, fabrics, lighting fixtures, partitions, dividers, materials, equipment and supplies used in the manufacture and assembly thereof*, from the facilities of E. F. Hauserman at Marked Tree, AR; Philadelphia, PA; and Cleveland, OH, to points in the U.S. in and east of the states of ND, SD, NE, CO, and NM, for 180 days. SUPPORTING SHIPPER(S): The E. F. Hauserman Company, 5711 Grand Avenue, Cleveland, OH 44105. SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114457 (Sub-456TA), filed November 13, 1978. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. *Metal containers and container ends*, from Winston-Salem, NC, to Oklahoma City, OK, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): National Can Corp., 8101 West Higgins Road, Chicago, IL 60631. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 115322 (Sub-155TA), filed October 18, 1978. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: L. W. Fincher, P.O. Box 426, Tampa,

FL 33601. *Frozen foods*, from Allentown and Chambersburg, PA, to points in GA, NC, and SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Pet Incorporated, Frozen Foods Division, P.O. Box 392, St. Louis, MO. SEND PROTESTS TO: G. H. Fauss, Jr., ICC, Box 35008, 400 W. Bay Street, Jacksonville, FL 32202.

MC 115826 (Sub-365TA), filed November 14, 1978. Applicant: W. J. DIGBY, INC., 6015 East 58th Street, Commerce City, CO 80022. Representative: Howard Gore (Same as above). *Potato products*, from points in OR to Turlock, CA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Banquet Foods Corp., 100 North Broadway, St. Louis, MO 63102. SEND PROTESTS TO: Herbert C. Ruoff, ICC, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-367TA), filed November 8, 1978. Applicant: W. J. DIGBY, INC., 6015 E. 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same as above). *Meats, meat products, and meat by-products and articles distributed by meat packinghouses described in Section A and C of Appendix I to the report in descriptions in Motor Carrier Certificates 61 M.C.C., 209 and 766* (except hides and commodities in bulk), from Waterloo and Independence, IA to points in GA, FL, LA and TN, for 180 days. SUPPORTING SHIPPER(S): Cudahy Foods Co., P.O. Box 29029, 100 W. Clarendon, Phoenix, AZ 85038. SEND PROTESTS TO: H. C. Ruoff, I.C.C., 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115975 (Sub-30TA), filed November 14, 1978. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62985. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oils*, in bulk, in tank vehicles, from the facilities of Mobil Oil Corporation at Beaumont, TX to Baton Rouge, LA, for 180 days. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the Mobil Oil Corporation. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Mobil Oil Corporation, 8350 N. Central Expressway, 522, Dallas, TX 75206. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 115975 (Sub-31TA), filed November 14, 1978. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62985. Representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating grease*, in bulk, from the facilities of Mobil Oil Corporation in Beaumont, TX to U.S. Steel Corporation in Mountain Iron, MN, for 180 days. RESTRICTION: The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the Mobil Oil Corporation. An underlying ETA seeks 90 days authority.

SUPPORTING SHIPPER(S): Mobil Oil Corporation, 8350 N. Central Expressway, 522, Dallas, TX 75206. SEND PROTESTS TO: Charles D. Little, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

MC 118142 (Sub-192TA), filed November 13, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Albert L. Kamas, 612 Douglas Bldg., Wichita, KS 67202. *Frozen foods and materials and supplies used in the manufacture or distribution of frozen foods* (except commodities in bulk), between facilities of Tony's Pizza Service at or near Salina, KS, on the one hand, and the other, points in the U.S. (except AL, HI, & KS). Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of Tony's Pizza Service at or near Salina, KS, for 180 days. SUPPORTING SHIPPER(S): Subsidiary of Schwan Sales Enterprises, Inc., Tony's Pizza Service, Marshall, MN. SEND PROTESTS TO: M. E. Taylor, I.C.C., 101 Litwin Bldg., Wichita, KS 67202.

MC 119628 (Sub-3TA), filed November 8, 1978. Applicant: GARMARC TRANSPORTATION CO., INC., 10 Independence St., Rochester, NY 14611. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen hanging and boxed meats*, in vehicles equipped with mechanical refrigeration, from Rochester, NY to Miami, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: William Hurvitz, Sec., Double B Packing Corp., 571 Colfax St., Rochester, NY, 14606, and William Hurvitz, Sec/Treas Rochester Independent Packer, Inc., 11 Independence St., Rochester, NY 14611. Send protests to: ICC, U.S. Courthouse & Federal Bldg.

100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 119631 (Sub-31TA), filed November 13, 1978. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 3315, Mt. Union Station, Alliance, OH 44601. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn. Ave & 13th St. N.W., Washington, D.C. 20004. *Sugar in containers*, from the facilities of Revere Sugar Corp. in or near Boston, MA, to points in OH and IL, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Revere Sugar Corp., 333 Medford Street, Charlestown, MA 02129. SEND PROTESTS TO: Frank L. Galvary, I.C.C., 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, OH 43215.

MC 119991 (Sub-24TA), filed November 8, 1978. Applicant: YOUNG TRANSPORT, INC., P.O. Box 3, Logansport, IN 46947. Representative: Warren C. Moberly, 320 North Meridian Street, Indianapolis, IN 46204. *Steel and steel products*, from Auburn, New York to points in the states of IA, IN, IL, KS, KY, MI, MO, NE, OH, PA, WI, WV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Ambassador Steel Corp., Box 397, Butler, IN 46721. SEND PROTESTS TO: J. H. Gray, ICC, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

MC 123819 (Sub-70TA), filed November 13, 1978. Applicant: ACE FREIGHT LINE, INC., 3359 Cazassa Road, P.O. Box 16589, Memphis, TN 38116. Representative: Mr. Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. *Animal and poultry feed, fish feed, and corn products*, (except in bulk, in tank vehicles), from Birmingham and Decatur, AL and Springfield, TN to points in TX and OK, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): The Jim Dandy Company, P.O. Box 10687, Birmingham, AL 35202. SEND PROTESTS TO: Mr. Floyd A. Johnson, I.C.C., 100 North Main Bldg.—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 124174 (Sub-123TA), filed November 14, 1978. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (Same as above), *Paper and plastic cups, containers, plates, lids, covers, pails, and related articles*, from the facilities of Lily Division of Owens-Illinois, at Springfield, MO to points in NE and MN, for 180 days. Applicant intends to interline with other carriers at Omaha, NE and Minneapolis and St. Paul, MN. Applicant intends to tack the authority applied for with its existing authority in

MC-124174. SUPPORTING SHIPPER(S): Lily Division of Owens-Illinois, 1st National Bank Building, 606 Madison Avenue, P.O. Box 1035, Toledo, OH 43666. SEND PROTESTS TO: Carroll Russell, ICC, Suite 620, 110 No. 14th Street, Omaha, NE 68102.

MC 133189 (Sub-17TA), filed November 14, 1978. Applicant: VANT TRANSFER, INC., 5075 Northeast Mulcare Drive, Minneapolis, MN 55421. Representative: John B. Van de North, Jr., 2200 First National Bank Building, St. Paul, MN 55101. *Iron and steel articles*, from Newport, MN to points in CO, IN, KY, MO, TN and KS, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Simcote, Inc., P.O. Box 97, Minneapolis, MN 55055. SEND PROTESTS TO: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-239TA), filed November 13, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Merchandise as dealt in by retail department stores and mail order houses and in conjunction therewith, equipment, materials and supplies used in the conduct of such business*, from points within the Chicago, IL commercial zone to points within the Minneapolis, MN commercial zone, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sears, Roebuck & Co., P.O. Box 5208, Chicago, IL 60680. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-240TA), filed November 13, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Merchandise as dealt in by retail department stores and mail order houses and in conjunction therewith, equipment, materials and supplies used in the conduct of such business*, from the plant of Lifetime Foam Co., Batavia, IL to points within the commercial zone of Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Sears, Roebuck & Co., P.O. Box 5208, Chicago, IL 60680. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-241 TA), filed November 13, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN

55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Wearing apparel, wearing apparel accessories and sundries and equipment, materials and supplies used in the sale and distribution of the above described commodities* from Brooklyn Park, MN to Philadelphia, Pa and points in OH, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): County Seat Stores, Inc., 8816 70th Avenue North, Brooklyn Park, MN 55428. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-242 TA), filed November 13, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses and by wholesale and retail discount and department stores (except commodities in bulk) and merchandise, equipment and supplies used in the conduct of the above specified types of business houses, from Chicago, IL to Twin Cities, MN, for 180 days. An underlying ETA seeks 90 days authority.* SUPPORTING SHIPPER(S): Allied Shippers & Receivers Association, 2029 West Hubbard Street, Chicago, IL 60612. SEND PROTESTS TO: Delores A. Poe, Trans. Asst., I.C.C., 414 Federal Bldg. & U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 133920 (Sub-18TA), filed November 14, 1978. Applicant: HOWARD SHEPPARD, INC., P.O. Box 755, Sandersville, GA 31082. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Canned foodstuffs* from the facilities of Holmes Canning Company, Inc., at or near Sandersville, Ga to Columbia, SC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Holmes Canning Company, Inc., Route 4, Box 636, Sandersville, GA 31082. SEND PROTESTS TO: Sara K. Davis, I.C.C., 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 135082 (Sub-79TA), filed November 14, 1978. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, NE, Albuquerque, NM 87125. Representative: Randall R. Sain (Same as above). *Marble limestone in bags*, from Tucson, AZ to points in NM and TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Catalina Marble Company, P.O. Box 8997, Catalina Branch, Tucson, AZ. SEND PROTESTS TO: I.C.C., 1106 Federal Office Building,

517 Gold Avenue, SW, Albuquerque, NM 87101.

MC 138104 (Sub-60TA), filed November 14, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Roofing granules*, in bulk, in dump vehicles, from Annapolis, MO, to the facilities of Johns-Manville, Fort Worth, TX, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Johns Manville, 2222 W. Fifth Street, Fort Worth, TX 76104. SEND PROTESTS TO: Martha A. Powell, ICC, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 140248 (Sub-1TA), filed August 3, 1978, published in the FEDERAL REGISTER issue of October 16, 1978, and republished as corrected this issue. Applicant: IDEAL CONTRACT CARRIERS, INC. (a Delaware corporation), 89 Main Street, P.O. Box Z, Medway, MA 02053. Representative: Grove, Jaskiewicz, Gilliam & Cobert, 1730 M Street, Suite 501, Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials* (except commodities in bulk), between Holliston, MA, on the one hand, and, on the other, points in Athens, Birmingham, Dothan, Guntersville, Huntsville, Lafayette, Mobile, Montgomery, AL; Phoenix, Prescott, Tucson, AZ; Little Rock, Waldo, AR; Burbank, Encinas, Huntington Park, La Habra, Lakewood, Los Angeles, Mountain View, Oakland, San Diego, San Francisco, Santa Ana, Upland, CA; Colorado Springs, Denver, Wheatridge, CO; Avon, Bridgeport, Bristol, Hamden, Hartford, Milford, New Haven, Norwalk, Orange, Southington, Stratford, West Haven, Westbrook, Winstead, CT; Wilmington, DE; Dayton Beach, Fort Lauderdale, Fort Meyers, Gainesville, Jacksonville, Melbourne, Miami, Ocala, Orlando, Pensacola, Pinellas Park, Saint Petersburg, Sunrise, Tallahassee, Tampa, Temple Terrace, West Palm Beach, FL; Albany, Atlanta, Decatur, Norcross, Roswell Woodstock, GA; Chicago, Dixon, Milan, Morton Grove, Rockford, Springfield, IL; Evansville, Fort Wayne, Greenwood, Indianapolis, Mishawaka, Richmond, South Bend, Terre Haute, IN; Cedar Rapids, Des Moines, Waterloo, IA; Wichita, KS; Lexington, Louisville, KY; Baton Rouge, Lafayette, Monroe, New Orleans, Shreveport, LA; Baltimore, Forestville, Greenbelt, MD; Ada, Detroit, Flint, Grand Rapids, Niles; MI; Detroit Lakes, Minneapolis, MN; Gulfport, Jackson, Tupelo, MS; Joplin, Kansas City, Saint Louis, MO; Omaha, NE; Englewood, Lakewood, Newark,

Paramus, Saddle Brook, Sewell, Summit, West Deptford, Woodbridge, NJ; Artesia, NM; Albany, Binghamton, Brooklyn, Buffalo, East Patchogue, Farmingdale, New York, Ozone Park, Rochester, NY; Charlotte, Greensboro, Raleigh, NC; Canton, Columbus, Strongsville, Youngstown, OH; Muskogee, Oklahoma City, Tulsa, OK; Allentown, Ardmore, Erie, Philadelphia, York, PA; Charlestown, Florence, SC; Chattanooga, Johnson City, Knoxville, Memphis, Nashville, TN; Amarillo, Dallas, El Paso, Fort Worth, Houston, Lubbock, Pasadena, San Antonio, Wichita Falls, TX; Lynchburg, Richmond, VA, and Milwaukee, WI, for 180 days. SUPPORTING SHIPPER(S): Filfast Corporation, P.O. Box 155, Pope Road, Holliston, MA 01746. SEND PROTESTS TO: John B. Thomas DS, Room 501, 150 Causeway Street, Boston, MA 02114.

MC 140829 (Sub-14TA), filed November 13, 1978. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: William J. Hanlon, 55 Madison Ave., Morristown, NJ 07960. *Rubber articles, plastic articles, and rubber and plastic combined products*, from the facilities of Entek Corporation of America, at or near Irving, TX to CO, IL, IA, KS, MN, MO, NE, OK, SD, and WI. RESTRICTION: Restricted to traffic originating at the named and destined to points in the named destination states, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Robert B. Nielsen, Vice President, Raw Materials—Traffic, Entek Corp. of America, 104 County Line Road, Irving, TX 75060. SEND PROTESTS TO: Carroll Russell, I.C.C., Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 141533 (Sub-5TA), filed November 14, 1978. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative: Bruce J. Robbins, 118-21 Queens Boulevard, Forest Hills, NY 11375. *Foodstuffs*, in vehicles equipped with mechanical refrigeration, between points in the commercial zones of New York, NY, and Philadelphia, PA on the one hand, and, on the other, points in PA on and west of U.S. Hwy 219, and points in Chautauqua County, NY, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): M & N Meat Company, 201 Penn Center Building, Pittsburgh, PA. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

MC 141533 (Sub-6TA), filed November 14, 1978. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative: Bruce J. Robbins, 118-21

Queens Boulevard, Forest Hills, NY 11375. *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsite and facilities used by Cliffstar Corporation at or near Dunkirk, NY, to points in CT, ME, MA, NH, RI, VT, and the Counties of Nassau and Suffolk, NY, and the New York, NY commercial zone, returned, refused and rejected shipments on return, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Cliffstar Corporation, One Cliffstar Avenue, Dunkirk, NY 14048. SEND PROTESTS TO: Maria B. Kejss, ICC, 26 Federal Plaza, New York, NY 10007.

MC 142062 (Sub-17TA), filed November 8, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, wall, and insulation boards, and materials, supplies and equipment* used in the installation thereof (except in bulk), from the facilities of Armstrong Cork Co., at or near Beaver Falls, PA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY. RESTRICTION: Restricted to the transportation of shipments under a continuing contract or contracts with Armstrong Cork Co., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Armstrong Cork Company, Liberty & Charlotte Streets, Lancaster, PA 17604. SEND PROTESTS TO: Beverly J. Williams, Trans. Asst., ICC, Federal Bldg., & Courthouse, 46 East Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 142189 (Sub-38TA), filed November 14, 1978. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Representative: Michael R. Griffith, Box 980, Baker, MT 59313. *Lumber and lumber products*, from Ashland, MT to points in IA, IL, MN and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Andersonia Forest Products, Inc., P.O. Box 4240, Arcata, CA 95521. SEND PROTESTS TO: Paul J. Labane, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 142268 (Sub-36TA), filed November 13, 1978. Applicant: GORSKI BULK TRANSPORT INC., R.R. #4, Harrow, Ontario, Canada NOR 1G0. Representative: Bernard S. Gorski, 843 Central Avenue, Windsor, Ontario, Canada N8Y 4S2. *Alcoholic liquors*, in bulk, in tank vehicles, from the international border crossings between U.S. and Canada at the states of MT, and ID, for furtherance to Menlo Park,

CA, and from the international border crossings between U.S. and Canada, at the state of MI, for furtherance to Menlo Park, CA, on shipments originating at a point in Canada, as a through service, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Heubleling, Inc., 330 New Park Ave., Hartford, CT 06101 (David F. Tucker Trans. Mgr.) SEND PROTESTS TO: Timothy S. Quinn, I.C.C., 604 Federal Bldg. & U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 142269 (Sub-3TA), filed November 13, 1978. Applicant: EAGLE HAWK CORP. d.b.a. ALL IOWA LTL PERISHABLE SERVICE, P.O. Box 155, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Finacial Center, Des Moines, IA 50309. *Foodstuffs*, from the facilities of Kold Storage, Inc., Fort Dodge, IA to Glenn Falls, Buffalo, Syracuse, Mt. Morris, and Bronx, NY and Secaucus and Moonchie, NJ, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Kold Storage, Inc., P.O. Box 1181, Fort Dodge, IA 50501. SEND PROTESTS TO: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 142603 (Sub-6TA), filed November 8, 1978. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from South Deerfield, MA and Danville, KY to all points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Deerfield Plastics Co., Inc., P.O. Box 97 South Deerfield, MA 01373. SEND PROTESTS TO: David M. Miller, I.C.C., 436 Dwight St., Rm. 338, Springfield, MA 01103.

MC 143436 (Sub-20TA), filed November 14, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Road, Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *Such merchandise as is dealt in by retail and wholesale grocery houses, retail chain department stores and drug stores and display and advertising materials* in vehicles equipped with mechanical refrigeration, from the facilities of City Haul and Storage, Inc., located at or near Indianapolis, IN to points in IN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (5) statements of support attached to the application which may be exam-

ined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Beverly J. Williams, ICC, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 143621 (Sub-5TA), filed November 8, 1978. Applicant: TENNESSEE STEEL HAULERS, INC., 403 Maplewood Avenue, Nashville, TN 37219. Representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. *Central heating and air conditioning units, accessories and parts thereof when moving with the above*, from the facilities of Heil-Quaker Corporation at or near Nashville, TN to points in FL and GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Heil-Quaker Corporation 1714 Heil-Quaker Blvd., La Vergne, TN 37086. SEND PROTESTS TO: Glenda Kuss, Trans. Asst., I.C.C., Suite A-422—U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 143659 (Sub-5TA), filed November 13, 1978. Applicant: VALLEY TRUCKING, INC., Box 55, Rural Route 2, Fargo, ND 58102. Representative: James B. Hovland, 414 Gate City Building, Box 1680, Fargo, ND 58102. *Meats, meat products, 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 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Huron Dressed Beef at or near Huron, SD, to Los Angeles, CA, for 180 days. SUPPORTING SHIPPER(S): Huron Dressed Beef, P.O. Box 924, Huron, SD 57350. SEND PROTESTS TO: Ronald R. Mau, I.C.C., Rm. 268, Federal Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 143775 (Sub-33TA), filed November 8, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, AZ 85301. *Building materials and equipment and supplies used in the construction industry*, from the facilities of Leigh Products Division-Leigh Products, Inc. at or near Coopersville and Saranac, MI, to points in the United States (except MI, IL, IN, KY and OH), for 180 days. Applicant holds contract carrier authority at MC 143620; therefore dual operations may be involved. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Leigh Products Division/Leigh Products Inc., Coopersville, MI 49404. SEND PROTESTS TO: Andrew V.

Baylor, I.C.C., Rm 2020 Federal Bldg., 230 N. First Ave., Phoenix, AZ 85025.

MC 143775 (Sub-34TA), filed November 8, 1978. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, Arizona 85301. Representative: Michael R. Burke, 6601 West Orangewood, Glendale, Arizona 85301. *Frozen Foods*, from Traverse City, Michigan to AZ, CA, CO, CT, DC, DE, ID, MA, MD, ME, MT, ND, NH, NJ, NM, NY, NV, OR, PA, RI, UT, VA, VT, WA, and WV, for 180 days. Applicant holds contract carrier authority at MC 143610; therefore dual operations may be involved. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Chef Pierre, Inc., P.O. Box 1009, Traverse City, MI 49684. SEND PROTESTS TO: Andrew V. Baylor, ICC, Rm. 2020 Federal Bldg., 230 N. First Ave., Phoenix, AZ 85025.

MC 144051 (Sub-4TA), filed November 13, 1978. Applicant: ALFORD-LOGSTON, INC., 1714 Tabor, Houston, TX 77009. Representative: Dale Alford, 1714 Tabor, Houston, TX 77009. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home care products*, from Memphis, Tenn, to Ascension, Assumption, E. Baton Rouge, E. Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernanr, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipohoa, Terrebonne, Washington, W. Baton Rouge and W. Feliciana Parishes, LA., with the exception of the area within the New Orleans City limits, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Stanley Home Products, Inc., 112-116 Pleasant St., Easthampton, MA 01027. SEND PROTESTS TO: John F. Mensing, I.C.C., 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002. Under a continuing contract or contracts with Stanley Home Products, Inc.

MC 144218 (Sub-3TA), filed November 13, 1978. Applicant: FELDSPAR TRUCKING CO., INC., P.O. Box 858, Spruce Pine, NC 28777. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stoves and stove parts* from Spruce Pine, NC and points in its commercial zone, to points in CO, FL, GA, IL, IN, KY, MI, MN, MT, NY, ND, OH, PA, SC, SD, TN, VA, WA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Minpro Supply, Route 1, Spruce Pine, NC 28777. SEND PROTESTS TO: Terrill Price, 800 Briar Creek Rd—Rm CC516, Mart Office Bldg., Charlotte, NC

28205. Under a continuing contract or contracts with Minpro Supply.

MC 144300 (Sub-6TA), filed November 14, 1978. Applicant: J & D TRUCKING, INC., 2985 Meadow Avenue, P.O. Box 1610, Fort Myers, FL 33902. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from the facilities of Lewis Carpet Mills at or near Cartersville, GA, to points in AZ, CA, ID, OR, and WA, for 180 days. Restricted to the transportation of shipments under a continuing contract or contracts with Lewis Carpet Mills. There is no environmental impact involved in this application.

SUPPORTING SHIPPER(S): Lewis Carpet Mills, P.O. Box 490, Cartersville, GA 30120. SEND PROTESTS TO: Donna M. Jones, ICC, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 144503 (Sub-3TA), filed November 14, 1978. Applicant: ADAMS REFRIGERATED EXPRESS, INC., P.O. Box F, Forest Park, GA 30050. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Meats, 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* (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at or near Denison, Iowa Falls, Carroll, Sioux City, Fort Dodge, and Des Moines, IA; and Crete, Omaha, and Lincoln, NE, to points in AL, FL, GA, KY, LA, MS, NC, SC and TN, for 180 days. Restricted to the transportation of shipments originating at the named facilities and destined to the named destinations. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442. SEND PROTESTS TO: Sara K. Davis, ICC, 1252 W. Peachtree Street, N.W., Room 300, Atlanta, GA 30309.

MC 144572 (Sub-No. 7TA), filed November 8, 1978. Applicant's Name: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, CO 80631. Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202. *Clutches, clutch parts, and iron and steel castings* from Rock Falls, IL; Auburn and La Porte, IN; Ludington, MI; Hibbing, MN; Tiffin, OH and Brillion, WI to the facilities of Dana Corporation, Spicer Clutch Division in Colorado Springs, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper:

Dana Corporation, Spicer Clutch Division, 1210 Garden of the Gods Road, Colorado Springs, CO 80907. Send protests to: Roger L. Buchanan, I.C.C., 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 145152 (Sub-23TA), filed November 14, 1978. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. *Toilet preparations and toilet articles* (in vehicles equipped with mechanical refrigeration), from the facilities of Roux Laboratories, Inc., at or near Jacksonville, FL to points in AL, AR, CT, DC, DE, GA, MA, MD, ME, MS, NY, NH, NJ, OK, PA, RI, VT and points on U.S. Highway 1 in the State of VA, for 180 days. SUPPORTING SHIPPER(S): Roux Laboratories, Inc., 3733 University Boulevard, Jacksonville, FL 32217. SEND PROTESTS TO: William H. Land, Jr., ICC, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145220 (Sub-4TA), filed November 12, 1978. Applicant: IREDELL MILK TRANSPORTATION, INC., Route 3, Box 368, Mooresville, NC 28115. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. (1) *Apple juice*, in bulk, in tank vehicles, from Lyndonville and North Rose, NY, and points in their commercial zones, and point in VA, to Charlotte, NC; (2) *vinegar*, in bulk, in tank vehicles, (a) from Montgomery, AL; Atlanta, GA; Lyndonville and North Rose, NY; Memphis, TN; and points in their commercial zones, to Charlotte, NC; and (b) from Charlotte, NC to Birmingham, AL; Atlanta and Conyers, GA; Greenville, SC; Knoxville and Memphis, TN; and points in their commercial zones; and (3) *vinegar stock*, in bulk, in tank vehicles, from Atlanta, GA, and points in its commercial zone, to Charlotte, NC, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Speas Company, 2921 North Tryon, Charlotte, NC 28206. SEND PROTESTS TO: Terrell Price, ICC, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

MC 145435 (Sub-No. 2 TA), filed November 13, 1978. Applicant: WESTERN AG INDUSTRIES, INC., 2750 No. Parkway, Fresno, CA 93771. Representative: Roland J. Mefford, 2750 No. Parkway, Fresno, CA 93771. *Foodstuffs*, from the site of Real Fresh Milk, Inc., at Visalia, CA and Horsehead, NY, on the one hand, and points in OR, WA, UT, CO, MO, IL, WI, MI, PA, NY, NJ, and GA, on the other hand, for 180 days. SUPPORTING SHIPPER(S): Real Fresh, Inc., 1211 E. Noble, Visalia, CA 93277. SEND PROTESTS TO: Michael M. Butler, I.C.C.,

211 Main—Suite 500, San Francisco, CA 94105.

MC 145462 (Sub-No. 2 TA), filed November 8, 1978. Applicant: HOLLIS E. LOWE D/B/A LOWE TRUCKING COMPANY, 6639 Abington Pike, Richmond, IN 47374. Representative: Russell H. Schussler, 400 First National Bank Bldg., Richmond, IN 47374. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Castings*, from Washington, MO, to Richmond, IN, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Dana Corporation, 1400 Dana Parkway, Richmond, IN 47374. SEND PROTESTS TO: Beverly J. Williams, Trans. Asst., ICC, Federal Bldg. & U.S. Courthouse, 46 East Ohio Street, Rm. 429, Indianapolis, IN 46204. Under a continuing contract or contracts with Dana Corporation

MC 145471 (Sub-2TA), filed November 13, 1978. Applicant: JOHN K. GRAY TRUCKING, 30 South "G" Street, Arcata, CA 95521. Representative: (Same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the plants and facilities of Eel River Sawmills located at Fortuna, Carlotta and Redcrest, CA to rail reload operations located at their plants and facilities in Mendocino and Sonoma Counties, CA, under a continuing contract or contracts with Eel River Sawmills, Inc., for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Eel River Sawmills, Inc., Route #1, Box 459-A, Fortuna, CA. SEND PROTESTS TO: A. J. Rodriguez, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145614 (Sub-No. 1 TA), filed November 13, 1978. Applicant: TRIPLE A TRANSPORT, INC., Littleford Rd., Springvale, ME 04083. Representative: John C. Lightbody, 30 Exchange Street, Portland, ME 04101. *Meat, meat by-products and articles distributed by meatpacking houses* from Omaha, Nebraska to points in Massachusetts, for 90 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Palmera Beef Corp., 25th & "Z" Street, Omaha, NE 68107. SEND PROTESTS TO: I.C.C., Rm. 305, 76 Pearl Street, Portland, ME 04111.

MC 145666 TA, filed November 11, 1978. Applicant: EUDELL WATTS, III, dba, WATTS TRANSFER COMPANY, 825 First Avenue, Rock Island, IL 61201. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commod-*

*ities as are dealt in by distributors of warehouse and factory storage systems*, from Davenport, IA; Plymouth, MI; Pontiac, Aurora, Niles, Chicago and Pinkneyville, IL to points in IA and IL under a continuing contract or contracts with Storage Systems, Inc., for 180 days. SUPPORTING SHIPPER(S): Storage Systems, Inc., 1927 Comenitz Drive, Davenport, IA 52802. SEND PROTESTS TO: Lois M. Stahl, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145678 (Sub-1TA), filed November 14, 1978. Applicant: BOYD WAYNE ANDERSON, dba, SHORT ROUND TRUCKING, 6637 South 95 West, Apt. 72, Murray, UT 84107. Representative: Boyd Wayne Anderson (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from WI, IA and MN to the facilities of Mountain Farms, Inc., at or near Hyde Park, UT, under a continuing contract or contracts with Mountain Farms Incorporated, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Mountain Farms Incorporated, P.O. Box 376, 3663 N. Highway 91, Hyde Park, UT 84318. SEND PROTESTS TO: L. D. Helfer, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 145704 (Sub-1TA), filed September 29, 1978. Applicant: FREDERICKSEN TANK LINES, INC., POB 717, 850 Delta Lane, West Sacramento, CA 95691. Representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA 94104. *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Contra Costa, Solano, Butte, Sacramento, San Joaquin and Yolo Counties, CA to points in Washoe, Humboldt, Pershing, Lander, Churchill, Storey, Lyon, Douglas, Mineral, Carson City Counties, NV, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately 5 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: A. J. Rodriguez, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145708 TA, filed November 8, 1978. Applicant: William A. Long, Inc., Bealeton, VA 22712. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014, (301) 654-2240. *Concrete highway barriers* between points in VA, on the one hand, and, on the other, points in CT, DE, GA, IN, KY, MA, MD, NJ, NY, NC, OH, PA, RI, SC, TN, WV, and DC, for 180 days. Concrete Safety Systems,

Inc., Midland, VA 22728. SEND PROTESTS TO: T. M. Esposito, Trans. Asst., 600 Arch St., Rm. 3238, Phila., PA 19106.

MC 145711 TA, filed November 8, 1978. Applicant: KEYSTONE TRANSPORTATION, INC., 3400 Oakcliff Road, Atlanta, GA 30340. Representative: Richard M. Tettelbaum, SERBY & MITCHELL, P.C., Fifth Floor, Lenox Towers S, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Inorganic mineral fillers and materials, equipment and supplies used in the manufacture, sale and distribution of inorganic mineral fillers*, between the facilities of Solem Industries, Inc. at or near Benton, AR, and Fairmount, GA, on the one hand, and, on the other, points in the U.S. under continuing contract or contracts with Solem Industries, Inc., Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Solem Industries, Inc., 3400 Oakcliff Road, Atlanta, GA 30340. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., ICC, 1252 West Peachtree Street NW., Rm. 300, Atlanta, GA 30309.

MC 145716 TA, filed November 8, 1978. Applicant: INTERNATIONAL TRANSPORTATION SERVICE, INC., Suite 1-M, 3300 Northeast Expressway, Atlanta, GA 30341. Representative: J. Michael May, Suite 508, 1447 Peachtree Street NE., Atlanta, GA 30309. *Charcoal, in bags*, from Meta, Steelville and Wesco, MO; Paris, AR; and Jacksonville, TX, to Cleveland, OH. Temporary authority sought for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): Cleveland Charcoal Supply Co., 3905 Jennings Road, Cleveland, OH 44109. SEND PROTESTS TO: Sara K. Davis, Trans. Asst., I.C.C., 1252 West Peachtree Street NW., Rm. 300, Atlanta, GA 30309.

MC 145729 TA, filed November 14, 1978. Applicant: SYMPLEX LEASING, INC., 90 East 5th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, painting equipment, patching compounds and adhesives* (except in bulk) and on return materials, equipment, and supplies used in the manufacturing and sales of paints, painting equipment, patching compounds and adhesives (except in bulk), from Bayonne, NJ, to points in the United States except AK and HI, under a continuing contract or contracts with Norton & Son, Inc., for 180 days. An underlying ETA seeks 90

days authority. SUPPORTING SHIPPER(S): Norton & Son, Inc., P.O. Box 455, Bayonne, NJ 07002. SEND PROTESTS TO: Robert E. Johnston, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145756 TA, filed November 13, 1978. Applicant: R AND J TRUCKING COMPANY, INC., 1110 North Main Street, Summerville, SC 29483. Representative: Roy Oliver, 1110 North Main Street, Summerville, SC 29483. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plywood paneling, particle board paneling, Gyp board paneling and related wood mouldings*, from Charleston, SC, to points in NY, IN, IL, OH, TN, NC, GA, FL, VA, PA, MD, WI, IA, and SC, for 180 days. SUPPORTING SHIPPER(S): Textone, Inc., 3 Hock Avenue, North Charleston, SC 29406. SEND PROTESTS TO: E. E. Strotheid, I.C.C., Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201. Under a continuing contract or contracts with Textone, Inc.

#### PASSENGER CARRIERS

144307 (Sub-No. 2TA), filed November 8, 1978. Applicant: RIVER BUS LINES, INC., P.O. Box 8622, Jackson,

MS 39204. Representative: Don A. Smith, P.O. Box 43, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (a) *passengers and their baggage and express and newspapers* in the same vehicle with passengers, regular route: between Memphis, TN and Helena, AR; From Memphis, TN over Interstate Hwy 40 and/or U.S. Hwy 70 to Lehi, AR, then over U.S. Hwy 79 to Marianna, AR, then over AR Hwy 1 to junction U.S. Hwy 49, then over U.S. Hwy 49 to Helena, AR, and return over the same route, serving all intermediate points, and (b) *passengers and their baggage*, in one-way and round-trip charter operations, irregular route: From points on the routes described in (a) above to all points in the United States including Alaska but excluding Hawaii, and return, for 180 days. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): There are approximately (9) statement of support attached to this application which may be examined at the I.C.C., in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Alan C. Tarrant, I.C.C., Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 145739 (Sub-1TA), filed November 13, 1978. Applicant: MONARCH COACH LINES, LTD., 211-8204-104 Street, Edmonton, AB, Canada T6E 4E6. Representative: W. B. Tainsh (Same as above). *Passengers and their baggage*, (1) from the U.S.-Canada International Boundary line near the port of entry at Sumas, WA to Seattle, WA and Portland, OR, and from Portland, OR to the U.S.-Canada International Boundary line near Blaine, WA and (2) from the U.S.-Canada International Boundary line at the port of entry near Eastport, ID to Sandpoint, ID and Whitefish, MT and from Whitefish, MT to the port of entry on the U.S.-Canada International Boundary line near Roosville, BC, Canada, for 180 days. SUPPORTING SHIPPER(S): Polar Ski Club, 11706-123 St., Edmonton, AB, Canada. Edmonton Oil Kings Hockey Club, 800 Macdonald Hotel, 100 St & Jasper Ave., Edmonton, AB, Canada. SEND PROTESTS TO: Paul J. Labane, I.C.C., 2602 First Avenue North, Billings, MT 59101.

By the Commission.

H. G. HOMME, JR.,  
Acting Secretary.

[FR Doc. 79-177 Filed 1-2-79; 8:45 am]

# sunshine act meetings

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. 522b(e)(3).

## CONTENTS

Commodity Futures Trading Commission .....	1
Federal Energy Regulatory Commission .....	2
Tennessee Valley Authority .....	3

### [6351-01-M]

1

#### COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., January 5, 1979.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Judicial session.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

(S-2623-78 Filed 12-29-78; 11:27 am)

### [6740-02-M]

2

DECEMBER 28, 1978.

#### FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., January 4, 1979.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

#### GAS AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR MEETING

Items	
CAG-1.	Docket No. R-406, Raton Natural Gas Co.
CAG-2.	Docket No. CI78-569 et al., Shell Oil Co. et al.; Docket No. CI78-563, Shell Oil Co.; Docket No. CI78-608, Mobil Oil Corp.; Docket No. CI79-83, Sun Oil Co.; and Docket No. CS71-844 et al., Donald A Beadle and Macero Minerals, Inc. et al.
CAG-3.	Docket No. CI78-797, Mobil Oil Corp.
CAG-4.	Docket No. CI78-289 et al., Kerr-McGee Corp. et al.
CAG-5.	Docket Nos. G-5025 and G-5659, Shell Oil Co.
CAG-6.	Docket No. CS75-563 et al., Robert L. Manning et al.
CAG-7.	Docket No. CS78-451 et al., SCG Gas Quest, Inc. et al.; and
CAG-8.	Docket No. CP77-363, Columbia Gas Transmission Corp., National Fuel Gas Supply Corp.
CAG-9.	Docket No. CP79-127, Northwest Pipeline Corp.
CAG-10.	Docket No. CP79-134, Texas Gas Transmission Corp., Tennessee Gas Pipe Line Co.
CAG-11.	Docket No. CP78-174, Kansas-Nebraska Natural Gas Co., Inc. Docket No. CP78-216, Michigan Wisconsin Pipe Line Co.
CAG-12.	Docket No. CP76-322, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., East Tennessee Natural Gas Co.
CAG-13.	Docket No. CP77-85, Transcontinental Gas Pipe Line Corp.
CAG-14.	Docket No. CP78-525, Columbia Gulf Transmission Co., Texas Gas Transmission Corp.
CAG-15.	Docket No. CP78-542, Texas Eastern Transmission Corp.
CAG-16.	Docket No. CP78-520, El Paso Natural Gas Co.
CAG-17.	Docket No. CP79-1, Cities Service Gas Co.
CAG-18.	Docket No. CP78-526, Natural Gas Pipeline Co. of America, Transcontinental Gas Pipe Line Corp.
CAG-19.	Docket No. CP78-507, Texas Gas Transmission Corp.
CAG-20.	Docket No. CP79-6, Northern Natural Gas Co.
CAG-21.	Docket No. CP77-488, United Gas Pipe Line Co.
CAG-22.	Docket No. CP77-538, Transcontinental Gas Pipe Line Corp., Consolidated Gas Supply Corp., Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co. of America, and Trunkline Gas Co.
CAG-23.	Docket No. CP73-322, Crown Zellerbach Corp.

#### I. PIPELINE RATE MATTERS

RP-1. Docket No. RP71-11 (PGA76-1), Tennessee Natural Gas Lines, Inc.; Docket No. RP76-71 *Tennessee Public Service Commission, Complainant v. Tennessee Natural Gas Lines, Inc.*, Respondent; Docket No. RP71-15 and RP75-28 (PGA 76-1) (DCA76-1), East Tennessee Natural Gas Co.; and Docket No. RP76-70, *Tennessee*

*Public Service Commission, Complainant v. East Tennessee Natural Gas Co.*, Respondent.

#### II. PRODUCER MATTERS

CI-1. Docket No. CI76-253, CIG Exploration, Inc.

#### GAS AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR

#### III. PIPELINE CERTIFICATE MATTERS

CP-1. Docket No. RP71-130, RP72-58 and RP75-111, Texas Eastern Transmission Corp.

CP-2. Docket No. CP78-237, Northern Natural Gas Co.

Docket No. CP66-110 et al., Great Lakes Gas Transmission Co.

CP-3. Docket No. CP76-16, Tenneco Lng Inc.

#### MISCELLANEOUS AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR MEETING

CAM-1. Docket No. RA79-8, Monsanto Co.

CAM-2. Secretary of Energy's proposed regulations including nonrefining uses of price-controlled domestic crude oil within the entitlements program.

CAM-3. Citizens Utilities Co.

CAM-4. Gulf States Utilities Co.

CAM-5. Kansas Gas & Electric Co.

CAM-6. Central Telephone & Utilities Corp.

CAM-7. Electric Energy, Inc.

CAM-8. Jersey Central Power & Light Co.

CAM-9. Project No. 2309, Jersey Central Power & Light Co. and Public Service Electric & Gas Co., co-licensees.

CAM-10. Vermont Yankee Nuclear Power Corp.

#### MISCELLANEOUS AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR MEETING

M-1. Proposed rulemaking implementing section 401 of the NGPA.

M-2. Docket No. RM79- . Procedures for adjustments of rules and orders issued by the Federal Energy Regulatory Commission under the NGPA.

M-3. Interim rule on §315 of NGPA, offers and right of first refusal.

M-4. Docket No. RM79- , treatment of certain production related costs for gas to be transported through the Alaska Natural Gas Transportation System.

M-5. Staff recommendations on the Revenue Act of 1978 which reduces the statutory corporate Federal income tax rate from 48 percent to 46 percent.

M-6. Docket No. RM78-17. Procedures for review by the Federal Energy Regulatory Commission of adjustment request denials by the Secretary of Energy.

M-7. Clarification of Commission's policy respecting indefinite price escalator clauses in existing interstate and intrastate contracts and bilateral schedule modification of these contracts.

POWER AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR MEETING

- CAP-1. Docket No. ER79-76, Montana Light & Power Co.  
 CAP-2. Docket No. ER79-61, Niagara Mohawk Power Corp.  
 CAP-3. Docket No. ER77-535, Arkansas Power & Light Co.  
 CAP-4. Project No. 2800, Docket No. ES78-44, Lawrence Hydroelectric Associates and Essex Co.  
 CAP-5. Project No. 2787, White Current Corp.

POWER AGENDA—213TH MEETING—JANUARY 4, 1979, REGULAR MEETING

ELECTRIC RATE MATTERS

- ER-1. Docket No. ER79-58, Metropolitan Edison Co.  
 ER-2. Docket No. ER78-513, Public Service Co. of Indiana, Inc.  
 ER-3. Docket Nos. ER76-149 and E-9537, Public Service Co. of Indiana, Inc.  
 ER-4. Docket No. ER76-285 (phase II), Public Service Co. of New Hampshire.  
 ER-5. Docket No. ER76-87, Sierra Pacific Power Co.  
 ER-6. Docket No. ER76-445, Boston Edison Co.  
 ER-7. Docket No. ER76-398, Pennsylvania Power & Light Co.  
 ER-8. Docket No. ER76-495 (phase II), Carolina Power & Light Co.  
 ER-9. (a) Docket Nos. ER78-19 (phase I) and ER78-81, Florida Power & Light Co. and (b) Docket Nos. ER78-376 and ER78-19, ER78-81, ER78-282, and ER78-325, Florida Power & Light Co.  
 ER-10. Docket Nos. ER78-566, ER78-567 and ER78-19 et al., (consolidated), Florida Power & Light Co.  
 ER-11. Docket No. E-9592, *Roscoe E. Dean, Jr., and William D. Lovin, complainants v. Georgia Power Co., defendant.*  
 ER-12. Docket No. EL78-15 and ER78-339, Public Service Co. of New Hampshire.  
 ER-13. (A) Docket No. ID-1823, Robert P. Reuss. (B) Docket No. ID-1758, Charles T. Fisher, III and Docket No. ID-1759, Richard C. Gerstenberg.  
 ER-14. Docket No. ID-1709, Willis C. Fitkin and Docket No. ID-1710, William Cyrus Macinnes.

KENNETH F. PLUMB,  
*Secretary.*

[S-2622-78 Filed 12-29-78; 11:27 am]

[8120-01-M]

3

[Meeting No. 1205]

TENNESSEE VALLEY AUTHORITY.  
 TIME AND DATE: 10:30 a.m., Thursday, January 4, 1979.

PLACE: Conference room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tenn.

STATUS: Open.

MATTERS FOR ACTION:

OLD BUSINESS

1. Project Authorization No. 3407—acceleration of commercial and industrial energy conservation. (Discussed at December 14, 1978, Board Meeting.)
2. Filing of condemnation suit to acquire interest in a tract of land needed for construction of the Volunteer-Sullivan 500-kV Transmission Line, loop into Phipps Bend—Tract VPL-1TE. (Discussed at December 14, 1978, Board Meeting.)

NEW BUSINESS

PURCHASE AWARDS

1. Rejection of bid received in response to Invitation No. 823986 for labor, tools, equipment and material to install masonry materials at Hartsville Nuclear Plants and Phipps Bend Nuclear Plant.
2. Rejection of bids received in response to Invitation No. 572848 for indefinite quantity term contract for fasteners, steel and brass, for any TVA project or warehouse.
3. Rejection of bids received in response to Invitation No. 561140 for railroad tank cars for Chemical Development, Design Branch.
4. Rejection of bids received in response to Invitation No. 824935 for indefinite quantity term contract for continuous slot channels and accessories for the Hartsville Nuclear Plant.
5. Rejection of bids received in response to Invitation No. 824554 for refuse handling equipment for Paradise Steam Plant.
6. Rejection of Bids Received in Response to Invitation No. 824271 for Flue Gas Desulfurization system for Paradise Steam Plant.
7. Req. No. 562162—Indefinite quantity term contract for lumber for Hartsville Nuclear Plants.
8. Req. No. 577136—Indefinite quantity term contract for crushed stone for Yellow Creek Nuclear Plant.
9. Req. No. 572828—Indefinite quantity term contract for refractory cement for any TVA project or warehouse.
10. Req. No. 563701—Requirement contract for ready-mixed concrete for Paradise Steam Plant.

PROJECT AUTHORIZATIONS

1. No. 3384.1—Amendment to project authorization for upgrading of existing electrostatic precipitators at Cumberland Steam Plant.

2. No. 3391—Reconductor the Decatur-Huntsville 161-kV transmission line.

POWER ITEMS

1. Agreement with the city of Huntsville, Alabama—Water heater and space conditioning control test.
2. New Power Contract with Plateau Electric Cooperative.
3. Lease and Amendatory Agreement with the city of Florence, Alabama—Elgin 161-kV Substation.
4. Letter agreement among the city of Decatur, Alabama, Joe Wheeler Electric Membership Corporation and TVA—Extending term of service area agreement.

REAL PROPERTY TRANSACTIONS

1. Sale of 30-year easement to Northeast Alabama Government Employees Federal Credit Union for an office building, affecting approximately 2.32 acres of the Widows Creek Steam Plant Reservation—Tract XCSPA-43B.
2. Grant of permanent easement to the Tennessee Department of Transportation for public road right of way, effecting approximately 1.1 acres of Guntersville Reservoir land in Marion County, Tennessee—Tract XTGR-129H.
3. Abandonment of portion of Great Falls-McMinnville Transmission Line right of way in Warren County, Tennessee—Tracts GFES-46 through GFES-56 and portions of Tracts GFES-45 and GFES-57.
4. Filing of Condemnation Suits.

UNCLASSIFIED

1. Settlement agreement with Webster County Coal Corporation—Price escalation claims under contract.
2. Revised TVA policy code relating to procurement of personal property and services.
3. Revised TVA policy code relating to disposal of personal property not needed by TVA.
4. Compliance with Ethics in Government Act of 1978 requiring TVA employees in certain positions to make financial disclosure reports at specific times.

DATED: December 28, 1978.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 207-566-1401.

[S-2621-78 Filed 12-29-78; 11:27 am]

**Federal Register**

WEDNESDAY, JANUARY 3, 1979

PART II



---

**DEPARTMENT OF  
ENERGY**

■  
**PROPERTY  
MANAGEMENT  
REGULATIONS**

[6450-01-M]

**Title 41—Public Contracts and  
Property Management**

**CHAPTER 109—DEPARTMENT OF  
ENERGY**

**PROPERTY MANAGEMENT  
REGULATIONS**

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) hereby publishes as a final rule its Property Management Regulations (DOE-PMR). These Regulations implement and supplement the Federal Property Management Regulations (FPMR) and prescribe policies and procedures for the conduct of property management activities by DOE direct Government operations and by operating and on-site service contractors under contract to the Department of Energy.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Francis Roche, Chief, Property and Equipment Management Branch, Procurement and Contracts Management Directorate, Room 400 RB, Washington, DC 20545, telephone (202) 376-4562.

SUPPLEMENTARY INFORMATION: On October 24, 1978, DOE published its proposed Property Management Regulations in the FEDERAL REGISTER (43 FR 49636). Interested persons were invited to submit written comments on the proposal to the Department of Energy. Those comments received were from DOE component organizations. The changes made in this final rule reflect changes to the FPMR's issued by the General Services Administration in FPMR Amendments E-223, F-34, and G-47, and the recommended revisions contained in the comments received.

**CHANGES TO THE PROPOSED DOE-PMR**

**A. Resulting from FPMR Changes:**

1. In the introductory section, Subchapter F is changed from "no change" to read "Subchapter F—revised."

2. In the table of contents, Part 109-32 is deleted, and the title of Subchapter F is revised to read "ADP and Telecommunications." Part 109-36 is added under Subchapter F.

3. In Section 109-1.5148-1, report number 7 under Motor Vehicle is changed to reflect new references.

4. In Subchapter E, Part 109-32 is deleted and is redesignated as Part 109-36 under Subchapter F.

5. The heading for Subchapter F is revised to read "ADP and Telecommunications."

6. Under Subchapter F, new Part 109-36 is added, redesignated from § 109-32, Subchapter E, and the heading is revised to read "ADP Management."

7. The table of contents for Part 109-38 in Subchapter G is amended to add Section 109-38.1306.

8. In subchapter G, Sections 109-38.1305(a), (b), (c) and (d) are transferred to new Section 109-38.1306, and some editorial changes are made.

**B. Other Changes:**

1. In Section 109-1.5110, a sentence has been added to permit use or installation of privately owned decorative items or memorabilia to the workplace.

2. Section 109-38.100-1(d) is revised to provide instructions on submitting motor vehicle reports in mechanized form.

Accordingly, the following regulations are issued as a final rule, effective January 1, 1979, to appear as Chapter 109 in Title 41 of the Code of Federal Regulations.

Dated: December 22, 1978.

HILARY J. RAUCH,  
*Deputy Director Procurement  
and Contracts, Management  
Directorate.*

**CHAPTER 109—DEPARTMENT OF  
ENERGY PROPERTY MANAGEMENT  
REGULATIONS**

**SUBCHAPTER A—GENERAL**

Part 109-1—Introduction.

**SUBCHAPTER C—DEFENSE MATERIALS**

Part 109-14—National Stockpile.

**SUBCHAPTER E—SUPPLY AND PROCUREMENT**

Part 109-25—General.

Part 109-26—Procurement Sources and Programs.

Part 109-27—Inventory Management.

Part 109-28—Storage and Distribution.

Part 109-29—Federal Specifications and Standards.

Part 109-30—Federal Catalog System.

**SUBCHAPTER F—ADP AND  
TELECOMMUNICATIONS**

Part 109-36—ADP Management.

**SUBCHAPTER G—TRANSPORTATION AND  
MOTOR VEHICLES**

Part 109-38—Motor Equipment Management.

Part 109-39—Interagency Motor Vehicle Pools.

**SUBCHAPTER H—UTILIZATION AND DISPOSAL**

Part 109-42—Property Rehabilitation Services and Facilities.

Part 109-43—Utilization of Personal Property.

Part 109-44—Donation of Personal Property.

Part 109-45—Sale, Abandonment, or Destruction of Personal Property.

Part 109-46—Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority.

Part 109-48—Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property.

Part 109-50—Programmatic Disposal of DOE Property.

**SUBCHAPTER I—[RESERVED]**

**SUBCHAPTER J—INDUSTRIAL PLANT  
EQUIPMENT**

Part 109-51—Loans of Industrial Plant Equipment from the Defense Industrial Plant Equipment Center (DIPEC).

**SUBCHAPTER A—GENERAL**

**PART 109-1 INTRODUCTION**

**Subpart 109-1.1—Regulation System**

Sec.

1009-1.100 Scope of subpart.

1009-1.100-50 Definitions.

1009-1.103-50 DOE-PMR temporary regulations.

1009-1.104 Publication and distribution of DOE-PMR.

1009-1.104-1 Publication.

1009-1.104-2 Distribution.

1009-1.105 Authority for DOE-PMR.

1009-1.106 Applicability.

1009-1.107 Consultation regarding DOE-PMR.

1009-1.108 Agency implementation and supplementation of FPMR.

1009-1.109 Numbering of DOE-PMR.

1009-1.110 Deviation.

1009-1.110-2 Procedure.

**Subpart 109-1.50—Personal Property and  
Supply Management Program**

109-1.5000 Scope of subpart.

109-1.5001 Policy.

109-1.5002 Property and supply management program objectives.

109-1.5003 Definitions.

109-1.5004 Responsibilities and authorities.

109-1.5004-1 The Director of Procurement and Contracts Management.

109-1.5004-2 The Director of Administration.

109-1.5004-3 Heads of field offices and contracting officers.

109-1.5004-4 Heads of Headquarters organizations.

109-1.5005 Review of contractors' procedures and practices.

**Subpart 109-1.51—Personal Property  
Management Standards and Practices**

109-1.5100 Scope of subpart.

109-1.5101 Definition.

109-1.5102 Official use of property.

109-1.5103 Maximum use of property.

109-1.5104 Loan of property.

109-1.5105 Borrowing of property.

109-1.5106 Control of property.

109-1.5106-1 Identification marking of property.

109-1.5106-2 Segregation of property.

109-1.5106-3 Physical protection of property.

Sec.

- 109-1.5106-4 Control of sensitive items.
- 109-1.5106-5 Physical inventories.
- 109-1.5107 Retirement of property.
- 109-1.5108 Property belonging to others.
- 109-1.5109 Employee participation and development.
- 109-1.5110 Use of non-Government owned property.
- 109-1.5148 Records and reports.
- 109-1.5148-1 Personal Property Management Reports.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**Subpart 109-1.1—Regulation System**

**§ 109-1.100 Scope of subpart.**

This subpart establishes a system and describes procedures for promulgating Department of Energy Property Management Regulations (DOE-PMR) 41 CFR Chapter 109, within the Federal Property Management Regulations System (FPMR), 41 CFR Chapter 101, as established by the General Services Administration (GSA). These regulations implement and supplement the FPMR's governing the acquisition, utilization, management, and disposition of personal property.

**§ 109-1.100-50 Definitions.**

As used in these Regulations the following definitions apply:

(a) "Heads of field offices" are the heads of any officially established Departmental office located outside the Washington, D.C. metropolitan area.

(b) "Direct operations" means operations conducted by DOE personnel.

(c) Operating and on-site service contractors:

(1) Operating contractors are those which—

(i) manage Government-owned laboratories, production plants, and research facilities located on Government-owned or leased sites, where the programs being conducted are considered of a long-term, continuing nature,

(ii) operate Government-owned facilities located on contractor-owned or leased sites where the programs being conducted are of a long-term, continuing nature. An example of this category would be those contracts with universities for the operation of Government-owned laboratories and facilities, located on university-owned sites, for the purpose of conducting long-term basic research programs; or

(iii) are designated by the senior procurement official, Headquarters, or the head of a procuring activity to be subject to the provisions of these regulations. An example would be a major cost-reimbursement contract for construction on a Government-owned or leased site.

(2) On-site service contracts are those cost-reimbursement type con-

tracts for the performance of services of a continuing nature for DOE at Government-owned or leased sites.

(3) Single purpose contracts for the operation of process developmental units, pilot plants, and demonstration plants where the purpose is to demonstrate the viability of processes toward the goal of commercialization are not considered, unless designated, operating contracts in accordance with § 109-1.100-50(c)(1)(iii) for the purpose of this section.

(d) "Contractor" means operating or on-site service contractor or as designated in accordance with § 109-1.100-50(c)(1)(iii).

**§ 109-1.103-50 DOE-PMR temporary regulations.**

(a) The Department of Energy Property Management Regulations System includes a temporary-type issuance which will be used when—

(1) The regulation will remain in effect for a specific temporary period of time or is for one-time application; or

(2) Time will not permit preparation and publication of the regulations in final codified form.

(b) As a general rule, temporary-type regulations having continuing application will be converted to permanent form within 180 days after publication.

**§ 109-1.104 Publication and distribution of DOE-PMR.**

**§ 109-1.104-1 Publication.**

The DOE-PMR will be published in the FEDERAL REGISTER and will appear in the Code of Federal Regulations as Chapter 109 of Title 41, Public Contracts and Property Management. Looseleaf publications will be distributed to DOE offices.

**§ 109-1.104-2 Distribution.**

The responsibilities and authorities for distribution of publications in the FPMR series are as follows:

(a) The Director of Procurement and Contracts Management—

(1) Designates an official to serve as liaison with GSA;

(2) Establishes and maintains distribution patterns; and

(3) Processes DOE-PMR Handbooks for final approval and publication.

(b) The Director of Administration—

(1) Distributes publications in accordance with established distribution patterns; and

(2) Provides additional support services as required.

(c) Heads of Field Offices—

(1) Provide Director of Procurement and Contracts Management, as necessary, with field office and contractor requirements;

(2) Forward one-time requests for additional copies of specific centrally distributed publications to the Office of Administrative Services, Headquarters (AD-473); and

(3) Distribute publications in accordance with established distribution patterns.

**§ 109-1.105 Authority for DOE-PMR.**

The DOE-PMRs are prescribed by the Secretary or his designee and the head of any DOE Headquarters organization having functional responsibility for the Regulations being prescribed, pursuant to the authority of the Department of Energy Organization Act of 1977, (42 USC 7101 et seq.), the Federal Property and Administrative Services Act of 1949, as amended (40 USC 471 et seq.), and FPMR 101-1.108.

**§ 109-1.106 Applicability.**

(a) The FPMR and this DOE-PMR apply to all direct operations.

(b) Unless otherwise provided in the appropriate part or subpart, contracting officers shall assure that the FPMR and DOE-PMR are applied to operating and on-site service contractors. The FPMR and DOE-PMR shall be used by contracting officers in their review, approval, administration or appraisal of such contractor operations.

**§ 109-1.107 Consultation regarding DOE-PMR.**

DOE-PMRs shall be fully coordinated with all Departmental elements substantively concerned with the subject matter.

**§ 109-1.108 Agency implementation and supplementation of FPMR.**

(a) The DOE-PMRs shall include regulations deemed necessary to understand basic and significant Departmental property management policies and procedures which implement, supplement, or deviate from the FPMR.

(b) Implementing procedures, instructions, and guides which are necessary to clarify or to implement the DOE-PMR may be issued by Headquarters or field organizations, providing the implementing procedures, instructions and guides—

(1) Are consistent with the policies and procedures contained in this regulation as implemented and supplemented from time to time;

(2) To the extent practicable, follow the format, arrangement, and numbering system of this regulation; and

(3) Contain no material which duplicates, paraphrases, or is inconsistent with the contents of this regulation.

**§ 109-1.109 Numbering of DOE-PMR.**

(a) Where the DOE-PMRs implement the FPMR, the implementing part, subpart, section or subsection of

the DOE-PMR will be numbered and captioned, to the extent possible, to correspond to the part, subpart, section, or subsection of the FPMR.

(b) Where the DOE-PMRs supplement the FPMR, the numbers 50 and up will be assigned to the parts, subparts, sections or subsections involved.

(c) Where the subject matter contained in a part, subpart, section, or subsection of the FPMR requires no implementation, the DOE-PMR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPMR governs within the meaning of § 109-1.106.

#### § 109-1.110 Deviation.

##### § 109-1.110-2 Procedure.

(a) In individual cases, deviations from the FPMR and DOE-PMR may be authorized by the head of the Headquarters organization having functional responsibility. A supporting statement for each individual deviation, which indicates briefly the nature of the deviation, the reasons for such special action, and the Headquarters approval, shall be maintained by the Headquarters organization concerned.

(b) In classes of cases, requests for deviations from the FPMR and DOE-PMR shall be forwarded to the head of the Headquarters organization having functional responsibility, and shall be accompanied by a supporting statement. Requests shall be considered on an expedited basis and coordination with Headquarters organizations will be obtained as appropriate. Requests involving the FPMR will be considered jointly by DOE and GSA, unless, in the judgment of the Headquarters organization having functional responsibility, circumstances preclude such joint effort. In such case, the organization having functional responsibility will approve such class deviations as determined to be necessary and notify GSA.

#### Subpart 109-1.50—Personal Property and Supply Management Program

##### § 109-1.5000 Scope of subpart.

This subpart supplements the FPMR, states DOE personal property and supply management policy and program objectives, and prescribes authorities and responsibilities of heads of Headquarters organizations, and heads of field offices exercising property management functions.

##### § 109-1.5001 Policy.

It is DOE policy that a program for the management of Government personal property (sometimes referred to as personal property or as property) shall be established and maintained to

meet program needs economically and efficiently and in accordance with applicable Federal statutes and Federal agency regulations.

##### § 109-1.5002 Property and supply management program objectives.

The objectives of the DOE Property and Supply Management Program are to provide—

(a) A system for managing Government personal property in the custody or possession of DOE and its contractors; and

(b) Uniform principles, policies, standards, and procedures for economical and efficient management of Government personal property that are sufficiently broad in scope and flexible in nature to facilitate adaptation to local needs and various kinds of operations.

##### § 109-1.5003 Definitions.

As used in these regulations, the following definitions apply:

(a) "Government personal property"—

(1) Is property which is Government-owned or -rented or -leased from commercial sources in the custody of DOE or its contractors; and

(2) Is property of any kind or type except real property; records; special source materials, which includes source materials and special nuclear material, and those other materials to which the provisions of DOE Manual Part 7400 apply, such as deuterium, enriched lithium, neptunium 237 and tritium, and atomic weapons and by-product materials as defined in Section II of the Atomic Energy Act of 1954, as amended; enriched uranium in stockpile and storage; and petroleum being held in reserve in the Strategic Petroleum Reserve and the Naval Petroleum Reserve.

(b) "Personal property and supply management" means the implementation, development and administration of policies, programs and procedures for effective and economical receipt, storage, issue, use, control, physical protection, care and maintenance, disposal, determination of requirements and maintenance of related operating records, as appropriate, for Government personal property exclusive of the accounting records. It includes such established management functions as (1) making special surveys and studies of practices and procedures and regular staff reviews and analyses of property requirements in budget estimates, financial plans, and reports, (2) furnishing staff assistance and guidance to DOE and contractor counterparts, (3) assuring the maintenance of pertinent costs at reasonable levels, and (4) conducting periodic appraisals of performance.

##### § 109-1.5004 Responsibilities and authorities.

##### § 109-1.5004-1 The Director of Procurement and Contracts Management.

The Director of Procurement and Contracts Management—

(a) Develops and maintains Departmental personal property policies, standards and procedures;

(b) Develops and publishes Departmental regulations relating to personal property and supply management;

(c) Represents the Department with GSA and other agencies on matters relating to personal property and supply management;

(d) Submits Departmental personal property and supply management reports to GSA, the Congress and other Federal agencies;

(e) Provides staff assistance to Departmental organizations performing personal property and supply management functions;

(f) Conducts reviews and appraisals of Departmental personal property and supply management functions;

(g) Prepares the Departmental aircraft and motor vehicle budget; and

(h) Reviews and provides staff evaluation and support of budget proposals relating to stores inventories.

##### § 109-1.5004-2 The Director of Administration.

The Director of Administration—

(a) Manages personal property for Headquarters organizations located in the Washington, D.C. Metropolitan area and for those Departmental organizations outside the Washington, D.C. Metropolitan area for which he has been assigned property management responsibilities; and

(b) Exercises responsibilities cited in § 109-1.5004-3 as they relate to functions under his management control.

##### § 109-1.5004-3 Heads of field offices and contracting officers.

Heads of field offices and contracting officers—

(a) Assure effective management of Government personal property in the custody of DOE and its contractors, consistent with applicable laws and regulations;

(b) Interpret Departmental personal property management policies and procedures for their contractors and promote improved property management practices and controls;

(c) Arrange with contractors to establish effective administrative procedures, to the extent practicable and economical, which will ensure adequate physical protection and control of Government personal property, proper utilization of Government personal property, adequate supply support of approved programs, and com-

pliance with applicable laws and regulations;

(d) Assure that new contracts or modifications, extensions, or amendments to existing contracts contain provisions that will promote efficient and economical management of Government personal property in the custody or possession of the contractors;

(e) Review and approve personal property management policies, practices and procedures of contractors and assure that they are maintained in writing on a current basis consistent with the terms of the contract and pertinent DOE regulations;

(f) Authorize the use of Government personal property for purposes other than performance of official work of the United States Government only in accordance with applicable laws;

(g) Authorize loans of Government personal property to other Government agencies and to others for official purposes;

(h) Assure that DOE employees and contractors are aware that acts of theft, illegal possession, and unlawful destruction or use of Government personal property are violations punishable under Federal law, notwithstanding disciplinary measures taken under administrative policy;

(i) Assure that DOE employees and contractors are aware that every user of Government personal property is responsible for its physical protection and for reporting the loss, theft, destruction or damage of property;

(j) Apply personal property management regulations, instructions, standards, procedures, and practices as prescribed in the FPMRs and the DOE-PMRs;

(k) Assure that responsibility for an effective property and supply management program is clearly and definitely assigned to a responsible member or members of each staff; and

(l) Provide reports on property management activities as provided in these regulations.

**§ 109-1.5004-4 Heads of Headquarters organizations.**

Heads of Headquarters organizations will exercise responsibilities as described in these regulations for property management activities for which they have a programmatic responsibility.

**§ 109-1.5005 Review of contractors' procedures and practices.**

(a) Contracting Officers shall review Contractors' procedures and practices for control and management of property as soon as practicable after approval of the contract if the contractor is to use Government personal property. Further reviews shall be made as necessary.

(b) The type and frequency of reviews will depend on—

(1) The quantity and value of Government personal property to be furnished; and

(2) The period of time the property is to be used or consumed; that is, whether or not storage and subsequent issue are involved or the property will be issued or used on the job directly following receipt.

(c) Whether the review consists of a simple desk review of procedures or a full scale onsite appraisal shall be based on the amount of property involved, conditions of usage, storage, and other pertinent factors.

**Subpart 109-1.51—Personal Property Management Standards and Practices**

**§ 109-1.5100 Scope of subpart.**

This subpart provides general guidance on DOE standards and practices to be applied in the management of Government personal property.

**§ 109-1.5101 Definition.**

"Sensitive items" are those items of property which are considered to be susceptible to being appropriated for personal use or which can be readily converted to cash, for example: firearms, portable photographic equipment, binoculars, portable tape recorders, portable calculators, and portable power tools.

**§ 109-1.5102 Official use of property.**

Property shall be used only in the performance of official work of the United States Government, except (a) in emergencies threatening loss of life or property, or (b) as otherwise authorized by law and approval by heads of organizations having property management responsibilities, or by the contracting officer.

**§ 109-1.5103 Maximum use of property.**

Property and supply management practices shall assure that the best possible use is made of property. Supplies and equipment provided for DOE work shall be generally limited to those items essential for carrying out the programs of DOE effectively. Adequate staff review shall be made of operating programs to coordinate and plan future supply activities and to assure against overstocking, waste, and improper use of property.

**§ 109-1.5104 Loan of property.**

(a) Property which would otherwise be out of service for temporary periods (and not excess) may be loaned to other DOE offices and contractors, other Federal agencies, and to others for official purposes. Such loans shall be covered by written agreements or

memorandum receipts which shall include all terms of the loan (such as loan period, delivery time, method and payment of transportation, point of delivery and return, conditions of use, responsibilities of the borrower for condition of property on return, inspection requirements, etc.) that may be required to ensure proper control and protect DOE's interest. The loan period should not exceed one year, but may be renewed.

(b) Requests for loan by foreign Governments and other foreign organizations shall be submitted to the Office of Assistant Secretary for International Affairs, for approval, with a copy to the cognizant Headquarters program office.

**§ 109-1.5105 Borrowing of property.**

(a) Offices and contractors are encouraged to borrow property within DOE to further DOE programs. Property classified as "Equipment Held For Future Projects (EHFFP)" or as "In Standby" should be reviewed by those receiving availability inquiries for short-term loans (one year or less). Borrowing of Government property from other Federal agencies is also encouraged when required for short periods of time. Such transactions shall be covered by written agreements which include all the terms of the transaction.

(b) In determining whether it is practical and economical to borrow property, consideration shall be given to suitability, condition, value, extent and nature of use, extent of availability, portability, cost of transportation, and other similar factors.

**§ 109-1.5106 Control of property.**

**§ 109-1.5106-1 Identification marking of property.**

(a) Identification marking of property by numbering may be used where it has been administratively determined to be sufficiently advantageous to justify the cost.

(b) All capitalized Government property shall be permanently marked to identify it as U.S. Government property. Other property susceptible to unauthorized personal use should be considered for marking for control purposes. Marking may be accomplished by any means which will produce a permanent marking and which is most adaptable to the particular item of property.

(c) To the extent practicable and economical, markings shall be removed prior to disposal outside of DOE, or additional markings may be added to indicate such disposal.

(d) Property which by its nature cannot be marked is exempted from this requirement. Where such Government property is in the custody of con-

tractors it should not be commingled with contractor-owned property unless it is administratively determined by the contracting officer to be advantageous to the Government.

**§ 109-1.5106-2 Segregation of property.**

Ordinarily, provisions shall be made for the contractor to keep Government property segregated from contractor-owned property. Commingling of Government-owned and contractor-owned property may be allowed only when—

(a) The segregation of the property would materially hinder the progress of the work, i.e., segregation is not feasible for reasons such as small quantities, lack of space, or increased costs; and

(b) Control procedures are adequate, i.e., the Government property is specifically marked or otherwise identified as being Government property.

**§ 109-1.5106-3 Physical protection of property.**

Controls such as property pass systems, memorandum records, regular or intermittent gate checks, marking of tools, and perimeter fencing shall be established as required to prevent loss, theft, or unauthorized movement of property from the premises on which such property is located.

**§ 109-1.5106-4 Control of sensitive items.**

(a) Controls shall be established over the acquisition, storage, issue, use, and return of sensitive items of property. These controls should be applied with judgment and should take into consideration the dollar value of the items to be controlled and costs of administration.

(b) A list of sensitive items shall be maintained for items considered to require special controls before and after issue. Determination of specific sensitive items shall be a matter for management judgment at individual locations.

(c) Written procedures shall be established for control of sensitive items. Specific procedures to be considered for control before and after issue include—

(1) Approval of purchase requisitions or issue documents at an appropriate supervisory level prior to purchase or issue;

(2) Establishment of administrative controls in the central receiving and warehousing department. Such controls could include extraordinary physical protection, guidance for receiving and warehousing personnel as to procedures for protection, and a current listing of sensitive items;

(3) Establishment and maintenance of appropriate property management records, including all necessary information for adequate functional control;

(4) Requirements for tagging and identification;

(5) Use of memorandum receipts or custody documents at time of assignment or change in custody;

(6) Establishment of custodial responsibilities describing—

(i) Need for extraordinary physical protection;

(ii) Requirement for prompt reporting of apparent loss, damage or destruction;

(iii) Requirement to return items in condition beyond economical repair to an appropriate organizational element;

(iv) Requirement for promptly reporting changes in custody or extended loans;

(v) Reminder of prohibition of use for other than official purposes, and penalties for misuse;

(vi) Requirement for effective physical and administrative control of sensitive items assigned for general use within an organizational unit as appropriate to the type of property and the circumstances; and

(vii) A clear definition of the extent of responsibility or financial accountability, depending on contractor policy.

(7) Requirement for annual physical inventory;

(8) Requirement for prompt and thorough investigation of losses;

(9) Requirement for an employee transfer or termination checkout procedure and examination and adjustment of records; and

(10) Reference to other property and supply management procedures which, through experience and independent audit, have demonstrated effective physical and administrative control over sensitive items.

**§ 109-1.5106-5 Physical inventories.**

(a) Physical inventories shall be conducted at all DOE and contractor locations. The physical inventory shall be conducted consistent with approved procedures and generally accepted accounting procedures.

(b) The frequency of physical inventories shall be as follows:

(1) Moveable capital equipment—not less frequently than every two years.

(2) Sensitive items—annually.

(3) Stores inventories—annually.

(4) Precious metals—semi-annually.

(c) Adjustments will be made to the control records and all significant discrepancies shall be investigated.

(d) Full use should be made of accounting records and reports.

**§ 109-1.5107 Retirement of property.**

When Government property is worn out, lost, stolen, destroyed, abandoned, or damaged beyond economical repair, it shall be listed on a retirement work order. A full explanation shall be supported by an investigation, if necessary, as to the date and circumstances

surrounding loss, theft, destruction, abandonment, or damage. The retirement work order shall be signed by the responsible official initiating the report and reviewed and approved by an official at least one supervisory echelon above the official initiating the report.

**§ 109-1.5108 Property belonging to others.**

Procedures shall be established which will provide for no less attention to the management of property belonging to other Federal agencies in the possession or custody of DOE or its contractors than for DOE property.

**§ 109-1.5109 Employee participation and development.**

Full advantage shall be taken of suitable methods for stimulating employee participation and cooperation in carrying out an effective and economical program of property and supply management. Some examples of effective methods are (a) indoctrination of new employees and others who have access to or use property, (b) the use of incentive award plans to promote interest, (c) the use of visual aids such as posters, plant publications, outdoor signboards, and displays to keep employees informed as to progress and to remind them of their responsibilities, and (d) training of employees in specialty fields.

**§ 109-1.5110 Use of non-Government-owned property.**

Personal property, title to which is vested in a DOE employee, an employee of a DOE contractor, or in any person or organization not under contract or subcontract to DOE, shall not be installed in, affixed to, or otherwise made a part thereof, of any Government-owned personal or real property. This restriction does not apply to the use and installation of privately owned decorative items or memorabilia to the workplace, provided that the structure or safety of the facility is not thereby degraded.

**§ 109-1.5148 Records and reports.**

(a) Inventory records and reports will be maintained and will serve as a basis for (1) effecting maximum utilization of available property, including excess, (2) prompt identification and reporting of excess property, (3) maximizing effective physical protection of property, and (4) preparation of special and recurring reports. Full use will be made of accounting records and reports to avoid duplication.

(b) Property management reports which require input from the DOE field offices or from Headquarters organizations exercising property management responsibilities, and Financial Information Sub-systems generated reports, are listed in § 109-1.5148-1.

[6450-01-C]  
§ 109-1.5148-1 Personal property management reports.

PERSONAL PROPERTY MANAGEMENT REPORTS

I. Property and Equipment

Report Title	Form No. (No. of Cys.)	Frequency	Submitted To	Due at HQ	Narrative Analysis Required	References	Comments
1. Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority	Letter (1)	Annually	HQ PRPM	Nov. 30	No	FPMR 101-46.407 DOE-PMR 109-46.406	The annual Departmental report to GSA is submitted by HQ PRPM
2. Changes in Plant and Equipment and Accumulated Depreciation - Supporting Details	DOE Form CR-84-31 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	DOE Order 2200, Chapter XI	
3. Plant and Equipment by Facilities	DOE Form CR-84-34 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	DOE Order 2200, Chapter XI	
4. Plant and Equipment by Location	DOE Form CR-84-35 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	DOE Order 2200, Chapter XI	
5. Plant and Equipment Facilities in Standby and Maintenance Costs	DOE Form CR-85-1 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	DOE Order 2200, Chapter XI	
6. Utilization and Disposal of Excess and Surplus Personal Property	DOE Form CR-85-2 (4)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	FPMR 101-43.4701 DOE-PMR 109-43.4701 DOE Order 2200, Chapter XI	The annual Departmental report to GSA (SF 121) is submitted by HQ PRPM
7. Excess Personal Property Furnished to Non-Federal Recipients	Letter	Annually	HQ PRPM	Nov. 30	No	FPMR 101-43.4701 DOE-PMR 109-43.4701	The annual Departmental report to GSA is submitted by HQ PRPM

## PERSONAL PROPERTY MANAGEMENT REPORTS

Report Title	Form No. (No. of Cys.)	Frequency	Submitted To	Due at HQ	Narrative Analysis Required	References	Comments
8. Disposal of Foreign Excess Property	DOE Form CR-85-3 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	FPNR 101-43.4701 DOE-PNR 109-43.4701 DOE Order 2200, Chapter XI	The annual Departmental report to Congress is submitted by HQ PRPM
9. Summary of Excess Property Received from Other Agencies	DOE Form CR-85-4 (3)	Annually	HQ CR	Sept. 30 + 32 work days	No	DOE Order 2200, Chapter XI	
10. Annual Wastepaper Report		Annually	HQ PRPM	Oct. 30	No	40 CFR 246.100g	
11. Supply							
1. Direct Labor Costs of Stores Inventory Warehousing Activities	DOE Form CR-85-7 (3)	Annually	HQ CR	Sept. 30 + 32 work days	Yes	DOE Order 2200, Chapter XI	Information for the annual Supply Activity Report submitted to GSA by HQ PRPM
2. Precious Metals	Letter (1)	Annually	HQ PRPM	Oct. 30	No	FPNR 101-42.301-2 DOE-PNR 109-42.301-2	The annual Departmental report to GSA is submitted by HQ PRPM

PERSONAL PROPERTY MANAGEMENT REPORTS

III. Motor Vehicles

Report Title	Form No. (No. of Cys.)	Frequency	Submitted To	Due at HQ	Narrative Analysis Required	References	Comments
1. Agency Report of Motor Vehicle Data	SF 82	Annually	HQ PRPM	Sept. 30 + 21 work days	Yes	FPMR 101-38.1 DOE-PMR 109-38.100-1	The annual Departmental report to GSA (SF 82) is submitted by HQ PRPM
1a. Agency Report of Sedan Data	SF 82-d	Annually	HQ PRPM	Sept. 30 + 21 work days	Yes	FPMR/FR 6-22 DOE-PMR 109-38.100-1	The annual Departmental report to GSA (SF 82) is submitted by HQ PRPM
2. Supplemental (Motor Vehicle) Data Reports		Annually	HQ PRPM	Sept. 30 + 21 work days	No	DOE-PMR 109-38.100-1	
2a. Acquisitions and Disposals by Transfer	DOE-PMR 109-38.4950	Annually	HQ PRPM	Sept. 30 + 21 work days	No	DOE-PMR 109-38.100-1	
2b. Special Purpose Vehicles	DOE-PMR 109-38.4951	Annually	HQ PRPM	Sept. 30 + 21 work days	No	DOE-PMR 109-38.100-1	
2c. Age and Mileage Analysis	SFR2-b DOE-PMR 109-38.4952	Annually	HQ PRPM	Sept. 30 + 21 work days	Yes	DOE-PMR 109-38.100-1	
3. Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil	Letter	Semi-Annually	HQ PRPM	Oct. 10 April 10	No	GSA Bulletin 4-36 DOE-PMR 109-38.53	The semi-annual Departmental report to GSA is submitted by HQ PRPM

PERSONAL PROPERTY MANAGEMENT REPORTS

Report Title	Form No. (No. of Cys.)	Frequency	Submitted To	Due at HQ	Narrative Analysis Required	References	Comments
4. Unused Passenger Vehicle Replacement Authorizations	Letter	Annually	HQ PRPM	June 15	No	DOE-PRM 109-38, 5101-5(b)	
5. Geographical Distribution of Motor Vehicles	Letter	Annually	HQ PRPM	Feb. 13	No	Department of Transportation	The annual Departmental report to DOT is submitted by HQ PRPM
6. Report of Exempted Motor Vehicles	Letter	On Request	HQ PRPM	On Request	Yes	FPMR 101-38.607 DOE-PRM 109-38.607	The requested Departmental report is submitted to GSA by HQ PRPM
7. Annual Plan for Acquisition of Fuel Efficient Passenger Automobiles	Letter	Annually	HQ PRPM	Nov. 1	No	Executive Order 12003, FPMR Temporary Bulletin G-32, DOE-PRM 109-38, 1305	The Departmental consolidated plan is submitted to GSA by HQ PRPM

PERSONAL PROPERTY MANAGEMENT REPORTS  
 IV. FIS Generated Reports

Report Title	Form No. (No. of Cys.)	Frequency	Submitted To	Due at (0)	Narrative Analysis Required	References	Comments
1. Analysis of Stocks	DOE 84-20				Yes	DOE Order 2200, Chapter XI	Reports 1 and 2 provide data for the Departmental annual Supply Activity Report to be submitted to OSA (USA 1473) by HQ PRPN Reference: FPMR 101-25.48 DOE-PFR 109-23,48
2. Summary of Current Use and Standby Stores Inven- tory Transactions	DOE 84-21				Yes	DOE Order 2200, Chapter XI	
3. Changes In Plant and Equipment and Accumulated Depreciation	DOE 84-30				No	DOE Order 2200, Chapter XI	
4. Completed Plant and Accumu- lated Depreciation by Type	DOE 84-32				No	DOE Order 2200, Chapter XI	
5. Equipment Held for Future Projects					Yes	DOE Order 2200, Chapter XI DOE-PFR 109-27,5109	

## SUBCHAPTER C—DEFENSE MATERIALS

## PART 109-14—NATIONAL STOCKPILE

Sec.  
109-14.000 Scope of part.

## Subpart 109-14.1—Transfer of Excess Strategic and Critical Materials to the National Stockpile

109-14.103-1 General requirements of reporting.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

§ 109-14.000 Scope of part.

This part implements and supplements FPMR Part 101-14, National Stockpile.

## Subpart 109-14.1—Transfer of Excess Strategic and Critical Materials to the National Stockpile

§ 109-14.103-1 General requirements of reporting.

Holding activities shall submit reports of storage materials determined to be excess to their needs, through appropriate administrative channels, to the Procurement and Contracts Management Directorate (PR-221) for determination of Departmental requirements and, if appropriate, for further reporting to GSA as required by FPMR 101-14.103-1.

SUBCHAPTER E—SUPPLY AND PROCUREMENT  
PART 109-25—GENERAL

Sec.  
109-25.000 Scope of subchapter.  
109-25.001 Scope of part.

## Subpart 109-25.1—General Policies

109-25.101-1.50 Definitions.  
109-25.101-3 Supply through consolidated purchase for direct delivery to use points.  
109-25.109 Laboratory and research equipment.  
109-25.109-1 Identification of idle equipment.  
109-25.109-2 Equipment pools.

## Subpart 109-25.3—Use Standards

109-25.302 Office furniture, furnishings and equipment.  
109-25.302-1 Executive type office furniture and furnishings.  
109-25.302-2.50 Filing equipment and supplies.  
109-25.302-3 Electric typewriters.  
109-25.304 Additional systems and equipment for passenger motor vehicles.  
109-25.350 Use of furnishings and household goods in Government personnel quarters.  
109-25.351 Furnishing of Government clothing and individual equipment to employees.

## Subpart 109-25.4—Replacement Standards

109-25.403 Office machines.  
109-25.405 Materials handling equipment.

## Subpart 109-25.48—Reports

109-25.4800 Scope of subpart.  
109-25.4800-50 Applicability.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

§ 109-25.000 Scope of subchapter.

This subchapter implements and supplements FPMR Subchapter E, Supply and Procurement.

§ 109-25.001 Scope of part.

This part implements and supplements FPMR Part 101-25, General, and provides cross-references to the DOE Procurement Regulations (DOE-PR) where appropriate.

## Subpart 109-25.1—General Policies

§ 109-25.101-1.50 Definitions.

As used in this subpart, the following definitions apply:

(a) "Equipment" consists of those items having an anticipated service life of one year or more regardless of use or source of funding.

(b) "Equipment pool" is a formally designated collection of equipment, generally functionally associated, which is available for loan or temporary use. The pool may be a physical collection of equipment or may be a record system which provides identification, location and availability information on equipment available for loan or temporary use.

(c) "Equipment in storage" is all equipment not in use, whether stored in formal storage areas, stored in or adjacent to work areas, held for future projects, or retained in standby or abandoned facilities.

§ 109.25.101-3 Supply through consolidated purchase for direct delivery to use points.

See DOE-PR 9-5.5206-19, Procurement of gas masks and canisters.

§ 109-25.109 Laboratory and research equipment.

(a) The provisions of FPMR 101-25.109 and § 109-25.109 shall apply to all types of equipment and not be limited to laboratory and research equipment.

(b) The provisions of FPMR 101-25.109 and § 109-25.109 apply to all DOE field offices and contractors, and are not limited to Federal laboratories.

§ 109-25.109-1 Identification of idle equipment.

(a) See § 109-25.109(b).

(b) As a minimum, management walk-through inspections shall be

scheduled to provide for coverage of all operating and storage areas at least once every two years to identify idle and unneeded equipment. The frequency of management walk-through inspections may vary with the operation or area involved. A report of walk-throughs conducted, including participants, areas covered, findings, recommendations, and results achieved, shall be submitted to the head of the laboratory or other facility involved. Equipment identified as idle and unneeded shall be redeployed, reassigned, placed in equipment pools or declared excess, as appropriate.

(c) In accordance with FPMR 101-25.109-1(c), members of management walk-through inspection teams should be appointed by the head of the laboratory or other DOE or contractor facility.

(d) Heads of field offices and contracting officers or their designated representatives shall periodically review walk-through procedures and practices of organizations under their jurisdiction to evaluate their effectiveness. This review should include actual walk-through inspections of representative DOE or contractor activities.

§ 109-25.109-2 Equipment pools.

(b) Equipment pools shall be established where practicable to obtain optimum utilization of equipment. The number and types of pools to be established will depend upon local circumstances. In addition to those provided in FPMR 101-25.109-2, factors to be considered are types of equipment, number and location of potential users and distances involved.

(c) Surveys of equipment holdings should be conducted periodically to determine those items which are suitable for pooling. Criteria for placing an item in a pool should include (but not be limited to) the following: the item is suitable for use by more than one individual or group; its use is intermittent rather than full time; it has a degree of portability; and, it has sufficient cost or value to merit controlling. It is anticipated that items pooled would vary from one activity to another due to local conditions, and each activity should develop its own criteria for items to be pooled. Items to be considered for pooling include (but are not limited to) certain types of measuring and recording equipment, pumps, electric motors, photographic equipment, portable tools, microscopes, portable radios, power supplies, amplifiers, business machines, radiation detection instruments, and construction and automotive equipment. Where feasible, equipment pools should be combined with existing calibration and maintenance services to foster use and control of pooled equipment.

(d) Records of usage shall be maintained to permit the evaluation of need for quantities and types of equipment in pools. Reviews of usage should be conducted periodically (at least annually) to eliminate items which are no longer required. Heads of field offices and contracting offices shall require laboratories or other DOE or contractor facilities to submit to them annually the report on the use and effectiveness of equipment pooling required by FPMR 101-25.109-2(d).

(e) Heads of field offices and contracting offices shall require periodic independent reviews of equipment pool operations as required by FPMR 101-25.109-2(e).

**Subpart 109-25.3—Use Standards**

**§ 109-25.302 Office furniture, furnishings, and equipment.**

(a) The criteria contemplated in FPMR 101-25.302 shall be established by the Director of Administration for the DOE Headquarters, and heads of field offices shall establish criteria for their offices, consistent with FPMR 101-25.302-1 and this subpart. Office furniture, furnishings, and equipment shall be limited to that required for immediate needs, considering such factors as ordering lead time, potential emergency needs and economical ordering quantities. Items used only occasionally should be pooled within an office when and as necessary. Requirements shall be met to the fullest extent practicable and economical from available excess or by rehabilitation or repair. A distinction should be made between the requirements of organizational elements concerned with purely administrative functions and those of a technical, scientific, or specialized nature.

(b) Contractors should be encouraged to limit executive-type furniture and furnishings to contractor personnel who organizationally are in positions that are similar or comparable to DOE positions authorized to use executive type office furniture as provided in FPMR 101-25.302-1, when such action will effect economy without decreasing efficiency.

**§ 109-25.302-1 Executive type office furniture and furnishings.**

The Director of Administration for Headquarters activities and heads of field offices or their designees are authorized to make the determination contemplated by FPMR 101-25.302-1.

**§ 109-25.302-2.50 Filing cabinets and equipment.**

In addition to the use standards prescribed in FPMR 101-25.302-2, the following standards are applicable:

(a) Filing equipment:

(1) Letter-size cabinets shall be used for letter-size records. When legal- and letter-size records are interfiled and less than 20% are legal-size, the legal-size papers are to be folded and the entire collection placed in letter-size cabinets. When more than 20% of the records to be filed consist of legal-size papers, legal-size cabinets may be used.

(2) Cabinet types appropriate for use in DOE:

(i) General purpose cabinets (noninsulated and nonsecurity) are used for unclassified records. General purpose cabinets equipped with a key lock may be used to house unclassified sensitive records requiring access restrictions. Key lock cabinets are not tamper proof nor do they meet security standards for the protection of classified material.

(ii) Security cabinets are equipped with a three-way combination lock and are designed to provide the protection required for storage of classified records.

(iii) Insulated cabinets designed to protect their contents from fire shall be used for irreplaceable records having an unusual importance or major value when stored in non-fire-resistant structures. Insulated cabinets shall not normally be used in fire-resistant buildings or structures equipped with fire detection devices, an approved sprinkler system or a connection to a source of adequate fire department response. Buildings equipped with automatic sprinkler systems generally are considered to provide adequate protection for records outside the immediate area of fire origin. Where records are considered irreplaceable, and duplicate copies are not available at another location, insulated cabinets may be required for primary fire protection.

(3) Shelf files should be considered instead of filing cabinets for file collections of 20 or more cubic feet because they provide a greater concentration of files per square foot of floor space at less cost. Shelf files accommodate with equal facility almost all varieties of files from those arranged by number or name to subjectively arranged correspondence files.

(4) The metal transfer case, a single file drawer enclosed as a complete unit, may be bolted together to form stacks of any convenient height. Transfer cases are not recommended for general office use, but may be used in inactive storage areas or in offices where usage may be of relatively short term, such as field construction sites.

(5) Such items as lateral files (as used in the office landscaping concept), hanging files, safes, map files, film cabinets (both x-ray and microfilm), and visible files are special purpose equipment designed to fulfill spe-

cific filing requirements. Each potential application of special purpose equipment should be fully evaluated prior to purchase.

(6) The proposed use of power files requires a cost-benefit study due to the extraordinary cost of this equipment. This study must include an analysis of various alternatives to the application in addition to any benefits to be derived from its procurement. All such benefits accruing to the agency and other information documenting the decision to obtain this equipment must be made a matter of record.

(b) To attain the maximum use of low-cost filing equipment such as shelf files for housing collections of classified records, as well as increased utilization of manpower, consideration should be given to the use of security-approved vaults or vault-type rooms in lieu of acquiring additional security cabinets.

**§ 109-25.302-3 Electric typewriters.**

The Director of Administration for Headquarters and heads of field offices or their designees are authorized to approve exceptions to the criteria contained in FPMR 101-25.302-3.

**§ 109-25.304 Additional systems and equipment for passenger motor vehicles.**

(a) If an item is determined to be essential and the guidelines in FPMR 101-25.304 cannot be met, or the required item is not shown in Federal Standard 122, requisitions, accompanied by supporting justifications, shall be submitted to the Procurement and Contracts Management Directorate (PR-221), for further coordination with the Commissioner, Federal Supply Service, General Services Administration, prior to procurement.

(b) See FPMR 101-26.501, "Purchase of new motor vehicles," and DOE-PR 9-5.5201-2, "Consolidated purchase of new vehicles by General Services Administration."

**§ 109-25.350 Use of furnishings and household goods in Government personnel quarters.**

The Director of Administration for Headquarters and heads of field offices and other contracting officers have the authority to authorize the use of furnishings and household goods in Government personnel quarters.

**§ 109-25.351 Furnishing of Government clothing and individual equipment to employees.**

(a) Government-owned clothing and individual equipment may be furnished employees under the circumstances indicated below. Care should be exercised to avoid the purchase and

furnishing of clothing and individual equipment to be fitted to an employee who may soon be separated from service or permanently assigned to other duties.

(b) Special clothing and individual equipment for the protection of personnel may be furnished employees. Protection as used in this subparagraph means protection from physical injury or occupational disease.

(c) Articles of clothing and individual equipment may be furnished employees when the items are such that the employee could not reasonably be required to furnish them as a part of their personal clothing and equipment necessary to enable them to perform the regular duties of the position to which they are assigned or for which their services were engaged.

(This section does not apply to provision of uniforms or uniform allowances under the Federal Employees Uniform Allowances Act of 1954, as amended.)

#### Subpart 109-25.4—Replacement Standards

##### § 109-25.403 Office machines.

The Director of Administration for Headquarters and heads of field offices or their designees are authorized to approve replacement of office machines under the conditions cited in FPMR 101-25.403(c).

##### § 109-25.405 Materials handling equipment.

The Director of Administration for Headquarters, heads of field offices and other contracting officers or their designees are authorized to approve replacement of materials handling equipment under the conditions cited in FPMR 101-25.405(b).

#### Subpart 109-25.48—Reports

##### § 109-25.4800 Scope of subpart.

This subpart supplements information concerning the reporting of supply management data to GSA as contained in FPMR 101-25.48, 101-25.49, 101-25.4902-1473, and 101-25.4902-1473-1.

##### § 109-25.4800-50 Applicability.

The provisions of FPMR Part 101-25.48 and 101-25.49 and this subpart apply only to those DOE direct operations and contractors controlling Government-owned stores inventories. However, based on an agreement with GSA, the DOE Supply Activity Report is prepared at Headquarters from supply management data available in DOE's financial reports and is sent to GSA by the Director of Procurement and Contracts Management. Therefore, no additional reports are required from those field organizations or contractors reporting under the

DOE financial reporting system. Those activities with stores operations which do not report under the DOE financial reporting system shall submit Supply Activity Reports to the Procurement and Contracts Management Directorate (PR-221) by November 15 for inclusion in the Departmental report.

#### PART 109-26—PROCUREMENT SOURCES AND PROGRAMS

109-26.000 Scope of part.  
109-26.001-50 Applicability.

##### Subpart 109-26.2—Federal Requisitioning System

109-26.201 General.  
109-26.205-2 Assignment of codes.

##### Subpart 109-26.4—Purchase of Items From Federal Supply Schedule Contracts

109-26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.  
109-26.406-1 General.

##### Subpart 109-26.5—GSA Procurement Programs

109-26.501 Purchase of new motor vehicles.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

##### § 109-26.000 Scope of part.

This part implements and supplements FPMR Part 101-26, Procurement Sources and Programs.

##### § 109-26.001-50 Applicability.

FPMR Part 101-26 and this part are applicable to contractors to the extent that Government supply sources are made available. For DOE policy on the use of Government supply sources by contractors, see DOE-PR Part 9-5 and 9-50.5.

#### Subpart 109-26.2—Federal Requisitioning System

##### § 109-26.201 General.

The GSA Handbook entitled "FED-STRIP Operating Guide" and revisions thereto, as discussed in FPMR 101-26.201, are distributed within DOE based on the standard distribution pattern established by the Procurement and Contracts Management Directorate. Requests for additional copies or a change in the distribution pattern should be coordinated with the local DOE publications control office.

##### § 109-26.205-2 Assignment of codes.

Applications for FEDSTRIP Activity Address Codes and Contractor authorizations for use of GSA supply sources shall be forwarded to the Procurement and Contracts Management Directorate (PR-221) for review and

further processing to GSA for assignment.

#### Subpart 109-26.4—Purchase of Items From Federal Supply Schedule Contracts

§ 109-26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

##### § 109-26.406-1 General.

The Director of Administration and heads of field offices or their designees may authorize the use of U.S. Government National Credit Cards as contemplated in FPMR 101-26.406-1.

#### Subpart 109-26.5—GSA Procurement Programs

§ 109-26.501 Purchase of new motor vehicles.

See DOE-PR 9-5.5201-2, "Consolidated purchase of new vehicles by General Services Administration."

#### PART 109-27—INVENTORY MANAGEMENT

Sec.

109-27.000 Scope of part.  
109-27.001-50 Objectives.  
109-27.001-51 Definitions.  
109-27.001-52 Evaluation of stores inventory management.

##### Subpart 109-27.1—Stock Replenishment

109-27.102 Economic order quantity principle.  
109-27.102-1 Applicability.

##### Subpart 109-27.2—Management of Shelf-Life Materials

109-27.202 Applicability.

##### Subpart 109-27.3—Maximizing Use of Inventories

109-27.302 Applicability.

##### Subpart 109-27.4—Elimination of Items from Inventory

109-27.402 Applicability.

##### Subpart 109-27.5—Return of GSA Stock Items

109-27.500-50 Policy.

##### Subpart 109-27.50—Inventory Management Policies, Procedures and Guidelines

109-27.5001 Scope of subpart.  
109-27.5002 Stock control.  
109-27.5002-1 General.  
109-27.5002-2 Criteria.  
109-27.5002-3 Construction inventories.  
109-27.5003 Guide levels for construction inventories.  
109-27.5004 Sub-stores.  
109-27.5005 Shop, bench, cupboard or site stock.  
109-27.5006 Standardization of stores items.  
109-27.5007 Stores catalogs.  
109-27.5008 Physical inventories  
109-27.5008-1 Procedures.

- Sec  
 109-27.5008-2 Inventory adjustments.  
 109-27.5009 Control of drug substances and potable alcohol.  
 109-27.5010 Containers returnable to vendors.  
 109-27.5011 Identification marking of metals and metal products.  
 109-27.5011-1 General.  
 109-27.5011-2 Exception.  
 109-27.5011-3 Federal standards applicable to marking.

**Subpart 109-27.51—Management of Equipment Held for Future Projects**

- 109-27.5100 Scope of subpart.  
 109-27.5101 Definition.  
 109-27.5102 Other exclusions.  
 109-27.5103 Objective.  
 109-27.5104 Storage.  
 109-27.5105 Retention.  
 109-27.5106 Justification and review procedures.  
 109-27.5107 Field organization review.  
 109-27.5108 Utilization.  
 109-27.5109 Reports.

**Subpart 109-27.52—Management of Spare Equipment**

- 109-27.5200 Scope of subpart.  
 109-27.5201 Definition.  
 109-27.5202 Exclusions.  
 109-27.5203 Classification.  
 109-27.5204 Management policy.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-27.000 Scope of part.**

This part implements and supplements FPMR Part 101-27, Inventory Management, but excludes atomic weapons or byproducts and source or special nuclear materials as defined in the Atomic Energy Act of 1954, as amended, enriched uranium in stockpile storage, and petroleum held in reserve in the Strategic Petroleum Reserve and the Naval Petroleum Reserve.

**§ 109-27.001-50 Objectives.**

Necessary inventories shall be established and maintained at reasonable levels, consistent with program requirements. They shall be managed and controlled in the most practicable and economical manner consistent with program needs, applicable laws and regulations and the following objectives:

- (a) Provide materials and supplies as needed to meet DOE requirements.
- (b) Maintain reasonable inventory levels.
- (c) Provide adequate safeguards for protection.
- (d) Maintain adequate quantity controls for effective management over all inventories, including those not under financial controls.
- (e) Assure maximum efficient utilization and avoid waste.
- (f) Maintain an economical operation.

(g) Standardize inventories to the greatest extent practicable.

**§ 109-27.001-51 Definitions.**

As used in this part the following definitions apply:

- (a) "Construction inventories" are supplies, materials and parts held for exclusive use on construction projects.
- (b) "Economic order quantity (EOQ)" means the size of the order which produces a level at which the combined costs of procuring and carrying inventory are at a minimum.
- (c) "Expensed inventories" are items for which the cost is charged to operations and are not under financial control.
- (d) "Inventories" are stocks of stores, construction, special reactor and other special materials, supplies and parts used in support of DOE programs.
- (e) "Inventory level," usually expressed in the number of months supply on hand based on anticipated usage, is the maximum amount of supplies authorized to be on hand and due-in less any amount due-out.
- (f) "Inventory management" means the effective use of methods, procedures and techniques for recording, analyzing, evaluating, adjusting, and regulating inventories in accordance with established policy. The following related functions are included:
  - (1) Providing adequate protection against misuse, theft, and misappropriation.
  - (2) Providing proper analyses of quantities to determine their turnover so that only minimal obsolescence losses will be encountered.
  - (3) Providing accurate analyses of quantities to determine requirements and adequate inventory levels to meet program schedules.
  - (4) Providing adequate and accessible storage facilities and services based upon analyses of program requirements so that a minimum and economical amount of time is required to service the program.
- (g) "Other special materials" include precious metals and other rare materials having a very high monetary value in relation to volume or weight, special barrier materials, and any others that have been specifically approved by the Controller.
- (h) "Physical inventory" means the process of counting the quantities of items on hand and reconciling quantities counted with the quantities shown on control records.
- (i) "Quantity control" means the management of inventories through control of levels, determination of requirements, and replenishment of stock.
- (j) "Safety stock" is that portion of inventories under stock control carried for protection against stock depletion

due to an increase in demand or when lead time is greater than anticipated.

(k) "Shop, bench, cupboard or site stock" is a collection or store of materials located at or near the point of use.

(l) "Special reactor materials" include special materials approved for research and for use in reactors but not generally available through the usual channels in sufficient quantity because of limited commercial production applications.

(m) "Standardization" is the reduction of stores inventories to the least practicable variety of sizes, shapes and materials compatible with program needs.

(n) "Stock record" is a device for collecting, storing, and providing historical data on recurring transactions for each line item of inventory. The stock record of a line item may be a visible register or transactions recorded by hand or by machine for that item, or it may be the input, output, stored data, or the corresponding print-out of such data representing transactions on the item in an electronic data processing system.

(o) "stores catalog" means a listing of stock items for use in requisitioning supplies and materials.

(p) "Sub-store" is a geographically removed part of the main store's operation conducted as a subordinate element of it and subject to the same management policies and inventory controls.

**§ 109-27.001-52 Evaluation of stores inventory management.**

(a) Comparison of investment in stores inventories to annual issues shall be made to assure that minimum inventories are maintained for the support of programs. This comparison may be expressed either as a turnover ratio (issues divided by dollar value of inventory) or in the average number of months' supply on hand. Turnover or number of months' supply is calculated only on "current-use" (for issue) inventory.

(b) Performance goals, in terms of months' investment or turnover ratio, are established for each stores using activity and shall take into account the application of EOQ and other management practices. The evaluation of stores inventory management at each level shall take into account the current number of months' investment or turnover ratio, particularly in relation to the goal established for each such activity.

### Subpart 109-27.1—Stock Replenishment

§ 109-27.102 Economic order quantity principle.

§ 109-27.102-1 Applicability.

Procedures and practices shall be established for replenishment of stock items having recurring demands to minimize costs involved. Guidelines for implementing the EOQ principle of stock replenishment are described in the GSA Handbook, "The Economic Order Quantity Principle and Application," issued by the General Services Administration. When considered more suitable, contractors may use any of the other generally accepted approaches to EOQ.

### Subpart 109-27.2—Management of Shelf-Life Materials

§ 109-27.202 Applicability.

Procedures and practices shall be established for managing shelf-life items to minimize loss and ensure maximum use prior to deterioration. FPMR 101-27.2 prescribes principles and objectives for such a program. When considered more suitable, contractors may use any other generally accepted approach to the management of shelf-life items.

### Subpart 109-27.3—Maximizing Use of Inventories

§ 109-27.302 Applicability.

Procedures and practices shall be established for maximizing use of inventories. FPMR 101-27.3 prescribes policies and procedures to assure maximum use of inventories based upon recognized economic limitations. When considered more suitable, contractors may use any other generally accepted approach to maximizing use of inventories.

### Subpart 109-27.4—Elimination of Items From Inventory

§ 109-27.402 Applicability.

Procedures and practices shall be established for eliminating from inventory items that can be obtained more economically from readily available sources on a timely basis. FPMR 101-27.4 provides policies and procedures for such a program. When considered more suitable, contractors may use other generally accepted approaches to determine which items should be retained in inventory.

### Subpart 109-27.5—Return of GSA Stock Items

§ 109-27.500-50 Policy.

Procedures and practices shall be established to provide for the return of

GSA stock items for credit when such action is feasible and economical and consistent with DOE program needs.

### Subpart 109-27.50—Inventory Management Policies, Procedures, and Guidelines

§ 109-27.5001 Scope of subpart.

This subpart supplements FPMR Part 101-27 by providing additional policies, principles and guidelines for the economical and efficient management of inventories in support of DOE programs.

§ 109-27.5002 Stock control.

§ 109-27.5002-1 General.

Stock control shall be maintained on the basis of stock record accounts of inventories on hand, on order, received and issued, and supported by proper documents in evidence of these transactions. Stock record accounts shall be susceptible to review and inspection.

§ 109-27.5002-2 Criteria.

Effective quantity control shall be maintained over inventories not under financial control. Ordinarily, when such items are warehoused or stored for an extended period (generally 90 days or more), the controls should include stock cards, bin cards, or other suitable records showing usage and quantities on hand. Bench or cupboard stocks at individual work stations may sometimes temporarily exceed 90 days' requirements with justification, and it is not intended that these be subjected to quantity control stock records.

§ 109-27.5002-3 Construction inventories.

Stock control for construction inventories shall be maintained by the regular checking of individual items to assure that the quantities ordered plus amounts on hand do not exceed current job requirements. To test the effectiveness of such checks, they should be supplemented with DOE reviews of inventory items on a selective basis at approximately the 25 percent, 50 percent, and 75 percent construction completion stages. Undelivered portions of purchase orders, which these checks and reviews indicate are not needed to complete the project, should be canceled.

§ 109-27.5003 Guide levels for construction inventories.

To ensure that inventories maintained for construction programs and activities are reasonable, the following standards are established as guides (variations may be used where it is established by field organizations that they will more effectively or economically assure that inventory levels are

held to the amounts required to complete the construction project):

(a) Ordinary construction materials and supplies readily available from commercial sources and not available from Government excess stocks permit phasing of deliveries and cancellation of undelivered quantities that may prove excess to project requirements. The onhand inventory of such materials generally should not exceed a three or four months' supply at the anticipated usage rates.

(b) Ordinary construction materials and supplies readily obtainable from Government excess stocks should be procured only in the amounts estimated to complete the construction project.

(c) Items obtained in bulk quantities that do not lend themselves to direct charge treatment, and which are obtainable only by special manufacturer or fabrication, should be limited to the estimates of requirements to complete the project as determined by a take-off from plans and specifications, except as outlined in (d) below.

(d) Inventory levels in excess of estimates to complete the project should be confined to items so unusual in character or unique to the DOE program that they are obtainable only by special manufacture and will be required for maintenance purposes or for operation of the completed plant.

§ 109-27.5004 Sub-stores.

(a) Sub-stores shall be established when necessary in isolated or remote locations to expedite delivery of materials and supplies to the users, serve emergencies, provide economy in transportation, reduce shop and site stocks, and enable stores personnel to assist personnel in obtaining materials and supplies as needed.

(b) Items stored for issue in the sub-stores shall be treated as inventory items for control and reporting purposes. Stock records shall be integrated with central stock records so that the total amount on hand of any item at all locations is known.

§ 109-27.5005 Shop, bench, cupboard or site stock.

(a) Shop, bench, cupboard or site stocks are an accumulation of small inventories of fast-moving materials at the point of use. Normally, these inventories are expensed. However, when stocks of such inventories are not consumed or do not turn over in a reasonable period of time, which normally should not exceed 30 to 90 days, these items should be subject to the required physical controls and recorded in the proper inventory account.

(b) Care shall be exercised to prevent excessive accumulation of inventories at such points. As a control measure, requisitions should be

screened against issue data as reflected in stock records at the supply point. Also, work orders, retirement notices, minor construction projects, maintenance programs, and research and experimental projects, involving removal and dismantling should be reviewed and screened to prevent excessive inventories at point of use. However, the most effective control at point of use may be effected by administrative action through visual examination of quantities on hand, and close supervisory control and training of persons who requisition materials and supplies.

**§ 109-27.5006 Standardization of stores items.**

Stores items shall be standardized to the greatest extent practicable, taking into consideration the minimum requirements of the users, the need to follow good purchasing practices, the limitations of competitive bidding in specifying proprietary items, the availability of excess, and other limiting factors. In standardizing stores items, there should be close coordination among the supply, planning and user groups.

**§ 109-27.5007 Stores catalogs.**

A suitable stores catalog for customer use in requisitioning stores items shall be established for each stores operation. Exceptions to this requirement are authorized where establishment of a catalog is impracticable or uneconomical because of small total value or number of items involved, or temporary need for the facility. To minimize the need for revision, catalog appendices may be used to show standard or average unit prices and various locations of items. Revisions should be made at reasonable intervals.

**§ 109-27.5008 Physical inventories.**

**§ 109-27.5008-1 Procedures.**

The following procedures shall be established for taking physical inventory of stocks subjected to quantity controls as well as those under financial control:

(a) Completing an inventory at least once a year.

(b) Reconciling quantities shown by inventory with the stock record cards.

(c) Preparing a report evaluating the effectiveness of inventory control, projection methods, records management, and showing debit and credit adjustments made.

**§ 109-27.5008-2 Inventory adjustments.**

(a) Discrepancies between physical inventories and stock records shall be adjusted and the supporting adjustment records shall be reviewed and approved by a responsible official at least one supervisory echelon above

the supervisor in charge of the warehouse or storage facility. Items on an adjustment report which are not within reasonable tolerances for particular items shall be thoroughly investigated before approval.

(b) Such inventory adjustment reports, when properly approved, support credits to the stock record cards and financial inventory accounts. Adjustment reports shall be retained on file for inspection and review.

**§ 109-27.5009 Control of drug substances and potable alcohol.**

(a) This section provides policies and procedures for the management of drug substances and potable alcohol.

(b) The term "controlled substance" means any drug or substance which has been assigned a "Bureau of Controlled Substance Code Number" as published in 21 CFR 1308—Schedule of Controlled Substances.

(c) Effective procedures and practices shall be established for the management and physical security of controlled substances and potable alcohol to the point of use. Such procedures shall, as a minimum, provide for (1) safeguarding, (2) proper use, (3) adequate records, and (4) compliance with applicable laws and regulations, whether such items are used in laboratories for research, instruction, experiments, analysis, medical purposes, or otherwise. Controls of potable alcohol shall be maintained on quantities of one quart and above.

(d) Effective procedures and practices shall be established for the management and physical security of hypodermic needles to prevent illegal use. Controls shall include prior signed supervisory approval for issue, and storage in locked repositories, and the needles shall be made useless upon disposal.

**§ 109-27.5010 Containers returnable to vendors.**

Containers furnished by vendors shall be administratively and physically controlled before and after issuance. Prompt action shall be taken to return such containers to vendors for credit after they have served their intended use.

**§ 109-27.5011 Identification marking of metals and metal products.**

**§ 109-27.5011-1 General.**

Metals and metal products shall be identification marked in accordance with applicable Federal standards. This requirement applies to direct charges as well as to items procured for store, shop or floor stock, or for use on construction projects. Additional markings not covered by the Federal standards should be used to show special properties, corrosion data or

test data as required. The preferred process is for the marking to be done in the manufacturing process, but it may be applied by jobbers or other vendors when circumstances warrant.

**§ 109-27.5011-2 Exception.**

Exception to the marking requirement may be made when—

(a) It is necessary to procure small quantities from suppliers not equipped to do the marking;

(b) It would delay delivery of emergency orders; or

(c) Procurement is from DOE or other Federal agency excess.

**§ 109-27.5011-3 Federal standards applicable to marking.**

(a) Federal Standard 182A(2) "Identification Marking of Nickel and Nickel Base Alloys."

(b) Federal Standard 183B "Continuous Identification Marking of Iron and Steel Products."

(c) Federal Standard 184A "Identification Marking of Aluminum, Magnesium and Titanium."

(d) Federal Standard 185 "Continuous Marking of Copper and Copper Base Alloy Mill Products."

Copies of the above Federal standards can be obtained from the General Services Administration, Federal Supply Service (3 FRI), Washington, D.C. 20407.

**Subpart 109-27.51—Management of Equipment Held for Future Projects**

**§ 109-27.5100 Scope of subpart.**

This subpart provides policies, principles and guidelines to be used in the DOE program for the management of equipment held for future projects (EHFFP).

**§ 109-27.5101 Definition.**

"Equipment Held For Future Projects (EHFFP)" is equipment that is being retained, based on approved economic justifications for retention, (a) for a known future use, i.e., equipment earmarked for use in future approved projects, (b) for a potential use in planned projects, or (c) for potential use in as yet unidentified projects. Ideally, such equipment should fall under (a) or (b) above. However, there may be instances where retention is justified even though the project in which it may be used cannot be identified as in the case where the equipment has been specially fabricated, may be required in the future to confirm experimental results, and has little recovery value other than as scrap. This classification excludes spare equipment retained as backup for equipment in service or equipment placed in equipment pools, (classified as "In Service") and spare and other equipment consti-

tuting a part of the facilities in stand-by (classified as "Standby").

#### § 109-27.5102 Other exclusions.

In addition to the exclusions cited in § 109-27.5101, the following categories of equipment will not be included in EHFFP:

(a) Excess completed plant and equipment.

(b) Equipment classified as "Plant and Equipment Changes in Progress."

#### § 109-27.5103 Objective.

The objective of the "Equipment Held for Future Projects" program is to enable management to retain equipment not in use in current programs but which has a known or potential use in future DOE programs while providing visibility on the types and amounts of equipment so retained through review and reporting procedures. It is intended that equipment be retained which is economically justifiable for retention, that it be made available for use by others, and that equipment no longer needed be excessed.

#### § 109-27.5104 Storage.

EHFFP will ordinarily be stored in warehouse space allocated for that purpose. However, where considered more appropriate, such equipment may be stored in storage yards or other areas with due consideration to the type of property and protection required.

#### § 109-27.5105 Retention.

Equipment not required in current programs may be held for future projects when it is considered by appropriate authorities to be economically justified for retention, considering costs of replacement, storage, obsolescence, deterioration or future availability.

#### § 109-27.5106 Justification and review procedures.

Procedures shall be established to provide for the following:

(a) The original decision to classify and retain equipment as EHFFP shall be justified in writing, providing sufficient detail to support the need for retention of the equipment. This justification will cite the project for which retained, the potential use to be made of the equipment or other reasons for retention.

(b) The validity of initial classification of equipment held for future projects shall be reviewed at a level of management one echelon above that of the individual making the initial determination.

(c) Retention of EHFFP shall be re-justified periodically (at least annually) to ensure that original justifications remain valid. These rejustifica-

tions will be supported with sufficient detail to support retention.

(d) Periodic rejustifications for retention of EHFFP shall be reviewed at a level of management above that of the individual making the determination to retain the equipment as held for future projects. Procedures should provide for higher level management review at the time the equipment held is extended.

(e) Suitable records shall be maintained by the holding organization to support initial justifications for retaining EHFFP, rejustifications of retention, and periodic reviews conducted by higher levels of management.

#### § 109-27.5107 Field organization review.

Heads of field offices and contracting officers shall conduct periodic reviews of validity of justifications for retaining EHFFP, including those of contractors under their jurisdiction. These reviews should include onsite surveys of a representative sample of equipment in this classification.

#### § 109-27.5108 Utilization.

It is DOE policy that, where practicable and consistent with program needs, EHFFP be considered as a source of supply to avoid or postpone procurement. Procedures shall be established to provide for—

(a) Distribution within the holding organization of lists of EHFFP to purchasing offices (or some other central screening office) and potential users for screening against requirements prior to procurement;

(b) Exchange of lists of EHFFP which can be made available for loan between organizations involved in the same or similar programs; and

(c) Encouragement of informal contacts between technical personnel and those engaged in similar work at other DOE facilities for the purpose of arranging property loans to meet program requirements.

#### § 109-27.5109 Reports.

Instructions for submission of financial data for this report are contained in DOE Order 220, Chapter XI.

### Subpart 109-27.52—Management of Spare Equipment

#### § 109-27.5200 Scope of subpart.

This subpart provides policy guidance to be used in the management of spare equipment.

#### § 109-27.5201 Definition.

"Spare equipment" is equipment held as replacement spares for equipment in current use in DOE programs.

#### § 109-27.5202 Exclusions.

The following categories of equipment will not be considered spare equipment:

(a) Equipment installed for emergency backup, e.g., an emergency power facility, or an electric motor or a pump, any of which is in place and electrically connected.

(b) Equipment-like items properly classified as stores inventory.

#### § 109-27.5203 Classification.

Equipment retained as replacement spares for plant and equipment in current use shall be classified as Plant and Equipment in Service.

#### § 109-27.5204 Management policy.

(a) Procedures shall be established to provide that equipment retained as replacement spares for plant and equipment in current use is identified as spare equipment, that its purpose for retention is known, and that its need for retention is periodically reviewed.

(b) Reviews shall be made based on technical evaluations of the continued need for the equipment, as related to the equipment it backs up. Frequency of review should normally be biennial. In addition, individual item levels shall be reviewed when spare equipment is installed for use, the basic equipment is removed from service, or the process supported is changed.

(c) Procedures shall be established to provide that unneeded equipment is identified, promptly offered for use elsewhere within DOE as excess, or disposed of.

## PART 109-28—STORAGE AND DISTRIBUTION

### Sec.

109-28.000 Scope of part.

109-28.001-50 Policy.

109-28.001-51 Storage guidelines.

**AUTHORITY.** Title V, Department of Energy Organizations Act (Pub. L. 95-91), Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

#### § 109-28.000 Scope of part.

This part implements and supplements FPMR Part 101-28, Storage and Distribution.

#### § 109-28.001-50 Policy.

Storage and warehouse services shall be—

(a) Established for the receipt, storage, issued, safekeeping and protection of Government-owned property when advantageous to the Government;

(b) Provided in the most economical and efficient manner through the use of Government-owned facilities, and where necessary available commercial facilities, consistent with program requirements; and

(c) Operated in accordance with generally accepted industrial management practices and principles.

**§ 109-28.001-51 Storage guidelines.**

(a) Adequate storage facilities shall be provided to ensure the proper safeguarding of all Government property. Facilities required will vary largely between the projects and other activities of the Department. Actual requirements will depend upon such factors as volume of property to be handled, characteristics of commodities to be stored, and nature of the operations.

(1) Indoor storage areas should be arranged to obtain proper stock protection and maximum utilization of space within established floor load capacities, but should be subject to flexibility to provide for periodic changes in specific space requirements. Employees engaged in warehouse and storage operations shall be instructed in safety and fire protection regulations pertaining to these operations.

(2) Storage yards for items not requiring covered protection shall be protected by locked fenced enclosures to the extent necessary to protect the Government's interest. Outside storage areas shall be prominently posted to clearly indicate that the property stored therein is U.S. Government property. Entrance to such areas should be restricted to authorized personnel only.

(b) The following general storage principles shall be observed in the planning for the storage of Government personal property.

(1) Efficient storage demands the maximum utilization of space with a minimum amount of labor. Where practicable, labor should be conserved by use of modern materials handling equipment and storage aids which permit stacking by unit loads rather than by individual container units.

(2) Fast-moving items should be stored in convenient locations from which they can be issued with minimum handling. Stocks of individual items or classes of items should be segregated to facilitate handling, issuing, and inventorying.

(3) Different types of property should be stored according to the kind of protection required. Protection requirements will vary greatly with the types of commodities stocked. All items must be protected from fire and theft. Certain items require protection from dampness, heat, freezing, or extreme temperature changes. Others must be stored away from light and odors, protected from vermin infestation, or, because of their hazardous characteristics, stored separate from other stocks. These factors, as well as maximum protection of property against all causes of deterioration or

destruction, must be considered in selecting proper storage locations.

(4) Orderly arrangement is essential to efficient operation of storehouses. All items, whether stored in bins, bays, in bulk, or in original containers should be so arranged that nomenclature and quantity may be readily determined.

(5) Stock rotation is based on the general storage principle of "first in, first out." The fact that many items, such as perishables, food stuffs, medicines, paints, and chemicals are subject to deterioration or infestation, requires that the older stock be issued first.

(6) The safety regulations pertaining to the handling and storage of flammable materials, including bulk storage of gasoline, fuel oil, etc., and explosives are issued by the Department of Labor pursuant to the Occupational Safety and Health Act (PL 91-956). DOE offices and contractors are required to comply with the regulations contained in the Act.

**PART 109-29—FEDERAL SPECIFICATIONS AND STANDARDS**

Sec.  
109-29.000 Scope of part.

**Subpart 109-29.1—General**

109-29.103 Availability of Federal standardization documents.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-29.000 Scope of part.**

This part implements and supplements FPMR Part 101-29, Federal Specifications and Standards.

**Subpart 109-29.1—General**

**§ 109-29.103 Availability of Federal standardization documents.**

The Index of Federal Specifications, Standards, and Handbooks may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of Federal Specifications and Standards may be obtained as provided in the Index.

**PART 109-30—FEDERAL CATALOG SYSTEM**

Sec.  
109-30.000 Scope of part.  
109-30.000-50 Applicability.

**Subpart 109-30.5—Maintenance of the Federal Catalog System**

109-30.503 Maintenance actions required.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-30.000 Scope of part.**

This part supplements FPMR Part 101-30, Federal Catalog System.

**§ 109-30.000-50 Applicability.**

The provisions in FPMR Part 101-30 and this part do not apply to contractors.

**Subpart 109-30.5—Maintenance of the Federal Catalog System**

**§ 109-30.503 Maintenance actions required.**

(a) Standard Form 1303, "Request for Federal Cataloging/Supply Support Action," will be used to request cataloging action involving additions, deletions, or revisions. The instructions on the reverse of the form, supplemented as follows, will govern its preparation and submission.

(b) The original and two copies of the completed form shall be sent to GSA for processing. Inquiries concerning policy should be directed to the Procurement and Contracts Management Directorate (PR-221).

**SUBCHAPTER F—ADP AND TELECOMMUNICATIONS**

**PART 109-36—ADP MANAGEMENT**

**§ 109-36.000 Scope of Part.**

**Subpart 109-36.3—Reutilization of Automatic Data Processing Equipment and Supplies**

Sec.  
109-36.300-50 Scope of Subpart.  
109-36.302-50 Reassignment of ADPE, and use and reutilization of excess ADPE within DOE.  
109-36.303 Reutilization of excess ADPE.  
109-36.303-0.50 Reporting excess or exchange/sale ADPE within DOE.  
109-36.303-1 Designation of agency ADPE point of contact.  
109-36.303-50 Transfer of ADPE within DOE.  
109-36.304 Availability list.  
109-36.306 Requests for transfer of excess ADPE or exchange/sale ADPE.

**Subpart 109-36.47—Reports**

109-36.4700 Scope of subpart.  
109-36.4702 Reporting excess or exchange/sale ADPE.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-36.000 Scope of part.**

This part implements and supplements FPMR Part 101-36 as it relates to excess utilization and disposal of Automatic Data Processing Equipment (ADPE). Guidance on other areas, such as resources utilization, acquisition studies, procurement and contracting, and maintenance and repair is or will be published in other parts of the DOE Directives System.

**Subpart 109-36.3—Reutilization of Automatic Data Processing Equipment and Supplies**

**§ 109-36.300-50 Scope of subpart.**

This subpart implements and supplements FPMR Subpart 101-36.3. Policies and procedures relating to acquisition, reassignment, or retention of excess ADPE are contained in policies and procedures established by the Office of the Director of Administration.

**§ 109-36.302-50 Reassignment of ADPE, and use and reutilization of excess ADPE within DOE.**

Data processing equipment and related services shall not be acquired (purchased or leased) from commercial sources until the necessary approvals have been obtained in accordance with instructions issued by the Office of the Director of Administration.

**§ 109-36.303 Reutilization of excess ADPE.**

**§ 109-36.303-0.50 Reporting excess or exchange/sale ADPE within DOE.**

(a) All ADPE, either Government-owned or -leased, which is no longer needed or is scheduled for replacement, shall be made available for utilization within DOE as soon as plans for the release of such equipment are known.

(b)(1) SF 120s for Government-owned ADPE shall be circularized for screening within DOE prior to reporting the item to GSA. The SF 120 shall contain the information required in FPMR 101-36.4702 and, for internal screening purposes, a release date (date of availability). If the release date is not firm, a tentative release date should be given, which would be subject to change until the actual release date is established.

(2) ADPE shall not be reported to GSA as excess until this screening has been accomplished and it has been established that there are no DOE claimants. Concurrent screening within DOE and GSA shall not be done. A minimum of 30 days should be allowed for screening ADPE prior to reporting it to GSA. In those instances where the release date can be determined sufficiently in advance, additional screening time should be allowed to permit maximum time for processing of requests to acquire excess ADPE.

(c) The procedures prescribed in § 109-36.303-0.50(b) shall be followed for leased ADPE. However, when time does not permit sequential DOE and GSA circularization, excess leased ADPE may be circularized concurrently in DOE and GSA to assure earned credits are not lost to the Government. The SF 120 should clearly indicate concurrent screening by DOE and

GSA. Where time does not permit assurance that earned credits are not lost to the Government, announcement of availability of excess leased ADPE may be circularized within DOE by teletype (TWX).

(d) SF 120's or teletypes shall be sent to DOE activities listed on the distribution pattern of installations to receive reports of excess as provided in § 109-43.311-1.50. In addition, a copy of each report of excess Government-owned or -leased ADPE shall be provided to the Director of Administration, who will perform an additional screening of excess ADPE against known DOE requirements.

**§ 109-36.303-1 Designation of agency ADPE point of contact.**

The Director of Administration shall designate the DOE point of contact to carry out the responsibilities contained in FPMR 101-36.303-1.

**§ 109-36.303-50 Transfer of ADPE within DOE.**

(a) Transfers of excess ADPE having a current market price equal to or greater than that specified for major items as defined in the DOE Program Budget Structure are made pursuant to the requirement for proposals submitted in accordance with instructions from the Office of the Director of Administration.

(b) Transfers of excess ADPE with a current market price of less than that specified for major items shall be approved by the head of the field office and the head of the Headquarters organization having ADPE responsibility for the equipment. However, when more than one request is received, the field office head shall notify the requestors that acquisition proposals prepared in accordance with instructions from the Office of the Director of Administration shall be forwarded to the field office for review. After receipt of all proposals, the field office head shall—

(1) Approve the request for transfer which is judged to be in the best interests of DOE; or

(2) Where this judgment cannot be made locally, forward the proposals to the Director of Administration for action in a manner similar to proposals for equipment having a current market price equal to or greater than that specified for major items.

**§ 109-36.304 Availability lists.**

The Director of Administration shall develop and maintain distribution patterns for availability lists of excess and exchange/sale ADPE as contemplated in FPMR 101-36.304.

**§ 109-36.306 Requests for transfer of excess ADPE or exchange/sale ADPE.**

The Director of Administration, heads of field offices, the Administrator, Energy Information Administration and contracting officers are authorized to sign Standard Form (SF) 122, Transfer Order Excess Personal Property, after appropriate approvals, involving requests for transfer of excess or exchange/sale ADPE, as required by FPMR 101-36.306(a). This authority may be redelegated to DOE personnel under their jurisdiction.

**Subpart 109-36.47—Reports**

**§ 109-36.4700 Scope of subpart.**

This subpart implements and supplements FPMR subpart 101-36.47 as it relates to reporting excess or exchange/sale ADPE to GSA.

**§ 109-36.4702 Reporting excess or exchange/sale ADPE.**

Excess Government-owned or leased ADPE and exchange/sale ADPE shall be reported to GSA on Standard Form (SF) 120, Report of Excess Personal Property, in accordance with the requirements of FPMR 101-36.4702. No provision is made in FPMR 101-36.4702 for the use of a TWX as a substitute for the SF 120 in reporting excess ADPE to GSA. When a TWX is used to report excess leased ADPE to GSA, it shall be followed up with an SF 120 to GSA, providing appropriate cross-reference information.

**SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES**

**PART 109-38—MOTOR EQUIPMENT MANAGEMENT**

Sec.

109-38.000 Scope of part.

109-38.000-50 Policy.

**Subpart 109-38.0—Definition of Terms**

109-38.001 Definitions.

**Subpart 109-38.1—Reporting Motor Vehicle Data**

109-38.100-1 Reporting forms.

109-38.102 Preparation of forms.

109-38.102-2 Reporting domestic and foreign vehicles.

109-38.102-50 Supplementary data reports.

**Subpart 109-38.2—Registration and Inspection**

109-38.202-50 Registration in foreign countries.

109-38.202-51 Shipment to foreign countries.

**Subpart 109-38.3—U.S. Official Government Tags**

109-38.302 Records.

109-38.303 Procurement.

109-38.305 Display, assignment and removal of U.S. Government tags.

109-38.305-3 Removal.

**Subpart 109-38.4—Official Legend and Agency Identification**

109-38.404 Procurement of decalcomanias.

**Subpart 109-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification**

109-38.602 Unlimited exemptions.  
 109-38.602-50 Department of Energy exemptions.  
 109-38.605 Additional exemptions.  
 109-38.606 Approval of tag requests for exempted vehicles in the District of Columbia.  
 109-38.607 Report of exempted motor vehicles.

**Subpart 109-38.7—Transfer of Title to Government-Owned Motor Vehicles**

109-38.701 Methods of transfer.  
 109-38.701-50 Delegation of authority to sign Standard Forms 97 and 97A.

**Subpart 109-38.9—Motor Vehicle Replacement Standards**

109-38.900-50 Policy.  
 109-38.907 Fleets.  
 109-38.908 Exception.  
 109-38.908-50 Prompt disposal of replaced passenger vehicles.

**Subpart 109-38.10—Scheduled Maintenance of Motor Vehicles**

109-38.1002 Agency requirements.  
 109-38.1003 Guidelines.  
 109-38.1005 Assistance to agencies.

**Subpart 109-38.12—Preparation and Control of Standard Form 149, U.S. Government National Credit Card**

109-38.1200 General.  
 109-38.1201 Billing Code.  
 109-38.1202 Administrative control of credit cards.

**Subpart 109-38.13—Energy Conservation in Motor Vehicle Management**

109-38.1304 Mandatory provisions affecting the acquisition and use of all motor vehicles.  
 109-38.1304-50 Selection of type of motor vehicles.  
 109-38.1305 Mandatory provisions affecting the acquisition, use, and replacement of motor vehicles.  
 109-38.1306 Acquisition of fuel-efficient passenger automobiles.  
 109-38.1350 Conservation of motor vehicle fuels.

**Subpart 109-38.49—Form and Reports**

109-38.4950 Acquisitions and disposals by transfer.  
 109-38.4951 Special purpose vehicles.  
 109-38.4952 Supplemental age and mileage analysis.

**Subpart 109-38.50—Utilization of Motor Vehicles**

109-38.5000 General.  
 109-38.5001 Utilization practices.  
 109-38.5002 Use objectives for motor vehicles.  
 109-38.5003 Application of use goals.

**Subpart 109-38.51—Acquisition of Motor Vehicles**

109-38.5100 General requirements.  
 109-38.5101 Authority required for purchase or hire of passenger motor vehicles.  
 109-38.5101-1 Statute.  
 109-38.5101-2 Administration of the requirements of the statute with respect to acquisition of passenger motor vehicles.  
 109-38.5101-3 Administration of the requirements of the statute with respect to the hire or loan of passenger motor vehicles.  
 109-38.5101-4 Limitation on unit cost of sedans and station wagons.  
 109-38.5101-5 Passenger motor vehicle allocations.  
 109-38.5102 Procurement.

**Subpart 109-38.52—Aircraft**

109-38.5200 Scope of subpart.  
 109-38.5201 Definitions.  
 109-38.5202 General.  
 109-38.5203 Aircraft safety.  
 109-38.5204 Pilot responsibility and authority.  
 109-38.5205 Acquisition of aircraft.  
 109-38.5205-1 Statute.  
 109-38.5205-2 Approval requirements.  
 109-38.5205-3 Acquisition from excess sources.  
 109-38.5205-4 Notification of acquisition authorization.  
 109-38.5206 Management responsibility.  
 109-38.5207 Registration and identification.  
 109-38.5208 Airworthiness.  
 109-38.5209 Maintenance.  
 109-38.5210 Operation.  
 109-38.5211 Records.  
 109-38.5212 Reports.

**Subpart 109-38.53—Cost Reductions Obtainable Through Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil**

109-38.5300 Scope of subpart.  
 109-38.5301 Submission of reports.

**Subpart 109-38.54—Official Use of Motor Vehicles and Aircraft**

109-38.5400 Scope of subpart.  
 109-38.5401 Statutory requirement.  
 109-38.5402 Policy.  
 109-38.5403 Official purposes.  
 109-38.5404 Approval of authorizations.  
 109-38.5405 Duration of authorizations.  
 109-38.5406 Use of a motor vehicle to drive to residence at start of official travel.  
 109-38.5407 Use of Government-owned or furnished motor vehicles in travel status.  
 109-38.5408 Use of Government-owned or leased bus systems.  
 109-38.5409 Use of Government motor vehicles in emergencies.  
 109-38.5410 Use of motor vehicles by the Postal Service.  
 109-38.5411 Instructions to motor vehicle operators.

**AUTHORITY:** Title V, Department of Energy Organization Act, (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-38.000 Scope of part.**

This part implements and supplements FPMR Part 101-38 concerning the management of motor equipment, vehicles and aircraft.

**§ 109-38.000-50 Policy.**

Necessary motor equipment, vehicles and aircraft shall be provided, maintained and utilized in support of DOE programs in the most practical and economical manner consistent with program requirements, safety considerations, fuel economy and applicable laws and regulations.

**Subpart 109-38.0—Definition of Terms**

**§ 109-38.001 Definitions.**

As used in this part the following definitions apply:

(a) "Motor equipment" means any item of equipment which is self-propelled or drawn by mechanical power, including motor vehicles, motorcycles and scooters, construction and maintenance equipment, materials handling equipment, aircraft and vessels.

(b) "Motor vehicle" means any equipment, self-propelled or drawn by mechanical power, designed to be operated principally on the highways in the transportation of property or passengers. This includes both motorcycles and motor scooters.

(c) A "replacement off-set" is an authorization to one field office to acquire a new passenger motor vehicle to replace an old passenger motor vehicle which is excess to another field office. The transaction does not require the physical transfer of the excess vehicle, but it is limited to a documentary transfer.

(d) "Special purpose vehicles" have limited but essential missions. They cannot be used generally to carry passengers, freight or other material. Trucks with permanently mounted equipment—such as fire trucks, special tank trucks, wreckers and trucks with compressors or generators in fixed mounting on the body may be classified as special purpose trucks. Vehicles other than sedans and station wagons which are to be used only during a defined or specified contingency, such as evacuation or other similar emergency, may also be classified as special purpose vehicles. For reporting purposes within DOE, motorcycles and motor scooters will also be reported as special purpose vehicles.

(e) "Experimental vehicles" are those acquired solely for testing and research purposes or otherwise designated for experimental purposes. Such vehicles are to be the object of testing and research as differentiated from those used as vehicular support to testing and research. Experimental vehicles are not to be used as passenger

carrying vehicles, and they are not subject to statutory price limitations or to authorization limitations:

**Subpart 109-38.1—Reporting Motor Vehicle Data**

**§ 109-38.100-1 Reporting forms.**

(a) Organizations operating motor vehicles shall provide the following reports:

(1) Agency Report of Motor Vehicle Data, Standard Form 82 (SF-82).

(2) Agency Report of Sedan Data, Standard Form 82-D (SF 82-D).

(3) Supplementary Data Reports:

(i) Acquisitions and Disposals by Transfer (§ 109-38.4950)

(ii) Special Purpose Vehicles (§ 109-38.4951)

(iii) Supplemental Age and Mileage Analysis (§ 109-38.4952).

(b) One copy of each of the above reports shall be submitted to the Procurement and Contracts Management Directorate (PR-221) by the 21st working day following September 30 of each year.

(c) Each field office and reporting Headquarters organization shall submit consolidated reports on all vehicles for organizations under their jurisdiction and, attached thereto, the separate reports for each field organization, multi-program laboratory and contractor which submits a Budget Schedule 81 to Headquarters.

(d) Where authorized by the Procurement and Contracts Management Directorate (PR-221) the reports shall be submitted in mechanized form in accordance with separate instructions for the preparation of mechanized reports.

**§ 109-38.102 Preparation of forms.**

(a) Costs in the Standard Forms shall be shown in dollars (not rounded to thousands).

(b) Narrative comments shall be submitted in connection with these reports. The comments shall include (1) a comparison of statistical information between fiscal years, (2) an explanation of any significant changes between years, and (3) any other information that will assist in the interpretation of data contained in the reports.

**§ 109-38.102-2 Reporting domestic and foreign vehicles.**

Separate SF-82's and supplementary data forms shall be prepared for vehicles located (a) in the United States, including territories and possessions, and (b) in a foreign country.

**§ 109-38.102-50 Supplementary data reports.**

(a) Supplementary Data on Acquisitions and Disposals by Transfer, in the format illustrated in § 109-38.4950,

shall be submitted with each SF-82. The purpose of the supplementary data on acquisition and disposal is to identify the number of motor vehicles transferred (1) between DOE and other agencies, (2) between DOE activities, (3) from one vehicle type to another by reclassification, and (4) to permit reporting of the actual number of vehicles acquired or disposed of by DOE.

(b) Supplementary data on age and mileage of sedans and light trucks, less than 12,500 pounds (one ton and under), 4 x 2, shall be reported in the format illustrated in § 109-38.4952. This supplementary data shall be submitted only for those sedans and light trucks, 4 x 2, listed in the SF-82 submitted in accordance with § 109-38.100-1.

(c) Supplementary data on Special Purpose Vehicles shall be reported in the format illustrated in § 109-38.4952. For the purpose of this report, contaminated vehicles shall be reported as special purpose.

**Subpart 109-38.2—Registration and Inspection**

**§ 109-38.202-50 Registration in foreign countries.**

Motor vehicles used in foreign countries are to be registered and carry license tags in accordance with the existing motor vehicle regulations of the country concerned.

**§ 109-38.202-51 Shipment to foreign countries.**

(a) When motor vehicles are being shipped for use in a foreign country, the desk officer or individual handling the affairs pertaining to that country in the Department of State shall be contacted before shipment is made for information concerning the licensing and shipping of the vehicle.

(b) The person responsible for, and expected to use, a motor vehicle in a foreign country shall make inquiry at the United States Embassy, Legation, or Consulate concerning the regulations that apply to registration, licensing, and operation of motor vehicles and shall be guided accordingly.

**Subpart 109-38.3—U.S. Official Government Tags**

**§ 109-38.302 Records.**

(a) The Director of Procurement and Contracts Management assigns "blocks" of U.S. Government tag numbers to DOE organizations and maintains a current record of such assignments. Additional "blocks" will be assigned upon request.

(b) Each Departmental organization shall maintain a current record of individual assignments of tags to the

motor vehicles under its jurisdiction as required by FPMR 101-38.302.

**§ 109-38.303 Procurement.**

The procedures for procuring official Government tags by DOE activities are covered in DOE-PR 9-5.5206-9.

**§ 109-38.305 Display, assignment and removal of U.S. Government tags.**

**§ 109-38.305-3 Removal.**

Necessary controls shall be established to ensure that tags which are voided shall be destroyed or defaced to prevent their reuse.

**Subpart 109-38.4—Official Legend and Agency Identification**

**§ 109-38.404 Procurement of decalcomanias.**

The official legend and agency identification for DOE shall be of elastomeric pigmented film type decalcomania which are currently standardized DOE Form 597. The form shall be requisitioned from the Office of the Director of Administration (AD-472), on a regular six-month basis.

**Subpart 109-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification**

**§ 109-38.602 Unlimited exemptions.**

**§ 109-38.602-50 Department of Energy exemptions.**

(a) Exemptions from the requirements for the display of Federal license tags and other official identification may be approved by heads of field offices or the Director of Administration for motor vehicles under their cognizance which are used in the conduct of security operations or in the enforcement of security regulations of the DOE.

(b) The requirements for displaying Federal license tags on the front and rear of all motor equipment is modified in the case of trailers to require tags in the rear only.

(c) The requirements for the display of Federal license tags and other identification does not apply to motor vehicles used in foreign countries, Trust Territories, or the Pacific Test Areas (see FPMR 101-38.202 and § 109-38.202-50).

**§ 109-38.605 Additional exemptions.**

(a) Requests made pursuant to FPMR 101-38.605 for exemption from the requirement for displaying U.S. Government tags and other identification on motor vehicles which are not within the criteria in FPMR 101-38.602 shall be submitted through normal administrative channels to the Procurement and Contracts Manage-

ment Directorate (PR-221). Each such request shall describe the vehicle for which exemption is sought, the nature of the work on which it is used, and include a certification to the effect that conspicuous identification would interfere with such use.

(b) The Director of Procurement and Contracts Management shall be notified promptly when—

(1) The need for a previously authorized exemption no longer exists;

(2) An exempted motor vehicle is rotated to other work not requiring continued exemption; or

(3) An exempted motor vehicle is replaced by another vehicle, in which case the notification shall include a description of the replacement vehicles.

(c) Copies of certifications and cancellation notices required to be furnished to GSA pursuant to FPMR 101-38.605 will be transmitted to GSA by the Director of Procurement and Contracts Management.

**§ 109-38.606 Approval of tag requests for exempted vehicles in the District of Columbia.**

The Director of Administration is designated as the DOE Liaison Representative to approve requests for regular District of Columbia tags for Headquarters motor vehicles exempted from carrying U.S. Government tags and other official identification, and furnishes annually to the District of Columbia Department of Motor Vehicles the name and specimen signature of each representative authorized to approve such requests.

**§ 109-38.607 Report of exempted motor vehicles.**

The Director of Administration, heads of field offices and other contracting officers or their designees shall maintain records of motor vehicles exempted from displaying Federal license tags and other identification which will permit the submission of reports by the Director of Procurement and Contracts Management upon request of GSA in accordance with FPMR 101-38.607. The records shall contain a listing by type of each exempted vehicle operated during the previous fiscal year, giving the information for each vehicle on hand at the beginning of the year and each of those newly authorized during the year, including—

(a) By whom exemption was authorized, by name and title of authorizing official (including any authorization by Headquarters and GSA);

(b) Date exemption was authorized;

(c) Reasons for exemptions and limitations on uses of the exempted vehicle;

(d) Date of discontinuance for any exemption discontinued during the year; and

(e) Probable duration of exemption for vehicles continuing in use.

**Subpart 109-38.7—Transfer of Title to Government-Owned Motor Vehicles**

**§ 109-38.701 Methods of transfer.**

(c) The certificates and copies of Certificate of Release of a Motor Vehicle (SF's 97 and 97A) shall be numbered consecutively by each DOE organization disposing of motor vehicles.

**§ 109-38.701-50 Delegation of authority to sign Standard Forms 97 and 97A.**

(a) Heads of DOE organizations may delegate the authority to sign SF's 97 and 97A to responsible DOE personnel under their jurisdiction. The name of the officer delegated to sign will be typed on the certificate in addition to the signature in ink.

(b) All DOE organizations shall establish proper controls to prevent blank copies of SF's 97 and 97A from being obtained by unauthorized persons.

**Subpart 109-38.9—Motor Vehicle Replacement Standards**

**§ 109-38.900-50 Policy.**

It is the policy of DOE to continue in service motor vehicles which meet prescribed replacement standards, but which are in usable and workable condition, provided that—

(a) A continued need exists for the vehicle;

(b) The vehicle can be operated safely and dependably without excessive repair and maintenance costs. Normally, when any single repair job exceeds 25 percent of the estimated current market value of a vehicle, consideration should be given to replacement in lieu of repair and retention;

(c) Repair parts are readily obtainable; and

(d) Retention will not substantially reduce the trade-in value of the vehicle.

**§ 109-38.907 Fleets.**

(a) The replacement limitations cited in FPMR 101-38.907 are applicable to each of DOE's field offices and may not be exceeded.

(b) For replacement purposes, fleet vehicles are classified as follows:

(1) Automobiles (sedans and station wagons).

(2) All other passenger vehicles (ambulances, buses)

(3) All trucks and truck tractors.

(c) To be replaced, vehicles must meet age and mileage standards shown in FPMR 101-38.9.

**§ 109-38.908 Exceptions.**

After certification by the appropriate head of the field office, or the head of the appropriate Headquarters organization, that a motor vehicle is beyond economical repair due to wreck or damage, including wear caused by abnormal operating conditions, it may be replaced without regard to replacement standards in FPMR 101-38.9.

**§ 109-38.908-50 Prompt disposal of replaced passenger vehicles.**

Because of the limitation on the total number of passenger vehicles which DOE may have, replaced passenger vehicles shall be removed from service and disposed of prior to or as soon as practicable after delivery of the replacement equipment to avoid concurrent operation of both vehicles. Because of disposal problems, there may be occasions where quick disposal of the old equipment may not be feasible or advantageous to the Government, e.g., it may be determined that there is an insufficient number for economical sale or that sale would bring substantially better prices at a later date because of seasonal effects on sale prices. Under such circumstances, retention of the replaced passenger vehicle may be justified. However, such retention may not be used as justification for concurrent operation of the new and replaced vehicles.

**Subpart 109-38.10—Scheduled Maintenance of Motor Vehicles**

**§ 109-38.1002 Agency requirements.**

All DOE organizations responsible for Government-owned motor vehicle and equipment operations shall establish a scheduled maintenance program.

**§ 109-38.1003 Guidelines.**

(a) In line with the basic maintenance policy in FPMR 101-38.10, the scheduled maintenance program for motor vehicles and equipment shall consist of a systematic written procedure for servicing and inspection to ensure safe, efficient and economical operation throughout the period of use and to meet warranty requirements. Maintenance procedures shall be reviewed by the field offices at least annually and revised as necessary to reflect approved changes.

(b) Motor vehicles and equipment shall be maintained in accordance with the manufacturers' recommended specifications.

(c) Whenever practicable, existing Government shops and service facilities shall be consolidated or commercial shops and services shall be utilized to reduce to a minimum the maintenance facilities and equipment, supplies, parts, stocks and overhead costs.

(d) Maintenance also shall be geared to a planned replacement program. Individual jacket files shall be kept and made readily available to appropriate maintenance personnel to provide historical records of past repairs, as a control against unnecessary repairs and overmaintenance, and as an aid in determining the most economical time for replacement.

(e) One-time maintenance and repair limitations shall be established by heads of field offices. To exceed repair limitations, approval from heads of field offices is required, particularly as the time of replacement approaches.

(f) Adequate maintenance schedules shall be provided to accomplish the following objectives in the most economical manner:

(1) To maintain equipment in safe and economical operating condition.

(2) To prevent equipment failures resulting in program delays and excessive downtime.

(3) To prevent premature wear and deterioration.

(4) To prevent undue depreciation.

(5) To conserve materials and manpower.

(g) A "Guide for Preventive Maintenance of Motor Vehicles," published by GSA, is available for the guidance of all those responsible for maintenance of Government-owned motor vehicles.

(h) *Warranties.* (1) Special attention shall be devoted to the warranty on each motor vehicle to ensure that maximum benefits are realized from each warranty. Defective materials and workmanship on vehicles under warranty should be corrected under the terms of the warranty to avoid maintenance and repair of such vehicles at Government expense.

(2) When motor vehicles are maintained in Government shops in isolated locations that are distant from franchised dealer shops, or when it is not practical to return the vehicles to a dealer, billback agreements shall be sought from manufacturers to permit warranty work to be performed in Government shops on a reimbursable basis. GSA's "New Vehicle Guide, Warranty, Delivery Acceptance and Recall of Motor Vehicles," provides guidance on the procedures to be followed in the development of billback agreements as well as other aspects of motor vehicle warranties.

#### § 109-38.1005 Assistance to agencies.

GSA is prepared to furnish comments and suggestions with respect to scheduled maintenance programs and, at no cost, will make motor equipment management technicians available to assist in establishing or reviewing preventive maintenance programs. Requests for GSA assistance should be made to the Procurement and Con-

tracts Management Directorate (PR-221) through normal administrative channels.

#### Subpart 109-38.12—Preparation and Control of Standard Form 149, U.S. Government National Credit Card

##### § 109-38.1200 General.

FPMR 101-26.406 authorizes the use of Standard Form 149, U.S. Government National Credit Card for Federal agencies for obtaining service station deliveries and services. The use of SF-149 by each field organization within DOE is optional. When a field organization elects to use the form, it shall be used on a field organization basis. Procedures concerning the methods to obtain credit cards shall be as specified in FPMR 101-26.406-5.

##### § 109-38.1201 Billing Code.

DOE organizations shall request the assignment of billing address code numbers from the Procurement and Contracts Management Directorate (PR-221). Following the assignment, DOE organizations shall submit orders for issuance of national credit cards in accordance with FPMR 101-26.406-5. The billing code consists of the following:

(a) The first three digits of the 10-digit billing code embossed on national credit cards in use by DOE will always be 000.

(b) The fourth digit may be used by DOE organizations and contractors to designate the vehicle class or provide additional billing code numerals. If not used for either of these purposes, zero will be used.

(c) The fifth and sixth digits will be "89," the agency code assigned to DOE.

(d) The seventh, eighth, and ninth digits indicate the billing address code number.

##### § 109-38.1202 Administrative control of credit cards.

(a) In the event an SF-149 is lost or stolen, reasonable precautions shall be taken to minimize the opportunity of purchases being made by unauthorized persons. The following actions shall be taken as a minimum:

(1) The paying office shall be notified of the loss or theft and to be on the alert for any unauthorized bills.

(2) Appropriate service station outlets in the area shall be notified of the loss or theft to guard against purchases by unauthorized persons.

(b) The head of each office using credit cards shall be responsible for establishing procedures to provide for the administrative control of credit cards in accordance with the guidelines set forth in FPMR Part 101-38.

#### Subpart 109-38.13—Energy Conservation in Motor Vehicle Management

§ 109-38.1304 Mandatory provisions affecting the acquisition and use of all motor vehicles.

(c) The use of motor vehicles for official purposes within DOE is governed by the provisions of DOE Subpart 109-38.55.

##### § 109-38.1304-50 Selection of type of motor vehicles.

(a) All vehicles acquired for use, whether by purchase, hire, lease, forfeiture or transfer from another agency, shall be limited to the minimum body size, engine size, maximum fuel efficiency, and to only that operational equipment (if any) necessary to fulfill programmatic needs.

(b) The least expensive unit overall should be used, considering both acquisition and operating costs for units to be purchased, and rental rates for rented or leased units.

(c) Dual purpose vehicles capable of hauling both personnel and light cargo shall be used whenever appropriate to avoid the need for two vehicles when one can serve both purposes. However, truck-type or van vehicles shall not be acquired for passenger use merely to avoid limitations on the number of passenger vehicles which may be acquired.

(d) Motor scooters and motorcycles in place of higher cost motor vehicles can be used advantageously for certain applications within plant areas, such as mail and messenger service and small parts and tool delivery. Their advantage, however, should be weighed carefully from the standpoint of overall economy (comparison with costs for other types of motor vehicles) and increased safety hazards, particularly when mingled with other motor vehicle traffic.

(e) Electric vehicles may be used advantageously for certain applications. The use of these vehicles is encouraged wherever it is feasible to use them to further the goal of fuel conservation.

§ 109-38.1305 Mandatory provisions affecting the acquisition, use, and replacement of motor vehicles.

Requests to acquire passenger automobiles larger than class 1A, 1B or II shall be forwarded with justifications through normal administrative channels to the Procurement and Contracts Management Directorate (PR-221) for certification to GSA.

§ 109-38.1306 Acquisition of fuel-efficient passenger automobiles.

(a) DOE shall comply with the requirements established by the Energy

Policy and Conservation Act (Pub. L. 94-163, 42 U.S.C. 6201, Sec. 510) and Executive Order 12003, "Relating to Energy Policy and Conservation," and current GSA implementation concerning the acquisition of fuel efficient motor vehicles.

(b) Offices conducting motor vehicle operations shall forward annually (on or before November 1) to the Procurement and Contracts Management Directorate (PR-221) their plan for acquisition of motor vehicles for the next fiscal year. This plan shall conform to the fuel efficiency standards for motor vehicles for the applicable fiscal year, as established by Executive Order 12003 and as implemented by GSA and current DOE directives. Additional guidance for the preparation of the plan will be issued by the Procurement and Contract Management Directorate (PR-221) as required. This organization shall also review each submission for conformance with established fuel efficiency standards and

shall forward to GSA the Departmental consolidated annual motor vehicle acquisition forecast.

(c) Requisitions for the purchase of these motor vehicles shall be forwarded to the Procurement and Contracts Management Directorate (PR-221) for review, certification and submission to GSA.

(d) Proposals/requests for commercially leased passenger automobiles, for a period of 60 continuous days or more, shall be forwarded to the Procurement and Contracts Management Directorate (PR-221) for review and certification prior to entering into an agreement to lease in order to comply with Executive Order 12003 as implemented by GSA.

§ 109-38.1350 Conservation of motor vehicle fuels.

In furtherance of the President's announced energy conservation objectives, each organization within DOE shall establish programs which will ensure achievement of the reduced

motor vehicle fuel consumption objectives. The following actions shall be adopted to achieve the conservation goals of reduced motor vehicle fuel consumption:

(a) Do not idle engine for long periods of time. Limit idle time to one minute when the vehicle is parked.

(b) Reduce motor vehicle travel to the maximum extent practicable without jeopardizing essential business.

(c) Use the smallest vehicle that is feasible for the job.

(d) Maintain tire pressure to tire manufacturer's recommendations. Check pressure at least once each week.

(e) Give wide publicity on proper driving techniques as prescribed by GSA to conserve fuels and require that all drivers diligently follow them.

(f) Travel at reduced speeds and limit speed to the National Speed Limit.

(g) Enforce proper maintenance and servicing procedures, such as tuneups, in accordance with the manufacturer's latest specifications.

§ 109-38.4950 Acquisitions and disposals by transfer.

ACQUISITIONS AND DISPOSALS BY TRANSFER

	Sedans	Station Wagons	Ambulances	Buses	Light Trucks 4X4	Medium Trucks	Heavy Trucks	Special Purpose	Total
<u>Acquired By Transfer</u>									
From Other Agencies									
From Other DOE Offices									
By Reclassification									
<u>Disposal By Transfer</u>									
To Other Agencies									
To Other DOE Offices									
By Reclassification									

Note 1: With regard to sedans, station wagons, ambulances and buses, the acquiring office should specifically identify the agency or office from which acquired and the disposing office should specifically identify the acquiring office or agency.

Note 2: Vehicles transferred by reclassification should specifically identify by footnote the gaining and losing category, i.e., one each 2-1/2 T truck to special purpose.

§ 109-38.4951 Special purpose vehicles.

Special purpose vehicles

[Fiscal year 19 ]

Totals
1. Vehicles on Hand, October 1.....
2. Acquisitions.....
3. Disposals.....
4. Vehicles on Hand, September 30.....
5. Cost of Vehicles Acquired.....
6. Proceeds from Sales.....
7. Net Cost (Line 5 minus 6).....
8. Number Assigned from Interagency Motor Pools (Term Basis).....
9. Cost of 8 above.....
10. Number of Rented Commercially (Term Basis).....
11. Cost of 10 above.....

[6450-01-C]

§ 109-38.4952 Supplemental age and mileage analysis.

SUPPLEMENTAL AGE AND MILEAGE ANALYSIS

Model	NUMBER OF VEHICLES, BY CUMULATIVE MILES OPERATED										TOTAL
	0 TO 999	1,000 TO 9,999	10,000 TO 19,999	20,000 TO 29,999	30,000 TO 39,999	40,000 TO 49,999	50,000 TO 59,999	60,000 TO 79,999	80,000 TO 99,999	100,000 AND OVER	
CURRENT YEAR											
PRECEDING YEAR											
2ND PRECEDING YEAR											
3RD PRECEDING YEAR											
4TH PRECEDING YEAR											
5TH PRECEDING YEAR											
6TH PRECEDING YEAR											
7TH PRECEDING YEAR											
8TH PRECEDING YEAR											
9TH PRECEDING YEAR											
10TH PRECEDING YEAR											
TOTAL											

### Subpart 109-38.50—Utilization of Motor Vehicles

#### § 109-38.5000 General.

To keep the number of motor vehicles at the minimum which will adequately satisfy program requirements, continuing attention shall be given to developing and implementing methods and practices which will help achieve the most practical and economical utilization of vehicles.

#### § 109-38.5001 Utilization practices.

Methods and practices for achieving maximum economical utilization of motor vehicles shall include but not be limited to—

(a) The maximum use of equipment pooling arrangements, taxicabs, or other common service arrangements;

(b) The minimum, practicable assignment of equipment to individuals, groups or specific organizational components;

(c) Frequent review of vehicle utilization statistics by appropriate levels of management;

(d) The careful selection of equipment types to permit the maximum appropriate use of multi-purpose equipment;

(e) The rotation of equipment between high and low mileage assignments where practicable to maintain the fleet in the best overall replacement age and mileage balance and operating economy; and

(f) The maintenance of individual equipment use records, such as trip tickets or vehicle logs, showing sufficiently detailed information to evaluate appropriateness of assignment and adequacy of use being made. If one-time use is involved, such as assignments from motor pools, the individual's trip records must, as a minimum, identify the vehicle and show the name of the operator, dates, destination, time of departure and return, and mileage.

#### § 109-38.5002 Use objectives for motor vehicles.

The following use goals are established for DOE as average objectives:

(a) Sedans and station wagons—3,000 miles per quarter or 12,000 miles per year.

(b) Light trucks and general purpose vehicles, one ton and under (less than 12,500 GVW)—10,000 miles per year.

(c) Medium trucks and general purpose vehicles, 1½ ton through 2½ ton (12,500 to 16,999 GVW)—7,500 miles per year.

(d) Heavy trucks and general purpose vehicles, three ton and over (17,000 GVW and over)—7,500 miles per year.

(e) Truck tractors—10,000 miles per year.

(f) All-wheel-drive vehicles—7,500 miles per year.

(g) Other motor vehicles—No average use goals for other trucks, ambulances, buses, and special purpose vehicles are established. The use of such equipment shall be reviewed and necessary action taken to ensure that the equipment is fully utilized or declared excess to the Department's needs.

#### § 109-38.5003 Application of use goals.

Individual motor vehicle utilization cannot always be measured or evaluated strictly on the basis of miles operated or against any Department-wide mileage standard. Other measures of use will need to be considered. Accordingly, as an aid in achieving maximum feasible utilization, local use objectives which represent practical units of measurement for vehicle utilization and for planning and evaluating future vehicle requirements should be established. Such objectives should generally be initiated by the organization involved and reviewed and adjusted as appropriate, but not less often than annually. The objectives will take into consideration past performance, future requirements and special operating conditions and should be consistent with the justifications used to obtain vehicle authorizations.

### Subpart 109-38.51 Acquisition of Motor Vehicles

#### § 109-38.5100 General requirements.

The acquisition of motor vehicles shall be limited to the minimum number needed to adequately serve program requirements. Any additions to the fleet must be fully justified and the justification shall include satisfaction that established utilization objectives are being achieved.

#### § 109-38.5101 Authority required for purchase or hire of passenger motor vehicles.

##### § 109-38.5101-1 Statute.

(a) 31 USC 638a(a) provides that no appropriation shall be available for the purchase or hire of passenger motor vehicles unless specifically authorized by the appropriation concerned or other law. Such authority will generally be included in the annual appropriation acts for DOE. These acts usually are specific as to the number of passenger motor vehicles which may be purchased and whether they are to be "replacements" or "additions." Any authority for DOE to hire passenger motor vehicles is also contained in the acts (although numbers are not specified).

(b) 31 USC 638a(e) provides that the acquisition of passenger motor vehicles by any agency by transfer from another department of the Govern-

ment shall be considered as a purchase within the meaning thereof.

#### § 109-38.5101-2 Administration of the requirements of the statute with respect to acquisition of passenger motor vehicles.

In implementation of the provisions of 31 USC 638a(a) and (e) and the Comptroller General's Decision B-154282, dated October 15, 1966, passenger motor vehicles may not be acquired by purchase or transfer unless they are—

(a) Specifically authorized by the Director of Procurement and Contracts Management, pursuant to the appropriation concerned or other law;

(b) Acquired from excess without reimbursement for upgrading or replacement purposes and an equal number of replaced vehicles are reported for disposal as excess within 30 days; or

(c) For temporary emergency needs not in excess of three months in lieu of commercial rentals.

#### § 109-38.5101-3 Administration of the requirements of the statute with respect to the hire or loan of passenger motor vehicles.

(a) Inclusion of specific authority in the DOE appropriation or other law is sufficient basis for hiring passenger motor vehicles.

(b) Prior to commercial rental, temporary vehicle needs which cannot be filled by GSA motor pools shall be obtained from available excess (or other Federal agencies on a loan basis) to the greatest extent feasible and economical. Excess (or loaned) vehicles may be acquired to fill temporary needs for periods not to exceed three months without specific Headquarters approval or without charging against the number authorized for purchase. If, however, it becomes desirable to extend the use of such vehicles in excess of three months, they shall be charged against the number authorized for purchase unless otherwise approved by the Procurement and Contracts Management Directorate (PR-221). (Comp Gen B-154282 dated October 15, 1965.)

#### § 109-38.5101-4 Limitation on unit cost of sedans and station wagons.

(a) Public Law 91-423 dated September 26, 1970, amends paragraph (1) of subsection (c) of section 5 of the Act of July 16, 1914, as amended (31 USC 638a), and provides that "unless otherwise specifically provided, no appropriation available for any department shall be expended \* \* \* to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicles exchanged, in excess of the maximum price therefor, if any, established

pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation."

(b) The above amendment continues as follows: "A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law." The Administrator of General Services has issued instructions to Federal agencies for procurement of additional systems and equipment in FPMR 101-25.304 and 101-26.501.

(c) The essentiality of additional systems and equipment shall be based on requirements for safety, efficiency, economy, suitability of the vehicle for purposes intended and fuel economy.

(d) Requests may be made in the annual budget estimates, where appropriate, for the cost of additional systems and equipment on sedans and station wagons, including those police-type vehicles necessary for security purposes. Actual purchase of passenger vehicles shall be made only after allocation by the Director of Procurement and Contracts Management based on Congressional authorizations contained in the Departmental appropriation acts.

#### § 109-38.5101-5 Passenger motor vehicle allocations.

(a) To assure that DOE purchases do not exceed the number of passenger motor vehicles authorized to be purchased in any fiscal year, the Director of Procurement and Contracts Management shall allocate to field offices the number that they may purchase and shall inform them of the number of passenger motor vehicles which may be purchased. These allocations and applicable unit cost limitations shall not be exceeded.

(b) In order that unused authority to purchase may be reallocated, the offices concerned shall notify the Procurement and Contracts Management Directorate (PR-221) when allocations will not be used. Such notifications shall be submitted as soon as possible but not later than June 15 of each year.

(c) In order that passenger vehicles no longer needed by one field office

may be used by another, either by actual transfer for continued use or as replacement off-sets, they shall be reported to the Procurement and Contracts Management Directorate (PR-221) prior to any disposal action so that such use can be properly coordinated within DOE.

#### § 109-38.5102 Procurement.

(a) Policies and procedures for the purchase of new motor vehicles, including provisions for the procurement of additional systems and equipment for sedans and station wagons, are set forth in FPMR 101-26.5 and DOE-PR 9-5.52.

(b) Selection guidelines for justification of air-conditioning and other additional systems and equipment, with respect to procurement of new sedans and station wagons and procurement for installation in such vehicles already in service, are contained in FPMR 101-25.304, and 101-26.501.

(c) Special procedures relating to the delivery, inspection, and acceptance of motor vehicles are provided in FPMR 101-26.501-6. These special procedures are designed primarily to identify and report on deliveries of unsatisfactory motor vehicles ordered by GSA.

#### Subpart 109-38.52—Aircraft

##### § 109-38.5200 Scope of subpart.

This subpart establishes basic policies and procedures that apply to the management of aircraft and aircraft services. The policies and procedures set forth herein are the minimum required, and the head of each field office operating aircraft shall issue such supplemental instructions as may be needed to ensure efficient management of aircraft.

##### § 109-38.5201 Definitions.

As used in this subpart the following definitions apply:

(a) "Aircraft" means a device that is used or intended to be used for flight in the air, including: heavier than air and lighter than air aircraft, airplanes, gliders, helicopters, rigid and nonrigid airships, and balloons.

(b) "Chartered aircraft" are aircraft rented or hired on an intermittent basis, with or without a pilot or other operating aircrew members.

(c) "Leased aircraft" are aircraft obtained on a contractual basis, for a stipulated time interval, as distinguished from intermittent charter or short-term rental.

(d) "Military aircraft" are aircraft on loan from the Department of Defense (DOD).

(e) "Pilot" is an individual possessing the required FAA credentials and meeting the qualification requirements and other criteria as required by the employing office.

(f) "Part-time pilot" is one who is employed specifically to operate aircraft on a "when-needed" basis.

#### § 109-38.5202 General.

Department-wide policies, standards, guidelines and procedures for management of aircraft and aviation services, necessary staff assistance, and general liaison with other Federal agencies are provided by the Director of Procurement and Contracts Management.

#### § 109-38.5203 Aircraft safety.

(a) Policy development and general overview of aircraft safety in Departmental operations is exercised by the Assistant Secretary's for Environment operational and environmental safety staff.

(b) Minimum aviation operations and aircraft safety standards, criteria and procedures for DOE aviation operations shall be established by the Assistant Secretary's for Environment operational and environmental safety staff in coordination with the procurement and Contracts Management Directorate and heads of field offices. Heads of field offices may establish higher safety standards, criteria and procedures when they have determined that it is necessary to assure the safety of specific operations under their jurisdiction.

#### § 109-38.5204 Pilot responsibility and authority.

(a) It shall be the responsibility of the pilot to be aware of and conform to Federal Aviation Regulations and other requirements of the Federal Aviation Administration, Departmental policies and field office directives, and the regulations and directives of other applicable authority, including those relating to use for official purposes only.

(b) The maintenance and repair of aircraft are also the responsibility of the pilot who shall be responsible for determining that the aircraft is airworthy and that the required FAA maintenance checks are performed periodically and on schedule.

(c) The pilot is at all times responsible for the safe operation of his aircraft and for the safety of his crew and passengers. Insofar as the loading of the aircraft, weather, mechanical, and other safety conditions are concerned, the pilot shall have final authority for determining whether a particular flight shall be continued or terminated and how it shall be made.

#### § 109-38.5205 Acquisition of aircraft.

##### § 109-38.5205-1 Statute.

(a) 31 U.S.C. 638a(b) provides that no appropriation shall be available for the purchase, maintenance or operation of any aircraft, unless specifical-

ly authorized by the appropriation concerned or other law. Such authority will generally be included in the annual appropriation acts for DOE. These acts usually are specific as to the number of aircraft which may be purchased and, whether they are to be "replacements" or "additions." Any authority for DOE to hire aircraft is also contained in these acts (although numbers are not specified).

(b) 31 U.S.C. 638a(e) provides that the acquisition of aircraft by any agency by transfer from another department of the Government shall be considered as a purchase within the meaning thereof.

#### § 109-38.5205-2 Approval requirements.

(a) All proposed acquisitions of aircraft (with or without reimbursement) except for temporary (30 days or less) rentals or loans shall be referred to the Director of Procurement and Contracts Management for prior approval. Temporary rental or loans (30 days or less) may be approved by heads of field offices.

(b) The acquisition of specific aircraft by type shall be coordinated with the Assistant Secretary's for Environment operational and environmental safety staff to assure that the selected aircraft type can perform the mission requirements safely and meet all applicable safety standards.

(c) Because of the limitation on the number of aircraft which DOE may acquire, replaced aircraft shall be removed from service and disposed of prior to or as soon as practicable after delivery of the replacement equipment to avoid concurrent operation of both aircraft.

#### § 109-38.5205-3 Acquisition from excess sources.

Acquisition from excess sources is encouraged when there is specific authority for additional or replacement aircraft. Aircraft may also be acquired from excess sources for upgrading or replacement purposes, provided (a) that such acquisition is without reimbursement, and (b) that an equal number of aircraft is reported to GSA as excess within 30 days after delivery of the replacement aircraft. The aircraft being declared excess should not be routinely circularized within the Department. The SF 120, Report of Excess Property, shall be annotated to identify the GSA transfer order number shown on the transfer document for the replacement aircraft, and a copy of the SF 120 shall be forwarded to the Procurement and Contracts Management Director (PR-221). Prior to the acquisition of aircraft from any excess source, the Federal Aviation Administration should be contacted to ensure that the Federal Aviation Regulations authorize the type of oper-

ations to be conducted and that the aircraft can be certified as airworthy without extensive or costly modification.

#### § 109-38.5205-4 Notification of acquisition authorization.

To assure that acquisitions do not exceed the number of aircraft authorized by statute to be acquired in any fiscal year, the Director of Procurement and Contracts Management shall inform DOE field offices each fiscal year of the number of aircraft which may be acquired. These authorizations shall not be exceeded.

#### § 109-38.5206 Management responsibility.

The head of each field office having an aircraft operation shall establish procedures to ensure—

(a) That the acquisition of aircraft, including military aircraft, is centrally controlled to ensure that authorizations are not exceeded;

(b) That each aircraft is equipped with the instruments, accessories, radio, navigational aids, safety equipment, and survival gear necessary for the same performance of each operating mission, including the installation of aircraft crash position indicators as needed. Safety equipment shall include, as a minimum, seat belts and/or shoulder harnesses for the pilot and all passengers, at least one emergency fire extinguisher, and a first aid kit. Aircraft used on night flights and/or under other than visual flight rules (VFR) conditions shall be equipped for instrument flight (IFR). Life jackets shall be provided and readily available for all occupants of aircraft on extended overwater flights as defined in Federal Aviation Regulation 1.1. Aircraft on flights into isolated areas shall be equipped with emergency rations and appropriate survival gear;

(c) Conformance with Federal Aviation Administration requirements for the registration, certification, maintenance, and operation of aircraft, engines and component equipment;

(d) Selection of qualified pilots and crew members and the maintenance of pilot and crew competence commensurate with job requirements;

(e) Establishment of dispatching and tracking procedures or other controls that will assure knowledge of aircraft location when operating in areas where flight plan service is not available;

(f) Overall safe, efficient, and economical operation, maintenance, utilization, and replacement of aircraft;

(g) The pooling of usage as a means of increasing utilization;

(h) That contract or charter pilots are duly certified to meet all requirements and regulations established by the Federal Aviation Administration for the particular aircraft, and that

chartered, leased, or rented aircraft are operated and maintained in compliance with all rules, regulations, and minimum standards of the Federal Aviation Administration. Any rental or hire of aircraft and operators meeting no more than the minimum basic operating standards of Part 91 of the Federal Aviation Regulations is discouraged, and such marginally safe aircraft and operators shall not be used to transport passengers or hazardous cargo; and

(i) That all pilots are aware of the provisions of 31 U.S.C. 638a(c)(2) which prohibits the use of any Government-owned or leased aircraft for other than official purposes (see subpart 109-38.54).

#### § 109-38.5207 Registration and identification.

(a) Department-owned aircraft shall be registered with the Federal Aviation Administration. The certificate of registration shall be displayed in the aircraft in accordance with FAA requirements. A similar requirement shall be included in any arrangement for the charter, rent, hire, or lease of aircraft.

(b) All aircraft shall display markings as required by the Federal Aviation Regulations for registered aircraft of the United States.

#### § 109-38.5208 Airworthiness.

With the exception of public use aircraft being operated under special regulations of the Federal Aviation Administration, all aircraft shall be required to have a currently effective Federal Aviation Administration Airworthiness Certificate appropriate to the proposed usage. This certificate shall be displayed in the aircraft. Exceptions to this requirement are (a) uncertified aircraft may be ferried with minimum crew when there is a written determination by the head of the field office of his designee that the aircraft is safe for flight, and (b) aircraft obtained by transfer from the Department of Defense or the U.S. Coast Guard may be ferried incident to such transfer when the aircraft has been released as airworthy for flight.

#### § 109-38.5209 Maintenance.

As a minimum, all aircraft, aircraft engines, propellers, accessories, and equipment shall be maintained and serviced in accordance with Federal Aviation Administration requirements for air carrier and non-air carrier aircraft, as appropriate, and the instructions of the manufacturer. All repairs and alterations shall be performed and approved in accordance with applicable FAA or military standards and requirements. Preventive maintenance inspections shall be made of the airframe, engine, and accessory equip-

ment in conformance with the equipment manufacturer's recommendations and FAA or military requirements, as applicable.

#### § 109-38.5210 Operation.

(a) Flight operations must comply with the Federal Aviation Regulations, and responsibility for such compliance rests with the pilot of the aircraft (§ 109-38.5204). Any special problem requiring deviation from the regulations shall be submitted through normal administrative channels to the Assistant Secretary's for Environment operational and environmental safety staff for review and possible referral to the FAA for an appropriate waiver. Such a waiver is required for all fixed-wing aircraft engaged in low-level flying, and any change of conditions shall be reported to the responsible FAA District Office.

(b) Flight plans are required for all flights over isolated areas, and are also required for flights under visual flight rules (VFR) conditions except where the flight is of a local nature. Where normal flight plan channels are not available, a flight dispatching and tracking procedure or other control shall be followed that will assure current knowledge by responsible DOE or DOE contractor personnel of the aircraft's operating plan and of its arrival at destination.

(c) Aircraft, engines, and equipment shall be operated within the operating limits prescribed by the manufacturer.

(d) Adequate preflight and in-flight check lists shall be provided to, and used by, all pilots. A visual preflight inspection shall be made by the pilot before each takeoff, and any deficiency which might affect the safety of the flight shall be corrected before takeoff.

(e) All flights shall be planned and conducted so that the aircraft will arrive over its destination with a fuel reserve sufficient to reach a planned alternate destination. Flights conducted under FAA Instrument Flight Rules shall be required to conform to FAA fuel time minimum requirements, or better.

#### § 109-38.5211 Records.

As a minimum, flight, aircraft, and engine logs shall be maintained in accordance with FAA requirements, and records of operation and maintenance shall be maintained as required for management, budgetary and reporting purposes. Heads of field offices shall establish requirements for other records needed.

#### § 109-38.5212 Reports.

(a) Reports shall be submitted as required by the Federal Aviation Administration, the National Transportation Safety Board, the Assistant Secretary's for Environment operational

and environmental safety staff and others. Heads of field offices shall establish the requirements for other reports that may be needed for management or other purposes.

(b) All accidents involving aircraft shall be reported promptly to the National Transportation Safety Board, Federal Aviation Administration as required, the head of the field office concerned and the Assistant Secretary's for Environment operational and environmental safety staff.

#### Subpart 109-38.53—Cost Reductions Obtainable Through Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil

##### § 109-38.5300 Scope of subpart.

This subpart provides instructions for application of GSA Bulletin FPMR G-36, "Cost Reduction Obtainable Through Cross-Servicing Arrangements for Motor Vehicle Fuel and Oil," and submission of reports required by that Bulletin.

##### § 109-38.5301 Submission of reports.

Headquarters and field offices shall prepare semi-annual reports as of September 30 and March 31 which will include the information requested in paragraph 5, GSA Bulletin FPMR G-36. The reports shall be submitted through normal administrative channels to the Procurement and Contracts Management Directorate (PR-221) by October 10 and April 10 of each year. A negative report is required.

#### Subpart 109-38.54—Official Use of Motor Vehicles and Aircraft

##### § 109-38.5400 Scope of subpart.

This subpart supplements FPMR Part 101-38, implements the provisions of statutes concerning the use of Government-owned or leased motor vehicles and aircraft for official purposes and prescribes policies and procedures governing the use of such vehicles and aircraft acquired for official purposes.

##### § 109-38.5401 Statutory requirement.

(a)(1) 31 U.S.C. 638a(c)(2) provides "Unless otherwise specifically provided, no appropriation available for any department shall be expended \* \* \* for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and 'official purposes' shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on outpatient medical service and except in cases of

officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month and shall be suspended for a longer period or summarily removed from office if circumstances warrant \* \* \*"

(2) The above quoted statute is interpreted to preclude reimbursement to Government contractors for the maintenance, operation or repair of Government-owned or leased passenger motor vehicles or aircraft which are used by contractor personnel for other than official purposes.

(b) Under the provisions of 18 U.S.C. 641, any person who knowingly misuses any Government property (which includes Government motor vehicles) is subject to criminal prosecution and, upon conviction, to fines up to \$10,000 or imprisonment for up to 10 years.

##### § 109-38.5402 Policy.

All Government-owned or leased motor vehicles and aircraft operated by DOE and its contractors shall be utilized for official purposes only, and officers, employees and contractors of the Department shall not use or authorize others to use any Government-owned or leased motor vehicle or aircraft for other than official purposes.

##### § 109-38.5403 Official purposes.

(a) The term "official purposes" means those purposes required to carry out authorized programs, including program work carried out under contracts made pursuant to authority vested in the Department. "Official purposes" largely is a matter of administrative discretion and determination based on the particular facts of the case and the Government interest in the proposed use of the Government motor vehicle. It is the responsibility of the person authorizing or approving the use to examine the circumstances surrounding such use and assure that the facts sufficiently justify a conclusion of "official purpose."

(b) The term "field work" as used in 31 U.S.C. 638a quoted above refers to the nature of the work performance; it is not restricted to "field service" as distinguished from "Headquarters service."

**§ 109-38.5404 Approval of authorizations.**

(a) The Director of Administration and heads of field offices may approve the use of a Government-owned or leased motor vehicle between a DOE employee's domicile and place of employment. This authority may be re-delegated. Redlegation shall not be below the chief administrative officer level.

(b) Heads of field offices and contracting officers shall require contractors to assure that—

(1) Contractors prescribe and issue, subject to approval by the head of the field office or contracting officer, such local written guidelines regarding the official use of motor vehicles or aircraft as may be necessary and appropriate for particular operating situations;

(2) The use of Government-owned or leased motor vehicles or aircraft by contractor employees for transportation between places of employment and domiciles, including their storage at or near such domiciles, conforms to official use policies and guidelines, and that they make and document appropriate administrative determinations, authorizations, or approvals for such use and storage by contractor employees at appropriate supervisory levels within the contractors' organizations.

(c) Except as provided in § 109-38.5407, the approving official shall determine the nature of the field duties of the employees which makes such transportation necessary. Approvals shall be in writing.

**§ 109-38.5405 Duration of authorizations.**

An authorization to use a motor vehicle for transportation between a domicile and place of employment shall be limited to the period of actual need. Where such need extends beyond a year, each authorization shall be limited to a single year. Requests for renewals of authorizations shall be subject to the same justification as original requests, and must also show what attempts were made during the original period to eliminate the necessity for the request.

**§ 109-38.5406 Use of a motor vehicle to drive to residence at start of official travel.**

The use of a Government motor vehicle by an officer or employee to drive to his residence when it is in the interest of the Government that he start on official travel in the vehicle from that point, rather than from his place of business, is not regarded as prohibited by 31 USC 638a(c)(2), (25 Comp. Gen. 844) or by Departmental policy.

**§ 109-38.5407 Use of Government-owned or furnished motor vehicles in travel status.**

The use of Government-owned or Government-furnished motor vehicles by Government employees while in travel status is governed by the Federal and DOE Travel Regulations.

**§ 109-38.5408 Use of Government-owned or leased bus systems.**

The provisions of this subpart do not affect passenger use of Government-owned or leased bus systems (regardless of type of vehicle used in such system) established under the provisions of section 161e of the Atomic Energy Act of 1954, as amended (42 USC 2201e).

**§ 109-38.5409 Use of Government motor vehicles in emergencies.**

In limiting the use of Government motor vehicles to official purposes, it is not intended to preclude their use in emergencies threatening loss of life or property (see § 109-1.5102). Such use shall be documented.

**§ 109-38.5410 Use of motor vehicles by the Postal Service.**

(a) Section 411 of the Postal Reorganization Act provides that executive agencies are authorized to furnish property and services to the Postal Service under such terms and conditions, including reimbursability, as the Postal Service and the agency concerned deem appropriate. Executive Order 11672 establishes a requirement for reimbursement at fair market value of such property or at a rate based on appropriate commercial charges for comparable property, as agreed to by the agency head and the Postmaster General, unless the Director of the Office of Management and Budget finds that a different basis of valuation is more equitable or better serves the public interest.

(b) Pursuant to the authority in 39 USC 411, motor vehicles may be made available to the Postal Service for temporary use, particularly during the Christmas season. The rental rate to be charged shall be the same as is charged by the General Services Administration for similar motor vehicles available from the interagency motor pool serving the geographical area involved, with appropriate allowances for any fuel and oil furnished by the Postal Service.

**§ 109-38.5411 Instructions to motor vehicle operators.**

Procedures shall be established to ensure that motor vehicle operators are informed concerning—

(a) The statutory requirement that motor vehicles shall be used only for official purposes;

(b) Personal responsibility for safe driving and operation of motor vehicles, and for compliance with Federal, State, and local laws and regulations, and all accident reporting requirements;

(c) Protection under the Federal Tort Claims Act (28 USC 2671) when acting within the scope of his/her employment;

(d) The penalties for unauthorized use of motor vehicles;

(e) The prohibition against picking up strangers or hitchhikers; and

(f) Any other duties and responsibilities assigned to motor vehicle operators with regard to the use, care, operation, and maintenance of motor vehicles.

**PART 109-39—INTERAGENCY MOTOR VEHICLE POOLS****Subpart 109-39.3—Motor Vehicle Exemptions**

Sec.

109-39.302 Unlimited exemptions.

109-39.303 Limited exemptions.

**Subpart 109-39.4—Establishment, Modification, and Discontinuance of Motor Pools**

109-39.404-3 Problems involving service or cost.

109-39.404-4 Agency requests to withdraw participation.

**Subpart 109-39.5—Services**

109-39.502 Services available.

109-39.502-50 Commercially rented vehicles available through Interagency Motor Pools.

**Subpart 109-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services**

109-39.601 General requirements.

109-39.602 Authorized use.

109-39.602-1 Government vehicles.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**Subpart 109-39.3—Motor Vehicle Exemptions****§ 109-39.302 Unlimited exemptions.**

In those instances where it is determined that an unlimited exemption from inclusion of a vehicle in the Interagency Motor Pool System is warranted under the criteria set forth in FPMR 101-39.302, full particulars shall be forwarded to the Procurement and Contracts Management Directorate (PR-221) for consideration and possible referral to the Administrator of General Services.

**§ 109-39.303 Limited exemptions.**

The procedure established in § 109-39.302 shall be followed in seeking limited exemptions under the criteria set forth in FPMR 101-39.303.

**Subpart 109-39.4 Establishment, Modification and Discontinuance of Motor Pools**

§ 109-39.404-3 Problems involving service or cost.

To resolve problems involving motor pool service or cost, the affected field or Headquarters organization shall bring the matter to the attention of the chief of the motor pool providing the vehicles. In the event a satisfactory solution does not result, full particulars shall be forwarded to the Procurement and Contracts Management Directorate (PR-221), for consideration and possible referral to the Administrator of General Services.

§ 109-39.404-4 Agency requests to withdraw participation.

Should circumstances arise at a given interagency motor pool location which tend to justify discontinuance or curtailment of participation by a DOE organization, the participating organization should forward complete details to the Procurement and Contracts Management Directorate (PR-221) for consideration and possible referral to the Administrator of General Services.

**Subpart 109-39.5—Services**

§ 109-39.502 Services available.

§ 109-39.502-50 Commercially rented vehicles available through Interagency Motor Pools.

(a) Interagency motor pool locations, services, and rental rates are published periodically by GSA in a leaflet for the current information and guidance of Federal agencies. Availability of this publication and details concerning distribution are announced in GSA Bulletins.

(b) Details concerning the availability and arrangements for GSA contract commercial rental car services are contained in Federal Supply Schedule, Industrial Group 751, Motor Vehicle Rental Without Driver and in a leaflet, "Traveler's Pocket Guide." Copies may be obtained from GSA regional offices.

**Subpart 101-39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services**

§ 109-39.601 General requirements.

(a) The head of each office operating leased vehicles is designated as responsible for certifying that leased vehicles larger than Type II (compact) are essential to the mission of the particular organization concerned.

(b) New requirements for leased vehicles on a nationwide basis shall be submitted to the Procurement and

Contracts Management Directorate (PR-221), for transmittal to the General Services Administration.

§ 109-39.602 Authorized use.

§ 109-39.602-1 Government vehicles.

(a) Subpart 109-38.54, Official Use of Motor Vehicles and Aircraft, prescribes DOE policies and procedures governing the official use of Government motor vehicles.

(b) The heads of field offices and the Director of Administration are responsible for compliance with FPMR 101-39.602-1(b), which places limitations on the use of Government-owned or leased motor vehicles for official purposes.

**SUBCHAPTER H—UTILIZATION AND DISPOSAL**

**PART 109-42—PROPERTY REHABILITATION SERVICES AND FACILITIES**

Sec.

109-42.000 Scope of part.

109-42.000-50 Applicability.

**Subpart 109-42.3—Recovery of Precious Metals and Critical Materials**

109-42.301-1 Guidelines for conducting intra-agency surveys.

109-42.301-2 Reporting to GSA.

109-42.302 Recovery of silver from used hypo solution and scrap film.

109-42.350 Platinum and platinum family.

**Subpart 109-42.50—Reclamation of Wastepaper**

109-42.5000 Scope of subpart.

109-42.5001 Policy.

109-42.5002 Definition.

109-42.5003 Responsibilities and authorities.

109-42.5003-1 Responsibility for Department-wide coordination.

109-42.5003-2 Responsibility for implementing and conducting wastepaper recovery programs.

109-42.5004 Reports.

**AUTHORITY.**—Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

§ 109-42.000 Scope of part.

This part implements and supplements FPMR Part 101-42, Property Rehabilitation Services and Facilities.

§ 109-42.000-50 Applicability.

The provisions of FPMR 101-42 and this part apply to contractors which generate used hypo solution, scrap film, other precious metals scrap and other recoverable scrap materials.

**Subpart 109-42.3—Recovery of Precious Metals and Critical Materials**

§ 109-42.301-1 Guidelines for conducting intra-agency surveys.

The intra-agency survey required by FPMR 101-42.301-1 shall be prepared

by each DOE organization and contractor that has no precious metal recovery program as directed by the Director of Procurement and Contracts Management. The format of the report is included in FPMR 101-42.4801.

§ 109-42.301-2 Reporting to GSA.

(a) The annual silver or other precious metals recovery report required by FPMR 101-42.301-2 shall be prepared by each DOE organization and contractor conducting a precious metal recovery program. The format of the report is included in FPMR 101-42.4802. Negative reports are required. A report shall also be submitted providing applicable information in those instances where activities use indirect methods of recovery by shipping the hypo solution or scrap film to another recovery activity or by disposal by sale.

(b) Individual reports shall cover the entire fiscal year and shall be forwarded to the appropriate field office for forwarding to the Procurement and Contracts Management Directorate (PR-221) not later than 30 days after the end of each fiscal year.

109-42.302 Recovery of silver from used hypo solution and scrap film.

A program for recovery of silver from used hypo solution and scrap film is established for DOE. All DOE organizations and contractors shall recover silver from hypo solution and scrap film where economically feasible. Where and activity generates minimal amounts of hypo solution, consideration shall be given to combining output with another recovering activity as contemplated in FPMR 101-42.301-1. 109-402.350 Platinum and platinum family.

See § 109-43.313-52 for procedures for reporting excess platinum for recovery and subsequent redistribution within DOE.

**Subpart 109-42.50—Reclamation of Wastepaper**

§ 109-42.5000 Scope of subpart.

This subpart implements and supplements 40 CFR 246, "Materials Recovery Guidelines for source Separation" as issued by the Environmental Protection Agency (EPA), states DOE policy on reclamation of paper, and prescribes authorities and responsibilities of Heads of Headquarters organizations, heads of field offices, and other contracting officers.

§ 109-42.5001 Policy.

It is DOE policy that a program for recovery and reclamation of wastepaper shall be established at any DOE facility where such recovery is economically feasible, i.e., implementa-

tion and operating costs are not greater than revenue derived, in accordance with the criteria contained in 40 CFR 246.

#### § 109-42.5002 Definition.

"DOE facilities" as used in this subpart means Government-owned or leased buildings operated by DOE personnel or operating and onsite service contractors.

#### § 109-42.5003 Responsibilities and authorities.

##### § 109-42.5003-1 Responsibility for Department-wide coordination.

The Director of Procurement and Contracts Management is responsible for (a) representing the Department with EPA and other Federal agencies on matters relating to the recovery and reclamation of wastepaper at DOE facilities, (b) consolidating the Departmental reports on recovery of

wastepaper for submission EPA, and (c) providing staff assistance to DOE organizations implementing the guidelines contained in 40 CFR 246.

#### § 109-42.5003-2 Responsibility for implementing and conducting wastepaper recovery programs.

The Director of Administration, heads of field offices, and contracting officers are responsible for implementation and conduct of a wastepaper recovery program in accordance with 40 CFR 246 at DOE facilities under their cognizance and shall submit the required reports to the Procurement and Contracts Management Directorate (PR-221) within 30 days after the end of each fiscal year in the format illustrated in § 109-42.5004.

#### § 109-42.5004 Reports.

Wastepaper recovery reports shall be submitted in the following format:

Facility Name and Address	No. of Office Workers	Implementation Date	Tons of Wastepaper Recovered	Revenue Received
---------------------------	-----------------------	---------------------	------------------------------	------------------

### PART 109-43—UTILIZATION OF PERSONAL PROPERTY

Sec.

- 109-43.000 Scope of part.
- 109-43.000-50 Applicability.
- 109-43.001 Definitions.
- 109-43.001-5 Excess personal property.
- 109-43.001-14 Personal property.
- 109-43.001-50 Nonreportable property.
- 109-43.001-51 Platinum.
- 109-43.001-52 Reportable property.

#### Subpart 109-43.1—General Provisions

- 109-43.101 Surveys.
- 109-43.102 Reassignment of property within executive agencies.
- 109-43.103 Agency utilization officials.

#### Subpart 109-43.3—Utilization of Excess

- 109-43.301-50 Policy.
- 109-43.302 Agency responsibility.
- 109-43.302-50 Utilization and disposal by contractors.
- 109-43.303-1 Acquisition of mercury.
- 109-43.306 Property not required to be reported.
- 109-43.311-1.50 Circularization within DOE.
- 109-43.311-5 Property at installations due to be discontinued.
- 109-43.312 Exceptions to reporting.
- 109-43.313 Items requiring special handling.
- 109-43.313-2 Printing, binding, and blank-book equipment and supplies.
- 109-43.313-50 Classified property.
- 109-43.313-51 Naval gun mounts.
- 109-43.313-52 Platinum and platinum family.

- 109-43.313-53 Shielding material.
- 109-43.313-54 Property in which the Government has an interest.
- 109-43.313.55 Department of Defense excess.
- 109-43.315-5 Procedure for effecting transfers.
- 109-43.317 Costs and proceeds.
- 109-43.317-1 Cost of care and handling.
- 109-43.317-2 Proceeds.
- 109-43.319 Use of excess property on cost-reimbursement type contracts.
- 109-43.320 Use of excess property on grants.
- 109-43.321 Certification of non-Federal agency screeners.

#### Subpart 109-43.5—Utilization of Foreign Excess Personal Property

- 109-43.503 Holding agency responsibilities.
- 109-43.504-50 Disposition of property not selected for return to the United States.

#### Subpart 109-43.47—Reports

- 109-43.4701 Performance reports.

#### Subpart 109-43.51—Utilization of Personal Property Held for Facilities in Standby

- 109-43.5100 Scope of subpart.
- 109-43.5101 Definition.
- 109-43.5102 Policy.
- 109-43.5103 Reviews to determine need for retaining items.
- 109-43.5104 Utilization of property in facilities in standby status.

#### § 109-43.000 Scope of part.

This part implements and supplements FPMR Part 101-43, Utilization of Personal Property.

#### § 109-43.000-50 Applicability.

The provisions of FPMR Part 101-43 and this part are applicable to contractors unless otherwise provided herein.

#### § 109-43.001 Definitions.

##### § 109-43.001-5 Excess personal property.

The definition of excess personal property in FPMR 101-43.001-5 is supplemented to provide that excess personal property, generally referred to herein as "excess property," means personal property which is—

(a) Under the control of a DOE organization or contractor and not required for the holder's needs or in the discharge of its responsibilities and which has been documented as excess by a responsible DOE or contractor official having responsibility for its custody and accountability; or

(b) Under the control of any Federal agency, including DOE, and not required for its needs or the discharge of its responsibilities. Property is not considered to be excess to DOE until it has been determined that no requirement for the property exists within the Department.

##### § 109-43.001-14 Personal property.

The definition in FPMR 101-43.001-14 is modified to read as follows: Personal property means property of any kind or type except real property; records; special source materials, which includes source materials and special nuclear material, and those other materials to which the provisions of DOE Manual Part 7400 apply, such as deuterium, enriched lithium, neptunium 237 and tritium, and atomic weapons and byproduct materials as defined in Section 11 of the Atomic Energy Act of 1954, as amended; enriched uranium in stockpile storage; and petroleum being held in reserve in the Strategic Petroleum Reserve and the Naval Petroleum Reserve.

##### § 109-43.001-50 Nonreportable property.

"Nonreportable property" is excess personal property which is not required to be formally circularized within DOE or reported to GSA.

##### § 109-43.001-51 Platinum.

"Platinum" means platinum family, including platinum, palladium, rhodium, iridium, ruthenium and osmium.

##### § 109-43.001-52 Reportable property.

"Reportable property" is excess personal property which is required to be formally circularized within DOE and, if not required within DOE, reported to GSA.

**Subpart 109-43.1—General Provisions**

**§ 109-43.101 Surveys.**

Each organization holding Government personal property shall continuously survey property under its control to assure efficient use and shall promptly make property excess to its needs available for use elsewhere. See § 109-25.109-1 for DOE policy on the conduct of management walk-through inspection tours to identify idle and unneeded equipment.

**§ 109-43.102 Reassignment of property within executive agencies.**

See DOE Order 2200, Chapter XI for preparation of the feeder reports upon which the consolidated DOE report of internal property reassignments is based.

**§ 109-43.103 Agency utilization officials.**

The director of Procurement and Contracts Management shall designate the DOE National Utilization Officer.

**Subpart 109-43.3—Utilization of Excess**

**§ 109-43.301-50 Policy.**

It is the policy of DOE to consider excess property as the first source of supply. In no case, however, will excess property be acquired unless a present or foreseeable program need exists for the property. In carrying out this policy, the objective of which is to obtain maximum effective and economical utilization of property already owned by the Federal Government, consideration should be given to such factors as—

- (a) Nature and cost of any repairs required to restore excess equipment to a safe, dependable, and economical operating condition;
- (b) Duration of the job on which the equipment will be used;
- (c) Economic feasibility of ownership vs. loan or rental of the equipment. Frequency of use, particularly where the equipment will be needed only infrequently, is one of the factors which must be considered in determining the most economical method of acquisition; and
- (d) Handling and transportation costs involved in acquisition of excess property.

**§ 109-43.302 Agency responsibility.**

Procedures shall be established to assure the effective conduct of the excess property utilization program and to assure, to the fullest extent practicable, that excess personal property available within DOE or from other Federal agencies is used as a first source of supply in fulfilling requirements.

**§ 109-43.302-50 Utilization and disposal by contractors.**

Heads of field offices may authorize contractors to perform the functions pertaining to utilization and disposal of excess property, provided such activities are in accordance with written policies and procedures which they have approved as being consistent with this part and those contained in FPMR Part 101-45 and DOE-PMR Part 109-45.

**§ 109-43.303-1 Acquisition of mercury.**

Notwithstanding the provisions of FPMR 101-43.303-1, requests for 76 pound flasks of mercury, for use by DOE or its contractors, shall be forwarded to the Director, Supply Division, Oak Ridge Operations Office, Oak Ridge, Tennessee.

**§ 109-43.306 Property not required to be reported.**

To the extent practicable and economical, notification of availability of nonreportable excess property shall be made on an informal basis to other DOE installations and other Federal agencies known to use such property. If no requirement is established within a reasonable time, usually not more than 30 days after the availability of the property is announced, the property will be considered surplus to the needs of the Government.

**§ 109-43.311-1.50 Circularization within DOE.**

(a) Prior to reporting excess personal property to GSA as required by FPMR 101-43.311-1, reportable property shall be listed and circularized as available excess within DOE using Standard Form 120, "Report of Excess Personal Property" and Standard Form 120a, "Continuation Sheet." Distribution patterns, points of contact, and number of copies of excess lists to be sent to DOE installations shall be issued annually by the Procurement and Contracts Management Directorate (PR-221) based on information submitted by the field offices. Revisions during the year shall be coordinated with the appropriate contacts by the DOE offices concerned. In cases where time does not permit the circularization of excess lists, notification of the availability may be made by telegram, teletype or telephone, with due consideration to the additional costs involved.

(b) A period of at least 15 calendar days from the date of transmittal should be allowed potential users within DOE to request the transfer of items listed. When necessary, an additional 15 calendar days may be allowed to permit potential users to inspect the property or to obtain additional information regarding the items on the list. Concurrent circularization of

lists of DOE excess property within DOE and to other Federal agencies generally shall not be permitted.

(c) If, after DOE circularization, reportable property is known to be needed by another Federal agency, it shall be transferred as provided in FPMR 101-43.315-5(a).

**§ 109-43.311-5 Property at installations due to be discontinued.**

(a) In closing out installations or any activities where it is important that upon completion of the work the personnel be released and activities ended as quickly as possible in order to avoid large expenditures, arrangements may be made for expediting the utilization and disposal of excess inventories and other excess property. (See DOE-PR 9-8 for special provisions regarding disposition of contractor inventories arising out of termination of contracts.)

(b) DOE field organizations shall work with appropriate GSA regional offices to develop a utilization and disposal program which takes into consideration all the factors involved, is expedited to the maximum degree, and is mutually satisfactory and in the best overall interest of the Government. When closeout involves an activity which is not located geographically in a DOE installation, information concerning the situation shall be given to the appropriate regional administrator of GSA, as early as possible, by letter (copy to the Procurement and Contracts Management Directorate (PR-221)). The information should include the types of property available and indicate that the activity is to be discontinued, the scheduled date for the removal of personnel from the location, and the last dates when the property will be needed. The following guidelines are furnished for possible use, although variations may be used as long as agreement is reached with GSA and there is no conflict with DOE requirements except as noted in paragraph (b)(1) of this section:

- (1) If a proposed expedited program provides for deviation from the DOE policy or procedural requirements, approval of the Director of Procurement and Contracts Management shall be obtained.
- (2) Approval of the proposed plan by the appropriate GSA regional office, when deviation from existing GSA regulations is involved, will be sufficient to validate the plan. A copy of the approval plan should be forwarded for information to the Procurement and Contracts Management Directorate (PR-221).
- (3) In developing an expedited disposal program, property shall be determined to be excess to DOE before it is reported to GSA. Concurrent circularization of lists of DOE excess prop-

erty within DOE and to other Federal agencies generally is not permitted.

(4) Summary catalog listings of certain categories of excess property, such as property in classes 48, 51, 55, 56, etc., showing estimated release dates, might be furnished GSA with good utilization results. On the other hand, excess property in such classes as 23, 24, 32, 34 and 38 shall normally be listed by individual item with sufficient description for ready identification.

(5) In order to obtain maximum utilization of the property by other Federal agencies, the plan shall provide that the field office will furnish assistance to GSA, upon request, to arrange for invitational inspections by Federal agency representatives.

(6) Upon request, DOE can provide assistance to GSA in its circularization of reportable items to other Federal agencies or in locating potential users within the government.

(7) Care should be exercised to be sure that orders from other Federal agencies for excess property are processed through GSA, as may be required by the GSA regional office concerned.

(8) Although it may be possible to arrange for expediting donations for educational, public health, or civil defense purposes, adequate time must be allowed for the screening of all donable property.

(9) Provisions should be made for accelerated release by GSA of excess property for disposal as surplus, particularly where there is little or no potential use by other Federal agencies.

(10) Methods should be developed whereby last minute requests for surplus property, cataloged for an auction sale or listed in a sealed bid invitation and inspected by prospective bidders, can be kept to a minimum.

#### § 109-43.312 Exceptions to reporting.

In addition to the categories of non-reportable property identified in FPMR 101-43.312 (a) through (g), the following property, when determined excess to a DOE installation, is not reportable and shall not be formally circularized within DOE or reported to GSA—

(h) Asphalt products in less than carload (LCL) quantities (roofing tile, paving materials);

(i) Cement and fabricated cement products in LCL quantities (concrete block, pumic block, cinder block, pipe and fittings);

(j) Fabricated clay products in LCL quantities (brick, tile, pipe and fittings);

(k) Fuels in LCL quantities (gasoline, diesel fuels, coal and coke and kerosene);

(l) Special purpose or site fabricated shelving, cabinets, shop tables, etc., of

limited adaptability or with high cost of disassembly or transportation;

(m) Uncrated window glass; and

(n) Equipment, parts, accessories, jigs and components, which are of special design, composition, or manufacture and which are intended for use only by specific DOE installations, such as spare parts for equipment used in atomic processes.

#### § 109-43.313 Items requiring special handling.

##### § 109-43.313-2 Printing, binding, and blankbook equipment and supplies.

DOE installations shall report excess printing, binding and blankbook equipment to the Office of Administration for processing in accordance with the Joint Committee on Printing Regulations.

##### § 109-43.313-50 Classified property.

Classified personal property which is excess to DOE needs shall be stripped of all characteristics which cause it to be classified, or otherwise rendered unclassified prior to disposal, in accordance with instructions of the head of the field office concerned. Declassification shall be accomplished in a manner which will preserve, so far as practicable, any civilian utility or commercial value of the property.

##### § 109-43.313-51 Naval gun mounts.

When a naval gun mount obtained from the Naval Sea Systems Command, Department of the Navy, becomes excess, it may be listed, circularized, and transferred within DOE in the same manner as other excess property. However, when a naval gun mount is determined to be excess to DOE, it shall be reported to the Department of the Navy, Naval Sea Systems Command, Washington, D.C. 20360, and shall not be disposed of except in accordance with instructions of that Department.

##### § 109-43.313-52 Platinum and platinum family.

All precious metals in the platinum family which become excess shall be reported to the Chicago Operations Office for recovery and/or subsequent redistribution within DOE. It is intended that any platinum which is not needed for current or foreseeable requirements shall be reported to the Chicago Operations Office. This means platinum in any form, including shapes, scrap, or which is radioactively contaminated. The Chicago Operations Office will furnish necessary shipping instructions. (For pricing of transfers, see DOE Order 2200, Chapter III.)

##### § 109-43.313-53 Shielding material.

All excess movable shielding material of any type will be circularized within DOE using normal excessing procedures. However, prior to disposal outside DOE (by transfer to other Federal agencies or by sale), the Procurement and Contracts Management Directorate (PR-221) shall be advised concerning the types and quantities which remain available.

##### § 109-43.313-54 Property in which the Government has an interest.

Personal property in which the Government has an interest means (a) Government-owned property which is available for exchange or sale and (b) property leased with an option to purchase. Such property shall be circularized within DOE for possible utilization whenever it is practicable to do so, considering the contract terms, cost in relation to remaining useful life, location of item, purchase option time remaining, etc.

##### § 109-43.313-55 Department of Defense excess.

An interagency agreement between DOE and the Department of Defense has been executed which permits certain DOE contractors to screen excess property listings from the Defense Property Disposal Service concurrently with military activities for use in support of DOE/DOD programs.

##### § 109-43.315-5 Procedure for effecting transfers.

Notwithstanding the provisions of FPMR 101-43.315-5(b), in accordance with a DOE agreement with GSA, execution of transfer orders by a DOE official is not required in those cases where heads of field offices have authorized contractors to perform this function, and GSA has been notified of such authorization. GSA regional offices will furnish the cognizant DOE field office a copy of each transfer order received from contractors. This copy of the transfer order will be reviewed by the cognizant DOE field office to determine if the contractor has been authorized to submit orders for excess property. If the contractor submitting the transfer order to the GSA regional office has not been authorized in writing to submit such orders, GSA will not honor such requests unless they are subsequently executed by an appropriate DOE official.

##### § 109-43.317 Costs and proceeds.

###### § 109-43.317-1 Cost of care and handling.

DOE field offices and contractors shall comply with the provisions of DOE Order 2200, Chapter III as they relate to billings for direct costs in-

curred in the transfer of excess property.

§ 109-43.317-2 Proceeds.

For DOE procedures on the handling of proceeds from transfer of excess property to another Government agency with reimbursement, see DOE Order 2200, Chapter III.

§ 109-43.319 Use of excess property on cost-reimbursement type contracts.

(b) It is DOE policy for operating and on-site service contractors to use Government excess personal property to the maximum extent possible to reduce contract costs. However, the determination required in FPMR 101-43.319(b) does not apply to such contracts and the acquisitions of Government excess personal property by these contractors are not subject to the annual reporting requirements of FPMR 101-43.4701(c). The procedures prescribed in § 109-43.315-5 for execution of transfer orders apply.

§ 109-43.320 Use of excess property on grants.

The requirements of FPMR 101-43.320 do not apply to operating and on-site service contracts.

§ 109-43.321 Certification of non-Federal agency screeners.

Contracting officers shall maintain a record of the number of certified non-Federal agency screeners operating under their authority and shall immediately notify the appropriate GSA regional office of any changes in screening arrangements.

**Subpart 109-43.5—Utilization of Foreign Excess Personal Property**

§ 109-43.503 Holding agency responsibilities.

(a) Property which remains excess after utilization screening within the general foreign geographical area where the property is located should be reported to the Procurement and Contracts Management Directorate (PR-221) for consideration for return to the U.S. for further utilization within DOE, by other Government agencies, or for donation, based on such factors as cost, residual value, usefulness in ongoing or future programs, condition, and cost of transportation.

(b) If determined to be in the interest of the Government for return to the U.S., the property shall be reported on excess listings (SF 120) to the accountable field office or Headquarters program organization. These listings should contain information on location and available transportation facilities in addition to the detailed descriptions required by FPMR 101-43.4901-120-1. The field office or Di-

rector of Administration, acting for the responsible Headquarters program organization, will circularize the property within DOE. If not claimed by a DOE activity, it shall be reported to the Procurement and Contracts Management Directorate (PR-221) for coordination with GSA.

§ 109-43.504-50 Disposition of property not selected for return to the United States.

Property not selected for return to the U.S. for utilization within DOE or the Government or for donation in accordance with FPMR 101-44.7 shall be disposed of in accordance with § 109-45.5105.

**Subpart 109-43.47—Reports**

§ 109-43.4701 Performance reports.

Instructions for submission of financial data for the reports required in FPMR 101-43.4701 (a) and (b) are contained in DOE Order 2200, Chapter XI. The report prescribed in FPMR 101-43.4701(c) does not apply to excess property acquired by operating and on-site service contractors.

**Subpart 109.43.51—Utilization of Personal Property Held for Facilities in Standby**

§ 109-43.5100 Scope of subpart.

This subpart supplements FPMR Part 101-43 by providing policies and procedures for the economic and efficient utilization of personal property associated with facilities placed in standby status.

§ 109-43.5101 Definition.

"Facility in standby" is a significant segment of plant and equipment, such as a complete plant or section of a plant, which is neither "in service" or declared "excess."

§ 109-43.5102 Policy.

Procedures and practices shall be established to assure economical and efficient utilization of property associated with facilities placed in standby status as provided for in this subpart.

§ 109-43.5103 Reviews to determine need for retaining items.

Procedures and practices shall be established which require an initial review at the time the plant is placed in standby to determine which items can be made available for use elsewhere within the established startup criteria, periodic reviews (no less than biennially) to determine need for continued retention of property, and special reviews when a change in startup time is made or when circumstances warrant. Such procedures should recognize that (a) generally, equipment,

spares, stores items, and materials peculiar to a plant should be retained for possible future operation of the plant, (b) where practicable, common-use stores should be removed and used elsewhere, and (c) uninstalled equipment and other personal property not required should be utilized elsewhere onsite or be disposed of as excess.

§ 109-43.5104 Utilization of property in facilities in standby status.

(a) Procedures and practices shall be established which require that property comprising the plant in standby, to the extent consistent with program requirements reflected by the startup criteria, be considered as a source of supply prior to procurement. Such procedures should provide for (1) furnishing potential users and procurement officers or some other responsible screening office, both onsite and off-site, listings of equipment and other significant property holdings available for loan or transfer, and (2) removal and use elsewhere of installed equipment which can be replaced or returned within the established startup criteria.

(b) In addition to the above procedures, organizations should encourage informal contacts between their technical staffs and those engaged in similar work at other DOE locations for the purpose of ascertaining the availability of Government property to meet their program requirements.

**PART 109-44—DONATION OF PERSONAL PROPERTY**

Sec.

109-44.000 Scope of part.

109-44.000-50 Policy.

109-44.000-51 Responsibilities and authorities.

**Subpart 109-44.3—Donation of Foreign Excess Personal Property**

109-44.301 Holding agency responsibility.

109-44.305 Costs incurred incident to donation.

**Subpart 109-44.47—Reports**

109-44.4701 Reports.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

§ 109-44.000 Scope of part.

This part implements and supplements FPMR Part 101-44, Donation of Personal Property. For donation of surplus personal property in foreign areas, see § 109-45.51.

§ 109-44.000-50 Policy.

It is the policy of the DOE to cooperate fully with all public agencies and their accredited representatives authorized to participate in the donation program. Upon reasonable request,

DOE organizations shall make available complete information on surplus property held for disposal.

**§ 109-44.000-51 Responsibilities and authorities.**

Heads of field offices shall appoint officers to make findings and reviews as required in FPMR 101-44.7 relating to donation of property to public bodies. Decisions relating to the actual donation of Government personal property are to be reserved to the Government and cannot be delegated to contractors.

**Subpart 109-44.3—Donation of Foreign Excess Personal Property**

**§ 109-44.301 Holding agency responsibility.**

After utilization screening and prior to disposal in the foreign area, property shall be considered available for return to the United States for donation as provided in FPMR 101-44.7 and § 109-43.5.

**§ 109-44.305 Costs incurred incident to donation.**

For DOE procedures on costs incurred incident to donation, see DOE Order 2200, Chapter III.

**Subpart 109-44.47—Reports**

**§ 109-44.4701 Reports.**

Instructions for submission of financial data for this report are contained in DOE Order 2200, Chapter XI.

**PART 109-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY**

Sec.  
109-45.000 Scope of part.  
109-45.000-50 Policy.

**Subpart 109-45.1—General**

109-45.101-50 Applicability.  
109-45.103 Sales responsibilities.  
109-45.103-1 Responsibilities of the General Services Administration.  
109-45.103-2 Responsibilities of holding agencies.

Sec.  
109-45.105 Exclusions and exemptions.  
109-45.105-3 Exemptions.

**Subpart 109-45.3—Sale of Personal Property**

109-45.301-50 Sales by DOE contractors.  
109-45.302-50 Sales to DOE and contractor employees.  
109-45.303 Reporting property for sale.  
109-45.303-1 Describing property.  
109-45.304-2 Negotiated sales at fixed prices.  
109-45.304-6 Reviewing authority.  
109-45.304-7 Advertising.  
109-45.304-50 Processing bids and award of contract.  
109-45.304-51 Documentation.  
109-45.307 Proceeds from sales.

Sec.  
109-45.309 Special classes of property.  
109-45.309-50 Unserviceable property (salvage and scrap).  
109-45.310 Anti-trust laws.  
109-45.316 Report on identical bids.

**Subpart 109-45.5—Abandonment or Destruction of Surplus Property**

109-45.501 Findings justifying abandonment and destruction.  
109-45.501-1 General.  
109-45.501-2 Reviewing authority.

**Subpart 109-45.50—Excess and Surplus Radioactively Contaminated Personal Property**

109-45.5001 Scope of subpart.  
109-45.5002 Responsibilities.  
109-45.5002-1 Development of criteria for utilization and disposal outside DOE.  
109-45.5002-2 Approval of requests for utilization and disposal outside DOE.  
109-45.5003 Procedures.  
109-45.5003-1 Suspect personal property.  
109-45.5003-2 Handled as uncontaminated equipment.  
109-45.5003-3 Contaminated property.

**Subpart 109-45.51—Disposal of Excess Personal Property in Foreign Areas**

109-45.5100 Scope of subpart.  
109-45.5101 Authority.  
109-45.5102 General.  
109-45.5103 Definitions.  
109-45.5104 Responsibilities.  
109-45.5104-1 Director of Procurement and Contracts Management.  
109-45.5104-2 Heads of activities in foreign areas.  
109-45.5105 Disposal.  
109-45.5105-1 General.  
109-45.5105-2 Methods of disposal.  
109-45.5106 Reports.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-45.000 Scope of part.**

This part implements and supplements FPMR 101-45, Sale, Abandonment, or Destruction of Personal Property, but does not apply to (a) sale or other disposal activities for deuterium, enriched lithium, atomic weapons, and byproduct, source and special nuclear materials, as defined in Section 11 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014), (b) properties which are sold or otherwise disposed of pursuant to special statutes, or (c) disposal of personal property in foreign areas (see § 109-45.51).

**§ 109-45.000-50 Policy.**

It is the policy of DOE to provide for the disposal of surplus personal property in an economical and efficient manner, and when sales are involved, for the fair and equal treatment of all prospective buyers, and for the protection of the Government's interests.

**Subpart 109-45.1—General**

**§ 109-45.101-50 Applicability.**

The provisions of FPMR Part 101-45 and this part are applicable to contractors which are authorized to dispose of surplus personal property.

**§ 109-45.103 Sales responsibilities**

**§ 109-45.103-1 Responsibilities of the General Services Administration.**

GSA regional offices are responsible for the conduct of sales of surplus and replacement property in the custody of DOE direct operations, except that DOE will continue to sell replacement property where trade-in offers are also involved in the transaction.

**§ 109-45.103-2 Responsibilities of holding agencies.**

See § 109-45.105-3, Exemptions, and § 109-45.3 for policy and procedures governing the sale of personal property by DOE contractors.

**§ 109-45.105 Exclusions and exemptions.**

**§ 109-45.105-3 Exemptions.**

The General Services Administration, by letter dated May 28, 1965, authorizes DOE contractors to sell contractor inventory, including replacement property. This exemption is for sales of contractor inventory only. All surplus property in the custody of DOE direct operations (except replacement property where trade-in offers are involved) will be reported to GSA in accordance with FPMR 101-45.303.

**Subpart 109-45.3—Sale of Personal Property**

**§ 109-45.301-50 Sales by DOE contractors.**

Sales of contractor inventory will be made by DOE contractors when heads of field offices determine that it is in the best interests of the Government to do so.

**§ 109-45.302-50 Sales to DOE and contractor employees.**

(a) Employees of DOE and DOE contractors shall be afforded the same opportunity to purchase Government-owned property as is afforded the general public, provided the employees warrant in writing prior to award that they have not either directly or indirectly—

(1) Participated in the determination to dispose of the property;

(2) Participated in the preparation of the property for sale;

(3) Participated in determining the method of sale; or

(4) Acquired information not otherwise available to the general public regarding usage, condition, quality, or value of the property.

(b) Special clothing and other articles of personal equipment purchased for the exclusive use of and fitted to an individual employee, when not otherwise usable by, and in all respects excess to the needs of, the holding installation, may be sold to DOE or contractor employees at the best price obtainable in the event of termination of their employment or their permanent assignment to duties not requiring such clothing or equipment.

§ 109-45.303 Reporting property for sale.

(a) *Reportable property.* In those cases where GSA is to be responsible for the sales function, the GSA regional offices will normally initiate sales action from the list of items remaining as surplus on Standard Form 120 reports after utilization and donation screening. In order to assure no misunderstanding at GSA regional offices as to who is to perform the sales function, each Standard Form 120 report forwarded to GSA (whether for DOE or DOE contractor property) shall bear a capitalized notation in a prominent place reading either "TO BE SOLD BY GSA" or "NOT TO BE SOLD BY GSA" as appropriate.

§ 109-45.303-1 Describing property.

DOE organizations shall assure that property reported or offered for sale is described accurately. In addition to the requirements contained in FPMR 101-45.303-1, particular emphasis should be placed on the accuracy of item quantities to achieve uniformly fair and reasonable disposition of all surplus personal property, protecting the interests of both the Government and the purchaser.

§ 109-45.304-2 Negotiated sales and negotiated sales at fixed prices.

(a) Negotiated sales, including purchases or retentions at less than cost by the contractor, may be made when the contracting officer determines and documents that the use of this method of sale is essential to expeditious contract closeout, or is otherwise justified on the basis of circumstances enumerated below, provided that the Government's interests are adequately protected. Negotiated sales, including purchases or retentions at less than cost by the contractor, shall be at prices which are fair and reasonable and not less than the proceeds which could reasonably be expected to be obtained if the property was offered for competitive sale. Specific conditions justifying negotiated sales are when—

(1) No acceptable bids have been received as a result of competitive bidding under a suitably advertised sale;

(2) Property is of such small value that the proceeds to be derived would not warrant the expense of a formal competitive sale;

(3) The disposal will be to states, territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained;

(4) The specialized nature and limited use potential of the property would create negligible bidder interest;

(5) Removal of the property would result in a significant reduction in value, or the accrual of disproportionate expenses in handling; or

(6) It can be clearly established that such action is essential to the Government's interests.

See FPMR 101-45.304-6 and § 109-45.304-6 for reviewing authority requirements.

(b) Negotiated sales at fixed prices. When determined to be in the best interests of the Government, heads of field offices may authorize fixed-price sales of contractor inventory by DOE contractors provided (1) the reasonable recovery value of the property to be sold to any one purchaser at any one time does not exceed \$100, (2) adequate procedures for publicizing such sales have been established, (3) the sales prices are not less than could reasonably be expected if competitive bid sales were employed and the prices have been approved by a reviewing authority designated by the heads of field offices, and (4) the warranty prescribed in § 109-45.302-50(a) is obtained when sales are made to employees.

§ 109-45.304-6 Reviewing authority.

The reviewing authority required under FPMR 101-45.304-6 may consist of one or more persons designated by the head of the field office who will be responsible for providing an adequate and independent review of proposed sales for the purpose of determining whether—

(a) The method of sale is in accordance with established policies and procedures; and

(b) Proceeds constitute a reasonable return for the property sold.

§ 109-45.304-7 Advertising.

(b) Procedures shall be established by all sales activities to assure that notification is provided to the Department of Commerce of proposed sales of surplus property with an acquisition cost of \$250,000 or more as required by FPMR 101-45.304-7(b).

§ 109-45.304-50 Processing bids and award of contract.

The procedures established in FPR 1-2.4 shall be made applicable to execution, receipt, safeguarding, opening, abstracting, and evaluation of bids and awarding sales contracts, except that in evaluating bids and awarding

contracts, disposal under conditions most advantageous to the Government based on high bids received shall be the determining factor. For mistakes in bids, see FPMR 101-45.8.

§ 109-45.304-51 Documentation.

Files pertaining to sales shall contain copies of all documents necessary to provide a complete record of the transaction and as a minimum shall include the following:

(a) A copy of request for proposals if written proposals are employed.

(b) A list of prospective bidders contacted.

(c) An abstract of proposals received, whether oral or written.

(d) Copies of written proposals or confirming proposals received, including Standard Forms 119 (see FPMR 101-45.313-9) which have been received from prospective bidders, together with other relevant information.

(e) A notation concerning basis for determination that proceeds constitute a reasonable return for property sold.

(f) Full and adequate justification for not advertising for competitive bids when the fair market value of property sold in this manner in any one case exceeds \$1,000.

(g) A notation concerning any award made to other than the high bidder.

(h) The approval of reviewing authority when required.

(i) A copy of notice of award.

(j) All related correspondence.

(k) In the case of auction or spot bid sales, the following additional information should be included:

(1) A list of items or lots sold indicating book cost and sales price for each item or lot sold.

(2) A copy of advertising literature distributed to prospective bidders.

(3) A summary listing of advertising by means of newspapers, radio, television, public posting, etc.

(4) The names of prospective bidders who attended sale if list was made.

(5) A copy of any pertinent contract for auctioneering services and related documents or appropriate reference to files containing such documents.

(6) A record of deposits and payments made or appropriate reference to files containing such records.

§ 109-45.307 Proceeds from sales.

Notwithstanding the provisions of FPMR 101-45.307, DOE installations shall comply with the provisions of DOE Order 2200, Chapter IV.

§ 109-45.309 Special classes of property.

§ 109-45.309-50 Unserviceable property (salvage and scrap).

(a) A continuous cleanup program shall be maintained at all DOE instal-

lations to locate, efficiently handle, and promptly dispose of unserviceable property (salvage and scrap). Property inventories and construction, wrecking, dismantling and other projects which might produce scrap, should be regularly reviewed, particularly for metals and other items which offer potential as marketable materials and for economic returns to the Government. (See FPMR Part 101-42 and DOE-PMR Part 109-42 for recovery of precious metals and reporting requirements.)

(b) Scrap metals shall be segregated to the maximum economical extent consistent with good industrial practice.

(c) Scrap metal which is contaminated with radioactive material shall be segregated and appropriately marked at the source as to type and degree of contamination.

#### § 109-45.310 Antitrust laws.

Selling organizations shall submit to the Office of the General Counsel, with a copy to the Director of Procurement and Contracts Management, the report on proposed sales of surplus personal property with an acquisition cost of \$3,000,000 or more, or a patent, process, technique, or invention, regardless of cost. Information to be included is contained in FPMR 101-45.310.

#### § 109-45.316 Report on identical bids.

Selling organizations shall forward the report on identical bids required by FPMR 101-45.316 to the Office of the General Counsel, with a copy to the Director of Procurement and Contracts Management.

### Subpart 109-45.5—Abandonment or Destruction of Surplus Property

#### § 109-45.501 Findings justifying abandonment and destruction.

##### § 109-45.501-1 General.

(a) The finding required by FPMR 101-45.501-1(a) that property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale shall be in writing and shall be made by an official designated by the head of the field office concerned.

##### § 109-45.501-2 Reviewing authority.

The head of the field office concerned or his designee will be the reviewing authority for approval to abandon or destroy property with an acquisition cost of more than \$1,000.

### Subpart 109-45.50—Excess and Surplus Radioactively Contaminated Personal Property

#### § 109-45.5001 Scope of subpart.

This subpart provides policies and procedures for the utilization and disposal outside of DOE of excess and surplus personal property which has been radioactively contaminated.

#### § 109-45.5002 Responsibilities.

##### § 109-45.5002-1 Development of criteria for utilization and disposal outside DOE.

The Assistant Secretary's for Environment operational and environmental safety staff has responsibility for development of criteria for utilization and disposal of excess and surplus radioactively contaminated personal property outside of DOE.

##### § 109-45.5002-2 Approval of requests for utilization and disposal outside DOE.

Requests for utilization and disposal outside DOE shall be forwarded to the Director of Procurement and Contracts Management for approval and coordination with the Assistant Secretary's for Environment operational and environmental safety staff for recommendations as to approval or disapproval.

#### § 109-45.5003 Procedures.

##### § 109-45.5003-1 Suspect personal property.

(a) Each excess item of personal property (including scrap), having a history of use in an area where exposure to radioactive materials may occur, shall be considered suspect and shall be monitored using appropriate instruments and techniques by qualified personnel of the DOE office or contractor generating the excess.

(b) Prior to utilization or disposal outside DOE, with due consideration to the economic factors involved, every effort shall be made to reduce the level of radioactive contamination of items of excess or surplus property to the lowest practicable level.

(c) If contamination is suspect and the property is of such size, construction, or location as to make the contamination inaccessible for the purpose of measurement, such property shall not be utilized or disposed of outside DOE through normal channels.

##### § 109-45.5003-2 Handled as uncontaminated equipment.

If monitoring of suspect equipment indicates that the contamination does not exceed applicable standards, it may be utilized and disposed of in the same manner as uncontaminated equipment, provided the guidance in § 109-45.5003-1(b) has been considered. However, recipients shall be advised

where levels of contamination require specific controls for shipment as provided in Department of Transportation Regulations for shipment of radioactive materials (49 CFR Parts 171-179, inclusive). In addition, when such equipment is circularized within DOE, reported to GSA, or otherwise disposed of, the kind and degree of contamination must be plainly indicated on all pertinent documents.

#### § 109-45.5003-3 Contaminated property.

When the holding activity determines it is appropriate to dispose of contaminated personal property, such contaminated personal property shall be disposed of by DOE in accordance with appropriate Federal regulations governing radiation exposure to the public and contamination in the environment. In special cases where Federal regulations do not exist or apply, appropriate national consensus standards shall be used. Prior to utilization or disposal outside of DOE, approvals of the Director, Procurement and Contracts Management, and the Assistant Secretary's for Environment operational and environmental safety staff, are required. The requests for approval of utilization or disposal outside of DOE shall be forwarded to the Director of Procurement and Contracts Management for Headquarters coordination and approval.

### Subpart 109-45.51—Disposal of Excess Personal Property in Foreign Areas

#### § 109-45.5100 Scope of subpart.

This subpart prescribes policies and procedures governing the disposal of DOE-owned foreign excess and surplus personal property.

#### § 109-45.101 Authority.

The policies and procedures contained in this subpart are issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 USC 471). Title IV of that Act entitled "Foreign Excess Property" provides that, except where commitments exist under previous agreements, all excess property located in foreign areas shall be disposed of by the owning agency, and directs that the head of such an agency conform to the foreign policy of the United States in making such disposals.

#### § 109-45.5102 General.

Disposal of Government-owned property in the custody of DOE or its contractors in foreign areas shall be made in an efficient and economical manner, and in conformance with the foreign policy of the United States.

§ 109-45.5103 Definitions.

As used in this subpart, the following definitions apply:

(a) "Foreign" means outside the United States, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(b) "Foreign service post" means the local diplomatic or consular post in the area where the excess property is located.

§ 109-45.5104 Responsibilities.

§ 109-45.5104-1 Director of Procurement and Contracts Management.

The Director of Procurement and Contracts Management—

(a) Develops and interprets policies, principles, and general procedures for the disposal of excess property in foreign areas; and

(b) Prepares an annual report to GSA on the disposal of excess property in foreign areas. (See FPMR 101-43.4701, 101-44.4701, and 101-45.4701).

§ 109-45.5104-2 Heads of offices in foreign areas.

Heads of DOE foreign offices—

(a) Are authorized to handle foreign excess disposal matters in accordance with Title IV, "Foreign Excess Property" of the Federal Property and Administrative Services Act of 1949, as amended and this subpart;

(b) Shall refer to the Procurement and Contracts Management Directorate (PR-221), any requests for advice or approval of the State Department on proposed disposals of excess property in foreign areas for review, coordination and handling through appropriate channels; and

(c) Shall approve the exchange or lease of foreign excess property when in their opinion such action is clearly in the best interest of the Government as provided in § 109-45.5105-2(b).

§ 109-45.5105 Disposal.

§ 109-45.5105-1 General.

(a) Foreign excess property which is not required for transfer within DOE or to other U.S. Government agencies shall be considered surplus and may be disposed of by transfer, sale, exchange, or lease, for cash, credit, or other property and upon such other terms and conditions as may be deemed proper. Such property may also be donated, abandoned, or destroyed under the conditions specified in § 109-45.5105-2(c). Most foreign governments have indicated to the State Department that they wish to be consulted before U.S. Government property is disposed of in their countries (except in the case of transfers to other U.S. Government agencies). Matters concerning customs duties

and taxes, or similar charges, may require prior agreement with the foreign government involved. The State Department shall be contacted in regard to these problems. Whenever advice or approval of the State Department is required by this subpart, it may be obtained either through the foreign service post in the foreign area involved or from the State Department in Washington, D.C. If the problem is to be presented to the State Department in Washington, D.C., it shall be referred through appropriate administrative channels to the Director of Procurement and Contracts Management, for review, coordination and handling.

(b) Foreign excess property which is not transferred for use may be transferred to other U.S. Government agencies for disposal. This procedure may often prove advantageous, particularly when only small amounts of property are involved or when personnel of the other agencies are generally engaged in disposal activities.

§ 109-45.5105-2 Methods of disposal.

(a) Sales of foreign excess shall be conducted in accordance with the following guidelines:

(1) Generally, all sales of surplus foreign excess property shall be conducted under the competitive bid process unless it is advantageous and more practicable to the Government not to do so. When competitive bids are not solicited, reasonable inquiry of prospective purchasers shall be made in order that sales may be made on terms most advantageous to the U.S. Government.

(2) In no event shall any property be sold in foreign areas without a condition which states that its importation into the United States is forbidden unless the U.S. Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods), or the U.S. Secretary of Commerce (in the case of any other property), determines or has determined that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of the United States.

(3) Sales documents shall provide that the purchaser must pay any import duties or taxes levied against property sold in the country involved and further provide that the amount of this duty or tax shall not be included as a part of the price paid the U.S. Government for the property. In the event the levy is placed upon the seller by law, the buyer will be required to pay all such duties or taxes and furnish the seller copies of his receipts prior to the release of the property to him. However, if the foreign government involved will not accept payment from the buyer, the seller will collect the duties or taxes and turn the

amounts collected over to the foreign government. Accounting for the amounts collected shall be coordinated with the disbursing officer of the nearest United States foreign service post. The property shall not be released to the purchaser until the disposal officer is satisfied that there is no responsibility for payment by the United States (as contrasted to collection by the United States) of taxes, duties, excises, etc.

(4) Certain categories of property, including small arms and machine guns; artillery and projectiles; ammunition, bombs, torpedoes, rockets and guided missiles; fire control equipment and range finders; tanks and ordnance vehicles; chemical and biological agents, propellents and explosives; vessels of war and special naval equipment; aircraft and all components, parts and accessories for aircraft; military electronic equipment; aerial cameras, military photo-interpretation, stereoscopic plotting and photogrammetry equipment; and all material not enumerated which is classified from the standpoint of military security (United States Munitions List, 22 CFR 121.01), are subject to restrictions as to disposal. Advance approval must be obtained from the State Department for the sale of all such articles. Therefore, prior to the sale of any of the articles enumerated in the U.S. Munitions List, the foreign service post in the area shall be consulted.

(5) Prior to the sale of property which had a total acquisition cost of \$250,000 or more, plans for such sale shall be reported to the Procurement and Contracts Management Directorate (PR-221) in ample time to allow considerations of possible foreign policy aspects and advice thereon from the State Department. (See § 109-45.5106(a).) All proposed sales, regardless of the total acquisition cost of the property involved, which the head of the DOE foreign office believes might have a significant effect on the economic or political situation in a particular area, shall be discussed with the foreign service post.

(b) While there is authority for exchange or lease of foreign surplus property, such authority shall be exercised only when such action is clearly in the best interests of the U.S. Government. Disposals by exchange are subject to the same requirements as disposals by sale under § 109-45.5105-2(a).

(c) Foreign excess or surplus property (including waste, salvage, and scrap) may be donated, abandoned, or destroyed provided (1) the property has no commercial value, or the estimated cost of its care and handling would exceed the estimated proceeds from its sale and (2) a written finding to that effect is made and approved by

the head of the DOE foreign office. No property shall be abandoned or destroyed if donation is feasible. Donations under these conditions may be made to any agency of the U.S. Government, or to educational public health or charitable nonprofit organizations of foreign governments. Foreign excess property may also be abandoned or destroyed when such action is required by military necessity, safety, or considerations of health or security. A written statement explaining the basis for disposal by this means and approval by the head of the DOE foreign office is required. Property shall not be abandoned or destroyed in a manner which is detrimental or dangerous to public health and safety, or which will cause infringement on the rights of other persons.

#### § 109-45.5106 Reports.

(a) Proposed sales of foreign excess property having an acquisition cost of \$250,000 or more reported to the Director of Procurement and Contracts Management should present all pertinent data, including the following:

(1) The description of property to be sold, including—

(i) Identification of property (description should be in terms understandable to persons not expert in technical nomenclature); property covered by the Munitions List and regulations pertaining thereto (as published in 22 CFR 121.01) should be clearly indicated;

(ii) Quantity;

(iii) Condition; and

(iv) Acquisition cost.

(2) The proposed method of sale (i.e., bid, negotiated sale, etc.).

(3) Any currency to be received and payment provisions (i.e., U.S. dollars, foreign currency, or credit, including terms of proposed agreement).

(4) Any restrictions on use of property to be sold (such as retransfer of property, disposal as scrap, demilitarization, etc.).

(5) Any special terms.

(6) The categories of prospective purchasers (e.g., host country, other foreign countries, special qualifications, etc.).

(7) How taxes, excises, duties, etc. will be handled.

(b) Instructions for reporting foreign excess utilization and disposal transactions are contained in DOE Order 2200, Chapter III.

### PART 109-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Sec.  
109-46.000 Scope of part.  
109-46.000-50 Applicability.

#### Subpart 109-46.4—Disposal

Sec.  
109-46.407 Reports.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

#### § 109-46.000 Scope of part.

This part implements and supplements FPMR Part 101-46.

#### § 109-46.000-50 Applicability.

This part is not applicable to DOE contractors.

#### Subpart 109-46.4—Disposal

#### § 109-46.407 Reports.

Feeder reports of exchange/sale transactions required by FPMR 101-46.407 shall be submitted through normal administrative channels to the Procurement and Contracts Management Directorate (PR-221) within 60 days after the close of the fiscal year. Negative reports are required.

### PART 109-48—UTILIZATION, DONATION, OR DISPOSAL OF ABANDONED AND FORFEITED PERSONAL PROPERTY

Sec.  
109-48.000 Scope of part.  
109-48.001-50 Applicability.

#### Subpart 109-48.1—Utilization of Abandoned and Forfeited Personal Property

109-48.101-6 Transfer to other Federal agencies.

109-48.102-4 Proceeds.

AUTHORITY: Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

#### § 109-48.000 Scope of part.

This part implements and supplements FPMR Part 101-48, Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property.

#### § 109-48.001-50 Applicability.

The provisions of FPMR 101-48 and this part are applicable to contractor operations where the abandoned or forfeited personal property is found on premises owned or leased by the Government.

#### Subpart 109-48.1—Utilization of Abandoned and Forfeited Personal Property

§ 109-48.101-6 Transfer to other Federal agencies.

(d) Transfer orders covering requests for transfers of forfeited or voluntarily abandoned distilled spirits, wine and malt beverages for medicinal, sci-

entific or mechanical purposes shall be forwarded through normal administrative channels for signature by the Procurement and Contracts Management Directorate (PR-221) and for subsequent forwarding to GSA for release.

#### § 109-48.102-4 Proceeds.

After retention of any monies received from disposal of abandoned or forfeited property for the three-year period specified in FPMR 101-48.102-4 with no claim being filed, such monies shall be deposited as provided in DOE Order 2200, Chapter IV.

### PART 109-50—PROGRAMMATIC DISPOSAL OF DOE PROPERTY

Sec.  
109-50.000 Scope of part.  
109-50.001 Applicability.

#### Subpart 109-50.1—General

109-50.101 Authority.

#### Subpart 109-50.3—Used Energy-Related Laboratory Equipment Grant Program

Sec.  
109-50.300 Scope of subpart.  
109-50.301 Applicability.  
109-50.302 General.  
109-50.303 Authority.  
109-50.304 Definitions.  
109-50.305 Responsibilities and authorities.  
109-50.305-1 Director of Procurement and Contracts Management.  
109-50.305-2 Director, Office of Education, Business and Labor Affairs, Assistant Secretary for Intergovernmental and Institutional Relations.  
109-50.305-3 Heads of field offices.  
109-50.305-4 Grants officers.  
109-50.305-5 Excess used energy-related laboratory equipment holdings activities.  
109-50.305-6 Screening locations.  
109-50.306 Types of equipment which may be granted.  
109-50.307 Types of equipment which may not be granted.  
109-50.308 Procedure.  
109-50.309 Reports.  
109-50.310 Screening locations.

#### Subpart 109-50.4—Programmatic Disposal to Contractor of DOE Property in a Mixed Facility

Sec.  
109-50.400 Scope of subpart.  
109-50.401 Definitions.  
109-50.402 Responsibilities and authorities.  
109-50.402-1 Director of Procurement and Contracts Management.  
109-50.402-2 The Director of Administration.  
109-50.402-3 Heads of Headquarters Program Organizations.  
109-50.402-4 Heads of field offices and contracting officers.  
109-50.403 Programmatic disposal of DOE property in mixed facilities.  
109-50.403-1 Submission of proposals.  
109-50.403-2 Need to establish DOE program benefit.  
109-50.404 Notification.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-50.000 Scope of part.**

This part provides guidance on the authorities, policies, and procedures for the disposal of DOE property for programmatic purposes.

**§ 109-50.001 Applicability.**

The provisions of this Part 109-50 apply to direct DOE activities, but do not apply to contractors unless specifically provided in the appropriate subpart.

**Subpart 109-50.1—General**

**§ 109-50.101 Authority.**

Programmatic disposals of DOE property generally are made under the authority and subject to the provisions of the Atomic Energy Act of 1954, as amended (42 USC 2011), the Energy Reorganization Act of 1974 (42 USC 5801), the Department of Energy Organization Act (42 USC 7101), and other special laws which provide authority for DOE program activities.

**Subpart 109-50.3—Used Energy-Related Laboratory Equipment Grant Program**

**§ 109-50.300 Scope of subpart.**

This subpart provides guidance on the granting of used, energy-related laboratory equipment to universities and colleges and other nonprofit educational institutions of higher learning in the United States for use in energy-oriented educational programs.

**§ 109-50.301 Applicability.**

This subpart is applicable to direct operations and to contractors.

**§ 109-50.302 General.**

DOE, to encourage research in the field of energy, awards grants of used energy-related laboratory equipment to eligible institutions for use in energy-oriented educational programs. Under the Used Energy-Related Laboratory Equipment Grant Program, grants of used energy-related equipment excess to the requirements of DOE offices and contractors may be made to eligible institutions prior to reporting the equipment to GSA for utilization.

**§ 109-50.303 Authority.**

The used Energy-Related Laboratory Equipment Grant Program is conducted under the authority of Article 31 of the Atomic Energy Act of 1954, as amended, section 103, paragraph 10, of the Energy Reorganization Act of 1974, and Title III of the Department of Energy Organization Act.

**§ 109-50.304 Definitions.**

As used in this subpart the following definitions apply:

(a) "Book value" means acquisition cost less depreciation.

(b) "Eligible institution" means any nonprofit educational institution of higher learning, such as universities, colleges, junior colleges, hospitals, and technical institutes or museums located in the United States and interested in establishing or upgrading energy-oriented educational programs.

(c) "Energy-oriented education program" means one that deals partially or entirely in energy or energy-related topics.

(d) "DOE Assistance Regulations (DOE-AR)" is the Department of Energy regulation which establishes a uniform administrative system for application, award, and administration of assistance awards, including grants and cooperative agreements.

(e) "Grants officer" is an employee or officer of DOE who has been delegated the authority to take final action on grants by signing grant awards and modifications thereto.

**§ 109-50.305 Responsibilities and authorities.**

**§ 109-50.305-1 Director of Procurement and Contracts Management.**

The Director of Procurement and Contracts Management—

(a) Establishes policies and procedures for the award and administration of grants; and

(b) Delegates grants officer authority.

**§ 109-50.305-2 Director, Office of Education, Business and Labor Affairs, Assistant Secretary for Intergovernmental and Institutional Relations.**

The Director, Office of Education, Business and Labor Affairs, Assistant Secretary for Intergovernmental and Institutional Relations—

(a) Has program responsibility for the Used Energy-Related Laboratory Equipment Grants Program;

(b) Issues general instructions and information on the program to institutions;

(c) Reviews and, where appropriate, approves requests from institutions for used equipment where the book value of an item of equipment exceeds \$100,000 or where the cumulative book value of used equipment grants to any one institution exceeds \$100,000; and

(d) Issues annual summary reports of equipment granted under this program to field offices and Headquarters organizations. Advises when grants to individual institutions approach the \$100,000 book value cumulative limit.

**§ 109-50.305-3 Heads of field offices.**

Heads of field offices shall establish procedures for review and evaluation of equipment grant proposals in accordance with this subpart.

**§ 109-50.305-4 Grants officers.**

**Grants officers—**

(a) Award energy-related laboratory equipment grants under this program in accordance with the DOE Assistance Regulations (DOE-AR) and program instructions issued by the Director, Office of Education, Business and Labor Affairs, Assistant Secretary for Intergovernmental and Institutional Relations, and this subpart;

(b) Forward a copy of each approved and accepted grant to the Office of Education, Business and Labor Affairs; and

(c) Forward to Office of Education, Business and Labor Affairs, for approval prior to award of grant, requests from institutions for used equipment where the book value of the equipment exceeds \$100,000 or where the cumulative book value of grants to an institution exceeds \$100,000.

**§ 109-50.305-5 Excess used energy-related laboratory equipment holding activities.**

Each DOE and Contractor organization holding excess used energy-related laboratory equipment shall forward copies of excess reports (SF 120) to screening locations cited in § 109-50.310.

**§ 109-50.305-6 Screening locations.**

Activities designated in § 109-50.310 shall retain current files of reports of excess used energy-related laboratory equipment for review by eligible institutions.

**§ 109-50.306 Types of equipment which may be granted.**

Examples of types of equipment which may be granted under the Used Energy-Related Laboratory Equipment Grant Program are listed below. These examples are merely illustrative and not inclusive.

- radiation detectors, monitors, scalars, and counters
- nuclear reactors and accelerators
- neutron howitzers and generators
- critical and subcritical assemblies
- bubble and cloud chambers
- dosimeters, survey meters, radiometers, and spectrometers
- radiation shields and reactor associated components
- mass spectrometers, infrared spectrometers, and ultraviolet spectrometers
- gas and liquid chromatographs
- ammeters, voltmeters, electrometers
- linear and pulse-height analyzers
- power supplies
- catalyst test units
- distillation columns

—temperature and pressure recorders  
—ion control gauges  
—gas tracers and analyzers  
—solar collectors and heliometers

**§ 109-50.307 Types of equipment which may not be granted.**

Types of equipment which will not be granted include—

(a) Any equipment determined to be required by DOE direct operations or DOE contractors;

(b) General supplies, such as Bunsen burners, hoods and work benches; furniture; office equipment, such as typewriters, adding machines, and duplicating machines; slide rules, and drafting and office supplies; refrigerators; tools; presses, lathes, furnaces, hydraulic and mechanical jacks, cranes and hoists; and computing equipment; or

(c) Any equipment which has been obtained as excess from another Federal agency.

**§ 109-50.308 Procedure.**

(a) Copies of excess reports (SF 120) of used energy-related laboratory equipment will be forwarded by each holding activity to the sites listed in § 109-50.310 for use by eligible institutions in reviewing and earmarking specific equipment. These reports will be separately prepared and identified with the caption "Used Energy-Related Laboratory Equipment."

(b) The following periods have been established during which time equipment will remain available to this program prior to reporting it to the General Services Administration for utilization by other Federal agencies:

(1) Sixty days from the date the report is issued to permit suitable time for eligible institutions to review and earmark the desired equipment.

(2) An additional sixty days after the equipment is earmarked to permit the eligible institutions to prepare and submit an equipment proposal request and to provide time for field organizations to review and evaluate the proposal and take appropriate action.

(c) Upon approval of the proposal, the issuance of the grant instrument and acceptance by the institution are deemed to constitute transfer of title.

(d) A Standard Form 120, accompanied by a copy of the completed grant, shall be used to drop accountability of the granted equipment from the financial records.

(e) The cost of care and handling of property incident to the grant shall be charged to the receiving institution. Such costs may consist of packing, crating, shipping and insurance, and are limited to actual costs. In addition, where appropriate, the cost of any repair and/or modification to any equipment shall be borne by the recipient institution.

**§ 109-50.309 Reports.**

(a) In addition to the copy of the awarded grant required to be forwarded in accordance with § 109-50.305-4(b), each awarded grant shall be reported in the Integrated Procurement Management Information System.

(b) Heads of field offices shall include grants made under this program in the annual report of property transferred to non-Federal activities, as required by FPMR 101-43.4701(c).

**§ 109-50.310 Screening locations.**

The following locations shall retain current files of SF-120's, reports of excess used energy-related laboratory equipment, for review by eligible institutions. DOE activities shall forward copies of SF 120s covering used energy-related laboratory equipment to these locations.

**California**

Property Management Office, Atomic International Division, Rockwell International Corporation, 8900 DeSoto Avenue, Canoga Park, California 91305

Property Manager, Lawrence Livermore Laboratory, University of California, Livermore, California 94720

Business Services, L-53, Lawrence Livermore Laboratory, University of California, Livermore, California 94550

**Colorado**

Rocky Flats Area Office, Department of Energy, P.O. Box 928, Golden, Colorado 80401

**Idaho**

Property Management Branch, EG & G, 539 Second Street, Idaho Falls, Idaho 83401

Property Management & Administrative Services Branch, Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho 83401

**Illinois**

Plant Operations, Plant Management, Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439

**Missouri**

Kansas City Area Office, Department of Energy, P.O. Box 202, Kansas City, Missouri 66141

**Nevada**

Property Management, Nevada Operations Office, Department of Energy, P.O. Box 14100, Las Vegas, Nevada 89114

**New Mexico**

Office of University Relations, Sandia Laboratories, P.O. Box 5800, Albuquerque, New Mexico 87115.

**New York**

Supply and Materials Office, Brookhaven National Laboratory, Upton, Long Island, New York 11973

**Ohio**

Property Management, Mound Laboratory, Monsanto Research Corporation, P.O. Box 32, Miamisburg, Ohio 45342

**South Carolina**

University Relations Office, Savannah River Laboratory, E. I. DuPont de Nemours & Co., Aiken, South Carolina 29801

**Iowa**

Materials Handling and Property Office, Room 152, Research Building, Ames Laboratory, Iowa State University, Ames, Iowa 50010

**Tennessee**

Materials and Services, Oak Ridge National Laboratory, P.O. Box X, Oak Ridge, Tennessee 37830

**Washington**

Excess Utilization, Rockwell Hanford, Building 1167-A, P.O. Box 250, Richland, Washington 99352

**Subpart 109-50.4—Programmatic Disposal to Contractor of DOE Property in a Mixed Facility**

**§ 109-50.400 Scope of subpart.**

This subpart contains guidance to be followed when it is proposed to sell or otherwise transfer DOE personal or real property located in a mixed facility to the Contractor who is the operator of that facility.

**§ 109-50.401 Definitions.**

As used in this subpart, the following definitions apply:

(a) "DOE property" is the DOE-owned personal or real property in a mixed facility.

(b) "Contractor" is the operator of the mixed facility.

(c) "Mixed facility" is a partly DOE-owned and partly contractor-owned facility. For purposes of this subpart, however, this definition does not apply to such a facility operated by an educational or other nonprofit institution under a basic research contract with DOE.

**§ 109-50.402 Responsibilities and authorities.**

**§ 109-50.402-1 Director of Procurement and Contracts Management.**

The Director of Procurement and Contracts Management is authorized to approve proposals for the programmatic disposal of DOE personal property in a mixed facility to the contractor operating that facility.

**§ 109-50.402-2 Director of Administration.**

The Director of Administration is authorized to approve proposals for the programmatic disposal of DOE real property in a mixed facility to the contractor operating that facility.

**§ 109-50.402-3 Heads of Headquarters Program Organizations.**

Heads of Headquarters Program Organizations shall review and, where appropriate, forward to the authorized officers in § 109-50.402-1 and 402-2 for

approval, proposals for the programmatic disposal of DOE property in a mixed facility to the contractor operating that facility.

**§ 109-50.402-4 Heads of field offices and contracting officers.**

Heads of field offices and contracting officers shall submit proposals involving programmatic disposals of DOE property in mixed facilities through appropriate administrative channels to the cognizant Headquarters program organization for review and forwarding for approval.

**§ 109-50.403 Programmatic Disposal of DOE Property in mixed facilities.**

**§ 109-50.403-1 Submission of proposals.**

Proposals involving programmatic disposals of DOE property in mixed facilities to contractors operating the facility shall be forwarded through the appropriate program organization to the authorized officers in §109-50.402-1 and 402-2 for review and processing for approval. Each such request for review and approval shall include all information necessary for a proper evaluation of the proposal. The proposal shall include, as a minimum—

(a) The purpose of the mixed facility;

(b) The character, condition and present use of the DOE property involved, as well as its acquisition cost, accumulated depreciation, and net book value;

(c) The programmatic benefits which would accrue to DOE from the disposal to the contractor (including the considerations which become important if the disposal is not made);

(d) The appraised value of the DOE property (preferably by independent appraisers); and

(e) The proposed terms and conditions of disposal (covering for example, (1) price, (2) priority to be given work for DOE requiring the use of the transferred property, and including the basis for any proposed charge to DOE for amortizing the cost of plant and equipment items, (3) recapture of the property if DOE foresees a possible future urgent need, and (4) delivery of the property, whether "as is where is," etc.).

**§ 109-50.403-2 Need to establish DOE program benefit.**

When approval for a proposed programmatic disposal of DOE property in a mixed facility is being sought, it must be established that the disposal will benefit a DOE program. For example, approval might be contingent on a showing that—

(a) The entry of the contractor as a private concern into the energy program is important and significant from a programmatic standpoint; and

(b) The sale of property to the contractor will remove obstacles which otherwise discourage his entry into the field.

**§ 109-50.404 Notification.**

The Under Secretary will be advised prior to any disposal which is considered sensitive.

**SUBCHAPTER J—INDUSTRIAL PLANT EQUIPMENT**

**PART 109-51—LOANS OF INDUSTRIAL PLANT EQUIPMENT FROM THE DEFENSE INDUSTRIAL PLANT EQUIPMENT CENTER (DIPEC)**

Sec.

- 109-51.000 Scope of part.
- 109-51.000-50 Policy.
- 109-51.001 Memorandum of Agreement.
- 109-51.002 General provisions.
- 109-51.003 DIPEC Handbook.

**AUTHORITY:** Title V, Department of Energy Organization Act (Pub. L. 95-91); Administrative Procedure Act, as amended (5 U.S.C. 551 et seq.).

**§ 109-51.000 Scope of part.**

This part prescribes the policy and conditions for loans of industrial plant equipment (IPE) from the Department of Defense General Reserve under the management of the Defense Industrial Plant Equipment Center (DIPEC) and makes reference to the DOE DIPEC Handbook which prescribes procedures for arranging loans of IPE from DIPEC.

**§ 109-51.000-50 Policy.**

Since loan of DIPEC equipment is at no cost, except for packing, crating,

handling, and transportation charges, DOE field offices and contractors are encouraged to use DIPEC as a source of industrial plant equipment in lieu of purchasing such equipment.

**§ 109-51.001 Memorandum of Agreement.**

An agreement between DOE and the Defense Logistics Agency establishes the policies, procedures and conditions by which DOE may obtain loans of IPE from DIPEC. (Exhibit A of the DIPEC Handbook).

**§ 109-51.002 General provisions.**

(a) DOE field offices and contractors may requisition IPE on a loan basis for periods up to five years. The IPE loan period may be extended on mutual agreement between DIPEC and the DOE field office involved.

(b) DOE and DOE contract personnel may visit DIPEC headquarters or storage centers to acquire information or to inspect requisitioned or required IPE. Visit arrangements are to be coordinated through DIPEC.

(c) DOE has a 30-day period to accept or reject IPE placed on hold by DIPEC.

(d) DOE field offices or contractors will pay costs of transportation, dismantling, crating and handling of IPE from and to DOD.

(e) On completion of the loan period, the DOE field office or contractor shall return the DIPEC-IPE in the same condition as received except for fair wear and tear.

(f) DOE is required under terms of the agreement to decontaminate IPE prior to return or replace the equipment with an equivalent item.

**§ 109-51.003 DIPEC Handbook.**

The DIPEC Handbook is available through field organizations or by request to the Procurement and Contracts Management Directorate (PR-221). The Handbook cites the procedures for arranging loan of IPE, illustrates the forms used and provides a bibliography of DIPEC publications which list the available IPE by type of equipment and by DIPEC control numbers.

[FR Doc. 78-36384 Filed 12-27-78; 11:32 am]

The first part of the book discusses the early years of the nation, from the founding of the colonies to the American Revolution. It covers the struggles for independence and the formation of the new government.

The second part of the book focuses on the period of territorial expansion and the westward movement. It details the Louisiana Purchase, the Mexican War, and the discovery of gold in California.

The third part of the book examines the Civil War and Reconstruction. It describes the conflict between the North and the South over slavery and the subsequent efforts to rebuild the nation and secure civil rights for African Americans.

The fourth part of the book covers the late 19th and early 20th centuries, including the Gilded Age, the Progressive Era, and the rise of industrialization. It discusses the impact of technology and the changing social landscape.

The fifth part of the book discusses the period of World War I and the 1920s. It covers the United States' entry into the war, the economic boom, and the social changes of the decade.

The sixth part of the book focuses on the Great Depression and World War II. It details the economic crisis, the New Deal, and the United States' role in the global conflict.

The seventh part of the book examines the Cold War and the mid-20th century. It covers the tensions between the United States and the Soviet Union, the Korean War, and the Vietnam War.

The eighth part of the book discusses the late 20th and early 21st centuries, including the Vietnam War, the Watergate scandal, and the rise of the Internet. It covers the end of the Cold War and the challenges of the modern world.

The ninth part of the book discusses the 1960s and 1970s, including the Vietnam War, the civil rights movement, and the cultural revolution. It covers the social and political changes of the era.

The tenth part of the book focuses on the 1980s and 1990s, including the Reagan Revolution, the end of the Cold War, and the Gulf War. It covers the economic and political shifts of the period.

The eleventh part of the book discusses the 2000s and 2010s, including the 9/11 attacks, the Iraq War, and the 2008 financial crisis. It covers the challenges of the 21st century.

The twelfth part of the book covers the present day and future prospects. It discusses the current political and social climate and offers insights into the path forward for the United States.

**Register  
Federal Order**

**WEDNESDAY, JANUARY 3, 1979**

**PART III**



---

**DEPARTMENT OF  
ENERGY**

**REGULATORY REFORM**  
**Improving Government Regulations**

[6450-01-M]

## DEPARTMENT OF ENERGY

## REGULATORY REFORM

## Improving Government Regulations

AGENCY: Department of Energy.

**ACTION:** Notice of DOE's plan for regulatory reform during FY 1979, and steps taken to implement Executive Order 12044, on "Improving Government Regulations."

**SUMMARY:** The Department of Energy has made a firm commitment to the goal of reducing regulatory burdens on producers and consumers of energy. DOE established a Regulatory Reform Task Force on January 31, 1978, published its proposed response to Executive Order 12044 on "Improving Government Regulations" on May 1, 1978 (43 FR 18634), and held four public meetings on regulatory reform.

DOE's regulatory reform actions discussed below are based on the May 1 FEDERAL REGISTER notice and the public comments received in response to that notice. The more than 200 oral and written public comments and suggestions for new reform initiatives are discussed in today's notice. In addition, this notice discusses the status of the 15 reform initiatives announced in the May 1 notice and contains as an Appendix DOE's final plan to implement E.O. 12044.

Additionally, DOE has prepared an agenda of 16 new reform initiatives for the first half of FY 1979, based entirely on suggestions received from the public. In this new agenda, special emphasis has been given to the need to streamline reporting requirements and reduce other regulatory burdens which add to inflation or impose special hardships on small businesses. This agenda, along with DOE's revised procedures for developing new regulations, will contribute substantially to the Department's ability to implement national energy policy conscientiously, effectively, with full public participation, and without imposing unnecessary burdens.

**EFFECTIVE DATE:** The attached Order 2030 was effective December 18, 1978.

## FOR FURTHER INFORMATION CONTACT:

William Strauss, Director, Regulatory Programs Division, Office of Policy & Evaluation, Department of Energy, Room 7-H-075, Forrestal Building, Washington, D.C. 20585, (202) 252-5727.

## SUPPLEMENTARY INFORMATION:

## I. Background

## II. Final DOE Order for the Development of New Regulations

- III. Current Initiatives
  - IV. Public Comments
    - A. New Initiatives in Response to Comments
    - B. Comments Not Resulting in New Initiatives
  - V. Next Status Report
- Appendix. DOE's Order Establishing Procedures for the Development and Analysis of New Regulations.

## I. BACKGROUND

On March 24, 1978, the President issued Executive Order 12044, "Improving Government Regulations." The Executive Order called upon all Federal agencies to reduce regulatory burdens imposed upon the American public, to write regulations more clearly, and to seek ways to involve the public more in the regulatory process.

In January of 1978, DOE formed a special Regulatory Reform Task Force. This Task Force, composed of DOE Assistant Secretaries, Administrators, and Office Directors, was charged with the task of reviewing the full scope of regulatory strategy within the Department. The Task Force was instructed by its Chairman, Deputy Secretary John O'Leary, to review carefully the need for existing regulations and to ensure that future regulations are properly developed and implemented.

One of the first actions of the Regulatory Reform Task Force was to identify a list of 15 reform initiatives, which DOE published in the FEDERAL REGISTER on May 1, 1978. In the same notice, an interim management directive was published incorporating the requirements of the Executive Order in all DOE rulemaking procedures. In addition to seeking public comment on these matters, DOE solicited suggestions for possible future reforms.

The Department conducted four regional public meetings beginning in June, 1978, to give officials of DOE and members of the public an opportunity to discuss the reform issues presented in the FEDERAL REGISTER notice, as well as any other concerns about DOE regulatory problems. Participants at the meetings represented a cross-section of interests and helped DOE to focus on the varying regional, economic and social impacts of energy regulation. In all, approximately 250 members of the public attended the meetings in Los Angeles, Houston, Minneapolis and Washington, D.C., 61 of whom made statements. Twenty-eight DOE representatives participated on the panels, including the Deputy Secretary, the Administrator of the Economic Regulatory Administration, the Assistant Secretary for Intergovernmental and Institutional Relations and the Assistant Secretary for Policy and Evaluation.

At the Los Angeles meeting, speakers particularly emphasized the need for coordination of requirements for environmental impact statements between State and Federal governments, and the need for special incentives in the regulations for the development of renewable energy resources. There were several representatives of local governments present at this meeting, reflecting a strong regional interest in regulatory issues. These representatives stressed the burdens which Federal energy regulations impose on their governments, especially by time-consuming grant application procedures. An issue of special concern at this meeting was off-shore siting of LNG facilities. Several other speakers encouraged the development of geothermal resources and the granting of incentives for cogeneration.

At the Houston public meeting, many speakers addressed the need for DOE regulation to strike a fair balance between energy and environmental objectives. There was widespread agreement that more public participation is needed in the regulatory process. Claiming that DOE seldom changed proposed regulations in response to public comments, one participant urged that the Department establish, as a matter of high priority, more explicit procedures for involving concerned members of the public early in regulatory decisions. Representatives from the oil and gas industry urged decontrol of prices and less regulation in general.

The concerns of small businessmen were stressed in Minneapolis, with much discussion about the burdens of reporting requirements. Several propane dealers advocated decontrol of this fuel, which is widely used in the Midwest. There was also interest expressed in Federal standards for energy-related products and the Federal weatherization program. Speakers also asked for better State and Federal coordination on State regulatory processes. Officials from community action agencies and labor organizations complained of legalistic, highly technical regulations which they claimed are unintelligible to lay persons.

The Washington, D.C. meeting, had the broadest cross-section of participants, with a large number of public interest advocates and national business association representatives. Public participation issues dominated the discussion, with the case made for and against DOE funding of public intervention in regulatory processes. Many speakers recommended that DOE have a policy of public disclosure of outside communications before regulations are published. Oil companies proposed various decontrol strategies, and propane retailers cited reasons for

removing Federal controls on their product.

Approximately 150 written comments were also received in response to the May 1 FEDERAL REGISTER notice. These letters were circulated to appropriate DOE offices for their review and use. Excerpts from the letters and oral statements were sent to all DOE offices.

From the public meetings and the written comments, the Regulatory Reform Task Force extracted three things: a set of comments on the interim procedures for regulatory development; a set of comments on the 15 existing regulatory initiatives; and proposals for further regulatory reform initiatives. All of these are discussed in this notice.

## II. FINAL DOE ORDER FOR THE DEVELOPMENT OF NEW REGULATIONS

DOE is committed to the objectives of Executive Order 12044 on "Improving Government Regulations." The Department's preliminary plan for regulatory development, published on May 1, 1978, reflected the agency's intent to make its regulatory procedures more open to the public, while at the same time ensuring more careful review within the agency itself. The plan particularly emphasized the need for more careful analysis of the economic impact a proposed regulation was likely to have, as well as the need to offer more public involvement in rulemaking. The final DOE Order attached to this notice represents DOE's further efforts to insure that these goals are accomplished.

Public comments led to several revisions in DOE's regulation development procedures, while other suggestions were not adopted. The major issues are described below.

**Definition of Regulation**—Because the original definition of "regulation" included notices of inquiry, advance notices of proposed rulemaking, and proposed and final regulations, some commenters were not sure what was meant by references to a "proposed regulation." The new definitions now make clear that a "regulation" is an action that will ultimately be published in the *Code of Federal Regulations*. That regulation will be published in the FEDERAL REGISTER, in proposed and final form, and the text of the Order makes clear whether the proposed or final form of a regulation is meant. The text also makes clear that other formal steps may be taken in the regulation development process, such as publication of a notice of inquiry or advance notice of proposed rulemaking, prior to the drafting and publication of a proposed regulation. It is DOE's policy to publish one of these documents when the agency

lacks sufficient information to prepare the proposed regulation.

**Definition of Significant Regulation**—Some commenters suggested that the definition of "significant regulation" was too restrictive. The final plan provides that a DOE regulation will be considered "significant" unless the lead office, in consultation with other Secretarial offices, finds that the regulation is not expected to affect important policy concerns, have adverse effects with respect to employment, economic growth, the ability of consumers to have adequate energy supplies at reasonable prices, or have more than a minimal effect on State and local governments. The Department anticipates that most DOE regulations will be considered "significant," although the order now gives examples of types of regulations that will likely be found non-significant. Some commenters argued for a 60-day comment period for all regulations, including non-significant ones, to give the public more time to analyze important proposed regulatory actions and develop an adequate response. This was considered unnecessary in light of the revised definition of significance.

**Definition of Major Impact**—Many suggestions advocated lowering the economic cost threshold for determining when a regulatory action may have a "major impact." However, the Department felt that the current figure represents a reasonable standard which will be reached by a substantial share of DOE's regulatory actions. It should be noted that the determination of major impact is not contingent upon the \$100 million figure alone. Considerations of adverse impacts on competition or on costs or prices for individual industries, levels of government, geographic regions or demographic groups may also result in such a determination.

**Waiver**—The provisions for the waiver of the normal regulatory development process in "extraordinary circumstances" have been clarified and made to conform more closely to the requirements of the Executive Order. The authority to grant a waiver is placed in the Secretary, Deputy Secretary and Under Secretary, and a requirement has been added that the name of the official granting the waiver and the reasons for the waiver must be made public at the time the proposed and final rulemakings are promulgated.

**Public Participation**—Public comments suggested that DOE make its plans for public participation more explicit. Commenters suggested specific means by which public participation in rulemakings should be encouraged. One suggested that a small number of affected local governments be interviewed before regulations are drafted.

Other commenters suggested mailing notices of rulemakings to each State governor.

A new section on public participation has been added to the Order, enumerating steps that DOE may take to include the public in the regulatory development process. These steps include: special notification of interested parties (Governors, regional associations, etc.); distribution of notices in trade journals, newspapers, and press releases, to reach those who may not see the FEDERAL REGISTER; and public hearings and conferences with interested groups, including local governments.

Several commenters suggested periodic updates on pending rulemakings. DOE believes that the status reports contained in the semi-annual agenda of regulations that is required to be published by Executive Order 12044 will serve to keep the public aware of the status of pending rulemakings. Consequently, no additional requirements for such updates have been added.

Several commenters asked that procedures be developed for ensuring that public comments receive full consideration when regulations are drafted or revised. The Order expresses DOE's policy to publish notices of inquiry and advance notices of proposed rulemaking to encourage early public participation in rulemakings. DOE offices will summarize and analyze public comments and to revise draft regulations where appropriate. In addition, the Order requires lead offices to ensure that public comments have been considered before publishing final regulations.

Other commenters expressed concern about reported incidents of unauthorized disclosures of information by DOE employees to certain interest groups in advance of public notice, and requested that the DOE prepare and publish guidelines concerning such disclosures. The Secretary issued such guidance to all DOE employees on September 29, 1978, which prohibits unauthorized advance disclosures of information concerning regulatory development.

**Sunset**—Many commenters urged the need for a "sunset" provision, to eliminate obsolete and ineffective regulations. DOE has chosen not to require sunset provisions in its new regulations because such provisions may encourage noncompliance and could be inconsistent with DOE's statutory mandates. Instead, the Order contains a section on republication and review of all regulations. Each new regulation will be republished within 5 years of its effective date, and all existing regulations will be republished by September 30, 1983. Based on public comments received at the time of republi-

cation, DOE will decide whether it is necessary to propose or adopt changes to each regulation (including rescission or modification).

Several commenters asked that the Department review existing regulations (particularly those affecting renewable resources) to ensure that they do not add unnecessary cost and delay and do not reduce competition. The republication requirements for all existing regulations will help to address potential problems of this nature. The new regulatory development procedures, which allow for more in-depth public commentary, should also help bring about more effective regulations in the future.

**Semiannual Agenda**—The scope of the semiannual agenda has been expanded in the Order. In addition to listing significant regulations under development, DOE will also list non-significant regulations then in the development process. The agenda will describe each regulation, list the current status and state the determination as to whether the regulation will have a major impact. Beginning in May 1979, DOE will use this agenda to list existing regulations scheduled for review.

**Working Group Participation**—The comment that the working groups should include non-DOE members was not adopted. Early public participation will be achieved through other means. The suggestion that the Offices of Enforcement and Special Counsel be excluded from participation in a working group was also not accepted, since the perspectives of those offices are necessary to identify the anticipated administrative and compliance burdens of a proposed regulation.

### III. CURRENT INITIATIVES

The public comments DOE received following its May 1, 1978 FEDERAL REGISTER notice were generally supportive of the fifteen regulatory reform initiatives. DOE's original intention was to complete each of these initiatives by the end of fiscal year 1978. This has been substantially accomplished, but some follow-up work must be done.

The following paragraphs provide status reports on each of the fifteen reform initiatives. With respect to those initiatives which have not been completed, DOE will provide updates as part of next April's semiannual regulatory agenda.

#### ECONOMIC REGULATORY ADMINISTRATION

1a. *Development of Options for the Deregulation of Butane, Kerosene-base Jet Aviation Fuel, Aviation Gasoline, Natural Gasoline, and Motor Gasoline.* The preliminary regulatory analysis necessary for consideration of deregulation of butane and natural gasoline is being prepared. Deregulation of

kerosene-base jet aviation fuel and aviation gasoline have been the subject of public hearings and panel meetings at DOE and the Federal Energy Regulatory Commission (FERC). The FERC has concurred in the deregulation recommendations, but submission of the final deregulation actions to Congress for its review is still pending. Hearings have also been held and public comments received on motor gasoline deregulation and the proposal has been concurred in by the FERC. The environmental impacts of such deregulation have been addressed in a Draft Environmental Impact Statement recently released to the public for comment.

1b. *Simplification of Crude Oil Pricing Regulations.* The Economic Regulatory Administration (ERA) has convened a working group for the purpose of reviewing the public comments from an earlier notice of inquiry on a simplified crude oil pricing system and performing a regulatory analysis of the economic and social impacts involved. The group's review will address possible alternatives to the present regulatory system, including an entitlements-driven price control program and the imposition of entitlement obligations on the first purchasers of crude oil. A notice of proposed rulemaking on the first phase of a simplified crude oil pricing system is expected to be published in the near future.

1c. *Review of the Crude Oil Supplier/Purchaser Relationship to Assess Competitive Effects and Regulatory Impacts.* DOE staff is currently examining the need for reconsideration of the supplier/purchaser rule. The staff will address the basic purpose of the rule, possible changes that might be made in connection with changes in the crude oil pricing system described above, and implementation issues associated with these changes.

1d. *Revision of the Mandatory Oil Import Program.* ERA has under review the simplification of this program. Some changes in this respect have already been made in a new Proclamation issued by the President on December 8, 1978. Some additional simplification actions may depend upon the outcome of Congressional and administrative actions and studies regarding protection of the domestic refining industry and incentives to expand and improve its capacity.

1e. *Revision of Regulations on Energy Import and Export Procedures for Natural Gas and Liquefied Natural Gas.* The final rule on one aspect of this initiative—*ex parte* communications during adjudicatory proceedings—was published in the FEDERAL REGISTER on September 1. That rule-making revised procedures employed by the Federal Power Commission, making them more flexible and more

appropriate in the context of an executive department. ERA is continuing revisions of the other aspects of import and export procedures to improve the decisionmaking process. An advance notice of proposed rulemaking is expected to be published in 1979.

1f. *Revision of Enforcement Audit Policy for Small Firms.* On June 27, 1978, ERA published a notice in the FEDERAL REGISTER outlining future enforcement audit procedures for resellers of refined products and small resellers of propane. These procedures reduce the regulatory burden on small firms by reducing record-keeping requirements and liability periods for nonwillful violations of the regulations.

1g. *Development of Transfer Pricing Policies.* Revision of the transfer pricing regulations is being examined. Consideration is being given to simplifying the program and transferring it to the Energy Information Administration as an information program to assist policymaking.

1h. *Publication of Proposed Reporting Forms With ERA's Proposed Regulations Whenever They Involve Collection of Information from 10 or More People.* ERA will publish, to the extent possible, draft reporting forms with its proposed regulations in order to obtain comment on both at the same time. A public policy statement by the Energy Information Administration supporting this initiative and extending it to all of DOE will be published in FY 1979.

#### PROCUREMENT AND CONTRACTS MANAGEMENT

2. *Preparation of a DOE Procurement Guide.* The Procurement Office has completed and printed the new procurement guide. Fifty thousand copies will be distributed to Congressional offices, DOE program offices, the Regional Representatives throughout the country, and procurement field offices. The 30-page guide describes the entire procurement process, the DOE organization, and the names of appropriate contacts for prospective contractors.

#### RESOURCE APPLICATIONS

3a. *Revision of Geothermal Leasing Regulations and Streamlining the Geothermal Loan Guarantee Program Application Process.* A notice of proposed rulemaking for revising the geothermal leasing regulations is scheduled for publication in the FEDERAL REGISTER in 1979. Proposed regulations to implement amendments enacted in Public Law 95-238 to improve the marketability and management of the Geothermal Loan Guarantee Program are scheduled for publication in the FEDERAL REGISTER early in 1979.

3b. *Development of Uniform Procedures for Public Participation in Power Marketing Administration Rulemakings.* Draft regulations will be issued in 1978 or early 1979, detailing uniform procedures for ratemaking by the Power Marketing Administrations, including ample opportunity for public participation.

#### ENERGY INFORMATION ADMINISTRATION

4a. *Consolidation of Energy Data Systems.* This initiative will be implemented over a period lasting as long as two years. The Energy Information Administration has completed the first phase of this initiative resulting in 14 proposals for consolidation or elimination of energy data forms or groups of forms. Of the 14 proposals, 5 have been acted on, resulting in the eliminations of 5 energy forms. Of the remaining proposals 7 are being acted on or are scheduled for action before the end of FY 1979 and two are ongoing projects requiring more study. Special emphasis has been placed on the reduction of reporting burdens for the public and on the justification for data collection by the DOE program offices. The FY 1978 program has resulted in approximately a 24% reduction in reporting burden. For FY 1979, a 5% reduction goal has been established for existing reporting requirements.

4b. *Development of Element-by-Element Justification for All Newly Proposed Reporting Requirements.* The Energy Information Administration is currently developing procedures for requiring program offices to justify their collection of information from the public. These justification procedures are being implemented as part of DOE's overall forms and reports clearance process.

#### OFFICE OF GENERAL COUNSEL

5. *Preparation of Clear and Concise Preambles in All Proposed and Final Regulations.* DOE's Order on developing regulations requires that preambles be reviewed carefully by lead offices and the General Counsel before regulations are published to ensure that they are as clearly written as possible.

#### INTERGOVERNMENTAL AND INSTITUTIONAL RELATIONS

6. *Expansion of Public Participation in the Regulatory Process.* The Office of Intergovernmental and Institutional Relations has drafted a plan for increasing public input in regulatory development. Many features in the plan were extracted from comments of Governors, Mayors, regulated industries, and consumer groups. The plan included policies for mailing, the publication of hearing agendas, and a variety of other means by which the

public can get involved sooner in DOE rulemakings. Also a pamphlet will be published early in 1979, describing DOE's regulatory process and opportunities for the public to participate in them.

#### IV. PUBLIC COMMENTS

The Department received many responses from the public suggesting possible regulatory reform initiatives for Fiscal Year 1979. Proposals spanned nearly all of DOE's responsibilities.

The Department selected those reform proposals which reflected a broad consensus and which related to tangible problems and solutions. These proposals are described below, along with the names of commenters who suggested each reform, DOE's brief response to the comments, and a description of the action DOE will take. The DOE had endeavored to set forth fairly the thrust of the comments received in this proceeding. In some cases the DOE has agreed that the subject area addressed by these comments may merit some additional consideration by the Department. However, the DOE does not thereby necessarily agree with the particular characterization of its existing programs and regulations given by commenters. DOE intends to undertake the actions described early in 1979. A discussion of the public reform suggestions that have not been included in the FY 79 list is also presented.

#### A. NEW INITIATIVES IN RESPONSE TO COMMENTS

##### *Office of Policy and Evaluation:*

1. *Proposal:* Develop new mechanisms for increasing public participation in the development of basic energy policies, through public meetings, written comments, and the like.

*Proposed by:* Common Cause.

*DOE Response:* The Department of Energy has frequently received suggestions that the public be given the opportunity to participate not only in the development of regulations, but also in the formulation of the basic policies which underlie regulatory programs. We have a strong commitment to doing this now, and we hope to do a better job in the future.

The DOE is now preparing a national Energy Policy plan that will complement previous initiatives. In drafting that Plan, DOE is required to "seek" the active participation by regional, State, and local agencies and instrumentalities to "insure that the views and proposals of all segments of the economy are taken into account \* \* \*" and to consult "consumers, small businesses, and a wide range of other interests, including those of individual citizens who have no financial

interest in the energy industry" in the development of the Plan.

*DOE Action:* The Department initiated public participation in the national Energy Policy Plan with a public meeting on November 6, 1978, to discuss the scope of environmental issues in the Plan. The Department will hold a series of hearings and seminars to obtain public comments on the contents of the second National Energy Policy Plan.

##### *Office of Hearings and Appeals:*

2. *Proposal:* Revise procedures and rules in the exceptions and appeals process to reduce alleged administrative delay, to assure consistent, prompt and rational handling of all applications, and to make relief retroactive to the date of application; and to afford additional procedural protection to parties against whom DOE is proceeding in enforcement actions.

*Proposed by:* Champlin Petroleum, Exxon, McCulloch Gas Processing Corporation, and Mobil Oil.

*DOE Response:* On September 15, 1978, an administrative order was promulgated which describes the responsibilities and basic operation of the new Office of Hearings and Appeals (OHA). OHA is responsible for, among other things, dealing with applications for exceptions from the operation of DOE's regulations and appeals from DOE's actions. Procedural regulations for the exceptions and appeals process were proposed in September 1977 and January 1978, and have been implemented on an interim basis. These changes and the recent augmentation of OHA's staff should facilitate the exceptions and appeals process. Further improvements in the management of this process will be made as needed.

*DOE Action:* OHA will publish final rules of procedure. In doing so, they will take into consideration public comments that were made in the course of the regulatory reform meetings, as well as those received on the proposed procedures.

##### *Economic Regulatory Administration:*

3. *Proposal:* Accelerate the process of amending Subpart K of the Mandatory Petroleum Price Regulations (10 CFR Part 212). (Subpart K specifies the method by which sellers of natural gas liquids must calculate the maximum price they may charge.) Proposed amendments to these regulations have been pending for more than a year. If natural gas liquids are not deregulated, Subpart K should be extensively revised.

*Proposed by:* CONOCO, National LP Gas Producers, and Standard Oil (Indiana).

*DOE Response:* Since these comments were submitted, the proposed amendments to Subpart K have been

adopted. They modify the way natural gas processors are permitted to calculate and pass through non-product cost increases.

**DOE Action:** DOE will consider whether there are other issues relating to the pricing of natural gas liquids that may need to be resolved. If appropriate, DOE will issue either a notice of inquiry or a notice of proposed rulemaking concerning further amendments to Subpart K over the next year. The time required to implement any new rules on these issues would depend upon comments received from the public, the status of product decontrol actions, and other regulatory priorities.

4. **Proposal:** Revise Section 212.93(b)(4)(iii), of the Mandatory Petroleum Price Regulations. This section deals with the increased non-product costs which resellers and retailers of butane, propane, and natural gasoline may reflect in prices. Specifically, the standard non-product markup should be increased, and the section should be amended to include such other specific non-product cost items as equity owners' salaries, bad debts, and the rental of personal property.

**Proposed by:** National LP Gas Producers.

**DOE Response:** The impact of such changes has not yet been fully determined. The DOE intends, through a rulemaking, to evaluate carefully the contentions that the present rule imposes great financial burdens, restraints competition, and has inflationary impacts upon consumers.

**DOE Action:** A proposed rule may be issued in FY 79. A final rule may then be issued depending upon the comments received and DOE's evaluation of the present rules' impacts.

5. **Proposal:** Remove all biases or special treatment from the entitlements program.

**Proposed by:** Standard Oil (Indiana).

**DOE Response:** Within the entitlements program are a number of provisions which accord additional benefits to certain segments of the petroleum industry, regions of the country or particular situations. All of these exist because of actions taken in response to special legislative mandates or particular problems of supply, cost, price, or competition within the petroleum industry pertaining to interests which DOE is required by law to protect to the maximum extent possible. Thus, DOE doubts that all of these benefits could be removed as long as statutory crude oil allocation and price controls and the entitlements program are in effect. Some of the areas accorded special treatment in the entitlements program are Puerto Rican naphtha imports, residual fuel oil imports in the East Coast and other import dependent areas, entitlements adjustments

for California crude oil, and exemption from the export sales deduction provision for residual fuel oil used in ship bunkering. In each case, there have been extensive analyses and opportunities for public comment on the impacts of these benefits and they were deemed necessary to achieve the equity required by legislation.

One of the largest of the additional benefits is the small refiner bias, granting extra entitlements to refineries according to their refining capacity. The ERA has pending a rulemaking to continue the bias but reduce substantially the benefits provided to small refiners.

**DOE Action:** Proposals for modifying the small refiner bias were published in November 1978. Further actions will be based on ongoing analysis and on public comments received.

6. **Proposal:** DOE should consider the decontrol of propane or, alternatively, ways in which small propane distributors can increase their profit margins.

**Proposed by:** Ohio LP Gas Association, National LP Gas Association, Indiana LP Gas Association, and Phillips Petroleum Company.

**DOE Response:** Decontrol of propane should be considered together with decontrol of related products and substitutes, i.e., butane, natural gas liquids, and NGL products. DOE may study the decontrol of all of these products early in FY 1979. If decontrol does not take place, modifications to the existing regulations may be considered to address issues of flexibility and cost recovery.

**DOE Action:** Decontrol of propane and other products will be studied, and the results of this study and public comment will determine whether decontrol or some other modification of the regulations is appropriate.

7. **Proposal:** Clarify 10 CFR 212.83(e)(7)(ii). This section provides that the amount of unrecouped costs that may be added to May 15, 1973 selling prices shall not exceed:

an amount which, when added to compute maximum allowable prices, results in maximum allowable prices for the current month which are no more than 10 percent higher than the highest prices computed pursuant to this Part at which at least 25 percent of the sales of the product concerned in the preceding month were priced \* \* \*

**Proposed by:** Conoco.

**DOE Response:** The provision in question limits the amount of prior unused increased costs that may be passed through in product prices in any one month. An example will illustrate its operation. Suppose that A is currently selling more than 25% of its total sales to B at a lawful price of 55 cents per gallon. Section 212.83(e)(7)(ii) provides that in the next month A could increase its maximum allowable price to both B and C by up

to, but not more than, 5.5 cents per gallon, assuming sufficient banked costs to justify the increase.

The purpose of the restriction is to prevent use of large amounts of increased costs in a shortage situation resulting in massive price increases. If there is widespread confusion over the application of this provision, it has not been brought to DOE's attention previously.

**DOE Action:** Through the first six months of FY 1979, the Economic Regulatory Administration will compile a list of regulatory provisions which are identified by any source as being difficult to understand. This list will then be reviewed, and regulatory language will be clarified to the extent it appears necessary and appropriate.

**Office of Environment:**

8. **Proposal:** Coordinate certain Federal regulatory requirements, such as the environmental impact analysis, with similar State and local regulations to avoid unnecessary delay.

**Proposed by:** Mayor's Office, City of Los Angeles, Santa Barbara Department of Environmental Resources, Metro Council of Minnesota, and Northern States Power.

**DOE Response:** DOE intends to expedite the process of performing environmental impact analyses by better coordinating Federal, State, and local responsibilities. The Department fully concurs in the need for this reform and recognizes its role in helping to prevent delays, reduce unnecessary paperwork, and minimize other burdens associated with its regulatory requirements. **DOE Action:** DOE is revising its proposed *National Environmental Policy Act* regulations (10 CFR 1021) now that the Council on Environmental Quality has published final NEPA regulations, to which all other agencies' regulations must conform. DOE will prepare supplementary procedures for implementing the new regulations.

**Energy Information Administration:**

9a. **Proposal:** Reduce the number of firms which must comply with current reporting requirements (especially those unrelated to enforcement) using sampling techniques to draw conclusions about overall industry issues or needs.

**Proposed by:** Exxon.

**DOE Response:** DOE is expending considerable effort to reduce respondent reporting burden through the use of appropriate sampling techniques as suggested in this initiative. The Energy Information Administration (EIA), in particular, is increasing its use of appropriate sampling techniques for a variety of data collection efforts in order to reduce the reporting burdens, while still obtaining valid

results for statistical purposes. For example, The Municipal Federal Project Financial Reporting System is an effort for which a sample survey will be used in place of a universe canvass with results statistically as effective but far less burdensome on potential respondents. New collection efforts already implemented or being planned will also continue utilizing sampling techniques (e.g., the Crude Oil, Natural Gas and Natural Gas Liquids Reserves Survey, the Natural Gas End Use Customers' Profile Survey, and several household energy conservation surveys).

*DOE Action:* See below.

9b. *Proposal:* Define terminology used in data requirements, and make consistency mandatory in the use of such terms throughout all levels of the agency.

*Proposed by:* Exxon Society of Independent Gasoline Marketers of America.

*DOE Response:* EIA recognizes the need to standardize energy data terminology used throughout the Department, whenever possible, and has established a task force to recommend procedures for accomplishing the task. A glossary of standard energy terms and definitions is being drafted within EIA and a system has been developed which categorizes similar data elements used on various DOE forms and describes them. EIA will also assess industry definitions as part of this task.

*DOE Action:* See below.

9c. *Proposal:* The instructions on reporting forms are not consistent on all forms. Specifically, requirements for resubmitting the forms to reflect changes in the reported information or data are not always clearly delineated.

*Proposed by:* Exxon.

*DOE Response:* As part of its program to consolidate forms wherever possible, reduce unnecessary reporting requirements, and standardize the terminology used in DOE energy data requirements, EIA has begun efforts to standardize and make consistent all instructions on DOE reporting forms. This effort is currently in the preliminary stage of assessing the degree and scope of standardization possible, considering the diversity of the content of forms currently in use in the Department.

*DOE Action:* See below.

9d. *Proposal:* Use standard size forms for greater efficiency in duplication of copies.

*Proposed by:* Exxon.

*DOE Response:* EIA's Forms Clearance Office is making plans to address this proposed initiative. Factors such as readability and ease of completing and processing the form must be considered in determining the size of the form. EIA recognizes that benefits can

be gained from using standard size forms in photocopying, printing, filing, and processing of the forms. Such benefits will accrue not only to industry, but to the government as well.

*DOE Action:* See below.

9e. *Proposal:* Review all periodic reporting requirements to see which monthly reports can be made quarterly, which quarterly reports can be made semi-annual, and which yearly reports can be made bi-annual (e.g., cooperative agreements, grants, and awards).

*Proposed by:* California Energy Commission and Tennessee Energy Authority.

*DOE Response:* Since September 15, 1978, standard clearance procedures have been in effect in the Office of Energy Data Standards and Statistical Design. The procedures dictate that when a new energy-related reporting requirement is proposed or an existing requirement is to be extended, the frequency of data collection is reviewed as part of the overall survey design, which includes sampling design, data collection procedures, data processing requirements, and relationship of data elements collected to survey purpose and output. With regard to reporting frequency, specifically, the review is intended to establish whether the data can be collected less frequently, whether the reporting requirement can be consolidated with other requirements and whether the burden of the reporting requirement can be reduced. Review of specific projects has occurred whenever the OMB approval approaches expiration or before DOE requests OMB approval for a new form. As mentioned under initiative No. 11 below, however, plans are now proceeding to review reporting requirements for whole DOE subject areas at the same time.

*DOE Action (For 9a, 9b, 9c, 9d, and 9e):* DOE will continue its policy of review and reassessment of reporting requirements in order to reduce reporting burdens. Specifically, the use of sampling techniques will be accelerated, and reporting form sizes will be standardized, as appropriate. Also, DOE will continue standardizing and making consistent reporting form instructions whenever appropriate and will work with other government agencies and industry groups to standardize definitions of energy terminology.

DOE will publish in the FEDERAL REGISTER a policy statement explaining more fully its efforts to reduce reporting burdens on industry, state and local governments, and the public. This policy statement will be published in early 1979.

10. *Proposal:* Combine Petroleum Imports Program Forms P113 and P114, thereby eliminating the need for

reconciliation between the two and wasteful duplication.

*Proposed by:* Exxon.

*DOE Response:* Considerable discussion within DOE has focused on whether the two forms in question can or should be combined. The final conclusion is that these forms cannot be combined effectively for reasons associated with timeliness of data receipt, differing needs for the data, and respondent burden. The P113 is filed monthly by importers, statistically aggregated and published in a monthly periodical on general energy statistics. The data filed on the P114 depends on U.S. Customs Forms. DOE receipt of these forms usually occurs 2-3 weeks following the date of actual importation as verified by the U.S. Customs Bureau. While consolidation of the two forms would not affect the timeliness of the P114 data for use in administering the Mandatory Oil Import Program, it would directly and adversely affect the timeliness of the monthly statistical publication in which the P113 data is presented.

The P113 requires data to be filed upon the "date of importation" while the P114 requires a company to file according to a "fees incurred date" which can be any one of several dates. Due to differing purposes for which the data are collected the different reporting periods cannot be reconciled into a consolidated form. Finally, if the P113 and P114 were combined, the resulting single form would have to be of increased complexity to allow all importers who currently file the two forms to provide information specific to their situation. Experience with other forms developed to serve differing purposes such as this has shown the level of response error to be high.

While DOE decided not to combine the P113 and P114, it has made modifications to the P114 to eliminate unnecessary duplication, thus reducing total respondent burden. This new form, the ERA-17, will require the company merely to verify information already provided to Customs and specify the dispositions of payments and credits. It will no longer be necessary for companies to list each item imported and the associated financial data.

*DOE Action:* The ERA-17 was transmitted to OMB for approval. DOE considered all suggestions received from potential respondents, as well as other industry and public groups, during the design phase of the form.

11. *Proposal:* Eliminate the duplicative reporting information required by DOE, USGS, FTC, and Census for: 1) reserve and production data, 2) financial data, and 3) drilling statistics data. Several forms identified as being indications of this duplicative reporting are EIA's Financial Reporting System

and Oil and Gas Reserve Report; Census' Annual Survey of Oil and Gas, and Five Year Census of Mineral Industries; and FERC's Forms 40, 64, and 108.

*Proposed by:* Atlantic Richfield.

*DOE Response:* DOE recognizes the need to eliminate unnecessary, outdated reporting requirements. Currently OMB is reviewing some of the requirements cited in this comment, including the proposed Oil and Gas Reserve Report, EIA-23. When EIA-23 is cleared, and implemented, the FPC 40 will be terminated. DOE is working closely with OMB, Census, and other agencies directly and through the Federal Energy Information Council in an effort to eliminate unnecessary and duplicative reporting requirements. For example, as expiration dates for OMB approval of forms approach, EIA undertakes a comprehensive review of each project. As part of this review, an assessment of the overall data collection effort is made, with each data element on a form reviewed in an effort to eliminate unnecessary or duplicative reporting requirements. In addition to internal DOE review, other government agencies and private groups are contacted to help identify and eliminate other possible sources of duplication. Likewise, DOE works closely with OMB in reviewing other agencies' energy-related forms.

*DOE Action:* DOE will continue its efforts to eliminate duplicative reporting requirements, working more with other agencies as well as OMB and the Office of Federal Statistical Policy and Standards of the Department of Commerce.

#### *Intergovernmental and Institutional Relations:*

12. *Proposal:* Develop special mailing lists for various substantive areas to inform interested parties about regulatory proposals which have been declared significant, as well as final rules and regulations in their interest area. Supplement these mailings with notices in trade journals, newsletters, or other appropriate publications.

*Proposed by:* Mr. Brandt Mannchen, National Consumers League, Federal Bar Association, Federal Energy Law Committee, League of Women Voters, Petrochemical Energy Group, Energy Action, Common Cause, Interstate Natural Gas Association, Texas Independent Producers and Royalty Owners Association, and National Society of Professional Engineers.

*DOE Response:* DOE considers these to be worthwhile proposals. Its current effort to improve public participation identified these activities as part of the Department's outreach effort. The Office of Consumer Affairs is developing specialized mailing lists, and the Office of Public Affairs will continue

to take measures to provide timely regulatory information to the media, including the trade press and public interest media.

*DOE Action:* Complete specialized mailing lists and begin distributing notices of rulemakings to the parties on those lists.

#### *Conservation and Solar Applications:*

13. *Proposal:* Ensure that EPCA's provisions requiring States to develop lighting efficiency standards are properly implemented. DOE should provide practical guidance to the States in the development of their respective lighting standards.

*Proposed by:* California State Energy Commission.

*DOE Response:* The State of California and ASHRAE are currently advising DOE on the development of minimum practical conservation goals for lighting against which State standards can be developed.

*DOE Action:* DOE has contracted with ASHRAE to develop data for an interior lighting standard and will amend its regulations as appropriate after that work is completed.

14. *Proposal:* Review existing regulations affecting plentiful or renewable energy supplies to ensure that they do not unnecessarily add to the cost or delay of development of such supplies, or do not reduce competition.

*Proposed by:* Garret Corporation, Dr. Starhle Edmunds, University of California, Mr. Michael Freeman, Congressional candidate from Minnesota, and Mr. Brandt Mannchen.

*DOE Response:* The Office of Conservation and Solar Applications intends to hasten the development of renewable energy supplies consistent with procedural requirements such as a minimum 60-day comment period, and public hearings. These requirements are not expected to impose any significant delay on the development of renewable energy sources. DOE realizes that certain regulatory programs may handicap efforts to increase the development or use of renewable resources. Price controls on oil and gas, for example, increase the cost disadvantage for solar energy and other renewable resources, hindering their development. In many cases, DOE is required by statute to treat various fuels differently; in other cases, however, any disadvantages imposed on renewable energy sources may be inadvertent and correctable. It is DOE's policy to promote the development of these fuels, whenever possible.

*DOE Action:* The Office of Conservation and Solar Applications (CS) will review its own regulations to identify those which may add to the cost or delay of their development or which may reduce competition. Those regula-

tions will be corrected if that is consistent with DOE's statutory mandate and other policy objectives. Also, CS will work with other DOE offices to identify other regulations which may impede the development or use of these energy resources.

#### *Office of General Counsel:*

15. *Proposal:* Develop procedures to clarify those areas in which communications between DOE employees and members of the public should be limited during the development of a regulation.

*Proposed By:* Energy Action, Common Cause, League of Women Voters, Texas Public Interest Research Group, Congress Watch, New England Fuel Institute, and Columbia Gas System Service Corp.

*DOE Response:* DOE agrees that procedures for communicating with the public in the rulemaking process should be developed and published.

*DOE Action:* The Secretary has limited the extent to which DOE employees may communicate with the public concerning regulatory actions, and the General Counsel will provide further guidance to all DOE employees concerning communications with the public during informal rulemakings.

16. *Proposal:* Abolish the retroactive application of rules or rule interpretations, except for firms which specifically request retroactive application in their case. Also, revise auditing procedures which may conflict with Section 7(k) of the FEA Act of 1974. Section 7K prohibited civil actions against marketers of petroleum products for violations of FEA's regulations when the action was based on a retroactive application or interpretation of the regulation and the marketer had relied in good faith on the regulation or interpretation of the regulation.

*Proposed By:* New England Fuel Institute, Mobil Oil Company, Shell Oil Company, and Energy Consumers and Producers Association.

*DOE Response:* Legislation establishing the Department of Energy repealed section 7(k) of the Federal Energy Administration Act. However, on August 2, 1977, Secretary James R. Schlesinger sent a letter to Members of Congress which stated that it is DOE's intent to carry out its regulatory responsibilities as if section 7(k) had not been repealed. The provision was reenacted as section 805 of the Powerplant and Industrial Fuel Use Act of 1978.

*DOE Action:* In response to a request from the chairman of the House Subcommittee on Energy and Power, DOE will prepare a report by March 1, 1979 on this issue. DOE will publish its draft report for public comment in early 1979.

#### B. COMMENTS NOT REFLECTED IN NEW INITIATIVES REPORTING REQUIREMENTS

There were many responses received from the public relating to the revision, consolidation, and elimination of reporting requirements.

One suggestion was to reevaluate the validity of Form P124 (the Domestic Crude Oil Purchaser's Report). This initiative is already being carried out through a series of evaluations that ERA has contracted for on crude oil purchasing data. This evaluation and internal review have indicated that this form is still necessary.

Another recommendation was to revise rulemaking and reporting procedures to insure the confidentiality of industry proprietary data. DOE believes that there are already adequate procedures for protecting such information. EIA is also proposing a Financial Reporting System which will further refine collection techniques.

Internal procedures to implement the Federal Reports Act were suggested. There already are agency procedures which apply to all Departmental units and serve the same basic purpose.

Another suggestion was that DOE revise existing reporting requirements under EPCA so that budget data not related to Federally-funded projects need not be included in monthly reports. However, DOE does not currently require reports on how much money is being spent on non-Federal projects, merely what is being done in State and local programs related to the Federally-funded project.

DOE was asked to modify the guidelines for accounting and reporting on grants and awards so that such reporting can be made on a total grant rather than a project-by-project basis. However, DOE presently believes that all reporting for such grants should be on a project-by-project basis, to insure proper program accountability. Therefore revising the reporting guidelines does not seem appropriate.

Some public comments urged DOE to undertake a new reform initiative to eliminate several specific reporting overlaps. Such consolidation was one of the agency's original reform initiatives and is being carried out through EIA's ongoing consolidation project.

Finally, DOE was asked to discontinue reporting requirements for decontrolled products. While some requirements have been eliminated for decontrolled products, the final response to the proposal is contingent upon ERA's study of further product decontrol. If decontrol of some products occurs as a result of this study, elimination of some reporting requirements will likely take place. Some reporting will continue to be necessary, however, in order to monitor supply, demand, and price of the decontrolled products, and

to assess the potential need for any reimposition of controls in the event of an energy emergency.

#### Enforcement

Several comments were addressed to the burdens imposed by audit and enforcement procedures. The Department has already taken some action in this area. In June 1978, the Economic Regulatory Administration published amendments to rules on recordkeeping and a Statement of Audit Policy, establishing time limits for recordkeeping, audits, and the imposition of civil penalties.

One comment suggested that a litigation policy be developed and made public, setting out priorities that DOE would use in deciding when to go to court. DOE believes that litigation strategy is best developed on a case-by-case basis, depending on the nature of the issues involved. Moreover, prior disclosure of litigation priorities might encourage noncompliance by firms with those parts of the regulations not identified in the litigation priorities.

Many commenters raised questions that related more to the management of the DOE's enforcement process than to needed regulatory changes. Complaints were made about the time it takes for the issuance of interpretations and rulings, inconsistency among interpretations, and lack of flexibility in compliance options. The office of General Counsel, the Office of the Special Counsel for Enforcement, and the Assistant Administrator for Enforcement of ERA are expediting interpretive and enforcement procedures and using more flexible enforcement tools, including settlement agreements. A separate Interpretations and Rulings Division has been established in the Office of the General Counsel, which has greatly accelerated the time in which interpretations and rulings are issued. The Department will continue its efforts to improve performance in these areas.

#### Procurement

DOE was urged to amend existing regulations to provide exceptions to the procurement restrictions contained in the regulations for State conservation plans promulgated under authority of EPCA (specifically, the prohibition against using Federal funds to purchase equipment other than office equipment). At the time the regulations were promulgated, the agency took the position that undue emphasis should not be placed upon purchase of equipment from funds appropriated for the programs. The Department will consider allowing more money for equipment if the need is demonstrated through program administration.

#### Pricing and Allocation

Many comments were received that suggested further changes in DOE's pricing and allocation regulations for oil and related products beyond those discussed previously. While some of these have been accepted, others were deemed inappropriate for a variety of reasons.

Revisions to the Natural Gas Liquids price and allocation regulations which have been published in proposed form should solve some of the problems that were pointed out in this sector of the industry. In the event of product decontrol, other issues raised by commenters such as the revision of the equal applications rule and the industrial use limitation would become moot.

One commenter suggested that DOE remove restrictions on SNG plants which limit operation and distribution potential, permitting year-round operations that may arise. Under existing ERA regulations, SNG plants may apply for a waiver of current limitations to enable them to meet the needs of high-priority users of natural gas. No further action by DOE is needed to allow this flexibility.

DOE was urged to revise or rescind completely its procedures for declaring and selling surplus propane. These procedures were described as too slow, necessitating storage or flaring of surplus propane. DOE has recognized the problem of surplus product reporting procedures and will address it in a natural gas liquids allocation rulemaking currently pending before the FERC. If that rule becomes final, propane suppliers will be able to sell surplus propane immediately upon notifying DOE that a surplus exists.

#### Other Comments

DOE was asked to replace the current cash bonus system used in leasing Federal lands for geothermal development with a royalty based bidding system. However, the Geothermal Steam Act specifies that the Government royalty in such leases must be between 10% and 15%. This range is too narrow to allow the use of the royalty in place of a bonus as the basis for lease awards.

Finally, one comment suggested that DOE develop a policy for increasing reliance on consensus standards, in such areas as energy efficiency standards for appliances. DOE's reliance on consensus standards is determined by OMB policy as well as Federal statute. P.L. 95-70, section 32, prescribes rules for use of commercial standards by DOE, including requirements concerning quality, effectiveness, and competitive impacts of such standards. In developing testing procedures and targets for appliances, DOE has in fact

relied partly on consensus standards. Consensus standards are not always used, however, as there are sometimes policy considerations of concern to DOE that are not adequately addressed by industry consensus standards.

#### V. NEXT STATUS REPORT

In May, 1979, as part of its second semi-annual regulations agenda, DOE will report on progress in carrying out E.O. 12044 and implementing the 31 regulatory reform initiatives begun to date. At that time, DOE will also identify its reform initiatives for the second half of the 1979 Fiscal Year (April 1, 1979, September 30, 1979). Public comments will be requested on all of these items. In the interim, DOE welcomes queries, comments, or suggestions from the public regarding DOE's implementation of E.O. 12044 or any other regulatory reform issue. These should be addressed to William A. Strauss, Director, Regulatory Programs Division, Office of Policy and Evaluation, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Issued in Washington, D.C., December 20, 1978.

JOHN F. O'LEARY,  
Deputy Secretary,  
Department of Energy.

#### PROCEDURES FOR THE DEVELOPMENT AND ANALYSIS OF REGULATIONS, STANDARDS, AND GUIDELINES

1. *Purpose.* Establish procedures for the development and analysis of all Department of Energy (DOE) regulations, except those developed by the Federal Energy Regulatory Commission (FERC), and to implement Executive Order 12044 on "Improving Government Regulations."

2. *Background.* The Executive Order 12044 requires all executive agencies to distinguish between "significant" and "nonsignificant" regulations, and to determine which regulations impose "major impacts" requiring special analysis. It also requires agencies to follow specified procedures in developing regulations, to review them periodically, and to publish a semi-annual regulatory agenda.

3. *Reference.* DOE 1900.1 Federal Register Management, of 10-30-78, which defines responsibilities for the administrative management of FEDERAL REGISTER documents, including approval, promulgation, and certification of all DOE proposed and final rules, regulations, and official documents, except those of FERC.

#### 4. General.

a. DOE will consider a regulation "significant" unless it is not expected to affect important policy concerns and is not the object of much public interest. A significant regulation will

be developed by a special DOE working group, reviewed before publication to ensure compliance with the Executive Order, and published for comment for a minimum of 60 days. In addition, steps will be taken to ensure adequate public participation in the regulation's development.

b. If DOE determines that a significant regulation is likely to have a major impact (e.g., imposing annual economic costs of \$100 million or more), then a regulatory analysis will be prepared and published with the draft and final regulation.

c. DOE will republish every regulation within 5 years for public comment, and will review existing regulations based on a variety of criteria. Every October and April, DOE will publish a regulatory agenda to improve the public's ability to participate early in the development of each regulation.

#### 5. Definitions.

a. *Regulation.* Any DOE action which will result in an addition or revision to the "Code of Federal Regulation," including new regulations, amendments to existing regulations, standards, and guideline.

b. *Notice of Inquiry.* The FEDERAL REGISTER document, published early in the regulation development process, which requests public comments prior to the drafting of a proposed regulation.

c. *Advance Notice of Proposed Rule-making.* The FEDERAL REGISTER document requesting public comment on DOE's preliminary decisions regarding a future regulatory action.

d. *Lead Office.* The Secretarial Office responsible for administering a regulation and managing the regulatory development process.

e. *Working Group.* The ad hoc group, representing interested Secretarial Officers, which works with the lead office in developing a regulation.

f. *Secretarial Offices.* Assistant Secretaries; Inspector General; General Counsel; Administrators of Economic Regulatory and Energy Information Administrations; Directors of Energy Research, Administration, Procurement and Contracts Management, Hearings and Appeals, and Office of the Secretary; and Controller.

6. *Procedures for the development of regulations.*

#### a. Initiation.

(1) A lead office proposing to develop a regulation must first notify the Director, Office of the Executive Secretariat (XS-1). If the lead office considers the regulation to be nonsignificant, it should explain its rationale in the notification to XS-1. The development of all regulations will be tracked by XS-1, either through the Action Coordination and Tracking System (ACTS) or through a similar system:

the lead office will inform XS-1 of the completion of development milestones and notify all Secretarial Officers and the Deputy Secretary or Under Secretary of a lead office's proposal to initiate regulation development.

(2) The Secretarial Officers will then notify the lead office if they wish to participate in developing the regulation and associated documents. If the lead office considers the regulation to be nonsignificant, the Secretarial Officers will be assumed to concur unless they indicate otherwise.

(3) A regulation will be significant unless the lead office, in consultation with other Secretarial Officers, finds that:

(a) It has no more than a minimal effect upon:

1 The objectives of national energy policy or energy statutes;

2 Inflation, unemployment, economic growth, or the ability of consumers to have adequate energy supplies at reasonable prices;

3 Competition;

4 The quality of the environment, or the public health and safety;

5 State and local Government programs; and

6 Existing regulatory programs of the Department of Energy or other Executive Agencies;

(b) It will not impose new compliance and reporting burdens nor add to existing requirements;

(c) It is not a matter of major concern to the President or Congress;

(d) It will not require substantial Department of energy resources to develop and enforce it; and

(e) Substantial public comment is not anticipated.

(4) Examples of nonsignificant regulations are:

(a) Regulatory amendments that are designed to correct errors in draftmanship;

(b) Regulatory amendments that are determined to be exempt from the public notice requirements of the "Administrative Procedures Act;" and

(c) Purely internal DOE regulations which do not affect the broader public interest.

7. *Development of nonsignificant regulations.*

a. If the lead office and other Secretarial Officers agree that a proposed regulation is not significant, the lead office will so inform XS-1 and the Deputy Secretary or Under Secretary. The lead office, working with representatives of other interested Secretarial Officers, will then develop and publish the regulation.

b. A nonsignificant regulation will be drafted in clear, concise English. The mandate or need for the regulation will be clearly explained. The FEDERAL REGISTER notice of the regulation will include a brief preamble, understanda-

ble to non-experts and non-lawyers, which will contain a summary of the objectives, terms, and anticipated impacts of the regulation. The preamble will also include the name, address, and telephone number of the lead office and General Counsel representatives primarily responsible for drafting the regulation.

c. When a proposed nonsignificant regulation is published in the FEDERAL REGISTER, the notice will provide at least a 30-day public comment period and will include a statement explaining the need for an probable effect of the regulation and why the regulation is not considered significant.

d. If public comments contest the determination of nonsignificance, the lead office will reconsider whether the regulation is significant and determine whether the public comment period should be extended.

e. Draft and final regulations will be circulated for comment in accordance with the concurrence process described in paragraph 11. The Director of Administration (AD-1) will certify and transmit proposed and final regulations to the Office of the Federal Register.

#### 8. Development of significant regulations.

a. If the regulation is significant, the lead office will establish a working group to aid in developing it. This working group will include representatives of the Assistant Secretary for Policy and Evaluation (PE-1), the General Counsel (GC-1), and other interested Secretarial Officers. The lead office must call a meeting of this working group at least once before the draft regulation is published. Working group members will assist the lead office in reviewing alternative means of solving the perceived problem and setting target dates for the completion of each phase of the regulation development process. The working group members will also perform other duties, as assigned by the lead office.

b. It is DOE's general policy to publish notices of inquiry or advance notices of proposed rulemaking prior to drafting proposed significant regulations, in circumstances where DOE lacks sufficient information on the subject to be regulated.

c. In coordination with PE-1, the lead office and other working group members will prepare a plan for the subsequent evaluation of the regulation. The plan will indicate which measures of program performance could be assessed and what, when, and how evaluation data could be collected.

d. In coordination with IR-1, the lead office and other working group members will provide adequate opportunities for public participation in the regulation development process.

e. The lead office will work with EV-1 and GC-1 to ensure compliance with the "National Environmental Policy Act" and other environmental requirements.

f. If the lead office and working group members find that a regulation is likely to have a major impact, then a regulatory analysis will be prepared prior to publication of the proposed regulation. If EV-1, in accordance with the legal conclusions of GC-1, finds that a regulation requires an Environmental Impact Statement under the "National Environmental Policy Act," then that statement will be prepared in coordination with the regulatory analysis.

g. Proposed regulations intended to implement any function transferred to the Secretary under Section 301 or Section 306 of the Department of Energy Organization Act will be referred to the Federal Energy Regulatory Commission when published in the FEDERAL REGISTER.

h. A significant regulation will be drafted in clear, concise English. The mandate or need for the regulation will be clearly explained. The FEDERAL REGISTER notice of the regulation will include a brief preamble, understandable to non-experts and non-lawyers, which will contain a summary of the objectives, terms, and anticipated impacts of the regulation. The preamble will also include the name, DOE address, and telephone number of the lead office and General Counsel representatives primarily responsible for drafting the regulation.

i. At least a 60-day public comment period will be provided after publication of a proposed significant regulation.

j. After a significant regulation is drafted, the draft, together with the draft regulatory analysis, if required, will be circulated for comment in accordance with the process described in paragraph 11. AD-1 will certify and transmit the proposed regulation to the Office of the Federal Register.

k. When the period for public comment is completed, the lead office will summarize all comments received. Then, together with the other working group members, the lead office will analyze the public comments and revise the regulation and regulatory analysis where appropriate.

l. The final regulation, together with the final regulatory analysis if the regulation is expected to have major impacts, will be circulated for comment and concurrence in accordance with the process described in paragraph 11. AD-1 will transmit the final regulation to the Office of the Federal Register.

9. Development of regulatory analyses for significant regulations likely to have major impacts.

a. If the lead office and other working group members determine that a significant regulation is likely to have a major impact, then a regulatory analysis will be required.

b. A significant regulation is likely to have a major impact if:

(1) The regulation is likely to have a substantial effect on any of the objectives of national energy policy or energy statutes;

(2) The regulation is likely to impose:

(a) Gross economic costs of \$100 million per year; or

(b) A major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups;

(3) The regulation is likely to have an adverse impact on competition; or

(4) If the Secretary, Deputy Secretary, or Under Secretary considers the regulation likely to have a major impact for any other reason.

c. In determining whether a regulation is likely to have a major impact, attention should be directed to the regulation's incremental effect on the existing regulatory environment, not to the regulation's hypothetical effect on an unregulated environment.

d. The regulatory analysis will generally consist of a five-to-ten page summary and supporting documentation. The summary will be prepared by the lead office, in cooperation with the working group, and will include the following:

(1) A succinct statement of the problem and the mandate for government action;

(2) A statement of policy objectives and their relationship to the objectives of national energy policy or energy statutes;

(3) A description of the major alternatives; including nonregulatory alternatives, for dealing with the problem and achieving the policy objectives;

(4) A brief analysis of the economic consequences of each of these alternatives, quantified whenever possible; and

(5) An explanation of the reasons for choosing the preferred alternative.

e. The supporting documentation will be provided by the lead office, the Energy Information Administration, and other DOE organizations that have been assigned tasks by the lead office, and will include the following:

(1) A more extensive statement of the problem;

(2) A description and analysis of the preferred alternative and other reasonable and feasible policy alternatives, including:

(a) Legislative authority,

(b) Institutional or other impediments to implementation, and

(c) Enforceability; and

(3) A comparative analysis of the impacts of these alternatives, quantified whenever possible, including their effects on:

(a) The objectives of national energy policy on energy statutes,

(b) The economic well-being of the Nation as a whole, individual industries, levels of government, geographic regions, and demographic groups,

(c) Compliance and reporting requirements,

(d) Competition,

(e) Other relevant costs and benefits, and

(f) The fairness of the distribution of the costs and benefits.

f. The regulatory analysis will be circulated to GC-1, EIA-1, PE-1, IR-1, and any other appropriate Secretarial Officers. Review and concurrence will take place in accordance with the process described in paragraph 11.

g. When a proposed regulation likely to have a major impact is published in the *FEDERAL REGISTER* the summary portion of the draft regulatory analysis will be included, and the public will be asked to comment on the findings of the analyses. The *FEDERAL REGISTER* notice will also indicate how members of the public can obtain the supporting documentation.

h. After the end of the public comment period, the draft regulatory analysis will be reviewed by the lead office in light of the comments received. If any changes are made, the revised analysis must be approved through the process described in paragraph 11.

i. When the final regulation is published in the *FEDERAL REGISTER* the summary portion of the final regulatory analysis will be included. The *FEDERAL REGISTER* notice will also indicate how members of the public can obtain the supporting documentation.

j. If a significant regulation is determined not to have a major impact, the lead office, in cooperation with the working group, will publish in the *FEDERAL REGISTER* with the proposed and final regulation, a brief description of the anticipated effects of the regulation. If public comments indicate that the regulation has major impacts, the lead office, in cooperation with the working group, may reconsider its original determination. If appropriate, a regulatory analysis may then be published with the final regulation.

#### 10. Public participation.

a. It is the policy of the Department of Energy to develop regulations in an open and accountable manner with extensive public participation early in the process.

b. The lead office and other working group members will work with IR-1 to include the public in the consideration of significant regulations. These steps may include:

(1) Notification of interested parties, the Governor of each state, DOE regional representatives, and appropriate Federal advisory committees, in accordance with the President's Memorandum of 3-23-78, establishing procedures for consultation with state and local officials.

(2) Distribution of appropriate notices or press releases describing the regulatory action to trade journals, newspapers, and newsletters read by interested parties;

(3) Public hearings and conferences with interested groups and individuals (with adequate advance notification), where appropriate; and

(4) Any other actions that may be required to provide DOE with a broad range of public opinion.

#### 11. Concurrence.

a. Every regulation must be reviewed by the lead office to ensure conformance with the procedures required by this Order, including with specific regard to the following checklist:

(1) The mandate or need for the regulation is clearly explained;

(2) The preamble is concise and understandable to persons who are neither experts nor lawyers, and includes a good summary of the regulation, its objectives, and its anticipated impacts;

(3) The entire regulation is written in clear, concise English;

(4) The name, address, and telephone number of the lead office and General Counsel representatives responsible for drafting the regulation are included;

(5) The comment period is at least 30 days (for proposed nonsignificant regulations) or 60 days (for proposed significant regulations), or public comments have been considered and an adequate response prepared (for final regulations);

(6) Satisfactory steps are planned, or have been taken, to encourage public participation in the regulation's development;

(7) The anticipated impacts of the regulation are properly described;

(8) Alternative approaches have been considered, and the preferred alternative accomplishes the desired policy objectives without imposing any more burdens than necessary (for significant regulations with major impacts);

(9) The determinations of "significance" and "major impact" have been properly made, with the reasons adequately stated in the regulation;

(10) The regulatory analysis is properly prepared (for significant regulations with major impacts);

(11) A satisfactory plan for evaluating the regulation after its issuance has been prepared by the lead office (for significant regulations);

(12) An estimate has been made of the new or changed reporting require-

ments imposed by the regulation, and these are not unnecessarily burdensome; and

(13) Environmental review of the regulations's impacts has been completed and, as appropriate, a negative determination, environmental assessment, or environmental impact statement has been prepared.

b. After its own review is complete, the lead office will circulate the regulation to PE-1, GC-1, IR-1, and EIA-1. On behalf of the Secretary, Deputy Secretary, and Under Secretary, these offices will help insure that the regulation complies with this Order, with regard to the above checklist.

c. The lead office will also distribute the regulation to Secretarial Officers whose representatives participated on the working group for their review and concurrence.

d. The lead office will ensure that all appropriate DOE offices have reviewed the regulation, found it in compliance with this Order, and concurred in its publication. The lead office will apprise the Secretary, Deputy Secretary, or Under Secretary of their concurrence, or request resolution of a nonconcurrence.

12. *Waiver.* Under extraordinary circumstances, the Secretary, Deputy Secretary, or Under Secretary may waive some or all of this Order's requirements for a particular regulation. When any requirements mandated by Executive Order 12044 are waived, the *FEDERAL REGISTER* notices of both the proposed and final regulations will include a statement that a waiver has been granted, the name of the official approving the waiver, and an explanation of any requirements that have been waived, and a description of the emergency, short-term statutory or judicial deadline, or public interest consideration that justifies the waiver.

#### 13. *Republication and review of existing regulations.*

a. The DOE will periodically evaluate the continued need for and effectiveness of its regulatory programs. To assist this reevaluation, each regulation must be republished within 5 years of its effective date (or, for existing regulations, by September 30, 1983). Regulations may be republished together with similar regulations in an effort to obtain comments on an overall regulatory program administered by the same office.

b. When a regulation is republished, a 60-day comment period will be provided, and public comment will be requested regarding:

(1) Whether the regulation should be continued or terminated;

(2) Any ambiguities or other interpretative difficulties;

(3) The actual impacts of the regulation;

## NOTICES

(4) Suggested changes in the regulation; and

(5) The impacts which would result from the termination of the regulation.

c. Based on the public comments received and agency experience, the office administering the regulation will determine whether the regulation should be continued, modified, or rescinded, and will draft a statement advising the public of its determination. Within 120 days after the close of the comment period, and upon the concurrence of the GC-1 and PE-1, this statement will be published in the FEDERAL REGISTER.

d. Other regulations or regulatory procedures will periodically be selected for review, based on the following criteria:

(1) The continued need for the regulation;

(2) The type and number of complaints or suggestions received;

(3) The burdens imposed on those directly affected by the regulations;

(4) The need to simplify or clarify language;

(5) The need to eliminate overlapping and duplicative regulations;

(6) The availability of less burdensome alternatives;

(7) The length of time since the regulation has been evaluated, or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation; and

(8) Administrative costs or problems associated with a regulation.

#### 14. Semiannual regulations agenda.

a. In April and October of each year, the Department of Energy will publish a semiannual regulations agenda in the FEDERAL REGISTER. The agenda will include descriptions of all regulations then in the development process as well as all existing regulations which are scheduled for review. The GC-1, in coordination with PE-1, the Administrator of the ERA, and other appropriate Secretarial officers, will draft the regulations agenda. The Secretary will approve the agenda before publication.

b. For each significant regulation under development, planned for republication, or otherwise under review, the regulations agenda will:

(1) State the need and legal basis for the regulation, and the current stage of the development process;

(2) Indicate if a regulatory analysis is required; and

(3) Include the name and telephone number of the lead office contact in the working group.

c. Each agenda will also give the status of those regulations listed on the previous agendas.

d. Supplements to the regulatory agenda may be published at any other time during the year, as needed.

#### 15. Responsibilities.

a. The Secretary will approve the publication of the semiannual regulation agenda.

b. The Secretary, Deputy Secretary, or Under Secretary will be informed of the development of all regulations and will approve the publication in the FEDERAL REGISTER of all proposed and final significant regulations.

c. The lead office is responsible for development of a regulation, preparation of any regulatory analysis, and compliance with the terms of this Order. This includes assigning and coordinating working group tasks, providing XS-1 with the necessary information notifying the Secretary, Deputy Secretary, or Under Secretary of the need for the regulation, to maintain an accurate regulation tracking system, notifying the Secretary, Deputy Secretary, or Under Secretary of the need for the regulation, obtaining their approval for publication of a proposed and final significant regulation, assuring that the regulation undergoes proper coordination and concurrence, and republishing it within 5 years.

d. Working group members will perform tasks pertaining to regulation development and analysis assigned by the lead office. They are responsible for representing their Secretarial Officers' views, keeping them informed of the progress and content of the regulations under development, and advising them whether they should concur in the publication of a regulation.

e. The Assistant Secretary for Policy and Evaluation (PE-1) is responsible for coordinating the policy aspects of the DOE's rulemaking activity; ensuring consistency with Executive Order 12044, this Order, and national energy policy; and acting as interagency liaison on matters concerning the Executive Order. PE-1 will participate in development and analysis of all regulations. PE-1 will review all proposed and final regulations before concurring in their publication to ascertain whether they are understandable, not

unduly burdensome, preferable to non-regulatory alternatives, and consistent with DOE policy. PE-1 will also review draft and final regulatory analyses before concurrence.

f. The General Counsel (GC-1) will participate in the development and analysis of all regulations and will review all proposed and final regulations to ascertain whether they are carefully drafted, legally sufficient, and enforceable. The GC-1 is also responsible for preparing the semiannual regulations agenda.

g. The Assistant Secretary for Intergovernmental and Institutional Relations (IR-1) will assist the working groups in soliciting the view of outside persons and organizations, the Congress, State and local governments, and other Executive agencies. IR-1 will assist the working groups in preparing and distributing press releases, answering press inquiries, coordinating press coverage of hearings, and answering Congressional correspondence.

h. The Administrator of the Energy Information Administration (EIA) is responsible for reviewing the data collection requirements of all regulations, ensuring that they are compatible with existing DOE data systems, are properly cleared with OMB, and do not impose unnecessary paperwork or reporting requirements. EIA will also help prepare documentation for regulatory analyses at the request of the lead office.

i. The Director of the Office of Administration (AD-1) is responsible for certifying and transmitting all documents to the Office of Federal Register and ensuring that prior to such transmittal all necessary concurrences have been obtained.

j. The Assistant Secretary for Environment (EV-1), in accordance with the legal conclusions of the GC-1, will determine whether a regulation is a major federal action requiring preparation of an environmental impact statement or when a regulation requires provisions to implement environmental regulations or requirements.

k. The Director, Office of the Executive Secretariat (XS-1), is responsible for tracking the development of all regulations and for informing the Secretarial Officers, the deputy Secretary, and Under Secretary of a lead office's proposal to initiate a regulation development.

[FR Doc. 79-176 Filed 1-2-79; 8:45 am]

Faint, illegible text in the left column, possibly bleed-through from the reverse side of the page.

Faint, illegible text in the middle column, possibly bleed-through from the reverse side of the page.

Faint, illegible text in the right column, possibly bleed-through from the reverse side of the page.

**Register  
Federal Preference**

**WEDNESDAY, JANUARY 3, 1979  
PART IV**



---

**DEPARTMENT OF  
LABOR**  
**Employment and Training  
Administration**



**CLASSIFYING LABOR  
SURPLUS AREAS**  
**Preference in Federal Procurement**

[4510-30-M]

## Title 20—Employees' Benefits

## CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

## PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

## PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM

## Preference in Federal Procurement Under Defense Manpower Policy DMP-4A and Executive Orders 12073 and 10582

## MODIFICATION OF RULES FOR CLASSIFYING LABOR SURPLUS AREAS

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

**SUMMARY:** The Department of Labor is modifying its rules for classifying labor surplus areas under Defense Manpower Policy DMP-4A and Executive Order 10582 to reflect the promulgation of Executive Order 12073 and changes being made as a result of comments received.

EFFECTIVE DATE: January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Davis A. Portner, Office of Policy Evaluation and Research, 601 "D" Street, NW., Room 9420, Washington, D.C. 20213, (202) 376-6274.

SUPPLEMENTARY INFORMATION:

## BACKGROUND

Defense Manpower Policy No. 4A (DMP-4A), 32A CFR Part 134, became effective November 3, 1977. The purpose of DMP-4A is to encourage the purchase of goods and services by the Federal Government and the placement of Federal facilities in areas of labor surplus. Under DMP-4A the Secretary of Labor is required to classify labor surplus areas and disseminate this information for the use of all Federal agencies in directing procurement activity and locating new plants or facilities. Firms which agree to perform most of the work in labor surplus areas are eligible for preference in the award of procurement contracts and grants and the execution of agreements.

On March 3, 1978, the Department of Labor published in the FEDERAL REGISTER final regulations for classifying labor surplus areas under Defense

Manpower Policy DMP-4A and Executive Order 10582. In order to implement DMP-4A as rapidly as possible, the Department shortened the period for comment on the proposed regulations and accepted comment during the 60 day period subsequent to the publication date of the final regulations.

On August 16, 1978 the President signed Executive Order 12073—Federal Procurement in Labor Surplus Areas. This executive order strengthened DMP-4A and provided additional authority for the Department's implementing regulations in 20 CFR Part 654.

At this time the Department is making revisions and corrections to these regulations primarily as a result of the comments which were received and the promulgation of the executive order. The changes also reflect the Department's experience under these regulations.

## SUMMARY OF CHANGES

The primary objective of these changes is to more effectively accomplish the purpose of DMP-4A to target Federal procurement to areas of greatest need. Effective targeting is a goal of the strengthened procedures in E.O. 12073 and a central concern of the comments received on the Department's regulations.

A review of operating data indicates that the present criteria used for classifying labor surplus areas are too broad for the effective targeting of Federal funds. Based on comments received and internal analysis, the Department of Labor has concluded that the criteria for classifying labor surplus areas should be focused more sharply on communities with problems of chronically high unemployment which have the greatest need of the labor surplus set aside program. To accomplish this objective the following changes are being made in the system for defining program eligibility.

1. In order to focus programs more sharply on the community level, labor surplus will no longer be defined in terms of broad geographic areas in which there is a concentration of economic activity or labor demand and in which workers can generally change jobs without changing their residences. Instead, the conditions for defining labor surplus will be in terms of discrete civil jurisdictions, i.e., counties, county equivalents, and cities with a population of at least 50,000. In this way, funds will be directed to specific localities with high unemployment rather than to all jurisdictions in any given metropolitan area, not all of which suffer from the same degree of unemployment.

2. In order to target procurement contracts to localities with the great-

est degree of unemployment, eligibility will be limited to those jurisdictions which have an average unemployment rate which is 120 percent of the national unemployment rate or higher during the reference period.

3. The reference period used in making the classifications will be an average of the previous two calendar years. By using an average of 24 months of unemployment data in place of the present 12 months, it should be possible to target contracts into communities experiencing high structural unemployment.

4. Eligibility status will be determined annually (rather than quarterly) effective each May 1. The purpose of this change is to provide more stability in the contracting process.

5. In classifying labor surplus areas for those jurisdictions in standard metropolitan statistical areas for which the current population surveys (CPS) were used to determine the annual unemployment data prior to January 1, 1978, the Assistant Secretary shall make determinations of the average unemployment rates in such jurisdictions. The purpose of this change is to prevent these areas from being penalized by the change in the unemployment estimating procedures involving the discontinuation of separate CPS estimates for these areas.

Since these regulations involve a matter relating to "public property, loans, grants, benefits, or contracts" they are exempt from the rulemaking requirements of the Administrative Procedure Act. (5 U.S.C. §553(a)(2)). Moreover, the Secretary of Labor has determined that it is in the public interest to publish these regulations in final form so that program implementation may move more rapidly without disruption of the Federal procurement process. This finding constitutes a waiver of the Department's regulation in 29 CFR 2.7. These rules will therefore become effective January 1, 1979.

Accordingly, Parts 651 and 654, Chapter V, Title 20 of the Code of Federal Regulations are amended as follows:

## PART 651—GENERAL PROVISIONS GOVERNING THE FEDERAL-STATE EMPLOYMENT SERVICE SYSTEM

1. The table of contents for Part 654—Special Responsibilities of the Employment Service System is amended to read as follows:

\* \* \* \* \*

§ 651.6 Consolidated table of contents for Parts 651-658.

SUBPART A—RESPONSIBILITIES UNDER DEFENSE MANPOWER POLICY NO. 4A (32A CFR PART 134) AND EXECUTIVE ORDER 12073

- 654.1 Purpose of subpart.
- 654.2 Description of DMP-4A.
- 654.3 Description of Executive Order 12073.
- 654.4 Definitions.
- 654.5 Classification of labor surplus areas.
- 654.6 Termination of classification.
- 654.7 Publication of area classifications.
- 654.8 Services to firms and individuals in labor surplus areas.
- 654.9 Filing of employment service-related complaints.

SUBPART B—RESPONSIBILITIES UNDER EXECUTIVE ORDER 10582

- 654.11 Purpose of subpart.
- 654.12 Description of Executive Order 10582.
- 654.13 Determination of areas of substantial unemployment.
- 654.14 Filing of employment service-related complaints.

SUBPART C—TRANSITION PROVISIONS

- 654.21 Interim classifications.

**PART 654—SPECIAL RESPONSIBILITIES OF THE EMPLOYMENT SERVICE SYSTEM**

2. Part 654, in its entirety, is amended to read as follows:

SUBPART A—RESPONSIBILITIES UNDER DEFENSE MANPOWER POLICY NO. 4A (32A CFR PART 134) AND EXECUTIVE ORDER 12073

- 654.1 Purpose of subpart.
- 654.2 Description of DMP-4A.
- 654.3 Description of Executive Order 12073.
- 654.4 Definitions.
- 654.5 Classification of labor surplus areas.
- 654.6 Termination of classification.
- 654.7 Publication of area classifications.
- 654.8 Services to firms and individuals in labor surplus areas.
- 654.9 Filing of employment service-related complaints.

SUBPART B—RESPONSIBILITIES UNDER EXECUTIVE ORDER 10582

- 654.11 Purpose of subpart.
- 654.12 Description of Executive Order 10582.
- 654.13 Determination of areas of substantial unemployment.
- 654.14 Filing of employment service-related complaints.

SUBPART C—TRANSITION PROVISIONS

- 654.21 Interim classifications.

AUTHORITY: Pub. L. 95-89; 50 U.S.C. App. 2061, et seq.; 41 U.S.C. 10a et seq.; 29 U.S.C. 49 et seq.; E.O. 12073; E.O. 11725; E.O. 11051, as amended; E.O. 10582; E.O. 10480; 32A CFR Part 134.

**Subpart A—Responsibilities Under Defense Manpower Policy No. 4A (32A CFR Part 134) and Executive Order 12073**

§ 654.1 Purpose of subpart.

This subpart implements the responsibilities of the Secretary of Labor in classifying labor surplus areas in accordance with Defense Manpower Policy No. 4A of the Federal Preparedness Agency, General Services Administration (32A CFR Part 134—Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas (DMP-4A)), and Executive Order 12073 (Federal Procurement in Labor Surplus Areas). The Secretary of Labor has delegated responsibilities to the Assistant Secretary, Employment and Training Administration.

§ 654.2 Description of DMP-4A.

(a) Defense Manpower Policy No. 4A (DMP-4A) consists of the Federal regulations at 32A CFR Part 134—Preservation of the Mobilization Base Through the Placement of Procurement and Facilities in Labor Surplus Areas.

(b) The DMP-4A regulations were issued pursuant to Pub. L. 95-89; Executive Order 10480; Executive Order 11051, as amended; and Executive Order 11725. Implementation of the regulations is the responsibility of the Federal Preparedness Agency of the General Services Administration.

(c) The purpose of DMP-4A is to encourage the purchase of goods and services by the Federal Government and the placement of Federal facilities in areas of labor surplus.

(d) Under DMP-4A, the Secretary of Labor is required to:

(1) Classify labor surplus areas and disseminate this information on a timely basis to Federal departments and agencies.

(2) In cooperation with State and local authorities and the Secretary of Commerce, provide labor-market data and related economic information in efforts to assist in the initiation of industrial expansion programs in labor surplus areas.

(3) Identify occupations and skills which are in surplus supply within labor surplus areas and make this information available to firms requiring such occupations and skills and interested in establishing new plants and facilities.

(4) Identify occupations and skills for which labor will be needed by new or expanding industries and industries that expand during a mobilization; and, in collaboration with other Government agencies, make assistance available to labor surplus area institutions and users in developing on-the-job, apprentice, or other training programs for developing skills of the work force.

(5) Through the affiliated State employment services, receive job openings on a voluntary basis and/or under the mandatory listing program provided for by section 2012

of Title 38 of the United States Code and by Executive Order 11701, and refer qualified unemployed workers to concerns in labor surplus areas.

(e) Under DMP-4A, all Federal agencies are required to:

(1) Use their best efforts to award all procurement contracts and grants, and execute agreements, greater than \$2,500 to concerns that will perform a substantial proportion of the manufacturing, production, or appropriate services on those contracts within labor surplus areas, to the extent that procurement objectives will permit.

(2) Ensure that firms in labor surplus areas that are on appropriate bidders mailing lists are given the opportunity to submit offers on all procurements for which they are qualified. Whenever the number of firms on a bidders mailing list is excessive in relation to size and type of procurement, a representative number of firms from labor surplus areas shall be given the opportunity to submit offers.

(3) Establish programs to encourage prime contractors to award subcontracts to firms that agree to perform a substantial proportion of the production, manufacturing or appropriate services on those subcontracts in labor surplus areas.

(4) Cooperate with other Federal departments and agencies in achieving the objectives of this policy.

(f) Under DMP-4A, the Secretary of Commerce is required to:

(1) In cooperation with State economic development agencies, the Secretary of Defense, the Administrator of General Services, and the Administrator of the Small Business Administration, assist concerns which have agreed to perform contracts in labor surplus areas in obtaining Government procurement business by: (A) Providing such concerns with timely information on proposed Government procurements; and (B) maintaining current information on the manufacturing capabilities of such concerns with respect to Government procurement and disseminating such information to Federal departments and agencies.

(2) Urge concerns planning new production facilities to consider the advantages of locating in labor surplus areas.

(3) Provide technical advice and counsel to groups and organizations in labor surplus areas on planned industrial parks, industrial development organizations, expanding tourist business, and available Federal aids.

(g) Under DMP-4A, the Administrator of the Small Business Administration is required to make available to small business concerns in labor surplus areas all of its services, endeavor to ensure opportunity for maximum participation by such concerns in Government procurement, and give consideration to the needs of these concerns in the making of joint small business set asides with Government procurement agencies.

(h) Under DMP-4A, there is continued in operation within the Federal Preparedness Agency the Surplus Manpower Committee. The Committee is chaired by the Director of the Federal Preparedness Agency or the Director's designee. The Committee

includes representation from the Office of Federal Procurement Policy; Department of Defense; Department of Commerce; Department of Labor; General Services Administration; Small Business Administration; Department of Health, Education, and Welfare; Department of Housing and Urban Development; Department of Energy; and other interested departments and agencies. The Committee advises the Director, Federal Preparedness Agency, on policies, procedures, and activities in existence or needed to carry out the purpose of DMP-4A.

(i) When an entire industry that sells a significant portion of its production to the Government is generally depressed or has a significant proportion of its production units located in a labor surplus area, the Committee may make appropriate recommendations relative to that industry in lieu of recommendations relative to specific geographical areas. In such cases, after notice to and hearing of interested parties, the Director, Federal Preparedness Agency, gives consideration to appropriate measures applicable to the entire industry.

(j) Under DMP-4A, all Federal agencies are required to give consideration to labor surplus areas in the selection of sites for Government-financed facilities, including expansion, to the extent that such selection is consistent with existing law and essential economic and strategic factors that must also be taken into account.

#### § 654.3 Description of Executive Order 12073.

Executive Order 12073 also requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this order for classifying and designating labor surplus areas.

#### § 654.4 Definitions.

(a) "Assistant Secretary" shall mean Assistant Secretary for Employment and Training, U.S. Department of Labor.

(b) "Civil jurisdiction" shall mean:

(1) Cities of 50,000 or more population on the basis of the most recently available Bureau of the Census estimates; or

(2) Towns and townships in the States of New Jersey, New York, Michigan, and Pennsylvania of 50,000 or more population and which possess powers and functions similar to cities; or

(3) All counties, except those counties which contain any of the types of political jurisdictions defined in (1) and (2) above.

(4) All other counties are defined as "balance of county" (i.e., total county

less component cities and townships identified in (1) and (2) above).

(5) County equivalents which are towns in the States of Massachusetts, Rhode Island and Connecticut.

(c) "Labor surplus area" shall mean a civil jurisdiction that, in accordance with the criteria specified in § 654.5, has been classified as a labor surplus area for purposes of Defense Manpower Policy No. 4A.

(d) "Reference period" shall mean the two year period ending December 31 of the year prior to the May 1 annual date of eligibility determination.

#### § 654.5 Classification of labor surplus areas.

(a) *Basic criteria.* The Assistant Secretary shall classify a civil jurisdiction as a labor surplus area whenever, as determined by the Bureau of Labor Statistics, the average unemployment rate for the civilian labor force in the civil jurisdiction for the reference period is (1) 120 percent of the national average unemployment rate or higher for the reference period as determined by the Bureau of Labor Statistics, or (2) 10 percent or higher: *Provided, however,* That no civil jurisdiction shall be classified as a labor surplus area if the average unemployment rate for the reference period is less than 6.0 percent.

(b) In classifying civil jurisdictions within those standard metropolitan statistical areas and for central cities for which current population surveys (CPS) were used to determine annual unemployment data prior to January 1, 1978, the Assistant Secretary shall, until the end of Fiscal Year 1981, make determinations of the average unemployment rates in such jurisdictions so as to assure that eligibility is not denied by the termination of the use of such surveys.

(c) *Criteria for exceptional circumstances.* The Assistant Secretary, upon petition submitted by the appropriate State employment security agency, may classify a civil jurisdiction as a labor surplus area without regard to the reference period, whenever the civil jurisdiction meets or is expected to meet the unemployment tests established under § 654.5 (a) or (b) as a result of exceptional circumstances. For purposes of this paragraph, "exceptional circumstances" shall mean catastrophic events such as natural disasters, plant closings, and contract cancellations expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors.

#### § 654.6 Termination of classification.

(a) *Basic procedure.* The Assistant Secretary shall terminate the classification of a civil jurisdiction as a labor

surplus area after any year in which the Assistant Secretary determines that the criteria established under § 654.5 (a) and (b) are no longer met.

(b) *Procedure for exceptional circumstances.* The Assistant Secretary shall terminate the classification of a civil jurisdiction classified as a labor surplus area pursuant to the provisions of § 654.5(c) after any year in which the Assistant Secretary determines that the exceptional circumstances criteria of that paragraph are no longer met.

#### § 654.7 Publication of area classifications.

The Assistant Secretary shall publish annually a list of labor surplus areas together with geographic descriptions thereof.

#### § 654.8 Services to firms and individuals in labor surplus areas.

To carry out the purposes and policy objectives of Defense Manpower Policy No. 4A and Executive Order 10582, the Assistant Secretary shall cooperate with and assist the State employment service agencies and the Secretary of Commerce, as appropriate, to:

(a) Provide relevant labor market data and related economic information to assist in the initiation of industrial expansion programs in labor surplus areas;

(b) Identify upon request the skills and numbers of unemployed persons available for work in labor surplus areas, providing such information to firms interested in establishing new plants and facilities or expanding existing plants and facilities in such areas;

(c) Identify the occupational composition and skill requirements of industries contemplating locating in labor surplus areas and make such information available to training and apprenticeship agencies and resources in the community for purposes of appropriate training and skill development;

(d) Identify unemployed individuals in need of, and having the potential for, training in occupations and skills required by new or expanding industries and refer such individuals to appropriate training opportunities;

(e) Receive job openings on a voluntary basis and/or under the mandatory listing program provided by 38 U.S.C. 2012 and Executive Order 11701 and refer qualified unemployed workers to such openings, making appropriate efforts to refer to such openings qualified individuals who reside in the labor surplus area.

#### § 654.9 Filing of employment service-related complaints.

Employment service-related complaints arising under Subpart A of this Part may be filed directly with the ap-

appropriate Department of Labor regional office in accordance with the provisions at 20 CFR § 658.420-423. For purpose of § 658.421, a complainant filing a complaint under this subsection shall be deemed to have exhausted the State agency administrative remedies set forth at 20 CFR § 658.410-416.

#### Subpart B—Responsibilities Under Executive Order 10582

##### § 654.11 Purpose of subpart.

This subpart implements the responsibilities of the Secretary of Labor in determining areas of substantial unemployment in accordance with Executive Order 10582 issued pursuant to the Buy American Act, 41 U.S.C. 10a et seq.

##### § 654.12 Description of Executive Order 10582.

(a) Under the Buy American Act, heads of executive agencies are required to determine, as a condition precedent to the purchase by their agencies of materials of foreign origin for public use within the United States, (1) that the price of like materials of domestic origin is unreasonable, or (2) that the purchase of like materials of domestic origin is inconsistent with the public interest.

(b) Section 3(c) of Executive Order 10582 issued pursuant to the Buy American Act permits executive agencies to reject a bid or offer to furnish materials of foreign origin in any situation in which the domestic supplier, offering the lowest price for furnishing the desired materials, undertakes to produce substantially all of the materials in areas of substantial unemployment, as determined by the Secretary of Labor.

##### § 654.13 Determination of areas of substantial unemployment.

An area of substantial unemployment, for purposes of Executive Order 10582, shall be any area classified as a labor surplus area at § 654.5 of this Part pursuant to the procedures set forth at Subpart A of this Part.

##### § 654.14 Filing of employment service-related complaints.

Employment service-related complaints arising under Subpart B of this Part may be filed directly with the appropriate Department of Labor regional office in accordance with the provisions at 20 CFR § 658.420-423. For purposes of § 658.421, a complainant filing a complaint under this subsection shall be deemed to have exhausted the State agency administrative remedies set forth at 20 CFR § 658.410-416.

#### Subpart C—Transition Provisions

##### § 654.21 Interim classifications.

The transition from the quarterly classification of the March 3, 1978 regulations to the new annual classification system will not be fully accomplished until May 1, 1979. During the interim period, from January 1, 1979 through April 30, 1979, the list of labor surplus areas will be derived as follows:

(a) the list of labor surplus areas under the March 3, 1978 regulations for the quarter ending December 31, 1978 will remain in effect;

(b) the list will be supplemented by any additional labor surplus areas which would have qualified under the March 3, 1978 regulations for the first quarter of calendar year 1979; and

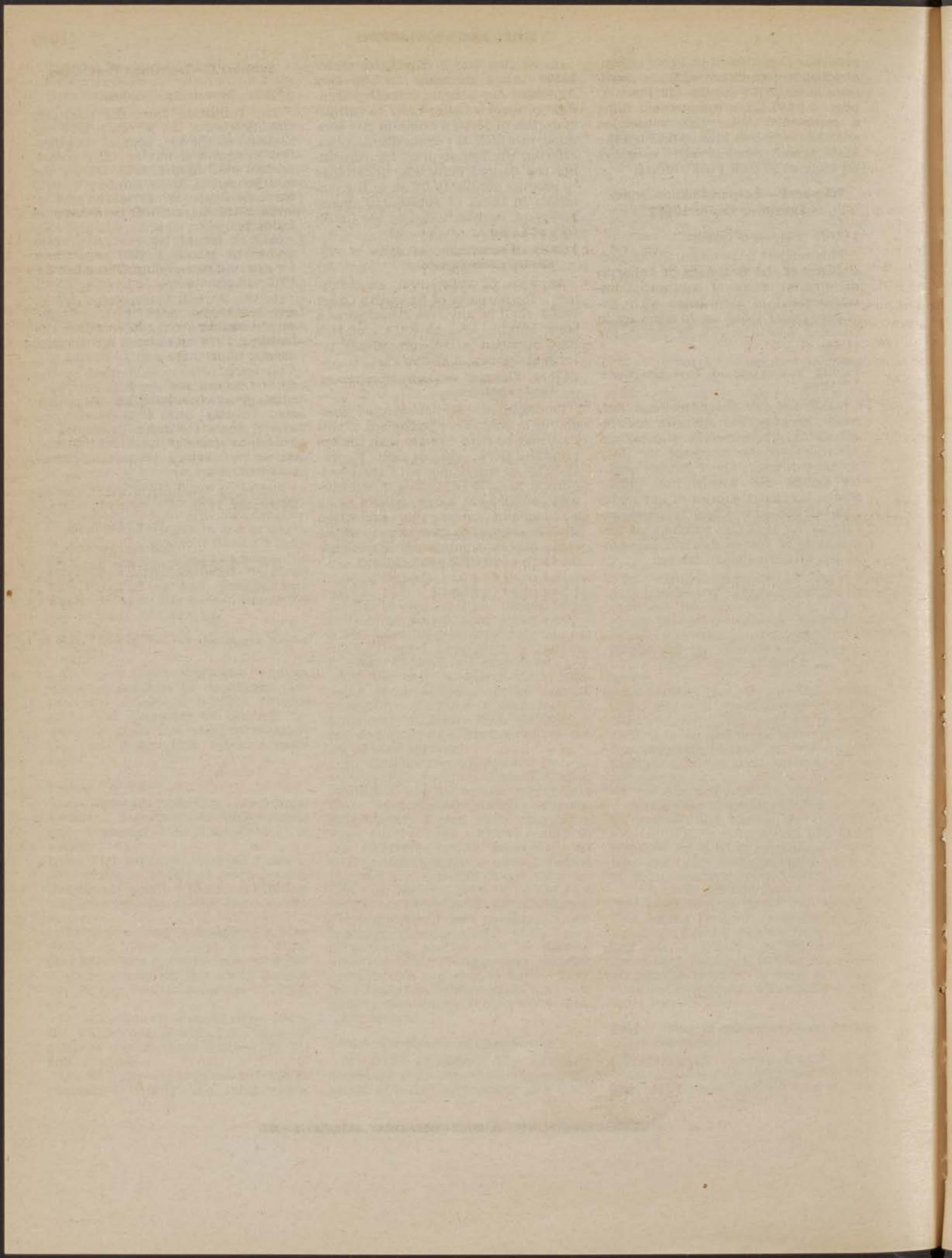
(c) upon petition submitted by the appropriate State employment security agency the Assistant Secretary may classify any civil jurisdiction which meets the basic provisions of § 654.5, as amended, based on the most recent satisfactory 12 months unemployment data.

Signed at Washington, D.C., on 29 December, 1978.

RAY MARSHALL,

Secretary of Labor.

[FR Doc. 79-397 Filed 1-2-79; 9:23 am]



# Federal Register

WEDNESDAY, JANUARY 3, 1979  
PART V



---

THE PRESIDENT

EXECUTIVE ORDERS  
12106-12110

WEDNESDAY, JANUARY 3, 1979

PART V



THE PRESIDENT

EXECUTIVE ORDERS  
12108-12110

Foreign Paper

# presidential documents

## Title 3—The President

Executive Order 12106

December 28, 1978

### Transfer of Certain Equal Employment Enforcement Functions

By the authority vested in me as President of the United States of America by Section 9 of Reorganization Plan No. 1 of 1978 (43 FR 19807), in order to effectuate the transfer of certain functions relating to the enforcement of equal employment programs, and in order to make certain technical amendments in other Orders to reflect this transfer of functions, it is hereby ordered as follows:

1-101. The transfer to the Equal Employment Opportunity Commission of certain functions of the Civil Service Commission, relating to enforcement of equal employment opportunity programs as provided by Sections 1, 2, 3 and 4 of Reorganization Plan No. 1 of 1978 (43 FR 19807), shall be effective on January 1, 1979.

1-102. Executive Order No. 11478, as amended, is further amended by deleting the preamble, by substituting "national origin, handicap, or age" for "or national origin" in the first sentence of Section 1, and revising Sections 3, 4, and 5 to read as follows:

"Sec. 3. The Equal Employment Opportunity Commission shall be responsible for directing and furthering the implementation of the policy of the Government of the United States to provide equal opportunity in Federal employment for all employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) and to prohibit discrimination in employment because of race, color, religion, sex, national origin, handicap, or age.

"Sec. 4. The Equal Employment Opportunity Commission, after consultation with all affected departments and agencies, shall issue such rules, regulations, orders, and instructions and request such information from the affected departments and agencies as it deems necessary and appropriate to carry out this Order.

"Sec. 5. All departments and agencies shall cooperate with and assist the Equal Employment Opportunity Commission in the performance of its functions under this Order and shall furnish the Commission such reports and information as it may request. The head of each department or agency shall comply with rules, regulations, orders and instructions issued by the Equal Employment Opportunity Commission pursuant to Section 4 of this Order."

1-103. Executive Order No. 11022, as amended, is further amended by revising Section I(b) to read as follows:

"(b) The Council shall be composed of the Secretary of Health, Education, and Welfare, who shall be Chairman, the Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of Veterans Affairs, the Director of the Office of Personnel Management, the Director of the Community Services Administration, and the Chairman of the Equal Employment Opportunity Commission."

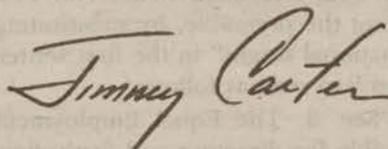
1-104. Executive Order No. 11480 of September 9, 1969, is amended by deleting "and the Chairman of the United States Civil Service Commission" in Section 4 and substituting therefor "Director of the Office of Personnel Management, and the Chairman of the Equal Employment Opportunity Commission".

1-105. Executive Order No. 11830 of January 9, 1975, is amended by deleting Section 2 and revising Section 1 to read as follows:

"In accord with Section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791) and Section 4 of Reorganization Plan No. 1 of 1978 (43 FR 19808), the Interagency Committee on Handicapped Employees is enlarged and composed of the following, or their designees whose positions are Executive level IV or higher:

- (1) Secretary of Defense.
- (2) Secretary of Labor.
- (3) Secretary of Health, Education, and Welfare, Co-Chairman.
- (4) Director of the Office of Personnel Management.
- (5) Administrator of Veterans Affairs.
- (6) Administrator of General Services.
- (7) Chairman of the Federal Communications Commission.
- (8) Chairman of the Equal Employment Opportunity Commission, Co-Chairman.
- (9) Such other members as the President may designate."

1-106. This Order shall be effective on January 1, 1979.



THE WHITE HOUSE,  
December 28, 1978.

[FR Doc. 78-36478 Filed 12-29-78; 2:24 pm]

[3195-01-M]

Executive Order 12107

December 28, 1978

## Relating to the Civil Service Commission and Labor-Management in the Federal Service

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, and by Section 403 of Reorganization Plan No. 2 of 1978 (43 FR 36037), it is hereby ordered as follows:

## SECTION 1

## IMPLEMENTATION OF REORGANIZATION PLAN NO. 2 OF 1978

1-1. *Office of Personnel Management.*

1-101. *Establishment of Office of Personnel Management.* The establishment of the Office of Personnel Management and of the positions of Director, Deputy Director, and Associate Directors of that Office, as provided in Sections 101 and 103 of Reorganization Plan No. 2 of 1978, shall be effective on January 1, 1979.

1-102. *Transfer of Functions.* Section 102 of Reorganization Plan No. 2 of 1978, transferring functions to the Director of the Office of Personnel Management, shall be effective on January 1, 1979.

1-2. *Merit Systems Protection Board.*

1-201. *Redesignation of Civil Service Commission.* The redesignation of the Civil Service Commission as the Merit Systems Protection Board and of the Commissioners as Members of the Board as provided in Section 201 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-202. *Functions of the Merit Systems Protection Board.* The functions of the Merit Systems Protection Board as provided in Section 202 and the savings provisions of Section 203 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-3. *The Special Counsel.*

1-301. *Establishment of the Office of Special Counsel.* The establishment of the Office of Special Counsel to the Merit Systems Protection Board as provided in Section 204(a) of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-302. *Functions of the Special Counsel.* The transfer of functions provided for in Section 204(b) and the performance of functions set forth in Section 204(c)-(g) of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-4. *The Federal Labor Relations Authority.*

1-401. *The Establishment of the Federal Labor Relations Authority and the Office of General Counsel.* The establishment of the Federal Labor Relations Authority as provided in Section 301 and of the Office of General Counsel of the Authority as provided in Section 302 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-402. *The Federal Service Impasses Panel.* The continuation of the Federal Service Impasses Panel established under Executive Order No. 11491, as amended, as a distinct organizational entity within the Federal Labor Relations Authority as provided in Section 303 of Reorganization Plan No. 2 of 1978, shall be effective on January 1, 1979.

1-403. *Functions of the Federal Labor Relations Authority, the General Counsel, and the Federal Service Impasses Panel.* The transfer of functions provided for in Section 304 of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

1-5. *General.*

1-501. *General Effective Date.* All other provisions of Reorganization Plan No. 2 of 1978 shall be effective on January 1, 1979.

SECTION 2

REDESIGNATIONS, AMENDMENTS TO RULES AND EXECUTIVE ORDERS AND GENERAL PROVISIONS

2-1. *Redesignations.*

2-101. *Office of Personnel Management.* Each of the Executive orders, as amended, listed in this Section under subsections (a) and (b), as applicable, and any other order which relates to functions or areas of responsibility delegated to the Office of Personnel Management, is amended and revised by substituting the words "Office of Personnel Management" for the words "Civil Service Commission" or "United States Civil Service Commission"; by substituting the word "Office" for the word "Commission" wherever the word "Commission" is used as a reference to United States Civil Service Commission; and by substituting the words "Director, Office of Personnel Management" for the words "Chairman, Civil Service Commission", "Chairman, United States Civil Service Commission", "Commissioners" or "Commissioner" wherever they appear.

(a) Executive orders relating to the Civil Service Rules, ethics and other matters of Presidential interest.

Executive Orders Numbered

8743

10577, as amended, except for

Rules IV and V, as amended in this order,

10641

10717

10927

11183

11222

11315

11451

11570

11639

11648

11721  
11935  
12004  
12014  
12043

(b) Other Executive orders relating to Federal Personnel Management, and membership on Councils, Boards, and Committees.

Executive Orders Numbered

8744  
9230  
9712  
9830  
9932  
9961  
10000  
10242  
10422  
10450  
10459  
10530  
10549  
10550  
10552  
10556  
10647  
10763  
10774, except for Section 3(e)  
10804  
10826  
10880  
10903  
10973  
10982  
11103  
11171  
11203  
11219  
11228  
11264  
11348  
11355  
11422  
11434  
11438  
11490  
11512  
11521  
11552  
11561  
11579  
11589  
11603

11609

11636

11639

11744

11817

11890

11895

11899

11938

11955

12008

12015

12027

12049

12067

12070

12089

12105

2-102, *Merit Systems Protection Board*. The provisions of Section 3(e) of Executive Order No. 10774 and Executive Order No. 11787, are hereby amended and revised by substituting the words "Merit Systems Protection Board" for the words "Civil Service Commission" or "Commission" when used as a reference to the Civil Service Commission wherever such words appear.

2-103. *Amending the Civil Service Rules*. Section 101 of Executive Order No. 10577, as amended, is further amended by substituting for Rule II—Appointment Through the Competitive System, a new Sec. 2.4 as follows:

"Sec. 2.4. *Probationary period*. Persons selected from registers of eligibles for career or career-conditional appointment and employees promoted, transferred, or otherwise assigned, for the first time, to supervisory or managerial positions shall be required to serve a probationary period under terms and conditions prescribed by the Office.";

by deleting the last sentence under Rule IV—Prohibited Practices, Sec. 4.3; and

by substituting for Rule V—Regulations, Investigations, and Enforcement, a new Rule V as follows:

"RULE V—REGULATIONS, INVESTIGATIONS, EVALUATION, AND ENFORCEMENT"

"Sec. 5.1. *Civil Service Regulations*. The Director, Office of Personnel Management, shall promulgate and enforce regulations necessary to carry out the provisions of the Civil Service Act and the Veterans' Preference Act, as reenacted in Title 5, United States Code, the Civil Service Rules, and all other statutes and Executive orders imposing responsibilities on the Office. The Director is authorized, whenever there are practical difficulties and unnecessary hardships in complying with the strict letter of the regulation, to grant a variation from the strict letter of the regulation if such a variation is within the spirit of the regulations, and the efficiency of the Government and the integrity of the competitive service are protected and promoted. Whenever a variation is granted the Director shall note the official record to show: (1) the particular practical difficulty or hardship involved, (2) what is permitted in place of what is required by regulation, (3) the circumstances which protect or promote the efficiency of the Government and the integrity of the competitive service, and (4) a statement limiting the application of the variation to the continuation of the conditions which gave rise to it. Like variations shall be granted whenever like conditions exist. All such decisions and information concerning variations noted in the official record shall be published promptly

in a Federal Personnel Manual, Letter or Bulletin and in the Director's next annual report.

"Sec. 5.2. *Investigation and Evaluations.* The Director may secure effective implementation of the civil service laws, rules, and regulations, and all Executive orders imposing responsibilities on the Office by:

(a) Investigating the qualifications and suitability of applicants for positions in the competitive service. The Director may require appointments to be made subject to investigation to enable the Director to determine, after appointment, that the requirements of law or the civil service rules and regulations have been met.

(b) Evaluating the effectiveness of: (1) personnel policies, programs, and operations of Executive and other Federal agencies subject to the jurisdiction of the Office, including their effectiveness with regard to merit selection and employee development; (2) agency compliance with and enforcement of applicable laws, rules, regulations and office directives; and (3) agency personnel management evaluation systems.

(c) Investigating, or directing an agency to investigate and report on, apparent violations of applicable laws, rules, regulations, or directives requiring corrective action, found in the course of an evaluation.

(d) Requiring agencies to report, in a manner and at times as the Director may prescribe, personnel information the Director requests relating to civilian employees in the Executive branch of the Government, as defined by Section 311 of the Civil Service Reform Act of 1978, including positions and officers and employees in the competitive, excepted and Senior Executive services, whether permanent, career-conditional, temporary or emergency.

"Sec. 5.3. *Enforcement.*

(a) The Director is authorized to ensure enforcement of the civil service laws, rules, and regulations, and all applicable Executive orders, by:

(1) Instructing an agency to separate or take other action against an employee serving an appointment subject to investigation when the Director finds that the employee is disqualified for Federal employment. Where the employee or the agency appeals the Director's finding that a separation or other action is necessary, the Director may instruct the agency as to whether or not the employee should remain on duty and continue to receive pay pending adjudication of the appeal: *Provided*, That when an agency separates or takes other action against an employee pursuant to the Director's instructions, and the Director, on the basis of new evidence, subsequently reverses the initial decision as to the employee's qualifications and suitability, the agency shall, upon request of the Director, restore the employee to duty or otherwise reverse any action taken.

(2) Reporting the results of evaluation or investigations to the head of the agency concerned with instructions for any corrective action necessary, including cancellation of personnel actions where appropriate. The Director's findings resulting from evaluations or investigations are binding unless changed as a result of agency evidence and arguments against them. If, during the course of any evaluation or investigation under this Section, the Director finds evidence of matters which come within the investigative and prosecutorial jurisdiction of the Special Counsel of the Merit Systems Protection Board, the Director shall refer this evidence to the Special Counsel for appropriate disposition.

(b) Whenever the Director issues specific instructions as to separation or other corrective action with regard to an employee, including cancellation of a personnel action, the head of the agency concerned shall comply with the Director's instructions.

(c) If the agency head fails to comply with the specific instructions of the Director as to separation or other corrective action with regard to an employee, including cancellation of a personnel action, the Director may certify to the Comptroller General of the United States the agency's failure to act together with such additional information as the Comptroller General may require, and shall furnish a copy of such certification to the head of the agency concerned. The individual with respect to whom such separation or other corrective action was instructed shall be entitled thereafter to no pay or only to such pay as appropriate to effectuate the Director's instructions.

"Sec. 5.4 *Information and Testimony*. When required by the Office, the Merit Systems Protection Board, or the Special Counsel of the Merit Systems Protection Board, or by authorized representatives of these bodies, agencies shall make available to them, or to their authorized representatives, employees to testify in regard to matters inquired of under the civil service laws, rules, and regulations, and records pertinent to these matters. All such employees, and all applicants or eligibles for positions covered by these rules, shall give to the Office, the Merit Systems Protection Board, the Special Counsel, or to their authorized representatives, all information, testimony, documents, and material in regard to the above matters, the disclosure of which is not otherwise prohibited by law or regulation. These employees, applicants, and eligibles shall sign testimony given under oath or affirmation before an officer authorized by law to administer oaths. Employees are performing official duty when testifying or providing evidence pursuant to this section.

2-104. *Effectiveness of Rule Changes*. The amendments to rules shall be effective on January 1, 1979, to the extent provided by law on that date.

2-2. *Revocation of Executive Orders and Delegation of Functions*.

2-201. *Revocation of Executive Orders and Delegation of Functions to the Director*. Executive Orders numbered 10540 and 10561 are revoked and the authority vested in the President by Section 202(c)(1)(C) of the Annual Sick Leave Act of 1951, as amended, and the authority of the President, pursuant to the Civil Service Act of January 16, 1883, to designate official personnel folders in government agencies as records of the Office of Personnel Management and to prescribe regulations relating to the establishment, maintenance and transfers of official personnel folders, are delegated to the Director of the Office of Personnel Management. Any rules, regulations, directives, instructions or other actions taken pursuant to the authority delegated to the Director of the Office of Personnel Management shall remain in effect until amended, modified, or revoked pursuant to the delegations made by this Order.

2-202. *Savings Provision*. All personnel actions and decisions affecting employees or applicants for employment made on or before January 11, 1979 shall continue to be governed by the applicable Executive order, and the rules and regulations implementing that Order, to the same extent as if that Executive order had not been revoked effective January 11, 1979 unless amended, modified or revoked pursuant to this Order.

2-3. *Labor Management Relations in the Federal Service*.

2-301. *Labor Management Relations*. Executive Order No. 11491 of October 29, 1969, as amended by Executive Orders numbered 11616, 11636, 11838, 11901, and 12027, relating to labor-management relations in the Federal service, is further amended as follows:

1. Subsections (g), (h) and (i) of Section 2 are amended and a new subsection (j) is added to read as follows:

"(g) 'Authority' means the Federal Labor Relations Authority;

"(h) 'Panel' means the Federal Service Impasses Panel;

“(i) ‘Assistant Secretary’ means the Assistant Secretary of Labor for Labor Management Relations; and

“(j) ‘General Counsel’ means the General Counsel of the Authority.”.

2. Section 3(b) is amended—

(a) by substituting for paragraph (6) the following:

“(6) The Tennessee Valley Authority; or”; and

(b) by adding the following:

“(7) Personnel of the Federal Labor Relations Authority (including the Office of the General Counsel and the Federal Service Impasses Panel).”.

3. Section (d) is amended to read as follows:

“(d) Employees engaged in administering a labor-management relations law or this Order who are otherwise authorized by this Order to be represented by a labor organization shall not be represented by a labor organization which also represents other groups of employees under the law or this Order, or which is affiliated directly or indirectly with an organization which represents such a group of employees.”.

4. Section 4 is amended to read as follows:

“Sec. 4. *Powers and Duties of the Federal Labor Relations Authority.*

“(a) [Revoked].

“(b) The Authority shall administer and interpret this Order, decide major policy issues, and prescribe regulations.

“(c) The Authority shall, subject to its regulations:

(1) decide questions as to the appropriate unit for the purpose of exclusive recognition and related issues submitted for its considerations;

(2) supervise elections to determine whether a labor organization is the choice of a majority of the employees in an appropriate unit as their exclusive representative, and certify the results;

(3) decide questions as to the eligibility of labor organizations for national consultation rights;

(4) decide unfair labor practice complaints; and

(5) decide questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement as provided in Section 13(d) of this Order.

“(d) The Authority may consider, subject to its regulations:

(1) appeals on negotiability issues as provided in Section 11(c) of this Order;

(2) exceptions to arbitration awards;

(3) appeals from decisions of the Assistant Secretary of Labor for Labor-Management Relations issued pursuant to Section 6(b) this Order; and

(4) other matters it deems appropriate to assure the effectuation of the purposes of this Order.

“(e) In any matters arising under subsection (c) and (d)(3) of this Section, the Authority may require an agency or a labor organization to cease and desist from violations of this Order and require it to take such affirmative action as the Authority considers appropriate to effectuate the policies of this Order.

“(f) In performing the duties imposed on it by this Section, the Authority may request and use the services and assistance of employees of other agencies in accordance with Section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686).”.

5. The caption of Section 5 is amended to read as follows:

“Sec. 5. *Powers and Duties of the Federal Service Impasses Panel.*”

6. Section 5(a) is amended:

(a) by substituting the words "a distinct organizational entity within the Authority" for the words "an agency within the Council" in the first sentence; and

(b) by substituting the word "Authority" for the word "Council" in the third sentence.

7. Section 6 is amended to read as follows:

"Sec. 6. *Powers and Duties of the Office of the General Counsel and the Assistant Secretary of Labor for Labor-Management Relations.*

"(a) The General Counsel is authorized, upon direction by the Authority, to:

(1) investigate complaints of violations of Section 19 of this Order;

(2) make final decisions as to whether to issue unfair labor practice complaints and prosecute such complaints before the Authority;

(3) direct and supervise all employees in the Office of General Counsel, including employees of the General Counsel in the regional office of the Authority;

(4) perform such other duties as the Authority may prescribe; and

(5) prescribe regulations needed to administer his functions under this Order.

"(b) The Assistant Secretary shall:

(1) decide alleged violations of the standards of conduct for labor organizations, established in Section 18 of this Order; and

(2) prescribe regulations needed to administer his functions under this Order.

"(c) In any matter arising under paragraph (b) of this Section, the Assistant Secretary may require a labor organization to cease and desist from violations of this Order and require it to take such affirmative action as he considers appropriate to effectuate the policies of this Order.

"(d) In performing the duties imposed on them by this Section, the General Counsel and the Assistant Secretary may request and use the services and assistance of employees of other agencies in accordance with Section 1 of the Act of March 4, 1915 (38 Stat. 1084, as amended; 31 U.S.C. 686)."

8. Section 9 is amended:

(a) by substituting the word "Authority" for the word "Council" in the first sentence of subsection (a); and

(b) by substituting the word "Authority" for the words "Assistant Secretary" in subsection (c).

9. Section 10 is amended:

(a) by substituting the word "Authority" for the words "Assistant Secretary" in the last sentence of subsection (b); and

(b) by substituting the word "Authority" for the words "Assistant Secretary" and the word "it" for the word "him", in the first sentence of subsection (d).

10. Section 11 is amended:

(a) by substituting the word "Authority" for the word "Council" in the first sentence of subsection (a); and

(b) by substituting the word "Authority" for the word "Council" in paragraph (4) of subsection (c).

11. Section 11(d) is revoked.

12. Section 13 is amended:

(a) by substituting the word "Authority" for the word "Council" in the third sentence of subsection (b); and

(b) by substituting the word "Authority" for the words "Assistant Secretary" in the first and second sentence of subsection (d).

13. Section 19(d) is amended by substituting the word "Authority" for the words "Assistant Secretary" in the last sentence.

14. Section 21(a) is amended by substituting the words "Office of Personnel Management" for the words "Civil Service Commission" in the second sentence.

15. Section 22 is amended:

(a) by substituting the words "Office of Personnel Management" for the words "Civil Service Commission" in the first sentence and

(b) by substituting the words "Merit Systems Protection Board" for the words "Civil Service Commission" in the second and third sentences.

16. Section 25(a) is amended:

(a) by substituting the words "Office of Personnel Management" for the words "Civil Service Commission" in the first, second and third sentences; and

(b) by substituting the word "Authority" for the word "Council" in the third sentence.

17. Section 25(b) is amended by substituting the words "Office of Personnel Management" for the words "Department of Labor and Civil Service Commission."

#### 2-4. *General Provisions.*

2-401. *Study and Report Provisions.* The Director of the Office of Personnel Management is directed to conduct a study of Executive orders listed in Section 2-101(a) and (b) and to coordinate the study with such other agencies as may be named in or affected by these orders. The Director of Personnel Management and the Director of the Office of Management and Budget are directed to submit a report on or before July 1, 1981 to the President concerning the performance of functions specified in these Executive orders and any other Executive orders affecting the functions or responsibilities of the Office of Personnel Management. The report shall contain specific detailed recommendations for the continuation, modification, revision or revocation of each Executive order.

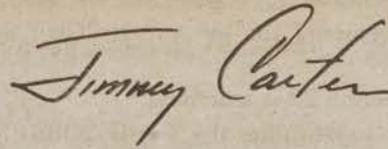
2-402. *Continuing Effect of this Order.* Except as required by the Civil Service Reform Act of 1978 as its provisions become effective, in accord with Section 7135 of Title 5, United States Code, as amended, and in accord with Section 902(a) of that Act, the provisions of this Order shall continue in effect, according to its terms, until modified, terminated or suspended.

2-403. *Transfers and Determinations.*

(a) The records, property, personnel and positions, and unexpended balances of appropriations or funds related to Civil Service Commission functions reassigned by this Order that are available, or to be made available, and necessary to finance or discharge the reassigned functions are transferred to the Director of the Office of Personnel Management, the Federal Labor Relations Authority, or the Federal Service Impasses Panel, as appropriate.

(b) The Director of the Office of Management and Budget shall make such determinations, issue such Orders and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property and personnel.

2-404. *Effective Date.* Except as otherwise specifically provided in this Order, this Order shall be effective on January 1, 1979.

A handwritten signature in cursive script that reads "Jimmy Carter". The signature is written in dark ink and is positioned in the upper right quadrant of the page.

THE WHITE HOUSE,  
December 28, 1978.

[FR Doc. 78-36479 Filed 12-29-78; 2:25 pm]

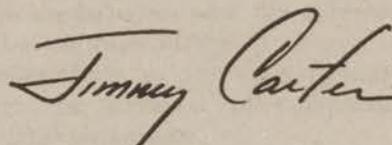
[3195-01-M]

Executive Order 12108

December 28, 1978

## Employee Retirement Income Security Act Transfers

By the authority vested in me as President of the United States of America by Section 109 of Reorganization Plan No. 4 of 1978 (43 FR 47713), it is hereby ordered that the provisions of Reorganization Plan No. 4 of 1978 shall be effective on Sunday, December 31, 1978.



THE WHITE HOUSE,  
December 28, 1978.

[FR Doc. 78-36480 Filed 12-29-78; 2:26 pm]

December 15, 1951

Mr. J. Edgar Hoover

Director, Federal Bureau of Investigation

The subject herein is one in respect of the United States of America  
in Section 100 of the Constitution, Article I, Section 10, Clause 3, which  
provides that the Congress shall have the power to lay and collect  
duties on imports, exports and commodities on imports, and to regulate  
the commerce with foreign nations, among the several States, and with  
the Indian Tribes.



J. Edgar Hoover  
Director

Very truly yours,  
J. Edgar Hoover

[3195-01-M]

Executive Order 12109

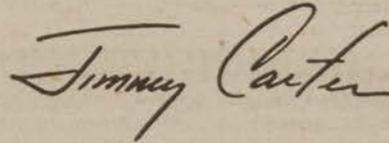
December 28, 1978

## Federal Physicians Comparability Allowance

By the authority vested in me as President of the United States of America by Section 5948 of Title 5 and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1-101. The Director of the Office of Personnel Management is hereby designated and empowered to exercise, in consultation with the Director of the Office of Management and Budget, the authority of the President under Section 5948 of Title 5 of the United States Code, to prescribe regulations, criteria, and conditions with regard to the payment of comparability allowances to recruit and retain certain Federal physicians.

1-102. Until the Office of Personnel Management is established (on or before January 1, 1979), pursuant to Reorganization Plan No. 2 of 1978 (43 FR 36037), the Civil Service Commission shall exercise the authority delegated under this Order to the Director of the Office of Personnel Management.



THE WHITE HOUSE,  
December 28, 1978.

[FR Doc 78-36481 Filed 12-29-78; 2:27 pm]

1917

The undersigned, being in possession of the original copy of the  
document, and having been duly sworn to the truth of the contents  
thereof, do hereby certify that the same is a true and correct  
copy of the original as the same appears in the files of the  
Department of the Interior, Bureau of Land Management, at  
Washington, D. C.

*[Handwritten Signature]*

Very truly yours,  
[Signature]

1917

[3195-01-M]

Executive Order 12110

December 28, 1978

## Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), it is hereby ordered as follows:

1-101. Each advisory committee listed below is continued until December 31, 1980.

(a) Committee for the Preservation of the White House—Executive Order No. 11145, as amended (Department of the Interior).

(b) President's Commission on White House Fellowships—Executive Order No. 11183, as amended (United States Civil Service Commission).

(c) President's Committee on the National Medal of Science—Executive Order No. 11287, as amended (National Science Foundation).

(d) President's Council on Physical Fitness and Sports—Executive Order No. 11562, as amended (Department of Health, Education, and Welfare).

(e) President's Export Council—Executive Order No. 11753 of December 20, 1973 (Department of Commerce).

(f) President's Committee on Mental Retardation—Executive Order No. 11776 of March 28, 1974 (Department of Health, Education, and Welfare).

(g) Federal Advisory Council on Occupational Safety and Health—Executive Order No. 11807 of September 28, 1974 (Department of Labor).

(h) Presidential Advisory Board on Ambassadorial Appointments, Executive Order No. 11970 of February 5, 1977 (Department of State).

(i) Committee on Selection of Federal Judicial Officers—Executive Order No. 11992 of May 24, 1977 (Department of Justice).

(j) United States Circuit Judge Nominating Commission—Executive Order No. 12059, as amended (Department of Justice).

(k) United States Court of Military Appeals Nominating Commission—Executive Order No. 12063 of June 5, 1978 (Department of Defense).

(l) United States Tax Court Nominating Commission—Executive Order No. 12064 of June 5, 1978 (Department of the Treasury).

(m) Judicial Nominating Commission for the District of Puerto Rico—Executive Order No. 12084, as amended (Department of Justice).

1-102. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the committees listed in Section 1-101 of this Order, except that of reporting annually to Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with guidelines and procedures established by the Administrator of General Services.

1-103. The following Executive orders, that established committees which have terminated or whose work is completed, are revoked:

(a) Executive Order No. 11482 of September 22, 1969, establishing a Construction Industry Collective Bargaining Commission.

(b) Executive Order No. 11849 of April 1, 1975, establishing the Collective Bargaining Committee in Construction.

(c) Executive Order No. 11534 of June 4, 1970, establishing the National Council on Organized Crime.

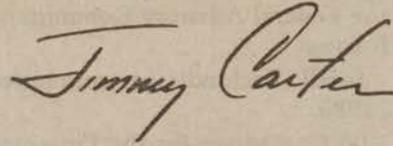
(d) Executive Order No. 11971, as amended, establishing the Committee on Selection of the Director of the Federal Bureau of Investigation.

(e) Executive Order No. 11973 of February 17, 1977, establishing the President's Commission on Mental Health.

(f) Executive Order No. 11998 of June 27, 1977, establishing the President's Commission on Military Compensation.

1-104. Executive Order No. 11948 is superseded.

1-105. This Order shall be effective December 31, 1978.



THE WHITE HOUSE,  
December 28, 1978.

[FR Doc. 78-36482 Filed 12-29-78; 2:28 pm]