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federal register

THURSDAY, MARCH 22, 1979

highlights

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 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

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Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 458; Navel Orange Reg. 457, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period March 23-29, 1979, and increases the quantity of such oranges that may be so shipped during the period March 16-22, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective March 23, 1979, and the amendment is effective for the period March 16-22, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, (202) 447-6393.

SUPPLEMENTARY INFORMATION:

FINDINGS

This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. it is hereby found that this action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on March 20, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges continues to be reasonably firm on all sizes and grades.

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

§ 907.758 Navel Orange Regulation 458.

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

(1) District 1: 935,000 cartons;

(2) District 2: 165,000 cartons;

(3) District 3: Unlimited.

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

§ 907.757 [Amended]

2. Paragraph (a)(1) in § 907.757 Navel Orange Regulation 457 (44 FR 15741), is hereby amended to read:

"(1) District 1: 950,000 cartons."

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

Dated: March 21, 1979.

CHARLES R. BRADER,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-9051 Filed 3-21-79; 11:46 am]

[3410-05-M]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1978 Crop Farm Stored Peanut Loan and Purchase Program

AGENCY: Commodity Credit Corporation.

ACTION: Final Rule.

SUMMARY: The purpose of this rule is to set forth for 1978 crop farm stored peanuts (1) the loan and purchase availability dates for quota peanuts, (2) loan availability dates for additional peanuts, (3) the maturity dates, (4) loan and purchase rates on peanuts, (5) location adjustments, and (6) support levels. This rule is needed in order to provide price support on 1978 crop farm stored peanuts.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20013, (202) 447-6611.

SUPPLEMENTARY INFORMATION: A 1978 Crop Peanut Warehouse Storage Loan Supplement was published in the FEDERAL REGISTER on May 18, 1978, (43 FR 21425) establishing the national average support level for the 1978 crop of quota peanuts at $420 per ton.

Section 403 of the Agricultural Act of 1949, as amended, provides that appropriate adjustments may be made in the level at which peanuts will be supported based on type and other factors.

On June 21, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 26587). This notice announced that the Commodity Credit Corporation ("CCC") was preparing to make determinations and issue regulations for 1978 crop peanuts and to adjust loan and purchase rates for differences in types and other factors, and invited the public to submit written comments.

Six comments were received in response to the notice. Two sheller associations and one State farm bureau recommended adoption of the differentials set forth in the proposed rule for 1978 crop peanuts. Three individuals recommended that the peanut price support program be abolished.

After considering the comments received, it was determined that the rates, premiums, and discounts proposed in the FEDERAL REGISTER as to warehouse storage loans on June 21, 1978, should be adopted for farm stored peanuts so that all producers will be treated fairly.

The basic rates applicable to warehouse storage loans shall also be applicable for farm stored loans.

FINAL RULE

The regulations in 7 CFR § 1421.291 through 1421.295 and the title of the subpart are revised to read as follows, effective for the 1978 crop of farm stored peanuts. The material previously appearing in this subpart remains in full force and effect as to prior crop years.

Subpart—1978 Crop Farm Stored Peanut Loan and Purchase Program

Sec.
1421.291 Purpose.
1421.292 Availability.
1421.293 Maturity of loans.
1421.294 Loan and purchase rates.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 101, 108, 401, 403, and 405, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1445, 1421).

§ 1421.291 Purpose.

The provisions of this Subpart, together with the applicable provisions of the General Regulations Governing Price Support for the 1978 and Subsequent Crops of Grains and Similarly Handled Commodities, (44 FR 2353, and 3451) and the provisions of the 1978 and Subsequent Crops Peanut Farm Stored Loan and Purchase Supplement, as amended (hereinafter referred to as "the continuing supplement"), which contain regulations of a general nature with respect to loan and purchase operations, apply to loans and purchases for the 1978 crop of farm stored peanuts.

§ 1421.292 Availability.

(a) *Loans.* Requests for loans must be submitted by producers to the appropriate county ASCS office on 1978 crop farm stored eligible additional peanuts on or before January 31, 1979, and for 1978 crop farm stored eligible quota peanuts on or before March 31, 1979.

(b) *Purchases.* Producers desiring to offer for purchase 1978 crop eligible quota peanuts not under loan must execute and deliver to the appropriate county ASCS office, on or before April 30, 1979, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of peanuts to be sold to CCC. Additional peanuts are not eligible for purchases.

§ 1421.293 Maturity of loans.

Unless demand is made earlier, loans on additional and quota peanuts will mature on April 30, 1979.

§ 1421.294 Loan and purchase rates.

(a) *Loan and purchase rates.* Subject to the discounts specified in paragraph (b) of this section, the loan and purchase rates for quota peanuts placed under farm stored loan or purchase shall be the following rates by types per ton:

Type	Dollar per ton
Virginia	421
Runner	423
Southeast Spanish	405
Southwest Spanish	405
Valencia	405

Loans on additional peanuts shall be made at 59.52 percent of the quota support rate.

(b) *Location adjustment to support prices.* The loan and purchase rates specified in paragraph (a) of this section shall be subject to the following discounts for farmers' stock peanuts placed under a farm stored loan in the States specified where peanuts are not customarily shelled or crushed:

State	Dollars per ton
Arizona	25
Arkansas	10
California	33
Louisiana	7
Mississippi	10
Missouri	10
Tennessee	25

(c) *Settlement values.* The support prices, premiums, and discounts for use in computing the settlement value, under § 1421.289(b)(2) of the continuing supplement, of peanuts acquired by CCC under loan or purchase shall be those specified in § 1446.12 of the 1978 crop peanut warehouse storage loan supplement, including the location adjustment specified therein for peanuts delivered to CCC in States where peanuts are not customarily shelled or crushed.

NOTE.—This regulation has been determined not significant under USDA criteria implementing Executive Order 12044 and contains necessary operating decisions needed to implement the national average peanut price support rates announced February 15, 1978. An approved Final Impact Statement is available from Kay Wygal, ASCS, (202) 447-6695.

Signed at Washington, D.C. on March 14, 1979.

S. N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-8743 Filed 3-21-79; 8:45 am]

[3410-05-M]

[CCC Grain Price Support Regulations, 1978 Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1978 Crop Oats Loan and Purchase Program; Corrections

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Correction of Final Rule.

SUMMARY: This action corrects a previous FEDERAL REGISTER document (FR Doc. 79-1651) beginning at page 3680 of the issue for Thursday, January 18, 1979, which provided the weighted average loan and purchase rate for selected States for the 1978 crop of oats. The "Weighted avg. for State" (of Michigan) in § 1421.274(a) continued on page 3683 in the first column is corrected by changing the "$1.07" Rate per bushel to read "$1.08."

EFFECTIVE DATE: January 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Merle Strawderman, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20515, (202) 447-7973.

Dated: March 14, 1979.

RAY FITZGERALD,
Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-8745 Filed 3-21-79; 8:45 am]

[3410-05-M]

[CCC Grain Price Support Regulations, 1978 Crop Barley Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1978 Crop Barley Loan and Purchase Program; Corrections

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Correction of Final Rule.

SUMMARY: This action corrects a previous FEDERAL REGISTER document (FR Doc. 79-1653), beginning at page 3670 of the issue for Thursday, January 18, 1979, which provided the weighted average loan and purchase rate for selected States for the 1978 crop of barley. The "Weighted avg. for State" (of Nebraska) in §1421.76(a) continued on page 3672 in the second column is corrected by changing the "$1.52" Rate per bushel to read "$1.55."

EFFECTIVE DATE: January 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Merle E. Strawderman, Price Support and Loan Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20515, (202) 447-7973.

Dated: March 14, 1979.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 79-8746 Filed 3-21-79; 8:45 am]

[3410-05-M]

[Honey Price Support Regulations, Amendment 1]

PART 1434—HONEY

Subpart—Honey Price Support Regulations for 1977 and Subsequent Crops

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule provides (1) that individual producers may obtain an individual farm stored loan on their honey which is stored with other producers' honey in the same storage structures, (2) producers may request that farm stored honey loans not be called because of incorrect certification under certain conditions, (3) that producers may request that farm stored honey loans not be called because of initial unauthorized removal under certain conditions, (4) that CCC will not accept delivery of any quantity in excess of 110 percent of the measured or certified loan quantity, and (5) that CCC will not accept settlement of any quantity in excess of 110 percent of the quantity shown on the Purchase Agreement. This rule is needed so that producers and others will be aware of program changes.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Dalton J. Ustynik, ASCS, (202) 447-6611.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking concerning the detailed operating provisions to carry out the honey price support program was published in the FEDERAL REGISTER on February 2, 1978 (43 FR 4437). No comments were received. It has been determined that operating provisions will be changed to provide (1) that individual producers may obtain an individual loan on honey stored with other producers in the same storage structure, (2) that producers may request that farm stored loans not be called because of incorrect certification in certain conditions (3) that producers may request that farm stored loans not be called because of initial unauthorized removal under certain conditions, (4) that CCC will not accept delivery of any quantity in excess of 110 percent of the measured or certified quantity and (5) that CCC will not accept delivery of any quantity in excess of 110 percent of the quantity shown on the Purchase Agreement. Such changes are being made so that honey producers will have the same benefits as producers of other price supported commodities.

7 CFR Part 1434 is amended as follows, effective as follows effective as to the 1978 and subsequent crops. The material previously appearing in these sections remains in full force and effect as to the crop years to which it was applicable.

FINAL RULE

1. In order to provide that individual producers may obtain an individual farm stored loan on their honey which is stored with other producers' honey in the same farm storage structure, section 1434.3(f) is amended to read as follows:

§ 1434.3 Eligible producers.

* * * * *

(f) *Joint loans.* Two or more eligible producers may obtain a joint loan on eligible honey produced and extracted by them if stored in the same farm storage facility except that in lieu of obtaining a joint loan, producers may obtain individual loans on the producer's share of the honey stored in separate containers if the producer obtains an agreement from other producers having honey stored in the facility stating that they are aware that a portion of the honey in the storage facility is under loan and they will obtain permission from the county office prior to removing any honey from the facility. Two or more producers may obtain a warehouse storage loan, if the warehouse receipt is issued jointly to such producers. Each producer who is a party to a joint loan will be jointly and severally responsible and liable for the breach of the obligations set forth in the loan documents and in the applicable regulations in this subpart.

2. In order to correct a format of paragraph 1434(a) and to provide that producers may request that loans not be called in case of incorrect certification under certain conditions that producers may request that farm stored loans not be called because of initial unauthorized removal under certain conditions, sections 1434.24 (a), (g), and (h) are amended as follows:

§ 1434.24 Quantity for farm storage loan.

(a) *Maximum loan amount.* Farm storage loans shall not be made on more than a percentage (hereinafter called the "loan percentage"), as established by the State committee, of the certified or measured quantity of the eligible honey stored in approved farm storage and covered by the note and security agreement. The maximum loan percentage shall not exceed 90 percent of the measured or certified quantity. The State committee shall establish the loan percentage each year on a statewide basis or for specified areas within the State. Prior to the establishment of a loan percentage, the State committee shall consider conditions in the State or areas within a State to determine if the loan percentage should be below the maximum loan percentage in order to provide CCC with the adequate protection. (1) Loan percentages previously determined shall be lowered if warranted by changed conditions but new loan percentages shall apply only to new loans and not to loans already made. Factors to be considered by the State committee in determining the loan percentages are: (i) general honey producing conditions, (ii) factors affecting quality peculiar to an area or State, and (iii) climatic conditions affecting storability. (2) The loan percentages established by the State committee may be lowered by the County committee on an individual producer basis when determined to be necessary in order to provide CCC with adequate protection. Factors to be considered by the county committee are: (i) Condition or suitability of the storage structure, (ii) condition of the commodity,

(iii) hazardous location of the storage structure, such as a location which exposes the structure to danger of flood, fire, and theft by a person not entrusted with possession of the honey and occurring without the knowledge and consent (express or implied) of the producer (when the percentage is lowered for one or more of these hazards, the producer shall be notified in writing that CCC will not assume any loss or damage to the loan collateral resulting from the particular hazards to which the structure was exposed), (iv) disagreement on the quantity, (v) producers who have been approved under § 1434.3(e), and (vi) factors peculiar to individual farms or producers as reported by the commodity loan inspector or as known to the county office which relate to the preservation or safety of the loan collateral. Farm storage loans may be made on less than the maximum quantity eligible for loan at the producer's request. In any event, the mortgage shall cover all of the honey in the lot on which the loan is made is stored.

* * * * *

(g) *Producer incorrect certification.* (1) If the county committee determines, by measurement or otherwise, that the actual quantity serving as collateral for a loan based on certification by the producer is less than the loan quantity, the county committee shall call the loan. The producer shall have 10 days to settle the loan except that the producer may request reconsideration of the call and provide information regarding the circumstances leading to the incorrect certification. The county committee may approve the producers request if (i) the circumstances are of a highly meritorious nature, (ii) the producer acted in good faith, (iii) the producer did not knowingly provide an incorrect certification and made a reasonable attempt to determine the quantity and (iv) the producer repays the overdisbursement. If the loan is called, the county committee may refuse to approve any further farm-stored loans for the producer on honey through the end of the next crop year after the crop year in which the incorrect certification was made and, if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request the Office of the Inspector General of the United States Department of Agriculture (hereinafter referred to as OIG) to make an investigation.

(2) If the producer has incorrectly certified such quantities on more than one occasion, the county committee shall call the loan(s) involved and approve no further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the incorrect certification was made. If the county committee feels the seriousness of the matter so justifies, they may deny further farm stored loans to the producer for more than one year. They may also refer the case to the State committee which may request OIG to make an investigation.

(h) *Unauthorized removal.* If there has been unauthorized removal of any part of farm stored collateral, the county committee shall, on the first offense, call the loan involved. The producer shall have 10 days to settle the loan except that the producer may request reconsideration of the call and provide information regarding the circumstances leading to the unauthorized removal. The county committee may approve the producers request if, (1) the circumstances leading to the unauthorized removal are of a highly meritorious nature, (2) the producer acted in good faith, (3) the producer did not knowingly remove the commodity under loan and (4) the producer repays the loan on the quantity removed. If the loan is called, the county committee may refuse to approve any further farm stored loans for the producer on honey through the end of the next crop year after the crop year in which the authorized removal occurred, and if the county committee feels the seriousness of the matter justifies such action, refer the case to the State committee which may request an OIG investigation by the Office of Inspector General. If the unauthorized removal is the second offense, the county committee shall: Call the loan involved and approve no further farm stored loans for the producer on any commodity through the end of the next crop year after the crop year in which the unauthorized removal occurred. The county committee may also, if they feel the seriousness of the matter so justifies, deny farm stored loans to the producer for more than one year and may also refer the case to the State committee which may request an OIG investigation.

3. In order to provide that CCC will not accept delivery on excess of 110 percent of the measured or certified quantity of farm stored honey, section 1434.26(a) is amended to read as follows:

§ 1434.26 Liquidation of farm storage loans

(a) *General.* In the case of farm storage loans, the producer is required to pay off the loan or deliver the honey under loan to CCC. Deliveries shall be made in accordance with written instructions issued by the county office which shall set forth the time and place of delivery. CCC will not accept delivery of any quantity in excess of the larger of (1) 110 percent of the measured or certified quantity or (2) a sufficient quantity of the commodity having a settlement value equal to 110 percent of the loan valued being settled. Settlement of the quantity determined shall be made as provided in § 1434.29. Delivery points shall be limited to those approved by the Kansas City ASCS Commodity Office.

4. In order to provide that CCC will not accept delivery of any quantity in excess of 110 percent of the quantity shown on the Purchase Agreement, section 1434.28(a) is amended as follows:

§ 1434.28 Purchase from producers.

(a) *Quantity eligible for purchase.* An eligible producer may sell to CCC any or all of the eligible honey which is not mortgaged to CCC under a farm storage loan or pledged to CCC under a warehouse storage loan: *Provided.* That the producer executes and delivers to the county office prior to the maturity date a Producer Agreement (Form CCC-614) indicating the approximate quantity of honey to be sold to CCC. The producer is not obligated, however, to complete the sale by delivery of any quantity of the honey to CCC. Delivery points for purchases from other than approved warehouse storage shall be limited to those approved by the Prairie Village ASCS Commodity Office. Settlement of the quantity not to exceed 110 percent of the quantity shown on the Purchase Agreement shall be made as provided in § 1434.29.

* * * * *

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421))

NOTE.—This rule has been determined not to be significant under the USDA criteria for implementing Executive Order 12044 and contains necessary operating decisions needed to implement the national average 1978 honey price support rates announced on April 3, 1978. An approved Final Impact Statement is available from Harry Sullivan, ASCS (202) 447-7981.

Signed at Washington, D.C., on March 14, 1979.

STEWART N. SMITH,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79-8744 Filed 3-21-79; 8:45 am]

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BY-PRODUCT MATERIAL, DOMESTIC LICENSING OF SOURCE MATERIAL, AND DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

Timely Notification of Discontinued Licensed Activities

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require licensees to notify the Commission when they decide to permanently discontinue all activities involving materials authorized under a license. This will allow NRC to terminate the license in an orderly and timely manner.

EFFECTIVE DATE: June 5, 1979.

NOTE.—The Nuclear Regulatory Commission has submitted this rule to the Comptroller General for review under the Federal Reports Act, as amended, 44 U.S.C. 3512. The date on which the rule becomes effective, unless advised to the contrary, accordingly reflects inclusion of the 45 day period which that statute allows for this review (44 U.S.C. 3512(c)(2)).

FOR FURTHER INFORMATION CONTACT:

Edward Podolak, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-443-5860.

SUPPLEMENTARY INFORMATION: NRC issues licenses for the use of byproduct, source, and special nuclear materials [1] under 10 CFR Parts 30, 40 and 70 respectively. The usual term for these licenses is five years. At five year intervals the licensee must submit an application for renewal of the license. If the application is found satisfactory after review by NRC, the license can be renewed for another five year term.

Under the present system, NRC sometimes does not discover that a licensee has discontinued a licensed program, and perhaps even vacated the premises, until an inspection or the end of the five year license term. The NRC needs to communicate with the licensees, on a timely basis, regarding disposition of the licensed material and cleanup of the facility.

In order to remedy this, on July 27, 1978, the NRC published for 45-days public comment proposed amendments (43 FR 32431) to Parts 30, 40 and 70 that would require licensees to notify NRC when they decide to permanently discontinue all activities involving materials authorized under a license. The FEDERAL REGISTER notice explained that this means all activities authorized under a license identified by a unique NRC license number and that notification is not required if only a part of a program is to be discontinued or if it is expected that a program will be reinstated before the license expires. For example, if an academic institution has several licenses and decides to permanently discontinue all activities authorized under one license, say a Part 35 medical program, the licensee will have to notify NRC. If the institution decides to discontinue that medical program, but believes it may reinstate the program before the license expires, notification to NRC will not be necessary. If the institution decides to discontinue a portion, but not all of the activities authorized under that Part 35 medical license, notification to NRC will not be necessary.

Copies of the proposed rule were sent to all NRC Parts 30, 40 and 70 licensees. Thirty-one comment letters were received. Nineteen commenters favored the proposal without qualification. Four commenters favored the proposal but suggested minor changes in the wording of the rule. Seven commenters objected to the proposal. The final rule is identical to the proposed rule except for removing the gender specific pronoun "he".

DISCUSSION OF COMMENTS

Three commenters objected to the proposed rule because of the paperwork burden.

The Commission believes that the time and expense of notifying NRC about a decision to discontinue a licensed program is minimal. Further, the Commission believes that beginning a dialogue with the licensee on a timely basis will save both parties the unnecessary expense of last minute or even after-the-fact decommissioning problems.

Two commenters objected to the proposed rule because of their concern about an individual licensee being unable to notify the NRC due to illness or death. One of these commenters questioned if a penalty would apply under these circumstances.

The number of individual licensees is small and they are usually medically-oriented so that the types of materials authorized involve small quantities of short-lived radioisotopes which would not present a long-term contamination problem. Penalties are not usually assessed for failure to notify NRC unless this failure results in a significant health hazard or threat to the common defense and security. The Commission does not believe that the possibility or consequence of a failure to notify NRC because of illness or death of a licensee warrants abandoning the rule.

One commenter suggested that a simple questionnaire regarding the status of each license would suffice.

The Commission believes that the cost of periodic questionnaires would far exceed the cost of the notification requirement. If a questionnaire is perceived as a nuisance, compliance would be low and the cost of NRC followup would be high.

One commenter suggested that the Commission encourage licensees to notify NRC by offering a prorated return of the license fee.

A prorated return of the license fee is not possible under the new fee-for-service system. Licensees are now charged separately for the cost of reviewing license applications, the cost of reviewing license amendment applications and the cost of inspections. Therefore, there is no unused portion of the application fee to refund to a licensee who decides to discontinue a program.

FINAL RULE

In accordance with §§ 30.6, 40.5 and 70.5, the written notification that will be required under these amendments should be addressed to the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 or may be delivered in person to the Commission's offices at 1717 H Street, NW., Washington, DC; or 7910 Eastern Avenue, Silver Spring, MD.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 30, 40 and 70, are published as a document subject to codification.

[1] The term byproduct material means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material, and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content. The term source material means (1) uranium, thorium, or any combination thereof, in any physical or chemical form, or (2) ores which contain by weight one-twentieth of one percent (0.05 percent) or more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Source material does not include special nuclear material. Special nuclear material means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, or (2) any material artificially enriched by any of the foregoing, but does not include source material.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. A new paragraph (f) is added to § 30.34 to read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(f) Each licensee shall notify the Commission in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under this Part and Parts 32 through 35 of this chapter.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

2. A new paragraph (f) is added to § 40.41 to read as follows:

§ 40.41 Terms and conditions of licenses.

* * * * *

(f) Each licensee shall notify the Commission in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under this Part.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. A new paragraph (h) is added to § 70.32 to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(h) Each licensee shall notify the Commission in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under this Part.

(Section 161o, Pub. L. 83-703, 68 Stat. 948 (42 USC 2201))

Dated at Washington, D.C., this 16th day of March 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-8768 Filed 3-21-79; 8:45 am]

[7590-01-M]

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Protection of Licensed Activities in Nuclear Power Reactors Against Industrial Sabotage

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: On August 23, 1978 (43 FR 37421) the Commission published in final form amendments to 10 CFR Part 73 requiring the nuclear power plant licensees to develop guard qualification and training plans. In addition other Commission actions influencing the implementation of 10 CFR 73.55 (42 FR 10836) physical protection of nuclear power plants have been issued. In this connection the Commission will hold a meeting to discuss these additional requirements and actions.

DATES: The meeting is scheduled to be held from 8:30 a.m. to 5 p.m. on June 11-12, 1979.

ADDRESS: The meeting will be held at: Hilton Inn, 1901 University Boulevard NE., Albuquerque, New Mexico 87106.

FOR FURTHER INFORMATION CONTACT:

Frank G. Pagano, Chief, Reactor Safeguards Development Branch, Division of Operating Reactors, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (301-492-7846).

SUPPLEMENTAL INFORMATION: The primary purpose of this meeting will be: (1) To provide a report on the progress of NRC actions regarding the physical protection of nuclear power plants, (2) provide a forum for a continuation of the dialogue between the staff and the industry to provide a more uniform understanding of the requirements of 10 CFR 73.55 and other pertinent sections of 10 CFR Part 73 by all licensees, and (3) report on the NRC guard training plan development results to date and provide any technical advice that may be desired for licensee/applicant plan development. Persons other than the NRC staff and licensee representatives may observe the proceedings but will not be permitted to participate in the discussions since only a limited time will be available for discussion.

Persons other than reactor licensees, desiring to attend the meetings should call the Office of the Chief, Reactor Safeguards Development Branch (Frank Pagano), phone 301-492-7846, before May 18, 1979. Dated at Bethesda, Maryland this 16 day of March 1979, for the Nuclear Regulatory Commission.

FRANK G. PAGANO,
Chief, Reactor Safeguards Development Branch, Division of Operating Reactors.

[FR Doc. 79-8769 Filed 3-21-79; 8:45 am]

[3510-13-M]

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

PART 200—POLICIES, SERVICES, AND PROCEDURES AND FEES

PART 275—POLICIES AND PROCEDURES GOVERNING THE APPEARANCE OF NBS EMPLOYEES AS WITNESSES IN PRIVATE LITIGATION

Final Rule

AGENCY: National Bureau of Standards, Department of Commerce.

ACTION: Final rule.

SUMMARY: These rules prescribe NBS policy governing the appearance of NBS employees as witnesses in private litigation. The rules establish the general principle against the appearance of NBS employees in such litigation, and prescribe procedures to be followed by private litigants in seeking appearances by NBS employees and procedures for considering and responding to requests or orders for their appearance. The purpose of these rules is to maintain NBS' neutrality among private litigants and to ensure that NBS employees adhere to the performance of their official duties.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Allen J. Farrar, Office of the Legal Adviser, National Bureau of Standards, Washington, D.C. 20234, telephone 301-921-2425.

SUPPLEMENTARY INFORMATION: In a notice published in the FEDERAL REGISTER on January 23, 1979 (44 FR 4701), NBS proposed rules that would amend title 15 of the Code of Federal Regulations by adding a new Subchapter H and a new Part 275 prescribing policies and procedures governing the appearance of NBS employees as witnesses in private litigation and would make a conforming amendment to 15 CFR Part 200. Interested persons were invited to participate in the proposed rulemaking by submitting comments on or before March 9, 1979. No comments were received in response to that notice.

Certain minor clarifications have been made in paragarph (e) of 15 CFR 275.5 regarding the requirement that the party requesting the testimony bear the costs of any testimony that is provided by an NBS employee. The first such change is to specify that the NBS Legal Adviser is to receive a free copy of the transcript of any deposition of an NBS employee that is authorized in accordance with these rules. The second such change is to specify that the costs to be borne by the party requesting the testimony include reimbursing NBS for its expenses resulting from an employee's absence from his or her official duties in connection with the legal proceedings. Such expenses include the employee's salary and applicable overhead charges and any necessary travel expenses. Otherwise, the proposed rules have not been changed. Accordingly, with these clarifications, the proposed rules are adopted as set forth below.

Dated: March 15, 1979.

ERNEST AMBLER,
Director.

PART 200—POLICIES, SERVICES, PROCEDURES AND FEES

1. 15 CFR Part 200 is amended by revising paragraph (a) of § 200.104 to read as follows:

§ 200.104 Consulting and advisory services.

(a) In areas of its special competence, the National Bureau of Standards offers consulting and advisory services on various problems related to measurement, e.g., details of design and construction, operational aspects, unusual or extreme conditions, methods of statistical control of the measurement process, automated acquisition of laboratory data, and data reduction and analysis by computer. Brief consultation may be obtained at no charge; the fee for extended effort will be based upon actual costs incurred. The services outlined in this paragraph do not include services in connection with legal proceedings not involving the United States as a named party, nor to testimony or the production of data, information or records in such legal proceedings, which is governed by the policies and procedures set forth in Part 275 of this title.

* * * * *

2. Chapter II of 15 CFR is amended by adding a new Subchapter H and a new Part 275, reading as follows:

SUBCHAPTER H—REGULATIONS GOVERNING APPEARANCE OF NBS EMPLOYEES IN PRIVATE LITIGATION

PART 275—POLICIES AND PROCEDURES GOVERNING THE APPEARANCE OF NBS EMPLOYEES AS WITNESSES IN PRIVATE LITIGATION

Sec.

AUTHORITY: The provisions of this Part 275 issued under sec. 9, 31 Stat. 1450, as amended; 15 U.S.C. 277.

§ 275.1 Purpose and policy.

(a) This part prescribes the policies and procedures of the National Bureau of Standards (NBS) with respect to testimony by NBS employees and production of data, information and records, in legal proceedings not involving the United States as a named party.

(b) NBS is the Federal agency responsible for the custody, maintenance, and development of the national standards of measurement, and the impartial development and application of measurement technologies upon which the flow of interstate and foreign commerce must necessarily depend (15 U.S.C. 272).

(c) To carry out its statutory mission effectively, NBS must apply the expertise of the many scientific and technical experts it employs exclusively to the performance of its official duties, including providing scientific and technical advisory services to other Federal agencies. It is essential that NBS also maintain a policy of strict impartiality among private litigants, and that it ensure that its employees adhere to the responsibilities for which they were employed. To these ends, it is the policy of NBS that its employees shall not testify nor otherwise appear in legal proceedings not involving the United States or its officers or employees in their official capacity as a named party in order to produce data, information, or records which concern matters related to official duties of NBS employees or the functions of NBS.

(d) For purposes of this part, "legal proceeding" includes any civil or criminal proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding, or any discovery proceeding in support thereof, including depositions and interrogatories.

§ 275.2 Testimony or production of records by NBS employees in legal proceedings not involving the United States as a named party.

No NBS employee shall give testimony in any legal proceeding in which the United States Government or an agency or department in the Executive Branch is not a named party, concerning official duties of an NBS employee or any function of NBS, nor produce any data, information, or record created or acquired by NBS as a result of the discharge of its official duties, without the prior written authorization of the NBS Legal Adviser.

§ 275.3 Certification of records.

Certified copies of NBS records will be provided upon request and payment of the applicable fees. Requests for certification should be addressed to the NBS Legal Adviser, National Bureau of Standards, Washington, D.C. 20234. The applicable fees include charges for certification and reproduction, the amounts of which are set out in § 4.9(a) (3) and (5) of title 15 of the Code of Federal Regulations. Other reprbduction costs and postage fees, as appropriate, will also be borne by the requester.

§ 275.4 Request or order for testimony or production of records.

(a) A request or order for testimony of, or the production of data, information, or records by, an NBS employee in a legal proceeding not involving the United States as a named party shall be addressed to the NBS Legal Adviser, National Bureau of Standards, Washington, D.C. 20234. A request or order for testimony shall be accompanied by an affidavit or, if that is not feasible, a statement setting forth the title of the case, the forum, the party's interest in the case, a recitation of the reasons for desiring and the intended use of the testimony, a general summary of the testimony desired, and a showing that (1) the desired testimony is not reasonably available from other sources (including an explanation of such circumstances), and (2) no NBS record in certified form provided under § 275.3 could be introduced in evidence in lieu of the testimony or other appearance requested.

(b) Any employee of NBS who is served with a subpoena or other order for or who receives a request for, testimony or the production of data, information, or records shall immediately report the service or request to the NBS Legal Adviser.

§ 275.5 Response to request or order for testimony or production of records.

(a) Except for the production of payroll, leave, or similar administrative records that may be involved in legal proceedings involving an employee of NBS in other than that employee's official capacity, testimony or the production of data, information, or records in a legal proceeding not involving the United States shall be authorized only as a rare exception. Such exception shall be based only upon a determination by the NBS Legal Adviser that NBS has a significant interest in the legal proceeding and that the outcome may affect the implementation of present policies, or where other circumstances or conditions (including the showing required in paragaph (a) of § 275.4) make it necessary to provide the data, information, or records in the public interest.

(b) When an NBS employee receives a request or order for testimony or the production of data, information, or records, the NBS Legal Adviser shall determine whether such request or order is legally binding on the employee and whether compliance with such request or order is authorized. Upon making such determination, the NBS Legal Adviser shall accordingly instruct the employee who received such request or order.

(c) Unless otherwise expressly authorized by the NBS Legal Adviser, an employee who is requested or ordered to testify or produce data, information, or records in a legal proceeding not involving the United States as a named party shall respectfully decline to comply on the ground of the prohibition against compliance contained in this part. If a subpoena or other order is involved, the employee shall decline by appearing at the time and place specified (unless the NBS Legal Adviser determines, in consultation with the party seeking the testimony or other appearance, or the authority conducting the legal proceeding, as appropriate, that a written submission will be sufficient), accompanied by a representative of the Office of the NBSA Legal Adviser, the United States Attorney's Office, or the Department of Justice, as appropriate, and explaining to the authority conducting the legal proceeding that this part prohibits the employee from complying.

(d) If an employee who follows the procedure in paragraph (c) of this section is ordered to show cause why he or she should not be cited for contempt, the NBS Legal Adviser shall request the Department of Justice to represent the employee.

(e) If the NBS Legal Adviser authorizes the testimony of an NBS employee, the Legal Adviser may arrange for the taking of the testimony by methods that are less disruptive of official activities of the employee than providing testimony in court or at a hearing. Testimony may, for example, be provided by affidavits, answers to interrogatories, written depositions, or depositions transcribed, recorded, or preserved by any other method allowable by law. Costs of providing testimony, including transcripts, one copy of which will be provided to the NBS Legal Adviser, will be borne by the party requesting the testimony. Such costs shall also include reimbursing NBS for the usual and ordinary expenses attendant upon the employee's absence from his or her official duties in connection with the legal proceeding, including the employee's salary and applicable overhead charges and any necessary travel expenses.

[FR Doc. 79-8628 Filed 3-21-79; 8:45 am]

[6750-01-M]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 9070]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

Harper Sales, Inc., et al.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Rush, N.Y. mobile home dealer and its affiliates to cease conditioning the leasing or renting of space in their trailer parks to the purchase of mobile homes and accessories from Harper Sales, Inc. or other designated sources.

DATES: Complaint issued Dec. 19, 1975. Order issued Feb. 1, 1979.[1]

FOR FURTHER INFORMATION CONTACT:

Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007, (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Wednesday, March 8, 1978, there was published in the FEDERAL REGISTER, 43 FR 9493, a proposed consent agreement with analysis In the Matter of Harper Sales, Inc., a corporation, and Edgewood Park Estates, Inc., a corporation, and Harper Park-Avon, a partnership, and Ralph R. Harper, and John R. Harper, individually, and as officers of said corporations and as partners in Harper Park-Avon, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows: Subpart—Coercing and Intimidating: § 13.355 Customers or prospective customers of competitors. Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.470 To restrain or monopolize trade. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533-45 Maintain records. Subpart—Cutting Off Access To Customers or Market: § 13.535 Contracts restricting customers' handling of competing products; § 13.540 Forcing goods; § 13.605 Withholding supplies or goods from competitors' customers. Subpart—Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service.

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

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-8776 Filed 3-21-79; 8:45 am]

[4810-22-M]

Title 19—Customs Duties

CHAPTER I—U.S. CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 79-89]

PART 153—ANTIDUMPING

Certain Large Power Transformers

AGENCY: United States Treasury Department.

ACTION: Modification of Dumping Finding.

SUMMARY: This notice is to inform the public that certain large power transformers from Italy manufactured by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. and Societa Nazionale delle Officine di Savigliano are not longer being sold at less than fair value under the Antidumping Act, 1921. In addition, Savigliano has given

[1] Copies of the Complaint and Decision and Order filed with the original document.

assurances that any future sales will not be at less than fair value, and Asgen has given assurances that it has ceased manufacturing large power transformers. As a result of this action, certain large power transformers from Italy entered, or withdrawn from warehouse, for consumption on or after May 24, 1976, will not be liable for dumping duties.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. David P. Mueller, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: On June 14, 1972, a finding of dumping with respect to large power transformers from Italy was published as Treasury Decision 72-161 in the FEDERAL REGISTER (37 FR 11772). A "Notice of Tentative Determination to Modify or Revoke Dumping Finding" with respect to this merchandise from Italy produced and sold by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. of Genova, Italy (Asgen) and Societa Nazionale delle Officine di Savigliano of Torino, Italy (Savigliano) was published in the FEDERAL REGISTER of May 24, 1976 (41 FR 21208).

Reasons for the tentative determination were published in the above-mentioned notice and interested persons were afforded an opportunity to provide written submissions or request the opportunity to present oral views in connection therewith.

There were no objections to the modification of the finding with respect to Asgen, which no longer manufactures large power transformers. Written comments were received in opposition to a modification of the finding with regard to Savigliano. The basis of the objection was that a modification should not be granted merely because of an absence of actual sales to the United States for more than 2 years, together with assurances by Savigliano that they will not sell at less than fair value in the future. The Department, however, has interpreted the requirement of an "absence or termination of sales at less than fair value" in § 153.44(a) of the Customs Regulations (19 CFR 153.44(a)) to encompass both the absence of actual sales and the absence of sales at less than fair value. Moreover, further analysis indicated that there were, in fact, sales to the United States by Savigliano between 1971 and 1973, for which there were no dumping margins.

Having considered the submissions presented, I hereby determine that, for the reasons stated above and in the "Notice of Tentative Determination to Modify or Revoke Dumping Finding," large power transformers from Italy, produced and sold by Asgen and Savigliano, are not being, nor likely to be, sold at less than fair value.

Accordingly, § 153.46 of the Customs Regulations (19 CFR 153.46) is amended to exclude large power transformers from Italy, produced and sold by Asgen and Savigliano, from T.D. 72-161.

Merchandise	Country	T.D.	Modified by
Large power transformers, except those produced and sold by Asgen Ansaldo San Giorgio Compagnia Generale S.p.A. and Societa Nazionale delle Officine di Savigliano.	Italy	72-161	T.D. 79-89.

This notice is published pursuant to § 153.44(d) of the Customs Regulations (19 CFR 153.44(d)).

(Sec. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173).

Dated: March 15, 1979.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 79-8772 Filed 3-21-79; 8:45 am]

[4810-22-M]

[T.D. 79-92]

PART 159—LIQUIDATION OF DUTIES

Certain Textiles and Textile Products from Uruguay

AGENCY: United States Customs Service, Treasury Department.

ACTION: Revocation of Final Countervailing Duty Order.

SUMMARY: This notice is to advise the public that the Treasury Department is revoking its order imposing countervailing duties on all entries, or withdrawals from warehouse, for consumption, of certain textiles and textile products from Uruguay (T.D. 78-444). This action is being taken as it has been determined that firms no longer receive benefits which are considered to be bounties or grants within the meaning of the U.S. countervailing duty law upon the manufacture, production or exportation of certain textiles or textile products.

EFFECTIVE DATE: February 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, Technical Branch, U.S. Customs Service, 1301 Constitution Ave., N.W., Washington, D.C. (202-566-5492).

SUPPLEMENTARY INFORMATION: On November 16, 1978, Treasury Decision 78-444 was published in the FEDERAL REGISTER (43 FR 53526). In that decision the Treasury Department determined that exports of men's and boys' apparel and textile mill products of cotton, wool and manmade fibers from Uruguay benefit from bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (hereinafter referred to as "the Act") (19 U.S.C. 1303). As a result, countervailing duties in the following amounts were imposed on all imports of the products under investigation on or after the date of publication of that decision in the FEDERAL REGISTER: 16.8 percent for yarns, 38.8 percent for fabrics and 42.8 percent for apparel.

One product covered by the determination, wool yarns, entering the United States under item number 307.60 of the Tariff Schedules of the United States, enters the U.S. free of duty. In accordance with section 303 (a)(2) of the Act (19 U.S.C. 1303(a)(2)), countervailing duties may not be imposed upon any article or merchandise which is free of duty absent a determination by the U.S. International Trade Commission that an industry in the United States is being, or is likely to be, injured, or is prevented from being established, by reason of the importation of such article or merchandise into the United States. The International Trade Commission was notified of this determination and pending the conclusion of its investigation, the liquidation of entries of the duty-free items was suspended. On February 16, 1979, the International Trade Commission published in the FEDERAL REGISTER its determination that there was

no injury or likelihood of injury to a domestic industry by virtue of the importation of duty-free wool yarn from Uruguay (44 FR 10137). Therefore, no countervailing duties were imposed on wool yarn from Uruguay entering the United States under TSUS item 307.60.

In calculating the countervailing duty at the time of the final determination, the full value of tax certificates granted to manufacturers upon the exportation of goods, known as "reintegros", was considered to be a bounty or grant. At that time, a number of offsets to the face value of the reintegros requested by the Government of Uruguay were rejected by the Treasury Department due to a lack of documentation sufficient to permit the accurate calculation of the offsets. Such documentation has now been supplied as well as more detailed information regarding the amount of the reintegros paid on the various products subject to the investigation. Where appropriate, the Treasury has permitted offsets to the face value of the "reintegros" received for: (1) The payment of a special tax on the sale of wool; (2) the national agricultural tax; (3) the incomplete drawback of customs duties paid on imported raw materials and component parts used in exported textile products; (4) the incomplete rebate of the Uruguayan value added tax on goods when exported; (5) a number of export taxes which are assessed on the value of the exported product; and (6) the loss in value of the reintegro due to the devaluation of the Uruguayan peso during the period between the date upon which the exchange rate used to calculate the reintegro subsidy is set and the date at which the exporter receives payment for his exports and exchanges that money into Uruguayan pesos.

Having adjusted for each of these elements and obtained more detailed information with regard to the other programs considered to be bounties or grants, the following "net" subsidies have been determined to exist on the enumerated products covered by this investigation: (1) Wool fabric—28.36 percent; (2) knitted wool fabric—28.77 percent; (3) wool apparel—32.39 percent; (4) knitted wool scarves and gloves—28.09 percent; (5) wool/polyester fabric—16.77 percent; (6) wool/polyester apparel—22.63 percent; (7) cotton fabrics—3.03 percent; (8) men's cotton apparel—13.66 percent; (9) men's synthetic underwear—9.65 percent; (10) wool yarn (other than that entering under TSUSA item 307.60)—8.05 percent.

The Treasury Department has received information from the Government of Uruguay that, with respect to goods subject to this order exported from Uruguay to the United States on or after February 16, 1979, an export tax in the amount of the "net" bounty or grant enumerated above is to be imposed. Therefore, for those goods exported from Uruguay to the United States on or after February 16, 1979, no "net" bounty or grant remains and therefore there is no basis for the continued imposition of countervailing duties.

For the reasons stated above, it is hereby determined that no bounty or grant is being, or has been, paid or bestowed directly or indirectly, upon the manufacture, production or exportation of certain textiles and textile products from Uruguay exported on or after February 16, 1979.

Accordingly, notice is hereby given that T.D. 78-444 is revoked and countervailing duties will not be imposed on certain textiles and textile products exported from Uruguay to the United States on or after February 16, 1979. With respect to all entries of those goods exported from Uruguay to the United States before February 16, 1979, which have not yet been liquidated or the liquidation of which has not become final, duties will be imposed in the adjusted amounts specified above.

The revocation of this determination will be contingent upon the submission to the Treasury Department of certification on a quarterly basis by the Government of Uruguay that the export tax is being assessed in the appropriate amounts.

The table in § 159.47(f), Customs Regulations (19 CFR 159.47(f)), is amended by deleting from the listings for Uruguay the words "textile mill products and men's and boys' apparel" from the column headed "Commodity"; from the column headed "Treasury Decision" the number "78-444"; and the words "Bounty Declared-Rate" from the column headed "Action". (R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, as amended, 759, 19 U.S.C. 66, 1303, as amended, 1624.)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order 165, Revised November 2, 1954 and § 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a revocation order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

[FR Doc. 79-8770 Filed 3-21-79; 8:45 am]

[4810-22-M]

[T.D. 79-90]

PART 159—LIQUIDATION OF DUTIES

Final Countervailing Duty Determination Ampicillin Trihydrate and its Salts From Spain

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Final Countervailing Duty Determination.

SUMMARY: This notice is to advise the public that a countervailing duty investigation has resulted in a final determination that the Government of Spain grants to producers and exporters of ampicillin trihydrate and its salts benefits which constitute bounties or grants within the meaning of the countervailing duty law. Deposited countervailing duties in the amount of these benefits will be required at the time of entry in addition to duties normally collected on dutiable shipments of the merchandise.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mary S. Clapp, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5492).

SUPPLEMENTARY INFORMATION: On November 28, 1978, a notice of "Preliminary Countervailing Duty Determination" was published in the FEDERAL REGISTER (43 FR 55512). The notice stated that it had been preliminarily determined that benefits bestowed by the Government of Spain upon the manufacture, production, or exportation of ampicillin trihydrate constitute the payment of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as the "Act"). The instant determination includes ampicillin trihydrate and its salts, as provided for in item number 407.8511 Tariff Schedules of the United States, Annotated. This description is used in order to cover all those products which receive the benefits under consideration.

The benefits are received in the form of an overrebate upon export of the Spanish indirect tax, the "Desgravaction Fiscal". The overrebate consists of three elements: (1) The rebate of taxes on services and non-component inputs which are not physically incorporated in the final product, (2) a credit for a tax assessed on transactions between manufacturers and wholesalers which, in fact, is not assessed on export sales; and (3) a number of "parafiscal" taxes included in the computation of the rebate,

which are charges assessed for services provided and which are not levied on an *ad valorem* basis.

The submission of comments by interested parties has been invited, but no additional data have been received. A review of current import statistics reveal that ampicillin trihydrate and its salts are imported in substantial volume. After consideration of the available information, it is hereby determined that exports of ampicillin trihydrate and its salts from Spain benefit from bounties or grants within the meaning of section 303, Tariff Act of 1930, as amended. The amount of the overrebate has been determined in accordance with the "Notice of Revised Method for Calculation of Bounty or Grant with Regard to Certain Indirect Taxes," published in the FEDERAL REGISTER on January 17, 1979 (44 FR 3478).

Accordingly, notice is hereby given that ampicillin trihydrate and its salts which are imported directly or indirectly from Spain, if entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the FEDERAL REGISTER, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303 of the Act and until further notice, the net amount of such bounties or grants has been ascertained and determined to be 2.21 percent of the f.o.b. value of the merchandise.

Effective on or after the publication date of this notice, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such ampicillin trihydrate and its salts imported directly or indirectly from Spain, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration. To the extent that it can be established to the satisfaction of the Commissioner of Customs that imports of ampicillin trihydrate and its salts from Spain are benefiting from a bounty or grant smaller than the amount which otherwise would be applicable under the above declaration, the smaller amount so established shall be assessed and collected.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of ampicillin trihydrate and its salts from Spain.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry for "Spain", the words "ampicillin trihydrate and its salts" in the column headed "Commodity", the number of this Treasury Decision in the column headed "Treasury Decision" and the words "Bounty Declared-Rate" in the column headed "Action".

(R.S. 251, as amended, secs. 303, as amended, 624, 46 Stat. 687, as amended, 759 (19 U.S.C. 66, 1303, 1624).)

This final determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15) March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 154.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a final countervailing duty determination by the Commissioner of Customs, are hereby waived.

Dated: March 16, 1979.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

[FR Doc. 79-8771 Filed 3-21-79; 8:45 am]

[4810-22-M]

[T.D. 79-91]

PART 159—LIQUIDATION OF DUTIES

AGENCY: United States Customs Service, Treasury Department

ACTION: Revocation of Final Countervailing Duty Determination.

SUMMARY: This notice is to advise the public that the countervailing duty determination on nonrubber footwear, handbags and leather wearing apparel from Uruguay is being revoked. This action is being taken since it has been determined that the Government of Uruguay no longer grants benefits which are considered to be bounties or grants within the meaning of the countervailing duty law upon the manufacture, production, or exportation of these products.

EFFECTIVE DATE: February 16, 1979.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, Technical Branch, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20220 (202-566-5492).

SUPPLEMENTARY INFORMATION: On November 13, 1978, a notice of "Revocation of Waivers of Countervailing Duties" was published in the FEDERAL REGISTER (43 FR 52485). This decision revoked Treasury Decisions 78-34 and 78-155, in which the Treasury Department waived the imposition of countervailing duties on imports of nonrubber footwear, handbags and leather wearing apparel from Uruguay.

The revocation of those decisions was based upon (1) the determination by the Treasury that the tanner's subsidy, originally not considered a bounty or grant, should be considered countervailable when paid to manufacturers/exporters of leather products and (2) information received subsequent to the issuance of the waiver that leather goods exported from Uruguay were being granted suspension or forgiveness from, or rebates of, payment of a social security tax. Such forgiveness or rebate is considered countervailable by the Treasury Department. Therefore, it was determined that nonrubber footwear, handbags and leather wearing apparel (provided for, respectively, in items 700.05 through 700.85 inclusive of the Tariff Schedules of the United States Annotated (TSUSA), excepting items 700.28, 700.51, to 700.54, and 700.60; item 706.0820 of the TSUSA; and item 791.76 of the TSUSA), imported directly or indirectly from Uruguay, if entered, or withdrawn from warehouse, for consumption, on or after November 13, 1978 would be subject to the payment of countervailing duties equal to the net amount of any bounty or grant estimated to have been bestowed.

At the time the subject waivers were revoked, inadequate information was available to the Treasury to permit the proper quantification of the "net" amounts of bounties or grants bestowed as a result of the social security tax forgiveness and the tanners subsidy. Therefore, the liquidation of all entries, or withdrawals from warehouse, for consumption, of nonrubber footwear, handbags and leather wearing apparel subject to the order were suspended. A deposit of the estimated countervailing duties in the amount of 16 percent *ad valorem* for nonrubber footwear, 14.4 percent *ad valorem* for handbags, and 13.3 percent *ad valorem* for leather wearing apparel, respectively, was required at the time of entry, or withdrawal from warehouse, for consumption.

Information has now been made available to the Treasury Department which has permitted a more accurate calculation of the net amount of the bounty or grant applicable to each of the product areas. With regard to the social security tax program it has been determined that deferrals of certain social security taxes were granted to manufacturers of leather products and

several other product sectors covered by these orders for 1978. It has also been determined, however, that the deferral was in effect for one year only and applied to only 1978 social security taxes. The deferral program was eliminated at the end of 1978 and repayment of the taxes deferred in 1978 was required. Therefore, for all nonrubber footwear, handbags and leather wearing apparel exported from Uruguay to the United States on or after January 10, 1979, the social security tax program has not been considered in the calculation of the "net" amount of the bounty or grant bestowed. Also on January 10, 1979, the Government of Uruguay eliminated the payment of the tanner's subsidy on all of the leather products covered by this investigation when exported to the United States. The Treasury Department has thus adjusted the net amount of the bounty or grant applicable to nonrubber footwear, handbags and leather wearing apparel exported to the United States from Uruguay on or after January 10, 1979.

Upon the elimination of the tanner's subsidy on exports to the U.S., however, the tanners subsidy for shipments to third countries was doubled. It is the position of the Treasury Department that while the doubling of the tanners subsidy on exports to third countries clearly creates a distortion in international trade, no remedy is available to this action within the limits of the countervailing duty law. It is possible that a more appropriate remedy to this sort of distortion is available through other sections of the U.S. tariff and trade laws.

Finally, it has been determined that the Government of Uruguay has imposed an export tax on all nonrubber footwear, handbags and leather wearing apparel exported to the United States on or after February 16, 1979 in an amount equal to the net amount of the bounty or grant remaining after the elimination of the tanners subsidy and social security tax deferral. Accordingly, it has been determined that a bounty or grant within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) is no longer being paid or bestowed upon the manufacture, production or exportation of nonrubber footwear, handbags and leather wearing apparel from Uruguay exported to the United States on or after February 16, 1979.

Accordingly, T.D.'s 78-32, 78-33 and 78-154 are hereby revoked with respect to all entries of nonrubber footwear, handbags and leather wearing apparel from Uruguay exported on or after February 16, 1979. Customs officers will be instructed to proceed with liquidation of all such entries without regard to countervailing duties. Customs officers will be instructed to proceed with liquidation of all entries of nonrubber footwear, handbags and leather wearing apparel from Uruguay entered, or withdrawn from warehouse, for consumption on or after November 13, 1978, the effective date of the "Revocation of Waivers of Countervailing Duties," and before February 16, 1979, in accordance with the instructions that follow.

The revocation of these determinations will be contingent upon the submission to the Treasury Department of certifications on a quarterly basis by the Government of Uruguay that the export tax is being assessed in the appropriate amounts.

Based upon analysis of the information provided, a net bounty or grant was determined to exist in the following amounts for goods entered, or withdrawn from warehouse for consumption on or after November 13, 1978 and which were exported from Uruguay before January 10, 1979: (1) Boots with leather uppers and leather soles—13.676 percent; (2) Boots with leather uppers and non-leather soles—10.676 percent; (3) Shoes with rubber soles and leather uppers, braided, made of strips, hemstitched or perforated; shoes with artificial plastic soles and cow leather closed uppers, excluding boots—9.639 percent; (4) Shoes, other—10.699 percent; (5) handbags—8.5 percent; (6) leather wearing apparel—11.845 percent. Included in those amounts is a figure for the tanners subsidy in effect during that period. With regard to items exported to the U.S. during this period which did not benefit from the payment of the tanners subsidy due to their manufacture out of imported tanned leather, the countervailing duty collected will be reduced by the amount of the applicable tanners subsidy on the presentation of appropriate documentation to Customs authorities that the imported leather product is made of non-Uruguayan leather.

With respect to nonrubber footwear, handbags and leather wearing apparel exported from Uruguay to the United States on or after January 10, 1979 and before February 16, 1979, the following net amounts of bounties or grants were determined to exist and countervailing duties in those amounts will be applied: (1) all leather boots—6.43 percent; (2) shoes with rubber soles and leather uppers, braided, made of strips, hemstitched or perforated; shoes with artificial plastic soles and cow leather closed uppers, excluding boots—5.37 percent; (3) shoes, other—6.43 percent; (4) handbags—4.329 percent; (5) leather wearing apparel—3.687 percent.

For nonrubber footwear, handbags and leather wearing apparel exported on or after February 16, 1979, countervailing duties will not be imposed. The table in section 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by deleting under the commodity headings for Uruguay the words "nonrubber footwear", "leather handbags", and "leather wearing apparel", respectively; from the column headed "Treasury Decision" the numbers "78-32", "78-33", and "78-154", respectively; and the words "Bounty-declared-rate" in the column headed "Action", respectively.

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, the provisions of Treasury Department Order 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a revocation order by the Commissioner of Customs, are hereby waived.

(R.S. 251, as amended, secs. 303, 624, 46 Stat. 687, 759, 88 Stat. 2051, 2052; 19 U.S.C. 66, 1303, as amended, 1624).

Dated: March 15, 1979.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 79-8757 Filed 3-21-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-79-633]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation, Section 8 Projects; District of Columbia

AGENCY: Department of Housing and Urban Development/Office of the Assistant Secretary for Housing, Federal Housing Commissioner.

ACTION: Notice of amendment of rent schedule.

SUMMARY: This notice amends the schedule of Section 8 Fair Market Rents for the District of Columbia by adding a new classification. The classification relates to two-to-four story elevator projects that are either new, constructed or substantially rehabilitated.

COMMENT DUE DATE: March 29, 1979.

EFFECTIVE DATE: March 31, 1979.

ADDRESS: Send comments to Rules Docket Clerk, Office of General Counsel, Room 5218, 451 Seventh St. S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Edward M. Winiarski, Supervisory Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 472-4810. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Data recently received from the District of Columbia Area Office establishes an immediate need to amend the Fair Market Rents for Section 8 Newly Constructed and Substantially Rehabilitated Projects in order to include a two-to-four story elevator classification. Opportunity for public comment must be limited to one week in order to permit these rents to become effective before the expiration of existing contracts on or before April 1, 1979. Comments should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410. All comments received will be considered and if, as a result of those comments, the Secretary determines that further revision of these rents is appropriate, the effective date of these rents will be deferred and notice of the appropriate change will be published in the FEDERAL REGISTER. If, however, no comments are received or if the Secretary determines that comments received are not relevant and do not establish the need for further change in these rents, the rents will become effective without further publication by the Secretary within nine days of the date of publication of this Notice. The Secretary has determined that this amendment does not effect the quality of the environment in accordance with the National Environmental Act of 1969 and applicable HUD procedures of that act. A finding to this effect has been prepared and is available for public inspection and copying during regular business hours at the Office of the Rules Docket Clerk at the above address. Accordingly, the rents set forth below are:

(1) published for public notice and comment as set forth above;

(2) published to become effective on March 31, 1979 unless notice is otherwise published by the Secretary on or before that date.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this notice has been granted waiver of Congressional review requirements in order to permit publication at this time for public comment.

(Sec. 7(d) of the Department of HUD Act. (42 U.S.C. 3535(d)).)

Issued at Washington, D.C. on March 20, 1979.

MORTON BARUCH,
Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedroom multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-bedroom units of the same type.

[4210-01-C]

AREA OFFICE Washington, D.C. REGION III Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
Washington, D.C.	DETACHED				593	663
	SEMI-DETACHED/ROW		395	469	511	578
	WALKUP	274	360	434	502	556
	ELEVATOR-2-4 Sty	303	390	466		
	5 + Sty	312	398	534		
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
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	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

[FR Doc. 79-8916 Filed 3-21-79; 8:45 am]

[4310-84-M]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

Appendix—Public Land Orders

[Public Land Order 5660]

OKLAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche, and Apache Tribes

AGENCY: Bureau of Land Management (Interior).

ACTION: Final Rule.

SUMMARY: This public land order will terminate the withdrawal of 300 acres of ceded public land and restore the land to the ownership of the Kiowa, Comanche, and Apache Tribes.

EFFECTIVE DATE: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Mat Millenbach, 202-343-8731.

SUPPLEMENTARY INFORMATION: By virtue of the authority contained in section 3 of the Act of June 18, 1934, 25 U.S.C. 463 (1970), and pursuant to recommendations of the Tribal Council and the Assistant Secretary of Indian Affairs, and a finding of the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described land, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the Act of June 6, 1900, 31 Stat. 672, 676, having been reserved for use by the Bureau of Indian Affairs for school, agency, cemetery, and administrative purposes and being now not needed for such uses, are hereby restored to tribal ownership for use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians subject to any valid existing rights:

INDIAN MERIDIAN

T. 2 N., R. 11 W.,

Sec. 20, lots 1, 3, 4, 5, and that part of the SW¼ lying east of the line of the SL&SF Railroad right-of-way;

Sec. 29, lots 3, 8, 10, 11, and that part of lot 1 lying east of east line of CRI&P Railroad right-of-way, and E½ NW¼;

Excepting therefrom and more particularly described as follows:

Parcel 1 situated in the SW¼ sec. 20:

Beginning at a point 443.88 feet south, 89°28'15" east and 753.71 feet south, 00°47'45" west of the northwest corner of SW¼ of sec. 20; thence S. 89°40'06" E. a distance of 923.51 feet; thence S. 00°31'45" W. a distance of 895.10 feet; thence N. 88°58'15" W. a distance of 927.65 feet; thence N. 00°47'45" E. a distance of 883.83 feet; to point of beginning, said exception containing 18.899 acres.

Parcel 2 situated in the NW¼ of sec. 29; SW¼ sec. 20:

Beginning at the south quarter corner of said section 20 (or the north quarter of said sec. 29); thence N. 00°00'49" E. a distance of 1,371.87 feet; thence N. 88°33'09" W. a distance of 1,288.07 feet; thence S. 00°53'28" E. a distance of 394.05 feet; thence N. 88°31'10" W. a distance of 790.04 feet; thence S. 05°25'58" W. a distance of 122.16 feet; thence S. 31°42'19" W. a distance of 24.02 feet; thence S. 22°58'47" W. a distance of 72.41 feet; thence S. 01°12'25" W. a distance of 719.89 feet; thence S. 09°32'45" E. a distance of 108.64 feet; thence S. 01°27'40" E. a distance of 331.60 feet; thence S. 08°47'14" E. a distance of 36.94 feet; thence S. 08°47'14" E. a distance of 193.83 feet; thence S. 12°39'53" E. a distance of 325.16 feet; thence S. 14°03'46" E. a distance of 328.25 feet; thence S. 05°47'48" E. a distance of 142.10 feet; thence S. 13°20'06" E. a distance of 100.56 feet; thence N. 64°27'13" E. a distance of 1,104.64 feet; thence S. 88°00'16" E. a distance of 843.68 feet; thence N. 76°20'40" E. a distance of 55.08 feet; thence N. 00°25'12" E. a distance of 979.22 feet; to the point of beginning, said exception containing 115.41 acres.

The total hereby restored, less parcels 1 and 2, aggregates 300 acres, more or less, in Comanche County, Oklahoma.

GUY R. MARTIN,
Assistant Secretary of the Interior.

MARCH 16, 1979.

[FR Doc. 79-8774 Filed 3-21-79; 8:45 am]

[4910-59-M]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-22; Notice 8]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Vehicle Identification Number

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule and response to petitions for reconsideration.

SUMMARY: This notice amends Federal Motor Vehicle Safety Standard No. 115, *Vehicle identification number*. It establishes a fixed format for vehicle identification numbers (VINs) assigned to passenger cars, multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less and trucks with a gross vehicle weight rating of 10,000 pounds or less. This amendment is made to meet the needs of State motor vehicle administrators, insurance companies and other users who desire a means of discovering certain types of transcription errors in VINs at the earliest possible stage. To facilitate manufacturer compliance with this amendment, the requirement that gross vehicle weight rating (GVWR) be decipherable from the VIN of passenger cars is deleted.

The notice also positions the check digit, a means for detecting errors in the VIN, immediately following the eighth character of the VIN. This amendment is made to facilitate manufacturers encoding the VIN.

The date of September 1, 1980, for compliance with the standard is retained but specific authorization of an earlier optional compliance date is deleted.

The requirement that the three sections of the VIN be separated by spaces is also deleted in the interest of lessening the cost burden to manufacturers and promoting international harmonization. The requirement that VIN characters have a minimum height of 4 mm is limited to the VIN displayed in the vehicle passenger compartment, as only that VIN needs to be read from a distance.

In response to petitions, the responsibility of assigning the VIN to motor homes is shifted from the final stage manufacturer to the incomplete vehicle manufacturer.

The standard is also amended to simplify GVWR encodement requirements for vehicles. Petitions to delete the requirement that engine type and net brake horsepower be encoded in the VIN of certain vehicles are denied, but petitions are granted to delete engine make and model from the information required for vehicles with a GVWR of over 10,000 pounds.

EFFECTIVE DATE: September 1, 1980.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION: On November 9, 1978, the National Highway Traffic Safety Adminstration published in the FEDERAL REGISTER two notices relating to Federal Motor Vehicle Safety Standard No. 115, Vehicle identification number (49 CFR 571.115). These notices, which were issued in response to petitions for reconsideration, amended the standard (43 FR 52246) and proposed additional amendments to the standard (43 FR 52268). Several petitions for reconsideration of the amended standard were received, as were a number of comments concerning the proposal.

The establishment of an acceptable VIN standard has been a long and arduous process. As was pointed out in the advance notice of proposed rulemaking published in the FEDERAL REG-

ISTER on September 9, 1976 (41 FR 38189), NHTSA activity in this area was preceded by the development of a number of competing, incompatible VIN schemes. The two major VIN schemes were that of the Vehicle Equipment Safety Commission (VESC) (supported by the American Association of Motor Vehicle Administrators and the States) and that of the International Standards Organization (ISO) (supported by the European Economic Community and most domestic and foreign vehicle manufacturers). These schemes were the ones on which the NHTSA focused as a starting point in its effort to establish a standard that would meet the need for motor vehicle safety and serve the needs of all VIN users. As the rulemaking progressed (43 FR 2189, 43 FR 36448, 43 FR 52246, 43 FR 52268), both the ISO and VESC schemes came closer together. However, both schemes remain incompatible in a number of respects.

The uses and users of the VIN have been discussed in detail in previous notices. In summary, the VIN is used as the key vehicle identifier by motor vehicle administrators, manufacturers, insurance companies, law enforcement agencies and the NHTSA. It is the cornerstone of the safety defect and standard noncompliance recall program, and an important element in manufacturer quality control and in vehicle theft recovery. Its use as an information tool in the analysis of accident reports is of great importance to safety research and rulemaking.

The NHTSA standard adopts the most efficient and effective aspects of both the VESC and ISO standards, while broadening those standards' information function to include matters of specific importance to this agency's safety responsibility. Further, the NHTSA standard includes features which result in more data storage accuracy than is possible under the VESC standard, while remaining harmonious with the ISO scheme now adopted by the European Economic Community.

ENGINE TYPE INFORMATION

Several manufacturers petitioned to remove the requirement that engine net brake horsepower be decipherable from the second section of the VIN. The basis for this request was that the definition of "Engine Type" includes net brake horsepower among the characteristics to be considered in differentiating one engine type from another.

These petitions are denied. While net brake horsepower is among the characteristics to be considered in establishing an engine type, there is no requirement that it be encoded in the engine type code. In some instances, such as with heavy truck engines, encodement would not be practicable. However, if net brake horsepower is actually decipherable from the engine type, then the requirement that it be decipherable from the second section of the VIN is met and it need not be encoded a second time.

Several petitioners requested a clarification of the meaning of "make and model" in relation to engine type and a definition of "net brake horsepower." International Harvester (IH) also petitioned to eliminate engine make and model information encoding requirements for trucks since they utilize more makes and models than can be represented by one position in the VIN. Further, IH stated that in its view this information has no safety relationship.

To clarify the requirements for "make and model" information, the phrase "manufacturer and make" is substituted in the definition of engine type. The term "manfacturer" has its current meaning within Part 571, and the term "make" as defined in S3 is expanded to include engines. Thus, engine "make" is defined as the name which the manufacturer applies to a group of engines (e.g., General Motors Oldsmobile engine).

The specific reference to engine make and model was added to the definition of engine type at the request of the States. They were concerned primarily about the problem of engine switching between the divisions of passenger car manufacturers. The NHTSA is also concerned that this information be available to ensure the accuracy of its safety and fuel efficiency research, since the performance of two different engines classified as the same "type" may differ. The NHTSA concludes it can resolve these concerns while not placing an unnecessary burden on truck and other heavy duty vehicle manufacturers where engines are used interchangeably. Therefore, the requirement that engine make and model be reflected in the VIN is amended to require only that engine manufacturer and make be reflected for passenger cars, multipurpose passenger vehicles with a GVWR of 10,000 pounds or less, and trucks with a GVWR of 10,000 pounds or less. It is in these categories of vehicles that engine types are standardized and consumers are less knowledgeable about the specifications of the vehicles they purchase.

Harley-Davidson Motor Co., Inc. also asked the agency to define the term "net brake horsepower" and to indicate whether SAE Standard J245 was the intended meaning. Because several definitions of net brake horsepower exist, the agency has concluded not to specify the precise definition to be used, thereby allowing manufacturers to continue using their current method of evaluating the net brake horsepower of their vehicles. In submitting the net brake horsepower of these vehicles, however, manufacturers should submit the definition of the term they are utilizing.

VIN LEGIBILITY

In the final rule published on August 17, 1978 (43 FR 36448), S4.5 provided that the three sections of the VIN should be grouped, i.e., appear as a full section without being split, but inadvertently omitted the provision that had been proposed for requiring spacing between the sections. This omission was corrected in the amendment to the rule published on November 9, 1978 (43 FR 52246), which specified that the space between sections shall be twice that of the space between characters.

A number of manufacturers petitioned for reconsideration of this provision, claiming lack of notice for it. These manufacturers indicated what they considered to be serious lead time problems and substantial cost increases if the spacing requirement was not deleted. They also cited section 5.7 of ISO 3779, which provides that spaces should not appear in the VIN, although a symbol or character may be used between sections. While the agency still believes that separating the three sections of the VIN would improve the accuracy of its transcription, the added cost burden to the manufacturers and the interests of international harmonization argue in favor of deleting the spacing requirement. The requirement is therefore eliminated. The agency points out, however, that the legibility of the VIN is of concern and will be carefully reviewed after the standard takes effect.

Ford Motor Co. points out that S4.3.1 requires that all characters in the VIN must have a minimum height of 4 mm regardless of where the VIN appears on a vehicle. The intent of the agency, as Ford correctly perceives, was to limit the requirement to the VIN as it appears in the passenger compartment, since only in that location need the characters be read from a distance. The standard is amended to make this limitation clear.

INCOMPLETE VEHICLE ATTRIBUTES

Table I in the standard categorizes vehicles by type and specifies the vehicle attributes that must be decipherable from the VIN for each type. In the amended standard published on November 9, 1978, the agency added a type designated "incomplete vehicle." The attributes required to be decipherable from the VIN for this type were those attributes common to both trucks and buses. This type was established because incomplete vehicles often may be completed as either a

truck or a bus, and the incomplete vehicle manufacturer would have little way of knowing the final configuration.

American Motors Co. petitioned the agency to delete the requirements for incomplete vehicles and require instead that the second section of the VIN of incomplete vehicles reflect those attributes which the incomplete vehicle manufacturer anticipates the vehicle will have when completed. As this would place a more onerous burden on the manufacturers by requiring additional information to be encoded than the current requirement, as well as call for considerably more prescience than the manufacturers have suggested they usually possess, the petition is denied.

In this regard, it should be noted that the language of S4.5.2 and the "incomplete vehicle" type category in Table I contained in the amendment to the rule published November 9, 1978, were inadvertently omitted from the notice of proposed rulemaking issued the same day. The amended rule issued today corrects that error. The definition of the term "type" is also amended to include "incomplete vehicle" as a separate type.

Assignment of the VIN to Motor Homes Manufactured in More Than One Stage

The amendment published on November 9, 1978, provided that in the case of vehicles other than motor homes, manufactured in more than one stage, the VIN would be assigned by the incomplete vehicle manufacturer. In the case of motor homes, the final stage manufacturer would make the assignment. The rationale of the agency for requiring the final stage manufacturer of motor homes to assign the VIN rested on two grounds. First, the comments to the docket submitted by the Recreational Vehicle Industry Association (RVIA) in response to the notice of proposed rulemaking (Docket entry 1-22-N04-048) appeared to support motor home manufacturers assigning the VIN for their vehicles, and the RVIA did not petition to change the requirement after the publication of the final rule on August 17, 1978. Secondly, a number of States and State organizations pointed out the law enforcement problems inherent in identifying a vehicle whose outward appearance was, for example, a Winnebago while the manufacturer identifier indicated the vehicle was a Ford.

In response to the November response to petitions, petitions for reconsideration were received from the RVIA, jointly from the VESC and the AAMVA (VESC/AAMVA) and from the State of Maryland. The RVIA, in its petition, appears to have reversed its previous position, and cites a number of practical and economic reasons why the incomplete vehicle manufacturer should assign the VIN to motor homes. These include the need for uniform VIN assignment by the incomplete vehicle manufacturer, unavailability to the final stage motor home manufacturer of necessary data concerning the incomplete vehicle, the need of incomplete vehicle manufacturers to carry out recall campaigns, and the economic burden on lower volume motor home manufacturers. The VESC/AAMVA and State of Maryland in their petitions appear to believe that law enforcement officers will be able to identify motor homes by the manufacturers of their underlying chassis. Further, it appears that the States adopted a procedure on September 14, 1978, by which the final stage motor home manufacturers would add an additional three character identifier to the incomplete vehicle manufacturer's VIN. The States would then add that identifier to their VIN files.

It is not clear to the agency how the States can include this additional information in their data storage systems based on their stated capacity in other comments to the dockets. Nonetheless, the exception to the rule in the case of motor homes was created in response to the initial comments of the manufacturers and the States. They now conclude such a provision will be a hinderance. For that reason and because either the incomplete vehicle manufacturer or the final stage manufacturer is capable of providing a VIN, the agency believes it appropriate to remove the exception. Therefore, sections S2, S3, and S4 are amended accordingly.

Mack Truck also petitioned to eliminate requirements for encoding those truck attributes which can be easily altered by purchasers. While it is true that several of the attributes required might occasionally be subsequently altered, such as altering gross vehicle weight rating by changing tires, the agency concludes that this information is still important as a basic classifier of vehicle type for safety research and should be required. In most instances, the agency believes this information will not become invalid.

Check Digit Highlighting

The November 1978 notice of proposed rulemaking requested comments on the effectiveness and advisability of highlighting the check digit as an aid in locating it on the VIN plate. All commenters, whether manufacturer or VIN user, recommended that the check digit not be highlighted. The comments suggested that highlighting the check digit would increase cost to manufacturers and confusion among users without comparable advantages in check digit recognition. Consequently, the NHTSA has concluded that the check digit is sufficiently recognizable by its physical position in the VIN without being further highlighted.

Weight Increments For Vehicles With a Gross Vehicle Weight Rating Greater Than 10,000 Pounds

In the Notice of Proposed Rulemaking issued November 9, 1978, the Administration proposed that the weight rating data for vehicles with a gross vehicle weight rating greater than 10,000 pounds be delineated in 5,000 pounds increments. The Freightliner Corporation supported the amendment, stating that gross vehicle weight rating was an important statistical consideration. The Motor Vehicle Manufacturers Association and General Motors recommended that the GVWR not be required for vehicles with a GVWR over 10,000 pounds, as this information is contained on the certification label. The MVMA also questioned why this information is required for trucks with a GVWR of less than 10,000 pounds, but not for passenger cars. Ford Motor Co. commented similarly.

International Harvester (IH) also opposed the amendment because it would restrict IH's current VIN scheme and because the GVWR of incomplete vehicles is easily modified. Freightliner reached the opposite conclusion in its comment, stating that it is not economically feasible for drastic changes to be made in GVWR after initial manufacture. Paccar, Inc. did not oppose the proposal, but recommended instead that the classification system currently being used in the industry, which consists of weight rating classifications, be substituted. In this way, Paccar argues, GVWR information would be more relevant to manufacturers and easier for the manufacturer to encode.

As the agency pointed out in previous notices, highway safety research can be carried out utilizing the VIN appearing on accidents reports even though the vehicle itself is not available. Consequently, the appearance of the GVWR on a vehicle's certification label is not a substitute for encoding the GVWR in the VIN. While GVWR does not indicate the actual load being carried by the vehicle, it is extremely useful in classifying the vehicle itself, particularly its size. After reviewing the comments received on this proposal, the agency has concluded GVWR information for trucks should be retained, since it facilitates analyzing differences in performance and accident experience of different size vehicles.

The agency is also persuaded by the argument of Paccar that institutionalizing the weight rating classification system currently being used in the industry would be equally useful and considerably less disruptive. For example, certain vehicle models fall within one weight rating class although they may fall within two GVWR categories utilizing the proposed system. The standard is, therefore, amended accordingly.

The requirement that GVWR be supplied for passenger cars was deleted because there were not enough codes to include that information in a fixed format system along with the other passenger car information considered more important by the agency. Information relating to the GVWR for light trucks was considered more important, as it represents not only a way of identifying and monitoring the vans and light trucks which are becoming an important element of the vehicle population as distinguished from heavy trucks, but also the weight makeup of that class. The NHTSA denies, therefore, petitions to eliminate the requirement for encoding the GVWR of trucks and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. However, to take account of the fact that there are fewer models of light trucks and to ease the burden on manufacturers, the number of GVWR weight categories are reduced to eight for vehicles with a GVWR of 10,000 pounds or less.

Also with respect to light trucks, the agency wishes to note that while it has not included a requirement that restraint type information be supplied for light trucks, it does intend to propose this requirement when it proposes passive restraint systems for those vehicles.

VIN Fixed Format

In the notice of proposed rulemaking published on November 9, 1978, the agency proposed further fixing the VIN format by specifying the alphabetic or numeric nature of the 4th, 5th, 6th, 7th, 11th and 12th characters of the VIN for passenger cars, multipurpose passenger vehicles with a GVWR of 10,000 pounds or less, and trucks with a GVWR of 10,000 pounds or less. In making the proposal, the agency explored in detail the advantages and disadvantages of fixing the format. In summary, fixing the format will allow some types of VIN errors to be corrected when initially transcribed by clerks and others who can quickly become familiar with the established format. In addition, forms on which the VIN is transcribed can be designed to indicate whether a character should be alphabetic or numeric. However, fixing the VIN format will not eliminate the need for the check digit, will lead to a reduction in the information-carrying capacity of the VIN, and will result in alterations to the VIN schemes which manufacturers now utilize.

Comments in response to the notice confirmed the NHTSA analysis of the matter. Specifically States supported the conclusions about the effect of expanding the fixed format on transcription error rate and the manufacturers supported the conclusions about the effect of the expansion on the information capacity of the VIN. Manufacturers commenting on the proposal were unanimous in their opposition. Chrysler predicted more costly and complex decoding. Toyo Kogyo concluded that a fixed format would end any hopes of continuing their system of specific information being encoded in specific positions. Volkswagen pointed to a major disruption in their current system, and questioned why further fixing the format was necessary as German clerks have achieved an error rate of approximately 1 percent without the format fixing.

Similar objections to those cited above were made by other manufacturers commenting.

In addition, Rolls-Royce Motors requested that if a format is to be fixed, all characters should be specified as alphabetic. In this way, Rolls-Royce as a low volume manufacturer could reflect changes in a vehicle without also having to change the actual model code. British Leyland Motors, Inc. also requested that the first four characters of the second section be alphabetic to provide for additional informational capacity. Toyota proposed that the fourth as well as the fifth characters of the second section not be fixed for the same reason.

The Motor Vehicle Manufacturers Association, Ford Motor Co., and International Harvester specifically objected to specifying for cars, light trucks and light multipurpose vehicles that the 3rd character of the 3rd section (i.e., the 11th character of the VIN) of the VIN must be numeric. Their objections were based on the resulting substantial reduction in the number of unique manufacturer indentifiers for manufacturers producing less than 500 vehicles per year which would be available in the third section Also, several truck manufacturers pointed out that they utilized the 11th character of the VIN to represent the assembly line on which the truck was produced, and that they maintained more assembly lines than the number of numerical characters available.

The VESC/AAMVA, the States and the insurance industry all supported the fixed format scheme, pointing to an anticipated lessening in the number of transcription errors as described by the agency in the NPRM.

The petitions requesting a flexible format or changes in the character specifications are denied except for those requesting that the 3rd character of the 3rd section be permitted to be either alphabetic or numeric. The agency recognizes that the use of a fixed format will result in a substantial reduction in the information carrying capacity of the VIN. However, the avoidance of transcription error remains the paramount concern. Nothing in the docket suggests that the administration was incorrect in its assumption that transcription errors will be reduced by the use of the fixed format system.

Fixing the format of the 3rd character of the 3rd section presents a more difficult choice. On one hand, fixing the format of this character as numeric will identify an error if an alphabetic character is substituted. However, since the preceding character is not specified as either numeric or alphabetic and the character following it is numeric, the opportunity to identify transpositions of these characters is limited. On the other hand, it seems possible that the number of manufacturers producing less than 500 passenger cars, multipurpose passenger vehicles or trucks with a GVWR of 10,000 pounds or less a year over the next 30 years will exceed the capacity of the VIN with the third character of the third section fixed. This is particularly true as the recreational use of these vehicles increases.

Further, the ability to locate the assembly line on which a defective vehicle is manufactured will have an important safety benefit. In cases involving manufacturing defects, this information will enable a determination of which of similar vehicles produced on different assembly lines need to be recalled. Consequently, the agency has determined not to adopt the proposed requirement that the 3rd character of the 3rd section of the VIN be numeric. In this way, a sufficient number of manufacturer identifiers can be assured with the least disruption to the existing system used to identify trucks.

The VESC/AAMVA and several other commenters suggested that the NHTSA VIN system could be further improved by fixing the specific information required to be decoded from each position of the second section of the VIN. These petitions are denied. Fixing the information contained in each position of the second section of the VIN would have no effect on the accuracy of transcription of the VIN, since clerks and others could not easily memorize the myriad of characters manufacturers use to represent data contained in these positions.

While the information contained in the second section would be more easily decipherable by those using a table if each position were specified, the amount of information which could be represented would be substantially decreased and the disruption to manufacturers substantially increased.

These problems were resolved by the VESC, after discussions with the manufacturers, by specifying the content of only one character of the second section in establishing the VESC VIN. With the NHTSA requirement for encodement of additional information beyond that required by the VESC, the agency concludes that specifying the informational content of each character in the second section is not practicable.

Although discussed comprehensively in previous notices, it should be noted again that the adoption of a fixed format only eliminates a particular class of VIN errors and in no way elimates the need for the check digit. While the fixed format is able to identify those errors which result in an alphabetic character being substituted for a numeric character or vice versa, the check digit process will detect most erroneous characters regardless of type. Because vehicle owners are notified of recalls through their vehicle's VIN, it is essential that this information be retained in the most accurate fashion possible.

Check Digit Position

In the notice of proposed rulemaking issued on November 9, 1978, the agency proposed positioning the check digit immediately preceding the fourth position of the VIN in the interest of international harmonization and manufacturer ease of compliance. As the agency pointed out in the notice, the second section of the VIN system adopted by the ISO contains 6 characters. By having the check digit immediately precede or follow the second section, the five characters of the second section plus the check digit become the 6 characters necessary to assure compatibility with the ISO standard. If the check digit is positioned at either end of the VIN, the second section contains only 5 characters and the VIN is incompatible with the ISO system. However, specific comments were also requested concerning the advantages of placing the check digit at either end of the VIN.

Several States and the VESC/AAMVA submitted comments which supported placing the check digit at the beginning of the VIN.

In its comments, Maryland did not object to the check digit. It felt that the combination of fixed length, improved format and the check digit routine will reduce transcription errors and provide an edit routine to ensure file integrity. However, Maryland also anticipated that some States would not be able to store a 16 character VIN. (For the purposes of comparison, it bears emphasis that the NHTSA VIN has 16 characters plus a check digit, the VESC VIN has 16 characters, and the ISO VIN has 17 characters.) These states would, in Maryland's view, eliminate prior to computer storage the check digit and perhaps a second character after producing a certificate of title. If the certificate of title were subsequently lost, there would be no record in the State files of a complete VIN, and the owner would have a great deal of trouble when transferring title to the vehicle.

In a similar situation, Maryland believes some States will choose to eliminate the check digit and a character of the VIN prior to producing the certificate of title, thereby creating a defective title which another State could refuse to honor. Indeed, Maryland considers this problem so serious that it believes a uniform system of dropping characters from the VIN is a certainty if additional Federal funds are not available to pay for additional State VIN storage capacity.

From this state of affairs, Maryland concludes that placing the check digit to the left or right of the VIN would encourage the check digit to be dropped in the inevitable uniform system of dropping VIN characters.

The NHTSA does not concur in this analysis. Since the States have supported in their comments to the docket the 16 character VESC VIN, the agency assumes they are willing to store this number of characters and that they would have developed the capacity necessary for that purpose even in the absence of the NHTSA VIN. If a State desires to drop the check digit, rather than store it, the State can do so irrespective of its position in the VIN either by appropriate data processing techniques or by simple and proper design of the forms on which the VIN is transcribed.

As Maryland points out in its comment, and as the agency has pointed out in previous notices, the NHTSA does not regulate the States in regard to the VIN. Thus, the NHTSA cannot require the State to store or use the check digit. The agency is confident, however, that States will seek to facilitate their citizens being made aware of potential safety defects and noncompliances in their vehicles and to simplify their task in transferring their vehicles. Consequently, the agency believes they will utilize the simple data processing procedure for eliminating the check digit if they chose not to store it. The State comments to the docket would indicate, however, that all six are planning to store the 16 character VIN and the check digit.

The Vehicle Equipment Safety Commission and the American Association of Motor Vehicle Administrators (VESC/AAMVA) also responded jointly on December 11, 1978 to the notice of proposed rulemaking. In addition, certain aspects of their submission were supplemented by the VESC on December 29, 1978, as the result of NHTSA questions about the basis for their submission, and this supplement has also been placed in the docket (01-22-NPRM-No. 7-41).

The VESC/AAMVA comment of December 11, 1978, maintained that from 35-37 States are currently incapable of "inputting" 17 characters into their vehicle identification files. In its supplementary docket submissions, the VESC stated that it was unable at that time to submit a list identifying those States which could not input 17 characters. The VESC also explained that while in most instances State capability could be expanded by reprogramming and the purchase of additional equipment, this would be very expensive.

Like Maryland, the VESC/AAMVA concluded that those States which are unable to currently input 17 characters for lack of equipment and appropriate programming will choose to drop at a minimum the check digit. This will create, in the view of the VESC/AAMVA, lack of uniformity, confusion and a regenerated check digit based on the State's computation which will differ from the manufacturer—assigned check digit. To place the check digit anywhere but the beginning or the end of the VIN, in the view of the VESC/AAMVA, would create "unacceptable data handling and data regeneration problems." Therefore, the VESC/AAMVA concluded that the check digit must be dropped entirely or moved to the left of the VIN.

In its supplement, the VESC/AAMVA explained that the data handling problems referred to were "incorrect inputs" into the computer because State personnel would drop by mistake a character which was not the check digit while transmitting the VIN. Further, problems would occur due to the inconsistency between States which have a 16 character VIN capacity and States which have a 17 character VIN capacity.

The VESC/AAMVA also maintained that the cost burden to the States to comply with the NHTSA standard would be substantial. Vermont, the only State whose cost VESC cited with confidence, projected a cost of $250,000 to implement the NHTSA VIN system and a 2 to 3 year completion date. The VESC/AAMVA reported that Vermont has only 380,000 ve-

hicles and limited on-line computer time. Consequently, the cost for a State with more sophisticated computer equipment would be considerably higher in the VESC/AAMVA view. Vermont also advised the VESC/AAMVA that only a negligible amount of Federal funds would be available to carry out the changeover.

The VESC/AAMVA stated that specific cost data from the other States was not available, but the cost to the States of Illinois, Michigan and New York would be materially higher than Vermont, and that Massachusetts was projecting a VIN changeover cost of from $300,000 to $400,000. In the case of Massachusetts, it is not clear whether this represents the changeover cost to convert to the VESC VIN or NHTSA VIN.

In its supplement, the VESC/AAMVA was unable to provide at that time further data on these cost figures for the NHTSA VIN.

The VESC/AAMVA also attacked the rationale of the agency in placing the check digit within the VIN structure. In the view of the VESC/AAMVA, the practical effect of that placement is mandating the recording and storage of a 17 character VIN. The VESC/AAMVA concludes that the NHTSA must either drop the check digit or place it outside the VIN structure.

Of particular concern to the VESC/AAMVA is the difficulty they suggest will be encountered in instructing a title clerk or police officer to drop the check digit in an internal position rather than in the first or last position. In its supplement, the VESC/AAMVA agreed with the agency that a computer can be programmed to drop any character in the VIN or the check digit and forms can be designed to indicate the check digit just as easily as it can be designed to show whether a character should be alphabetic or numeric. However, the VESC/AAMVA still believes strongly that a serious problem would exist if State personnel drop the check digit prior to transcription on a form or entry into a computer. Further, the VESC/AAMVA believes it impossible to design a form which signified the check digit for every intended use of the VIN.

The key question raised by the VESC/AAMVA relates to the ability of the States to deal with a 16 character VIN with an internal check digit. This issue was also of concern to the NHTSA. A review of the comments to the docket from the six States directly responding suggests that the problem is not so severe as the VESC/AAMVA believes, however.

Unfortunately, only three of these States submitted cost data to the docket, and the VESC/AAMVA was unable to submit data relating to their conclusions. Further, as noted above, the agency has not received information from the VESC/AAMVA concerning the additional cost of implementing the NHTSA VIN system as compared to the cost of implementing the 16 character VIN system proposed by the VESC.

Oregon estimated its cost to implement the NHTSA VIN system at $17,650 for reprogramming. Vermont estimated its costs at $250,000, of which $180,000 would be for systems analysis and programming and $70,000 would be for public relations, training, and redesigning forms. Washington State estimated its costs for implementing the NHTSA VIN system at $36,000 the first year for reprogramming, equipment, and key punching, and $25,000 each subsequent year for equipment and key punching.

The agency does not understand why the changeover costs of Vermont is approximately 10 times higher than the two other States submitting cost data. The agency notes too that the motor vehicle population of Vermont is approximately one-eighth that of Washington and one-fifth that of Oregon. The cost of adopting either the NHTSA VIN system or VESC VIN system should be approximately equivalent and should consist primarily in reprogramming and procuring additional computer data storage units, and these costs should be in some degree proportional to the vehicle population. The agency does note, however, that Vermont's highway safety annual work program for this fiscal year includes spending $280,000 to implement a R. L. Polk computer program to check for valid VIN's. Since this R. L. Polk program will be outdated with the promulgation of the NHTSA standard, the agency hopes that Vermont's implementation of the NHTSA VIN system can be consolidated with the implementation of a revised VIN edit routine, thus achieving some savings for Vermont.

Based on the agency's assessment of implementation costs and on the actual cost data submitted to the docket, the NHTSA concludes that the cost to be incurred by the States to implement the NHTSA VIN system will not be so significant as the VESC/AAMVA comments suggested. As explained previously, the primary costs to the States of implementing the NHTSA system would be those of reprogramming and of purchasing additional data storage equipment.

The agency's conclusions about lack of substantial cost is further supported when one considers that the members of the VESC adopted and the States supported the VESC 16 character VIN system. Presumably, the States were prepared to adopt it. Thus, the cost burden which the NHTSA regarded as particularly important to the States is the incremental cost of the NHTSA VIN system over the VESC VIN scheme. In the case of Oregon, the cost differential between the NHTSA and VESC VIN systems would be negligible, as only reprogramming is required and the effort needed to reprogram for 17 characters, either stored or dropped prior to storage and then regenerated, would not be substantially more than it would be for 16 characters. In the case of Washington, the State itself estimates the added cost of the NHTSA system over the VESC system would be $2,500 annually for keypunching the added character.

The agency remains convinced that the States will seek methods of simplifying and standardizing titling and other procedures involving the VIN. All parties appear to agree that by proper design of forms and relatively simple programming of computers, the check digit may be eliminated from any location within the VIN should a State choose to do so. It appears all agree, also, that the appropriate check digit may be regenerated when the VIN is removed from data storage and printed. What the VESC/AAMVA and Maryland appear to fear, however, is that police officers, clerks and others will attempt to locate and eliminate the check digit in the process of transcribing the VIN. Why persons would be instructed to drop the check digit has not been suggested, however. Further, simple instructions should prevent that from occuring. Accordingly, premature dropping of the check digit is clearly avoidable. The agency is impressed that none of the States directly submitting comments to the docket have suggested that it does not intend to store the check digit along with the VIN.

The VESC/AAMVA have incorrectly evaluated the practical effect of placing the check digit within the VIN. The placement of the check digit within the VIN does not necessitate the storage of the check digit. Further, as the agency expressly explained in the previous notice and above, the choice was made to allow the VIN mandated by the NHTSA to be compatible with the VIN mandated by the ISO. In this way, manufacturers could use the same VIN structure on vehicles marketed in the United States and those marketed outside the country. The international harmonization of the NHTSA VIN Standard is not only consistent with United States policy in this area as articulated by the President (14 Weekly Comp. of Pres. Doc. 1630), but eases substantially the regulatory burden on manufacturers producing vehicles for both the United States and foreign markets since they need not maintain two sepa-

rate VIN systems. If the VESC VIN scheme was adopted, manufacturers would face the added cost of maintaining one VIN system for the United States and another VIN system for the rest of the world.

Comments were also received on the question of the check digit position from a number of insurance companies and insurance industry groups. Nationwide Insurance stated that the location of the check digit within the VIN should not present any problem to VIN users since sophisticated procedures were not necessary to manage the check digit regardless of its position. Further, the use of the check digit caused Nationwide no great concern. The Alliance of American Insurers believed some users would prefer the check digit be placed outside the VIN, but stated that "ideally" the check digit should be retained as an integral part of the VIN. State Farm Insurance Co. stated that it intended to store the check digit, but suggested it should be positioned at the beginning or end of the VIN in the interest of allowing it to be dropped more easily by users who did not intend to store it. State Farm did not explain how the ease of dropping the check digit varied with its position. Allstate Insurance Co. supported the use of the check digit, and recommended that it be made an internal part of the VIN. Finally, the Insurance Institute for Highway Safety strongly supported making the check digit an internal part of the VIN.

No manufacturer supported moving the check digit to the first or last position of the VIN, but there was a difference of opinion among the manufacturers whether the check digit should precede or follow the second section of the VIN.

Volkswagen and British Leyland supported placing the check digit immediately preceding the second section of the VIN, as this would make the VIN more compatible with the European VIN system. General Motors and American Motors supported the check digit in this same position, as this seemed to foster international harmonization. International Harvester supported the check digit in this position, as this would be least disruptive to its current system. While not commenting to this docket on the issue, Mercedes-Benz and BMW supported in their petitions for reconsideration of the August 18, 1978, rule placing the check digit immediately preceding the second section. Mercedes supported this position because it would cause the least disruption to its current system. BMW supported this position because the check digit would then not separate the two flexible sections of the VIN, thus allowing the establishment of a VIN "management system".

Harley-Davidson, Toyo-Kogyo, Chrysler and Peugeot-Renault supported the check digit immediately following the second section, as this separated the fixed section of the VIN from the variable section of the VIN. Rolls-Royce supported the check digit in this position, as it has already begun work on a system which would position it there.

Ford and the Motor Vehicle Manufacturers Association took no position on whether the check digit should precede or follow the second section so long as it was in one of those two positions.

In its notice of proposed rulemaking published on November 9, 1978, the agency relocated the check digit to a position preceding the second section of the VIN in the interest of ease of compliance for those manufacturers who desired to use a different system in Europe than they did in the U.S. It seems, however, that the manufacturers are unable to agree upon which position actually is preferable. The agency must therefore determine which position makes more practical sense.

The agency concludes that the check digit should be placed in immediate proximity to characters which are variable. While only some manufacturers may have to change manufacturer identifiers if they produce more than one type of vehicle, all must change the final eight characters of the VIN. Consequently, the agency concludes that the check digit should precede these final eight characters since it too is variable. Thus, many manufacturers will be able to prepare their VIN plates with the first part of the VIN prestamped. This will lower costs and aid in preventing alterations since these characters can be molded as part of the plate.

Some manufacturers and manufacturer associations also petitioned to eliminate the check digit entirely. The agency's rationale for the check digit and its utility in eliminating error has been comprehensively reviewed in previous notices. In summary, the check digit offers the most effective way known to the agency to determine erroneously recorded VINs prior to storage in motor vehicle files.

Peugeot-Renault raised in their comment a new issue of international harmonization. In the view of Peugeot-Renault, the ISO standard requires that the middle section of the VIN remain the same for all vehicles of the same description. After a review of the ISO standard, the NHTSA cannot agree with this view. ISO Standard 3779 specifically provides that if not all the characters in the second section of the VIN are used for descriptive purposes, the manufacturer may fill the section with another character for which there are no restrictions.

Optional Early Compliance

The NPRM proposed that compliance with all aspects of the amended standard be permitted beginning September 1, 1979, for passenger cars and be required for all vehicles beginning September 1, 1980. Optional early compliance was proposed because the agency concluded that some manufacturers could fully implement the amended standard before September 1, 1980, and because the agency was concerned that implementation of the amended standard might be complicated by the State of Maryland's proposal to implement an inconsistent VIN system on January 1, 1980. Express authorization of early compliance would have put the amended standard into effect on September 1, 1979, and removed any question about the preemption of State standards governing VIN format and content.

The agency has since learned that the State of Maryland has formally proposed to change its implementation date to September 1, 1980. If that new proposal is adopted, the need for express authorization for early compliance with the amended NHTSA standard will be eliminated. Based on indications that the proposal will be adopted, the agency has decided to delete the express provision for early compliance. It should be clearly understood, however, that this deletion does not preclude early compliance with most aspects of the amended standard. Except to the extent that it is not possible for a manufacturer to comply simultaneously with an existing and future version of a Federal Motor Vehicle Safety Standard, early compliance is always permissible.

Effective Date

A number of commenters requested that the effective date be postponed to allow for acquiring equipment and for system development. Mack Truck requested that the effective date be postponed until two years from the issuance of the final rule. Volkswagen requested that the effective date be 18 months from the publication of the final rule. International Harvester opposed the September 1, 1980, effective date as not practicable, but did not suggest an alternative effective date. BMW recommended an effective date 3 years after the standard is issued. The VESC/AAMVA suggested an effective date two to three years after the standard is finalized. The State of Vermont proposes an effective date of September 1, 1981, or September 1, 1982, because its computer programming effort is committed for the next 1½ years.

The agency is unconvinced that the effective date of the standard should be changed. While the final details of the proposal were not known until today, the necessity of implementing a new VIN system and most of its essential feature have been known at least since the August 1978 final rule.

With an effective date eighteen months in the future, the desires of Volkswagen have been met and the stated needs of Mack substantially met. While BMW and International Harvester believe they need more time to comply, they have presented no evidence in their comments that their systems development, reprogramming and marking equipment installation cannot be accomplished within the specified time frame. Further, BMW must comply prior to September 1, 1980, with the compatible ISO standard, and presumably can comply with the NHTSA standard shortly thereafter. IH has stated that its inability to comply comes from the need to derive a new coding system. The agency believes 18 months will be sufficient for this purpose, as it is for the other manufacturers.

From the comments, it appears that California, Oregon, and Washington can comply with a January 1, 1980, effective date, and Maryland can prior to that date comply with a 16 character VIN requirement.

Of the States commenting, only Vermont believes it can not comply by September 1, 1980. Since Vermont's time problem rests with a prior 1½ year programming commitment rather than the 6-18 months the State considers necessary to implement the NHTSA VIN system, it is hoped that Vermont's revision of the now outdated R.L. Polk VIN verification program planned for this fiscal year can be combined with the reprogramming necessary to implement the NHTSA VIN system.

The VESC/AAMVA objected to the effective date on behalf of the States. The agency notes, however, that a 16 character VIN was adopted by the VESC in July 1977. Thus, the States were aware on that date that a 16 character VIN would be implemented shortly. Further, Maryland, by requiring passenger cars sold in that State after January 1, 1980, to have a 16 character VIN made it highly likely that manufacturers would adopt a 16 character VIN system by that date. (It should be noted that Maryland on February 9, 1979, proposed that its standard should take effect on September 1, 1980. This is the proposed effective date for the NHTSA standard). Manufacturers in all probability would not utilize one system for Maryland and another for the other States. This intent of Maryland to require manufacturers to comply with its VIN standard on September 1, 1980, whether or not the NHTSA extended the effective date of its standard, was confirmed on February 22, 1979 (Docket 01-22-No. 7-042). Consequently, any action of NHTSA to extend its effective date would not aid the States in view of Maryland's position.

The NHTSA concludes, therefore, that all States should have been prepared to deal with a 16 character VIN six months prior to the effective date of the NHTSA standard. This view is further supported by the comments of the States throughout this rulemaking effort which strongly supported the adoption of the VESC 16 character VIN scheme. Since the elimination of the check digit prior to storage is a reasonably simple task, the agency concludes the States will be able to deal with NHTSA-mandated VINs by the time the standard takes effect. The agency is also certain that the coordinative efforts of the AAMVA will aid the States in dealing with the NHTSA VIN system by the time the manufacturers comply with the standard. The agency too stands ready to provide technical assistance if any should be needed.

Therefore, petitions to change the effective date of the standard are denied.

Notice of Change in Encoded Data

The VESC/AAMVA and several States once again raised the issue of S6 of the standard which requires manufacturers to notify the NHTSA 60 days before changing the information decipherable from a particular VIN. It is the view of the VESC/AAMVA that requiring the manufacturers to submit this information to NHTSA will indirectly result in their not submitting it to the States.

This issue was discussed in the amendments to the rule published on November 9, 1978. The NHTSA is unable to understand why the manufacturers who voluntarily have been submitting material to the States since 1901 would suddenly cease doing so. The subsequent VESC submission to the docket does not explain the basis for its concern. In the unlikely event that the manufacturers cease to supply this data to the States, the NHTSA will entertain a petition for rulemaking from the States to institutionalize a requirement for the submission of that data to the States. Section S6.3 is amended, however, to require that all the information required to be submitted to the NHTSA shall be submitted at least 60 days before affixing the VIN utilizing the encoded information. This amendment is made to remedy an ambiguity in the standard as presently written.

Use of a Hand Held Calculator

In the final rule issued August 17, 1978 (43 FR 36448), the agency stated its belief that check digits could be calculated by using inexpensive, hand held calculators. The agency was not referring to the type of calculator currently available over the counter, but a calculator preprogrammed to carry out the check digit procedure when the VIN itself was keyed in. With the adoption of the fixed format as an aid in avoiding transcription errors, however, check digit calculations in the field are unlikely. Therefore, the availability of a preprogrammed calculator is no longer of concern to the agency.

The VESC/AAMVA also points out that the check digit system is not infallible since the same numerical value is assigned to three or four characters. For example, "D", "M", "U", and "4" are all assigned the numerical value "4" in the check digit procedure. The odds that one of these characters will be erroneously substituted for the other resulting in the correct check digit is only one in eleven, however. Consequently, the check digit procedure will reduce the number of incorrect VINs in computer files by more than 90 percent.

Manufacturer Identifier for Manufacturers Producing Less Than 500 Vehicles of Any One Type Annually

S4.5.1 of the standard provides a special procedure for assigning the manufacturer identifier to manufacturers who produce less than 500 motor vehicles of a type annually. In this procedure, the third character of the VIN is the number 9 and the eleventh, twelfth and thirteenth characters of the VIN along with the first three characters represent the manufacturer identifier. The VESC/AAMVA objects to this provision as complicated to process by computer and suggests it should be eliminated.

This provision was adopted because the agency was unable to ascertain with certainty that there is a sufficient number of three character identifiers to uniquely represent all vehicle manufacturers, makes and types over the next thirty years, the cycle of the amended standard. In addition, this method of identification is identical with the method adopted by the ISO, and its inclusion in the NHTSA standard would be a further step in the direction of international harmonization.

The agency is unconvinced that the problems expressed by the VESC/AAMVA are substantial. The occurrence of a VIN from a manufacturer of less than 500 vehicles of a type in any State's vehicle population will be rare. As the VIN format for a manufacturer of less than 500 vehicles of a type is

the same as that for all other manufacturers, there should be no impediment to entering it into storage. The need to generate the name of the manufacturer from the data base, the situation where specific programming will be called for, will be even rarer. Against the arguments of the VESC/AAMVA, the integrity of the VIN system over thirty years and the interests of reducing compliance costs through international harmonization must prevail.

Reconstructed Vehicle VIN

The VESC/AAMVA and the State of Vermont again raise the issue of assigning a VIN to reconstructed vehicles. As was pointed out in the amendment to the rule published on November 9, 1978, amended Standard No. 115 only applies to reconstructed vehicles if the chassis is new. Evidently, the VESC/AAMVA and Vermont interpreted this to mean that the VIN of the original chassis should be assigned to the reconstructed vehicle. This is only true if the chassis is new, in which case the vehicle would be one manufactured in more than one stage and the incomplete vehicle manufacturer would assign the VIN.

The VIN for the homemade vehicles which Vermont apparently refers to would be assigned by Vermont, as it sees fit. Presumably, a reconstructed vehicle VIN scheme which was compatible with the NHTSA VIN system could be created, but such a scheme would not be within the ambit of Standard No. 115.

Assignment of Manufacturer Identifiers

Saab-Scania has requested further information concerning the assignment of manufacturer identifiers. When the final rule was issued, the Society of Automotive Engineers (SAE) immediately submitted on behalf of many domestic and foreign manufacturers a list of approximately five hundred identifiers. They have been registered to the manufacturers to whom they were assigned. Because the SAE has progressed so far in its assignment process, the agency is discussing with the SAE its assigning manufacturer identifiers on behalf of and under the authority of the NHTSA. A notice will appear in the Federal Register when this matter is resolved.

Public Meeting

The VESC/AAMVA stated that the agency had not followed through on its announcement in the advance notice of proposed rulemaking that it anticipated a public meeting for oral submission of comments concerning VINs. At the outset, the agency did contemplate the possibility of a public meeting to supplement the opportunity for written comment. Holding a meeting proved unnecessary, however. Substantial written public comments have been received in response to the agency's five notices. Comments received from the AAMVA and VESC are a good example of the comments received and their completeness in responding to the involved issues. For example, in response to the advance notice of proposed rulemaking, the AAMVA submitted not only staff comments, but also supplementary material from 50 States and the District of Columbia. Similarly, extensive comments were also submitted in response to the notice of proposed rulemaking.

The agency also notes that a public meeting concerning the VIN was held under the aegis of NHTSA's National Highway Safety Advisory Committee on March 21, 1978, in which the VESC and AAMVA participated. This meeting resulted in 61 pages of testimony and 110 pages of supplementary material. Further, meetings were held between the NHTSA and VESC and AAMVA personnel on September 21, 1977 (Docket 01-22-No. 3-92), November 4, 1977 (Docket 01-22-No. 3-93); and November 18, 1977 (Docket 01-22-No. 3-94).

Plant of Manufacture

BMW petitioned the agency to delete the requirement for encoding plant of manufacture, since it currently utilizes a seven digit production sequence number, the first character of which would occupy the space required to be occupied by the character designing the plant of manufacture. A system which would have allowed BMW to maintain a seven character sequential number was proposed in the notice of proposed rulemaking published on January 16, 1978 (43 FR 2189), but withdrawn in the face of criticism that it was too complex. BMW suggests no reason which would cause the agency to reopen the issue, and its petition is denied. The agency notes, however, that the rule does not restrict a manufacturer from submitting more than one character to represent a single plant. Consequently, a sophisticated allotment of sequential blocks might be sufficient to allow BMW to maintain its seven digit production sequence numbering system.

Meaning of Definition of "Chassis"

In the amendment issued on November 9, 1978 the agency clarified the meaning of the term "chassis" to at least discriminate between a truck and a truck-tractor. Ford has requested that this clarification be rescinded, as the 2 percent of its heavy truck chassis which are not sold as incomplete vehicles are completed at a later date under contract to Ford. When Ford assigns the VIN, it states it does not know the final form of the vehicle. To the extent Ford does not know the final form of the vehicle when it assigns the VIN, the chassis information need not discriminate between truck and truck-tractor.

Trailer VIN's

The Truck Trailer Manufacturers Association (TTMA) petitioned to delete the requirement that descriptive information concerning trailers be encoded in the second section of the VIN. The TTMA believes that this information will be of little use in defect and noncompliance recall campaigns. Further, the TTMA asked for specific examples of how this information would be useful in accident investigation. By deleting this requirement, the TTMA argues, the second section of a trailer VIN could consist of "0" or some other "neutral" character, thus reducing paperwork requirements and easing compliance for the smaller manufacturers.

The TTMA petition is denied. Trailers can be as different as a five foot, single axle, 500 pound GVWR platform trailer and a forty foot, multiaxle, refrigerated van of 40,000 pounds GVWR. The need to discriminate between these vehicles in accident investigation and research is apparent.

However, it should also be noted that the standard does not require that each character of the second section of the VIN reflect information, only that the second section as a whole reflect the required information. For example, if a small manufacturer produces 33 or less models which can be differentiated on the basis of the descriptive characteristics set forth in the standard, only one position in the second section of the VIN is needed to carry this information and the other four positions can be "0".

VIN Litigation

On January 8, 1979, the VESC and the State of Maryland filed with the U.S. Court of Appeals for the Fourth Circuit a petition for review of Standard No. 115. As required under Section 105 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1394), the agency has filed with the Court the record of the rulemaking proceeding prior to this amendment. To facilitate public review of the material which the agency included in the record, publicly available documents not previously submitted to the docket but cited in the rulemaking notices have been placed in a general reference section for this notice.

The principal authors of this notice are Nelson Erickson of the Office of Vehicle Safety Standards, Crash Avoidance Division and Frederic

Schwartz, Jr., of the Office of Chief Counsel.

In consideration of the foregoing Standard No. 115, 49 CFR 571.115, is revised to read as follows:

§ 571.115 Standard No. 115; Vehicle identification number.

S1. *Purpose and Scope.* This standard specifies requirements for a vehicle identification system to simplify vehicle information retrieval and to reduce the incidence of accidents by increasing the accuracy and efficiency of vehicle defect recall campaigns.

S2. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles and motorcycles.

S3. *Definitions.* "Body type" means the general configuration or shape of a vehicle distinguished by such characteristics as the number of doors or windows, cargo carrying features and the roofline (e.g., sedan, fastback, hatchback).

"Check Digit" means a single number or the letter X used to verify the accuracy of the transcription of the vehicle identification number.

"Engine Type" means a power source with defined characteristics such as fuel utilized, number of cylinders, displacement, and net brake horsepower. The specific manufacturer and make shall be represented if the engine powers a passenger car, a multipurpose passenger vehicle with a gross vehicle weight rating of 10,000 pounds or less, or a truck with a gross vehicle weight rating of 10,000 pounds or less.

"Incomplete vehicle" means an assemblage consisting, as a minimum, of frame and chassis structure, power train, steering system, suspension system, and braking system, to the extent that those systems are to be part of the completed vehicle, that requires further manufacturing operation, other than the addition of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

"Line" means a name which a manufacturer applies to a family of vehicles within a make which have a degree of commonality in construction, such as body, chassis or cab type.

"Make" means a name which a manufacturer applies to a group of vehicles or engines.

"Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

"Model Year" means the year used to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced, so long as the actual period is less than 2 years.

"Plant of manufacture" means the plant where the manufacturer affixes the VIN.

"Series" means a name which a manufacturer applies to a subdivision of a "line" denoting price, size or weight identification, and which is utilized by the manufacturer for marketing purposes.

"Type" means a class of vehicle distinguished by common traits, including design and purpose. Passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, incomplete vehicles, and motorcycles are separate types.

"Vehicle identification number" means a series of arabic numbers and roman letters which is assigned to a motor vehicle for identification purposes.

S4. *Requirements.*

S4.1 Each vehicle manufactured in one stage shall have a vehicle identification number (VIN) that is assigned by the manufacturer and a check digit which meet the requirements of this standard. Each vehicle manufactured in more than one state shall have a VIN and check digit assigned by the incomplete vehicle manufacturer.

S4.2 The vehicle identification numbers of any two vehicles manufactured within a 30 year period shall not be identical.

S4.3 The vehicle identification number and check digit of each vehicle shall appear clearly and indelibly upon either a part of the vehicle other than the glazing that is not designed to be removed except for repair or upon a separate plate or label which is permanently affixed to such a part.

S4.3.1 The type face utilized for the vehicle identification number and check digit shall consist of capital, sans serif characters. Each character in the VIN required by S4.4 shall have a minimum height of 4mm.

S4.4 The vehicle identification number and check digit for passenger cars and trucks of 10,000 pounds or less GVWR shall be located inside the passenger compartment. They shall be readable, without moving any part of the vehicle, through the vehicle glazing under daylight lighting conditions by an observer having 20/20 vision (Snellen) whose eye-point is located outside the vehicle adjacent to the left windshield pillar.

S4.5 *VIN basic content.* The VIN shall consist of three sections of characters and shall be grouped accordingly.

S4.5.1 The first section shall consist of three characters which uniquely identify the manufacturer, make and type of the motor vehicle if its manufacturer produces 500 or more motor vehicles of its type annually. If the manufacturer produces less than 500 motor vehicles of its type annually, the first and second characters may be determined by the manufacturer, the third character shall be the number 9, and the manufacturer, make and type of the motor vehicle shall be identified in accordance with S4.5.3.3.

S4.5.2 The second section shall consist of five characters which shall uniquely identify the attributes of the vehicle as specified in Table I. For passenger cars, multipurpose passengers vehicles with a gross vehicle weight rating of 10,000 pounds or less, and trucks with a gross vehicle weight rating of 10,000 pounds or less, the first and second characters shall be alphabetic and the third and fourth characters shall be numeric. The fifth character may be either alphabetic or numeric. The characters utilized and their placement within the section may be determined by the manufacturer, but the specified attributes must be decipherable with information supplied by the manufacturer under S6. In submitting data to the NHTSA relating to the gross vehicle weight rating, the following designations shall be utilized. No disignations are specified for the VIN.

Class A: Not greater than 3,000 pounds.
Class B: 3,001–4,000 pounds.
Class C: 4,001–5,000 pounds.
Class D: 5,001–6,000 pounds.
Class E: 6,001–7,000 pounds.
Class F: 7,001–8,000 pounds.
Class G: 8,001–9,000 pounds.
Class H: 9,001–10,000 pounds.
Class 3: 10,001–14,000 pounds.
Class 4: 14,001–16,000 pounds.
Class 5: 16,001–19,500 pounds.
Class 6: 19,501–26,000 pounds.
Class 7: 26,001–33,000 pounds.
Class 8: 33,001 pounds and over.

TABLE I—TYPE OF VEHICLE AND INFORMATION DECIPHERABLE

Passenger car: Line, series, body type, engine type, and restraint system type.
Multipurpose passenger vehicle: Line, series, body type, engine type, and gross vehicle weight rating.
Truck: Model or line, series, chassis, cab type, engine type, brake system, and gross vehicle weight rating.
Bus: Model or line, series, body type, engine type, and brake system.
Trailer: Type of trailer, series, body type, length, and axle configuration.
Motorcycle: Type of motorcycle, line, engine type, and net brake horsepower.
Incomplete vehicle: Model or line, series, cab type, engine type, and brake system.

S4.5.3. The third section shall consist of eight characters, of which the fourth through the eighth shall be numeric for passenger cars, multipurpose passenger vehicles with a gross vehicle weight rating of 10,000 pounds or less, and trucks with a gross vehicle weight rating of 10,000 pounds or less, and the fifth through the eighth shall be numeric for all other vehicles.

S4.5.3.1. The first character of the third section shall represent the vehicle model year. The year shall be designated as indicated in Table II.

TABLE II

Year	Code
1980	A
1981	B
1982	C
1983	D
1984	E
1985	F
1986	G
1987	H
1988	J
1989	K
1990	L
1991	M
1992	N
1993	P
1994	R
1995	S
1996	T
1997	V
1998	W
1999	X
2000	Y
2001	1
2002	2
2003	3
2004	4
2005	5
2006	6
2007	7
2008	8
2009	9
2010	A
2011	B
2012	C

S4.5.3.2 The second character of the third section shall represent the plant of manufacture.

S4.5.3.3 The third through the eighth characters of the third section shall represent the number sequentially assigned by the manufacturer in the production process if the manufacturer produces 500 or more vehicles of its type annually. If the manufacturer produces less than 500 motor vehicles of its type annually, the third, fourth, and fifth characters of the third section, combined with the three characters of the first section, shall uniquely indentify the manufacturer, make and type of the motor vehicle and the sixth, seventh, and eighth character of the third section shall represent the number sequentially assigned by the manufacturer in the production process.

S4.6 *Characters.* Each character used in a vehicle identification number shall be one of the arabic numbers or roman letters set forth in Table III.

TABLE III

Numbers:
1234567890
Letters:
ABCDEFGHJKLMNPRSTUVWXYZ

All spaces provided for in the vehicle identification number must be occupied by a character specified in table III.

S5. *Check digit.*

S5.1 A check digit shall be provided with each vehicle identification number. The check digit shall immediately follow the fifth character of the second section and appear with the vehicle identification number on the vehicle and on any transfer documents containing the vehicle identification number and prepared by the manufacturer to be given to the first owner for purposes other than resale.

S5.2 The check digit is determined by carrying out the mathematical computation specified in S5.2.1 - S5.2.4.

S5.2.1 Assign to each number in the vehicle identification number its actual mathematical value and assign to each letter the value specified for it in Table IV.

TABLE IV

A=1	J=1	T=3
B=2	K=2	U=4
C=3	L=3	V=5
D=4	M=4	W=6
E=5	N=5	X=7
F=6	P=7	Y=8
G=7	R=9	Z=9
H=8	S=2	

S5.2.2 Multiply the assigned value for each character in the vehicle identification number by the weight factor specified for it in Table V. Multiply the check digit by 0.

TABLE V

Character and Weight Factor

1st	8
2d	7
3rd	6
4th	5
5th	4
6th	3
7th	2
8th	10
Check Digit	0
9th	9
10th	8
11th	7
12th	6
13th	5
14th	4
15th	3
16th	2

S5.2.2 Add the resulting products and divide the total by 11.

S5.2.4 The remainder is the check digit. If the remainder is 10, the check digit is X.

Example:

Vehicle Identification Number Character	1	G	4	A	H	5	9	H	4	5	G	1	1	8	3	4	1
Assigned Value	1	7	4	1	8	5	9	8	4	5	7	1	1	8	3	4	1
Multiply by Weight factor	8	7	6	5	4	3	2	10	0	9	8	7	6	5	4	3	2

Add Products: 8+ 49+24+5+ 32+15+18+80+0 45+56+7+ 6+ 40+12+12+2=411

Divide by 11: 411/11 = 37 4/11

Check Digit: 4 (compare to character in 9th position)

S6 *Reporting Requirements.*

S6.1 Manufacturers of motor vehicles subject to this standard shall submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures by September 1, 1979.

S6.2 Manufacturers which begin production of motor vehicles subsequent to September 1, 1979, shall submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures at least 60 days before affixing the first vehicle identification number. Manufacturers whose unique identifier appears in the third section of the vehicle identification number shall also submit the three characters of the first section which constitute a part of their identifier.

S6.3 Each manufacturer shall submit at least 60 days before affixing the first VIN which meets the requirements of this standard the information necessary to decipher the characters contained in its vehicle identification numbers. Any amendments to this information shall be submitted at least 60 days before affixing a vehicle identification number utilizing an amended coding.

S6.4 Information required to be submitted under this section shall be addressed to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, Attention VIN Coordinator.

(Secs. 103, 112, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407); delegation of authority at 49 CFR 1.50)

Issued on March 15, 1979.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 79-8350 Filed 3-15-79; 4:18 pm]

[4910-59-M]

[Docket No. 76-06; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule (Response to petitions for reconsideration)

SUMMARY: This notice responds to petitions for reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) No. 127, *Speedometers and Odometers*, published July 27, 1978. Several aspects of the petitions are granted, most notably petitions for deleting the 10 percent limit on the variation in distance between graduations on the speedometer scales and seeking greater lead time for and revision of the provision requiring that odometers be irreversible. The other aspects of the petitions are denied. A notice seeking further comment on certain aspects of the odometer requirements in this rule and proposing requirements for replacement odometers appears in today's issue of the FEDERAL REGISTER.

EFFECTIVE DATES: September 1, 1979, with the exceptions of S4.1.3., the speedometer accuracy requirement, which becomes effective September 1, 1980, and S4.2.1-4.2.10, the odometer requirements, which become effective September 1, 1981.

FOR INFORMATION CONTACT:

Mr. Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-2720.

SUPPLEMENTARY INFORMATION: On March 16, 1978, the NHTSA published a final rule establishing FMVSS No. 127, *Speedometers and Odometers* (43 FR 10919). The standard sets forth requirements for the installation and accuracy of speedometers and odometers in most motor vehicles, limits the maximum speed which can be indicated on a speedometer and requires that odometers be tamper-resistant.

On July 27, 1978, the NHTSA published a response to an initial set of petitions for reconsideration of the final rule (43 FR 32421). That response modified the final rule in the following ways. It clarified the requirements that speedometers be evenly graduated by indicating that graduations need not be exactly "even", but that the intent of the NHTSA was that they be substantially "even" to ensure easy readability. Thus, the term "even" was deleted and a 10 percent varience allowance was added.

The response to the initial petitions also restored the option to the final rule which requires odometers to indicate when they have been reversed. This option was, however, modified to require the digit or wheel registering ten thousands of miles or kilometers to be inked, scored or marked in some permanent manner. Also, the option prohibiting odometers from being reversed was modified to prohibit any reversal over 10 miles that does not render the odometer "permanently and totally inoperable."

A second set of petitions for reconsideration of the July 27, 1978, final rule has been received. It is primarily the provisions modified by the response to the initial petitions that are addressed in the second round of petitions for reconsideration. A discussion of these and other issues raised by the petitions and their resolution follows. All petitions are denied except as otherwise noted.

SPEEDOMETERS

Stewart-Warner petitioned for the removal of the provision that prohibits the distance between graduations from varying by more than 10 percent. Stewart-Warner objected to the provision's inclusion on the grounds that it did not expressly appear in the proposed regulation or in the March 1978 final rule. Therefore, Stewart-Warner alleged inadequate notice. More importantly, Stewart-Warner objected on the grounds that it had recently completed, at a reported cost in excess of half-a-million dollars, the design, engineering and tooling for a new bitorque speedometer. This odometer is claimed to be substantially more accurate than a mechanical eddy current speedometer, but cannot meet the requirements for angular variations of 10 percent or less.

GM, likewise, expressed concern over the 10 percent provision. It indicated that graduations at 1 or 2 mph increments could not be controlled consistently enough to guarantee that the angles under 2° do not vary by more than 10 percent. It also indicated that, since, a suppressed zero needle is allowed, foreshortened graduations below the 10 mph increment should also be allowed.

As stated previously, the purpose behind the 10 percent provision was to ensure that the graduations on the speedometer were readable by the driver and that the scale was not crowded at the ends or in the middle. After viewing the Stewart-Warner bitorque speedometer and variety of

other speedometer faces, the NHTSA has determined that readability does not currently pose a problem for drivers. Stewart-Warner's petition is granted in this respect and the 10 percent provision is deleted. The NHTSA will, however, closely monitor readability and will impose appropriate requirements at a later time if they appear necessary.

ODOMETERS

IRREVERSIBILITY AND INDICATION OF TAMPERING

All of the petitioners addressed the odometer provisions contained in the July 27, 1978 notice. Their primary objections concerned the marking-of-reversal and the irreversibility options.

The December 1976 notice of proposed rulemaking would have allowed manufacturers to produce either an odometer that indicates when it has been turned in the reverse direction or that is designed so it cannot be turned in the reverse direction. The March 1978 final rule provided that odometers must be movable in the forward direction only. Because of the arguments set forth in the first set of petitions for reconsideration, the final rule was modified in July 1978 to allow manufacturers to produce odometers that either permanently mark the ten thousands wheels as it rotates or are irreversible unless the odometer is rendered "permanently and totally inoperable."

General Motors and Stewart-Warner alleged that the shift from the indication of reversal option to the permanently mark option is not practicable and lacks adequate notice.

Ford, General Motors and Stewart-Warner argued that the irreversibility provision in the July 1978 notice is impracticable and subjective because there is no test procedure in the standard which can be followed to determine compliance. Further, General Motors and Stewart-Warner allege that the provision is invalid for lack of adequate notice. The relief sought by the petitioners is, however, varied.

Ford asked that "totally inoperable" be interpreted to mean that the odometer cannot be reversed while it is installed in the vehicle. This interpretation would allow reversal of the odometer once the instrument cluster is dismantled and the speedometer-odometer assembly is removed from the vehicle. Such an interpretation is consistent with Ford's view that Title IV of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1981 *et seq.*) contemplates that odometers be easily repairable.

General Motors made three alternative requests. First, it asked for a delay of 2 years of the effective date for most of the odometer provisions. In support of this request, it submitted a chart tracing its odometer development program and indicated that the leadtime was necessary in order to implement the marking technique which GM has not previously used. It indicated that the irreversibility option in the July 1978 notice was not being pursued because it believes that the option's requirements cannot be satisfied due to the alleged subjectivity. Second, General Motors asked the agency to reinstate the final rule provision for odometers movable in the forward direction only and the indication-of-reversal option from the NPRM as the alternative options, and extend the effective date by two full model years after publication of a final rule. Third, General Motors asked that the irreversibility and indication of tampering options be withdrawn and a new NPRM be issued with a leadtime of three full model years. The basis for the leadtime request in the third alternative was the assumption that a new final rule would differ substantially from the July 1978 version.

Stewart-Warner requested that the irreversibility provision in the July 1978 notice be deleted and that the language of the final rule that odometers be movable in the forward direction be reinstated. It alleged that the permanently marking option is invalid for lack of notice because it is more stringent that the NPRM's indication of reversal option. It also alleged that it is not practicable to comply with the premanently marking option. Further, Stewart-Warner stated that the best available system for marking, which is patented by Chrysler, would not satisfy the requirement because the ink dries out and can be erased.

Thomas D. Regan also submitted a petition to amend the rule by requiring specific design oriented features. He indicated that the permanently marking requirement was not satisfactory because no external device could retain the ability to mark the ten thousands wheel of an odometer for the period of time it would take to drive 60,000, 70,000 or 80,000 miles. He, therfore, recommended that the gear carrier plates, the parts that retain the small pinion drive and driven gear, be nonrotatable about the shaft on which the wheels are mounted, and be sealed at each end by permanent caps. He recommended also that the wheel indicating the ten thousands of miles or kilometers be designed to break into at least two parts when an attempt is made to pry the ten thousands wheel apart from either of the adjacent wheels or force the internal gears to move.

Meetings were held with each of the petitioners in September and October. Several of the petitioners discussed methods by which they could make their odometers more tamper resistant. Stewart-Warner suggested that language requiring that the odometer be less accessible be substituted for the irreversibility option. Specifically, they recommended that odometers be permanently encapsulated so that parts of the enclosure must be destroyed to gain access to the wheels. General Motors suggested that the problem of reversibility would be adequately addressed if they were allowed to continue marketing their odometers that expose a bare edge of the pinion gear carrier plate between the wheels when an odometer is reversed and if an educational program were conducted to inform the public of the significance of the exposed carrier plate.

After considering all of the arguments of the petitioners, the agency has determined that the permanently marking option in the July 1978 rule will be retained, but the irreversibility option will be amended.

Although the NPRM did not specify either that the indication of reversal must be permanent or that the indication must consist of marking the ten thousands wheel, it would have required odometers to indicate when any of their wheels had been turned in the reverse direction. Thus, the permanently marking option is less comprehensive than the proposed provision was. Although the requirement for permanent marking was not expressly stated in the NPRM or final rule, it was implicit in the preambles and versions of the rule in those notices. The NPRM preamble stated that the purpose for the odometer requirements was to alert used car purchasers to a form of odometer tampering in order to prevent consumer fraud and the presence of improperly maintained and, therefore, potentially dangerous vehicles on the nation's highways. Any indication which is not permanent would fail to alert all subsequent owners of a vehicle to the fact of reversal. A nonpermanent indication would mean that owners could be lulled into a false sense of security about a vehicle's condition and thus forego needed maintenance or repairs of safety systems. It is also apparent to the agency that reversal of the ten thousands wheel was its most important concern since most reversals involve turning an odometer reading back at least several tens of thousands of miles. The agency also concluded that unless that wheel itself were marked there would be no readily visible indication of reversal. The system which General Motors currently uses is much less readily visible because it does not mark the wheel itself. Accordingly, petitions requesting that this provision be amended on grounds relating to lack of notice are denied.

The agency reaffirms its belief in the practicability of the permanently marking option. Non-drying ink and a porous wheel or wheel covering material could be used to overcome the problems of ink that dries out or that can be easily erased after it has marked the ten thousands wheel. In lieu of using an inking system, manufacturers could use techniques such as electrical discharge or solvents for marking the numbers. Still another approach would be to use a scratching or scoring device.

General Motors inquired whether it was permissible for a marking system to make its mark on a ten thousands wheel digit gradually, i.e., over a distance of 2,000 to 3,000 miles after that wheel rotates to display the next digit. The standard requires that the readily visible, permanent mark be made as the wheel rotates. Thus, the marking system mentioned by General Motors would not comply. The agency believes that the difference between that system and complying ones would be important. For example, if a complying odometer that registered 40,000 miles or kilometers, were turned back to 39,999, the 3 would be visibly marked. However, a General Motors odometer that registered as much as 42,000 could be turned all the way back to 30,000 without a readily visible mark showing up on the ten thousands wheel.

The petitions requesting that the irreversibility option in the July 1978 notice be deleted or amended are partially granted. The "permanently and totally inoperable" language was added to clarify the agency's intent in adopting an irreversibility option to prohibit odometers that could be reversed by such simple methods as rotating the pinion carrier plate or by temporarily removing a component and to afford the manufacturers substantial design flexibility. It has become apparent, however, that not all of these goals can be achieved under the "permanently and totally inoperable" language.

The agency has revised the irreversibility option by deleting the "permanently and totally inoperable" language and making other changes. Like its predecessors, the revised option addresses both reversal of odometers whether or not installed in a vehicle and whether assembled or disassembled, broken or otherwise tampered. The revised option provides more flexibility in selecting compliance methods and permits the use of lower cost, less complicated technology. For example, encapsulation is now a permissible means of compliance. Further, the goal of the option is no longer solely an odometer that breaks when tampered with and thus must be replaced by the tamperer. Instead, the goal is also that most odometers must be removed from the vehicle before they can be tampered with and will show some telltale sign of tampering. Many current odometers can be reset while still installed in a vehicle. The necessity for removing the odometers will not halt all tampering by professional tamperers, but will significantly slow down and increase the expense of their operation. Detection of tampering will also be facilitated by the revised option. To prevent tamperers from escaping detection by simply replacing a vehicle's odometer with another one set to lower mileage, the agency has published today another notice that would require replacement odometers and replacement odometer wheels to be visually different from original equipment odometers.

The revised option requires that odometers movable in the rearward direction be movable not more than ten miles in that direction when driven through the odometer gear train. With respect to tampering with an odometer other than by driving it through the gear train, the option permits reversal beyond ten miles to occur only if one of the following operations is necessary to make that reversal:

(a) breaking one or more rigid or semi-rigid parts of the odometer so that its recording of distance is impaired;

(b) breaking one or more rigid or semi-rigid parts of the odometer so that the breakage is visible to the driver when the odometer is installed in the vehicle;

(c) breaking or otherwise defeating the staking, crimping, welding or adhesive used to hold the odometer wheel shaft in the speedometer/odometer assembly;

(d) breaking or otherwise defeating the staking, crimpling, welding, or adhesive used to secure the retainers that prevent the odometer wheels from moving along the shaft; or

(e) drilling, cutting or breaking a rigid or semi-rigid shield that totally encapsulates the odometer or that encapsulates all of the odometer except the ends of the wheel shaft (the shield does not include the speedometer/odometer display face or lens).

These operations are associated with at least one of the common methods for tampering with odometers. Those methods are:

(1) forcing the odometer wheels apart and out of mesh with the pinion gears by using fingers, a dental pick, and ice pick, small screwdriver or other similar instrument;

(2) applying rotational pressure with fingers or other means to force odometers wheels to override the interference of the pinion gears;

(3) rotating the pinion gear carrier plates; and

(4) disassembling the odometer and reassembling with original or replacement parts.

Manufacturers can ensure that these methods of tampering are accompanied by at least one of the operations listed above by using one of the following techniques. One of the easiest and yet most effective techniques is that suggested by Stewart-Warner, i.e., total encapsulation. That technique would take care of all four methods of tampering. The first and second tampering methods could also be dealt with by reducing the clearances between the odometer wheels; staking, crimping, welding or using adhesives to secure the end retainers on the shaft to prevent wheel and gear separation and using frangible wheels that break if forced to rotate or if forced apart. The third method could be countered by attaching by welding, staking, crimping or adhesive the rigid or semi-rigid part which holds the pinion gear carrier plates in position or by attaching the carrier plates by keying, welding, staking, crimping or adhesive to the odometer shaft. Finally, disassembly could be countered by installing the odometer wheel shaft in the odometer and the odometer in the speedometer/odometer assembly by welding, staking, crimping or adhesive.

As the agency noted in the July 1978 response to petitions, the provisions in FMVSS No. 127 for increasing the tamper-resistance of odometers will be strongly supplemented by the prohibitions in the Motor Vehicle Information and Cost Savings Act against odometer tampering. Each violation of those prohibitions subjects a person to civil penalty of up to $1,000 and criminal penalty of up to $50,000 and 1 year imprisonment. For example, section 404 makes it unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon. This provision would be violated by any person who altered the device for marking the ten thousands wheel so that the device ceased to mark the wheel and who intended to roll back the odometer at a later time. Since there is no innocent purpose for which such an alteration could be made, the requisite intent would be obvious. The motive to make such an alteration is most likely to arise with respect to a vehicle that is expected to accumulate abnormally high mileage within its first year or two of operation. Section 404 would also be violated if a person reduced the mileage shown on a vehicle's odometer. Further, section 407 prohibits replacing one odometer with another unless the replacement odometer is set to the same mileage or, if

such setting is not possible, a notice of replacement is attached to the vehicle.

100,000 INDICATION

The July 27, 1978 rule requires odometers to indicate when they have exceeded 99,999 whole miles or kilometers. General Motors suggested that this provision be changed to permit odometers to indicate when they have exceeded 89,999 whole miles or kilometers at the option of the manufacturer. General Motors is considering a system that marks the 9 digit on the ten thousands wheel while the 0 is showing. Thus, when the 0 rotates to read 1, the 9 will be marked. This results in the mark becoming visible at 90,000 miles or kilometers. If General Motors used the same system for indicating that the odometer has registered 99,999 miles or kilometers as it uses to permanently mark the 10,000 mile or kilometer wheel, then an odometer registering 90,000 miles or kilometers would have the same appearance as one registering 190,000. However, the chance of a person's being misled by the reading seems insubstantial since a vehicle which has actually traveled 190,000 miles or kilometers would show greater signs of wear than one that has traveled less than half that distance. Accordingly, the agency has decided to grant General Motors petition with respect to this issue.

TESTING

TIRES

The standard provides that vehicles may be tested for compliance purposes with any tire recommended by the vehicle manufacturer. As the July 1978 notice explained, recommended tires includes any new tires installed by the manufacturer on the vehicles as original equipment, whether or not the manufacturer actually recommends them. Also included are all tires actually recommended by the manufacturer as original equipment, whether or not they are installed by the manufacturer. General Motors requested that tires to be used for compliance testing be limited to tires which are "both recommended and installed as original equipment by the vehicle manufacturer." The NHTSA recognizes that the vehicle manufacturers carefully consider tire characteristics in selecting tires to be recommended. The agency also recognizes that test results could be affected by use of tires with different characteristics. The agency believes that the provision currently in the standard should be retained because it is more broadly representative than the alternative suggested by General Motors. Since the manufacturers control the selection of tires for purposes of recommendation or installation, this approach should pose no unexpected problems for them.

OMISSION

In S5.1, the remainder of the last sentence was inadvertently omitted. That sentence is corrected to read: "Each vehicle with a gross vehicle weight rating of over 10,000 pounds is at the weight equal to its gross vehicle weight rating."

Several sections were incorrectly numbered and have been corrected.

EFFECTIVE DATE

As stated previously, General Motors asked for a delay of the effective date for the odometer provisions of two years. The NHTSA has taken into the account the amount of time it has taken to respond to the petitions for reconsideration and believes that at one year extension of the lead time for the odometer provisions is adequate. To this extent, General Motors petition is granted.

The effective date for S4.1.3, which requires speedometers to be accurate, is changed from September 1, 1979, to September 1, 1980. A review of the docket comments indicate that present production tolerances of the components in the speedometer gear train, including vehicle tires, cable assembly and speedometer, could result in units that exceed the accuracy limits of plus or minus 4 miles. The agency believes that additional time should be provided to allow manufacturers to fully account for these factors.

In consideration of the foregoing, 49 CFR 571.127, Motor Vehicle Safety Standard No. 127, is revised to read as set forth below.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50).

Issued on March 15, 1979.

JOAN CLAYBROOK,
Administrator.

Standard No. 127 is revised as follows:

§ 571.127 Standard No. 127, Speedometers and Odometers.

S1. *Scope.* This standard establishes requirements for the installation and accuracy of speedometers and odometers in motor vehicles, limits the speed which can be indicated on a speedometer, and requires that odometers be tamper-resistant.

S2. *Purpose.* The purpose of this standard is to insure that each motor vehicle is equipped with accurate and reliable instruments needed for monitoring driving speeds, maintaining proper vehicle maintenance schedules, and providing an indication of the vehicle's probable condition.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, motorcycles, and buses, and to speedometers and odometers for use in vehicles to which this standard applies. Motor driven cycles whose speed attainable in 1 mile is 30 mph or less are excluded.

S4. *Requirements.*

S4.1 *Speedometer.*

S4.1.1 Each motor vehicle shall have a speedometer that meets the requirements of S4.1.2-S4.1.5 of this section.

S4.1.2 Each speedometer shall be graduated in miles per hour and kilometers per hour.

S4.1.3 Each speedometer shall indicate a speed that is not more than 4 mph greater than or 4 mph less than the actual vehicle speed when tested under the conditions specified in S5 at speeds of 20 mph, 40 mph, and 55 mph in a vehicle to which this standard applies and for which the speedometer is designed. If the speed attainable in 1 mile under the test conditions specified in S5 is less than any of the test speeds specified in the preceding sentence, the speedometer shall be tested at the attainable speed instead of the greater specified test speeds.

S4.1.4 No speedometer shall have graduations or numerical values for speeds greater than 140 km/h and 85 mph and shall not otherwise indicate such speeds. This paragraph does not apply to a speedometer design for use in or installed in a passenger car sold to a law enforcement agency for law enforcement purposes.

S4.1.5 Each speedometer shall include the numeral "55" in the mph scale. Each speedometer, other than a digital speedometer, shall highlight the number "55" or otherwise highlight the point at which the vehicle speed is equaling 55 mph.

S4.2 *Odometer.*

S4.2.1 Each motor vehicle with a gross vehicle weight rating of 16,000 pounds or less shall have an odometer that meets the requirements of S4.2.2-S4.2.10 of this section.

S4.2.2 Each odometer shall be capable of indicating distance traveled either, at the manufacturer's option (1) from 0 to not less than 99,999 miles in 1-mile units, or (2) from 0 to not less than 99,999 kilometers in 1-kilometer units, or (3) both.

S4.2.3 As installed in the vehicle for which it is designed, each odometer, other than a motorcycle odometer, shall clearly indicate to the vehicle driver by a sixth wheel or digit, registering whole miles or kilometers, or by a permanent means such as inking, when the number of whole miles or whole kilometers, as appropriate, has exceeded either, at the manufacturer's option, 89,999 or 99,999.

S4.2.4 Except as provided in S4.2.8, each odometer shall have a distance indicator that is movable in only the forward direction when driven through the odometer gear train.

S4.2.5 Each odometer shall comply with, at the manufacturer's option, either S4.2.6 or S4.2.7.

S4.2.6 Except as provided in S4.2.8, the distance indicator of each odometer shall not be reversible, whether installed in the vehicle or removed from the vehicle, unless one or more of the following operations is necessary to achieve reversal:

(a) Breaking one or more rigid or semi-rigid parts of the odometer so that its recording of distance is impaired;

(b) Breaking one or more rigid or semi-rigid parts of the odometer so that the breakage is visible to the driver when the odometer is installed in the vehicle;

(c) Breaking or otherwise defeating the staking, crimping, welding or adhesive used to hold the odometer wheel shaft in the speedometer/odometer assembly.

(d) Breaking or otherwise defeating the staking, crimping, welding or adhesive used to secure the retainers that prevent the odometer wheels from moving along the shaft; or

(e) Drilling, cutting or breaking a rigid or semi-rigid shield that totally encapsulates the odometer or that encapsulates all of the odometer except the ends of the shaft.

S4.2.7

S4.2.7.1 Each mechanical odometer shall heavily score, indelibly ink or otherwise mark by permanent means readily visible to the driver each numeral on the wheel registering ten thousands of miles or kilometers as the numeral disappears from the driver's view.

S4.2.7.2 Each electronic odometer shall indicate by means readily visible to the driver if the reading in the position for registering tens of thousands of miles or kilometers has been reduced.

S4.2.8 The distance indicator of an odometer manufactured in accordance with S4.2.4 and S4.2.6 may be reversible up to a distance of not greater than 10 miles.

S4.2.9 (Reserved).

S4.2.10 Each odometer shall indicate a distance that is not more than 4 percent greater than or 4 percent less than the actual distance traveled when tested under the conditions specified in S5 for 10 miles in the case of odometers which measure tenths of miles or kilometers and 25 miles in the case of odometers which do not measure distance in less than whole miles or kilometers, at the speeds specified in S4.1.3, and in a vehicle to which this standard applies and for which the odometer is designed.

S5 *Test conditions.* The following conditions shall apply to the tests of speedometer and odometer accuracy.

S5.1 Each vehicle with a gross vehicle weight rating of 10,000 pounds or less is at unloaded vehicle weight, plus 200 pounds (including driver and instrumentation) for motorcycles, and plus 300 pounds (including driver and instrumentation) for other vehicles. The additional weight is in the front seat area. Each vehicle with a gross vehicle weight rating of over 10,000 pounds is at the weight equal to its gross vehicle weight rating.

S5.2 The vehicle is equipped with tires recommended by the vehicle manufacturer.

S5.3 Tire tread depth is not less than 90 percent of the original tread depth.

S5.4 Vehicle adjustments, including tire pressure, are made according to the vehicle manufacturer's recommendations.

S5.5 Tests are conducted on a dry surface.

S5.6 Tests are conducted at any internal, driver compartment temperature between 65 and 80 degrees Fahrenheit, inclusive.

S5.7 The vehicle is driven not less than 5 miles before a test begins.

[FR Doc. 79-8956 Filed 3-21-79; 10:08 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1361]

PART 1033—CAR SERVICE

Substitution of Trailers for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1361.

SUMMARY: Service Order No. 1361 authorizing The Atchison, Topeka and Santa Fe Railway Company to substitute two trailers for each boxcar ordered on shipments of paper from Houston, Texas, to Cincinnati, Ohio. Service Order No. 1361 will improve utilization during the time of a shortage of boxcars.

DATES: *Effective 12:01 a.m., February 24, 1979. Expires 11:59 p.m., May 31, 1979.*

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, 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: February 23, 1979.

An acute shortage of boxcars for transporting shipments of paper exists on The Atchison, Topeka and Santa Fe Railway Company (ATSF) at Houston, Texas. The ATSF has an available supply of certain trailers that may be substituted for this traffic at the ratio of two trailers for each boxcar, and use of these trailers for the transportation of paper is precluded by certain tariff provisions, thus curtailing shipments of paper. There is a need for the use of these trailers to supplement the supplies of plain boxcars for transporting shipments of paper. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure 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,

§ 1033.1361 Substitution of trailers for boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations and practices with respect to its car service:

(1) *Substitution of Cars.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) may substitute two trailers for each boxcar ordered for shipments of paper from Houston, Texas destined to Cincinnati, Ohio, and routed ATSF-Consolidated Rail Corporation, subject to the conditions in paragraphs (2) through (4) of this order.

(2) *Concurrence of Shipper Required.* The concurrence of the shipper must be obtained before two trailers are substituted for each boxcar ordered.

(3) *Minimum Weights.* The mimimum weight per shipment of paper for which two trailers have been substituted for one boxcar shall be that specified in the applicable tariff for the car ordered.

(4) *Endorsement of Billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1361.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they con-

flict with the provisions of this order, is hereby suspended.

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

(d) *Effective date.* This order shall become effective at 12:01 a.m., February 24, 1979.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 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. Michael.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-8739 Filed 3-21-79; 8:45 am]

[7035-01-M]

[Ex Parte No. MC-109]

PART 1062—REGULATIONS GOVERNING SPECIAL APPLICATION PROCEEDINGS FOR FOR-HIRE MOTOR CARRIERS

Application Seeking Substitution of Single-Line Service for Existing Joint-Line Operations

AGENCY: Interstate Commerce Commission.

ACTION: Revision of final rules upon administrative review.

SUMMARY: A petition seeking administrative review and a stay of the effective date of the rules adopted regarding applications seeking substitution of single-line service for existing joint-line operations has been filed by the Motor Carriers Central Freight Association, and 35 of its members. Petitioners have raised a material issue which is discussed below. The final rules (43 FR 59384, Dec. 20, 1978) have been slightly modified for the purpose of clarification. In all other respects, the petition is denied.

EFFECTIVE DATE: The rules as modified by this notice remain applicable to applications filed on or after April 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Eliot Horowitz, Telephone: 202/275-7973.

SUPPLEMENTARY INFORMATION: These special rules govern the filing and processing of applications by which applicants seek to substitute single-line service for joint-line operations previously conducted. The rules spell out that information which an applicant must furnish, and those circumstances upon which motor carriers may file petitions seeking leave to intervene in a proceeding. Petitioners argue that the subsection of the rules governing "intervention with leave" [49 CFR 1062.2(d)(2)], does not clearly reflect the Commission's intentions as evidenced in the notice of final rules.

DISCUSSION

In the notice of final rules, the Commission indicated that essential to the proper development of the rules, is ensuring that any joint-line service an applicant seeks to replace has been bona-fide. As pertinent, one issue the Commission would consider is the substantiality of the involved joint-line service. An applicant which has performed only a few, insolated movements in joint-line service cannot, as a matter of right, acquire single-line service under these rules. Rather, the issue of substantiality, as opposed to the issue of whether a public need exists for the proposed single-line service, is one which can be raised by any intervening party.

Accordingly, paragraph (d)(2) of the special rules is revised to read as follows:

§ 1062.2 Special procedures governing applications in which applicants seek operating authority to provide a single-line service in lieu of their existing joint-line operations.

* * * * *

(d) * * *

(2) Petitions with leave may be filed by any carrier based upon an applicant's fitness to provide the proposed service. Such fitness opposition may include challenges concerning the veracity of the applicant's statements filed in support of the application, and the bona-fides of the joint-line service sought to be replaced, including the issue of its substantiality. Petitions with leave containing only unsupported and undocumented allegations will be rejected.

* * * * *

§ 1062.2 [Amended]

Finally, through inadvertance the subparagraph immediately following subparagraph (d)(2) was designated subparagraph (c). The designation is revised to read subparagraph (3).

Decided: March 12, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-8781 Filed 2-21-79; 8:45 am]

[7035-01-M]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 55 (Sub-No. 30)]

PART 1100—RULES OF PRACTICE

Price Competition Among Practitioners

AGENCY: Interstate Commerce Commission.

ACTION: Republication of final rules.

SUMMARY: Changes in the Commission's Canons of Ethics to allow price competition among ICC practitioners were the subject of a final rule published in the FEDERAL REGISTER on December 21, 1978 (43 FR 59502). The effective date of the revision of Canon 10 and the elimination of Canon 34 was deferred until February 21, 1979, to provide for further public comment. The only comment received, filed on behalf of the Interstate Commerce Commission Practitioners' Association, raises no issue warranting a change in the Canons as previously published, and they are being allowed to become effective as scheduled. All of the amended Canons are being republished to avoid any confusion over what Canons have been adopted and their effective dates.

DATES: Amended Canons 14, 32, and 33 became effective on January 22, 1979. Amended Canons 10 and 34 are effective on February 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard Armstrong, (202) 275-7426.

RULES ADOPTED AMENDING ITEMS 10, 14, 32, 33 AND 34 OF THE CANONS OF ETHICS (49 CFR PART 1100, APPENDIX A)

* * * * *

10. *Joint association of practitioners and conflicts of opinion.* A client's proffer of the assistance of an additional practitioner should not be regarded as evidence of want of confi-

dence, but the matter should be left to the determination of the client. A practitioner should decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

When practitioners jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to the client for final determination. The client's decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

It is the right of any practitioner, without fear or favor, to give proper advice to those seeking relief against an unfaithful or neglectful practitioner, generally after communication with the practitioner of whom the complaint is made.

* * * * *

14. *Fixing the amount of the fee.* In fixing fees, practitioners should avoid charges which overestimate their advice and services. A client's ability to pay cannot justify a charge in excess of the value of the service, although his or her poverty may require a less charge, or even none at all. It is misleading to quote a fee for a specific service in either a public communication or solicitation for employment without adhering to it in charging clients. Practitioners are bound to charge no more than the quoted rates for 30 days following the date of their quotations unless a different period of time for the effectiveness of such rates is clearly specified when quoted, or permission to charge a higher rate is obtained from the Vice Chairman of the Commission.

* * * * *

32. *Public communication and solicitation.* A practitioner shall not in any way use or participate in the use of any form of public communication or solicitation for employment containing a false, fraudulent, misleading, or deceptive statement or claim. Such prohibition includes, but is not limited to, the use of statements containing a material misrepresentation of fact or omitting a material fact necessary to keep the statement from being misleading; statements intended or likely to create an unjustified expectation; statements that are not objectively verifiable; statements of fee information which are not complete and accurate; statements containing information on past performance or prediction of future success; statements of prior Commission employment outside the context of biographical information; statements containing a testimonial about or endorsement of a practitioner; statements containing an opinion as to the quality of a practitioner's services; or statements intended or likely to attract clients by the use of showmanship, puffery, or self-laudation, including the use of slogans, jingles, or sensational language or format. A practitioner shall not solicit a potential client who has given the practitioner adequate notice that he or she does not want to receive communications from the practitioner, nor shall a practitioner make a solicitation which involves the use of undue influence. A practitioner shall not solicit a potential client who is apparently in a physical or mental condition which would make it unlikely that he or she could exercise reasonable, considered judgment as to the selection of a practitioner. A practitioner shall not pay or otherwise assist any other person who is not also a practitioner and a member or associate of the same firm to solicit employment for the practitioner. If a public communication is to be made through use of radio or television, it must be prerecorded and approved for broadcast by the practitioner. A recording of the actual transmission must be retained by the practitioner for a period of 1 year after the date of the final transmission. A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement. A practitioner shall not compensate or give anything of value to a representative of any communication medium in anticipation of or in return for professional publicity in a news item.

33. (None).

34. (None).

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-8779 Filed 3-21-79; 8:45 am]

proposed rules

[3410-90-M]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 12]

RULEMAKING PROCEEDINGS

Proposed Reimbursement of Participants

AGENCY: Department of Agriculture.

ACTION: Proposed Rule and Notice of Public Hearings.

SUMMARY: This proposal sets forth proposed regulations which would govern the reimbursement of individuals and groups for certain of the costs of participation in rulemaking proceedings of the Department. They provide for reimbursement of applicants, within budget constraints, when their participation can reasonably be expected to contribute substantially to a full and fair determination of the issues covered at public proceedings when the applicants are otherwise financially unable to appear; they are from the area affected; and the interest they seek to represent is not otherwise adequately represented. The Department invites public comment on the need for the regulations and the criteria and procedures for such regulations.

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

Public hearings will be held:

April 24, 1979, 9:00 a.m., in Denver, Colorado;

April 26, 1979, 9:00 a.m., in San Francisco, California area;

May 1, 1979, 9:00 a.m., in Washington, D.C.

ADDRESSES: Written comment to: Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250.

Public hearings will be held at the following locations on the dates shown:

Denver, Colorado, Tuesday, April 24, 1979, beginning at 9:00 a.m. at Stouffers Denver Inn, 3203 Quebec Street, Denver, Colorado

San Francisco, California area, Thursday, April 26, 1979, beginning at 9:00 a.m., Holiday Inn, 1800 Powell Street, Emeryville, California

Washington, D.C., Tuesday, May 1, 1979, beginning at 9:00 a.m., Jefferson Auditorium, South Building, United States Department of Agriculture, 14th and Independence, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Dr. Linley Juers, Acting Director of Public Participation, Room 117-A, United States Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-6667. An approved Draft Impact Analysis is also available from this office.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Comments should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Any person desiring opportunity for oral presentation of views concerning this proposal at any of the public hearings listed herein must make such request to Dr. Juers so that arrangement may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular business hours.

PUBLIC HEARINGS

The purpose of the public hearings is to provide an opportunity for broad public consideration of the proposed regulation.

Material not presented orally may be submitted for the record. A request to make an oral statement including name, address, telephone number, location of hearing to be attended, and approximate length of time required for presentation, should be received by Dr. Juers not later than April 19, 1979. If possible, additional copies of testimony should be provided to the presiding officer at the hearing. Additional written comments for the record may be submitted at the hearing or forwarded to Dr. Juers.

Conduct of the Hearings. If time permits, unscheduled speakers will be given an opportunity to be heard. The Department reserves the right to schedule appearances, within time constraints, and to establish the procedures governing the conduct of the hearings. Presentations may have to be limited, based on the number of persons seeking to be heard. Procedural rules for the conduct of the hearings will be announced and provided at the opening of each hearing and will be available upon request prior to the hearings from Dr. Juers. The hearings will be conducted under the auspices of the Department Public Participation Staff and a Department official will preside. These will be informal proceedings and not judicial or evidentiary-type hearings.

Transcripts of the hearings will be made and the entire record of the hearings will be made available for public inspection in the Office of the Hearing Clerk, 14th and Independence Ave., S.W., Washington, D.C. 20250 approximately 14 days after the close of each hearing.

After consideration of all information presented at the hearings and submitted pursuant to this proposal and any other information available to the Department, a determination will be made as to whether the regulations will be amended as proposed herein.

BACKGROUND

Increased public participation and effective, balanced input in Department decisionmaking has been a continuing concern from within and from outside the Department. A Steering Committee was established in January 1978 to pursue the goal of increasing public participation. The Committee held a series of public meetings and invited interested parties to state their views on all aspects of the Department's public participation program, including the reimbursement of participants. Meetings were held with representatives from farm, consumer, and industry organizations.

Mr. Howard Hjort, Director, Economics, Policy Analysis and Budget has appointed Dr. Juers as Acting Director of Public Participation. His office has continued to receive comments and suggestions from the public and various groups on public participation activities in the Department, including the proposed reimbursement of participants.

Public participation in the rulemaking process is an important means of improving the performance and effectiveness of government programs. It is unique information source for obtaining the views and insights of those who will be affected by regulations or programs. Recent case law requires that agencies give the public a meaningful opportunity to participate in the development of regulations. This permits formulation and consideration

of alternative methods of accomplishing the statutory goals of programs.

Access to the rulemaking process may in some cases be limited by the inability of affected parties to meet the costs of participation in rulemaking proceedings. Thus, those parties who could make a useful contribution are unable to participate when the Department invites comments or appearances prior to a final decision. Sometimes the issues are complex, requiring substantial time and study as a prerequisite to effective participation. Funds may be needed for professional services. Groups with a large pecuniary interest in the outcome of a decision may find it worthwhile to make such expenditures. Those with small financial resources may not be able to afford such costs.

The Conference Report on the Agriculture Appropriations Act for Fiscal Year 1979 directed that such reimbursement of participants in regulatory proceedings be done only under regulations promulgated to comply with the Comptroller Gereral's rulings on this matter. These regulations are being proposed in accordance with the directive of the Conferees in order to make such reimbursement of participants available, where useful, in Department rulemaking proceedings.

Discussion of Authority

Section 628 of Title 31, United States Code, prohibits agencies from using appropriated funds except for the purposes for which the appropriation was made. The Comptroller General, however, has long held that where an appropriation is made for a particular object, purpose, or program, it is available for expenses which are reasonably necessary and proper or incidental to the execution of such object, purpose, or program. 6 Comp. Gen. 621 (1927); 17 Comp. Gen. 636 (1938); 29 Comp. Gen. 421 (1950); 53 Comp. Gen. 351 (1973).

The Comptroller General has consistently ruled that a Federal agency may find that it has the implied authority to pay the costs of participants in agency proceedings who meet two basic tests. First, the claimant's participation must "reasonsably be expected to contribute substantially to a full and fair determination of the issues". Opinion of the Comptroller General, *Costs of Intervention—Food and Drug Administration*, December 3, 1976 (56 Comp. Gen. 111). The Comptroller General had described this test as requiring the participation to be "essential" or "necessary" but has subsequently modified it to define "essential" as stated above. Second, the payment also must be necessary to enable the person to participate, "that is, lack of financial resources on the part of the person involved would preclude particpation without reimbursement". Letter from the Comptroller General to Congressman William Clay, September 22, 1976 (B-139703), concerning the authority of the Federal Communications Commission to reimbuse expenses of persons who participate in proceedings before the Commission. The nature of allowable expenses was dealt with in a letter to Miles Kirkpatrick, Chairman, Federal Trade Commission (FTC), July 24, 1972 (B-139703) in which the Comptroller General rules that the FTC may pay the same preparation costs for indigent intervenors as it would incur for its own attorneys, reasoning that such expenses would therefore be necessary for the intervenor. *See also*, Opinion of the Comptroller General, *Costs of Intervention—Nuclear Regulatory Commission*, February 19, 1976 (B-92288); and Letter from the Comptroller General to Congressman John E. Moss, May 10, 1976 (B-180224).

There are many cases which hold that agency powers are not limited to those expressly granted by the statutes, but include also other powers that may be fairly implied therefrom. *U.S.* v. *Bailey*, 34 U.S. 238 (1835); *Morrow* v. *Clayton*, 326 F.2d 36 (10th Cir. 1963). A recent case that deals directy with the issue of whether a Federal agency could pay costs of outside participants is *Greene County Planning Board* v. *Federal Power Commission*, 559 F.2d 1237 (2d Cir. 1977), *cert. denied* 434 U.S. 1086 (1978). The Court in that case held that the Federal Power Commission (FPC) has no statutory authority to reimbuse petitioners for the cost of appearing before the Commission to oppose construction of a power line.

The Department of Justice's Office of Legal Counsel, in letters dated March 1, 1978, to the Department of Transportation and the Civil Aeronautics Board, has advised that the *Greene* case is not a bar to other Departments granting compensation to intervenors in Agency proceedings. Each Department is required to interpret its own statutes and "determine whether Congress has authorized it, explicitly or implicitly, to provide compensation in proceedings before it." The Attorney General, in a letter to Senators Thurmond and Eastland, dated June 14, 1978, concurred with the opinion of the Office of Legal Counsel and stated that, "[t]he Second Circuit did not decide, indeed it had no jurisdiction to decide, whether other Federal agencies do or do not have statutory authority to make such payments."

In the case of *Chamber of Commerce et al.* v. *United States Department of Agriculture et al.*, C.A. No. 78-1515 (D.D.C. Oct. 10, 1978), the United States District Court for the District of Columbia denied a motion for a preliminary injunction which sought to prevent the Department from funding a study by a consumer group on the probable impact of proposed agency rules upon consumers. The Court characterized the issue as whether, in the absence of explicit statutory authority, a Federal agency can fund such a study. The Court found that the plaintiffs were not likely to succeed on the merits of a claim that the Department of Agriculture lacks the authority to fund participation in rulemaking and held that:

> "This Court does not quarrel with the statement in *Greene* that '[t]the authority of a Commission to disburse funds must come from Congress.' * * * The Court does feel, however, that numerous authorities support the conclusion that agencies in general, and *the USDA in particular*, have the implied power voluntarily to fund the views of parties whose petition might otherwise go unrepresented." *Chamber of Commerce, supra* p. 9 (Emphasis added).

Moreover, the Congress, in appropriating funds for the Department for fiscal year 1979, considered the issue of such funding and by implication recognized the Department's authority to conduct such a program. The Conference Committee on the Agriculture Appropriations Act deleted language from the House bill which have prohibited the availability of funds to pay participants in agency proceedings or activities. In the Conference Committee report, H. Rept. No. 1579, 95th Cong., 2d sess. 29 (1978), the Conferees futher provided that programs involving reimbursement of participants shall not be operated until the Department promulgates regulations complying with the Comptroller General's rulings. The Committee report also directed that two additional criteria be established in the operation of such a program: except for expert witnesses whose technical expertise is required, no applicant shall be eligible to receive reimbursement (1) if he is not a resident of the locality to be affected, or (2) if the interest he seeks to represent is already adequately represented.

We invite views on all aspects of the proposal including, but not limited to, the following:

(1) Is there a need for the Department to promulgate such regulations? Will the issuance of such regulations result in added or more balanced presentations of views in Department proceedings?

(2) In addition to the criteria specified by the Comptroller General and the Conference Committee on the Agriculture Appropriations Act, what additional criteria and standards, if any, should the Department adopt for evaluating the strength of an applicant's interest and its potential contribution to the proceedings?

(3) How should the Department define the following:

(a) "affected locality" with respect to the requirement that a participant be a resident of the affected locality; and

(b) "financially unable to appear without receiving reimburement".

(4) What types of expenses should be reimbursed?

(5) What agency official(s) should make the funding determination?

(6) In what way can the application procedure be streamlined while assuring adequate accountability and that the Department receives all the information it needs to make a determination?

(7) Should there be any simplifying exemptions to the requirements for individual, as opposed to group, applicants?

(8) What should be the standard to determine that an approved applicant generally adheres to his or her proposed presentation? Under what circumstances, if any, should a previously approved applicant be denied reimbursement?

(9) What procedures should be used to reimburse applicants?

In consideration of the foregoing, the Department proposes the regulations as set forth below be included in a new Part 12:

PART 12—REIMBURSEMENT OF PARTICIPANTS IN RULEMAKING PROCEEDINGS

Sec.

AUTHORITY: 5 U.S.C. 301.

§ 12.1 Purpose.

This part sets forth the Department's regulations governing the reimbursement of individuals and groups for certain of the costs of participation in rulemaking proceedings of the Department. Applicants are eligible to be reimbursed, within budget constraints, when their participation can reasonably be expected to contribute substantially to a full and fair determination of the issues; they are otherwise financially unable to appear; they are from the area affected; and the interest they seek to represent is not otherwise adequately represented.

§ 12.2 Definitions.

As used in this part:

(a) "Agency" means each authority of the United States Department of Agriculture, and includes the Office of the Secretary.

(b) "Agency Head" means the administrator or director of any Agency, and his or her delegate.

(c) "Applicant" means any person requesting compensation under this part to present views as a participant in a rulemaking proceeding, including individuals or any profit or nonprofit group, association, partnership, or corporation. This does not include a local, State, or Federal agency.

(d) "Department" means the U.S. Department of Agriculture.

(e) "Docket" means the file of material relevant to requests for reimbursement under this part.

(f) "Evaluation Board" or "Board" means a panel composed of two permanent members designated by the Director of Public Participation and a third member who shall be the Public Participation Officer of the Agency which is responsible for the proceeding out of which the application arises.

(g) "Locality to be affected" means the United States in the case of proceedings which may have a nationwide impact; and the State or States affected in the case of proceedings which do not have a nationwide impact; or defined by the Agency Head in the notice of the agency proceeding.

(h) "Proceeding" means any phase of a Department rulemaking process that is open to public participation, including any advance notice or notice of proposed rulemaking, or any meeting, hearing, or solicitation of comments in contemplation of rulemaking, except that this does not include adjudications. A proceeding is commenced by publication of a notice in the FEDERAL REGISTER announcing that the Department is soliciting comment on a proposal.

(i) "Qualified applicant" means an applicant the Agency Head or Evaluation Board has determined is eligible for reimbursement under this Part.

(j) "Secretary" means the Secretary of Agriculture or his or her delegate.

§ 12.3 Scope and applicability.

(a) This part applies to any individual or group seeking financial assistance for participation in a rulemaking proceeding of the Department. It does not, however, create any new right to intervene or otherwise participate in any proceeding. Reimbursement will be limited by the availability of funds and program requirements as determined by the Department.

(b) This regulation is solely for the purpose of establishing internal procedures to assist agencies in determining applicants' eligibility for the reimbursement voluntarily provided by the Department under this regulation. Nothing in this regulation shall be construed to create a cause of action or to preclude any cause of action which might exist without this regulation.

§ 12.4 Applications for reimbursement.

(a) Any person may submit an application for reimbursement for participation in an agency proceeding. The application should be submitted as early as practicable.

(b) If the Agency anticipates that reimbursed participation would be especially useful to it in a particular proceeding, it may invite application for reimbursement. The invitation, including a closing date for the submission of application, will be published in the FEDERAL REGISTER and may also be publicized in any other media that appear appropriate. Applications submitted after the closing date will be considered to the extent practicable.

(c)(1) Applications shall be submitted to the Agency Head responsible for the proceeding:

(Agency Head), United States Department of Agriculture, Washington, D.C. 20250.

(2) Alternatively, an applicant may send the application to the Director of Public Participation, United States Department of Agriculture, Washington, D.C. 20250. The Director of that office will promptly send any applications he or she receives to the appropriate Agency Head.

(3) Forms which an applicant may use for applying for reimbursement will be available from the agency responsible for the proceeding.

(d) Each applicant shall provide, in a signed statement, the information requested below in the order specified. Failure to include the requested information may result in a delay in the consideration of the application and may also result in disqualification of the applicant.

(1) The applicant's name and address. In the case of an organization, the names, addresses, and titles of the members of its governing body and a description of the organization's general purposes, size, structure, and Federal income tax status.

(2) An identification of the proceeding for which funds are requested.

(3) A description of the applicant's economic, social, and other interests in the outcome of the proceeding.

(4) The issues planned to be addressed and how the issues affect the applicant's interest in the proceeding. This discussion should explain which ideas or viewpoints the applicant believes are novel or significant, and why the applicant believes that the presentation of these ideas and viewpoints would contribute to a full and fair determination of the issues involved in the proceeding.

(5) A statement of the total amount of funds requested, including an item-

ized statement of the services and expenses to be covered by the requested funds.

(6) Financial status, including:

(i) A listing of the income, assests and liabilities of the applicant as of the date of the application.

(ii) An explanation of why the applicant cannot use any assests it may have in excess of liabilities to cover its costs of participating in the agency proceeding.

(iii) If the applicant is a group, association, partnership, or corporation, the official budget for the current fiscal year of the applicant and a statement of revenues and expenses for the last three fiscal years.

(7) A list of all proceedings of the Federal Government in which the applicant has participated during the past year (including the interest represented and the presentation made) and any amount of financial assistance received from any agency of the Federal Government.

§ 12.5 Processing of applications and criteria for reimbursement.

(a) The Agency Head will process applications. He or she may request applicants to provide additional written or oral information necessary for full consideration of the application. The Agency Head shall file such additional written information, and summaries of oral information with a copy of each application in the docket.

(b) The Agency Head will act on an application as soon as practicable after it is received. If the Agency has invited applications for reimbursement in a particular proceeding, the Agency Head will make every effort to act on the applications within 15 working days after the closing date announced in the invitation.

(c) The Agency Head shall present all applications to the Evaluation Board for review prior to final approval. The Board will either approve or disapprove the Agency Head's decision. The Board will establish guidelines for agencies to follow in submitting applications for review.

(d) In addition to the criteria of paragraph (e) of this section, the Agency Head or Board may consider the importance of the applicant's proposed participation in light of the funding available for reimbursement.

(e) The Agency head or the Evaluation Board may approve an application only if they find that:

(1) The applicant's participation would, or could reasonably be expected to, contribute substantially to a full and fair determination of the issues involved in the proceeding, taking into consideratation the following factors:

(i) The ability of the applicant to represent in a timely and competent manner the interest it espouses, including the applicant's, or its consultant's or attorney's, experience and expertise in the substantive area at issue in the proceeding;

(ii) Evidence of the applicant's relation to the interest it seeks to represent;

(iii) The public interest in promoting new sources of public participation;

(iv) The novelty, complexity, and significance of the issues to be considered in the proceeding; and

(v) The need for representation of a fair balance of interests.

(2) The applicant has demonstrated that it does not have sufficient resources available to participate effectively in the proceeding in the absence of an award under this part, In making this determination, the Agency Head and the Evaluation Board may consider, but are not limited to, the following factors:

(i) The amount of an applicant's assets that are firmly committed for other expenditures;

(ii) the amount of its own funds the applicant will spend on its participation; and

(iii) Whether an appearance of being impecunious is achieved by establishing a sham organization to receive reimbursement under this part or other similar Federal reimbursement programs.

(3) Except for expert witnesses whose technical expertise is required, the applicant is a resident of the locality to be affected, and seeks to represent an interest that is not otherwise adequately represented.

(f) The Agency Head shall mail each applicant the written decision of the Department, stating why reimbursement has either been granted or denied in light of the criteria in paragraph (e) of this section. Copies of the decision are filed in the docket.

(g) The Agency head may, for good and timely reason given by an applicant, reconsider the disapproval of all or part of an application. The decision of the Agency Head, concurred in by the Evaluation Board, shall be considered final.

(h) The Department's Public Participation Staff shall periodically review the decisions on reimbursement to assure that the individual Agencies are consistently and correctly applying the eligibility criteria.

(i) The Agency Head shall file copies of any written communincation in the docket. It shall similarly file a summary of any oral communication, and mail a copy to the applicant.

(j) Upon request and where practicable the Agency Head may extend any filing period for all parties or postpone any hearings, in order to afford applicants adequate time to prepare their presentations. The Agency Head in deciding whether to make such a decision shall balance the need to give time to applicants against the need for a speedy resolution of the proceeding.

§ 12.6 Reimbursable costs.

(a) Reimbursement is limited to the actual and reasonable costs authorized and incurred by the applicant's participation. The following costs are reimbursable under this part:

(1) Expenses compensable under this regulation include but are not limited to reasonable attorneys' fees, expert witness fees, the expenses of clerical services, studies, demonstrations, associated travel and subsistence costs, and other reasonable costs of participation actually incurred.

(2) Compensation of an applicant is limited to the actual and reasonable costs of its participation. Compensation paid to the staff of any participating group or organization is limited to the rate of reimbursement normally paid by the participant for staff services and may not exceed the rates paid to Department employees for providing comparable services. Compensation of a participant's contractor may be valued at the prevailing market rates for the kind and quality of service provided, but may not exceed the rates paid to Department employees for providing comparable services.

(3) Reimbursement for travel, subsistence, and miscellaneous expenses must conform to the types and rates prescribed by Department travel regulations.

(4) Compensation is not provided for work performed or costs incurred prior to approval of an application by the Evaluation Board. Compensation is not provided for negotiationg claims, answering Department inquiries, or preparing an application.

§ 12.7 Supplementary reimbursement.

(a) Applicants may apply to the Agency Head for supplemenatary reimbursement if the initial award is insufficient to permit the applicant to complete its proposal and if:

(1) The applicant demonstrates it has been subject to an unforeseeable and material change in its circumstances; or

(2) The applicant or the Agency Head substantially underestimated the probable cost of participation.

§ 12.8 Payments to applicants.

(a) An applicant shall submit a claim for reimbursement for approved costs to the relevant Agency within 90 days of the applicant's completion of participation in the proceeding. Such claims shall include bills, receipts, or other proof of costs incurred for each item of expense exceeding $10. The relevant Agency will authorize payment of the approved expenses within 30 days of receipt of the applicant's

claim. For good cause shown, partial payments may be made as an applicant's work progresses.

(b) Payment may be denied if the applicant clearly has not provided the representation for which the application was approved.

§ 12.9 Audits.

The Secretary and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any pertinent books, documents, papers, and records of a participant receiving reimbursement under this section. The Secretary shall establish additional guidelines for accounting, recordkeeping, audit, and other administrative procedures which Agencies will follow in granting reimbursement. Applicants shall retain all relevant records supporting a claim for reimbursement for a period of 3 years after receipt of such reimbursement.

§ 12.10 Availability of dockets.

All dockets concerning reimbursement for participation in Department proceedings will be available for inspection and copying through the Department Office of Public Participation at Department headquarters, 14th and Independence Avenue SW., Washington, D.C. 20250.

§ 12.11 Authority for the program.

The following statutes provide implicit authority for the reimbursement of participants in rulemaking proceedings under these statutes.

United States Grain Standards Act, 7 U.S.C. 71 *et seq.;* Federal Plant Pest Act, 7 U.S.C. 150 aa *et seq.;* Plant Quarantine Act, 7 U.S.C. 151-165, 167; Packers and Stockyards Act, 1921, 7 U.S.C. 181 *et seq.;* Agricultural Marketing Agreement Act of 1937, 7 U.S.C. 601 *et seq.;* Rural Electrification Act of 1936, 7 U.S.C. 901 *et seq.;* Bankhead-Jones Farm Tenant Act, 7 U.S.C. 1010, 1011e; Agricultural Adjustment Act of 1938, 7 U.S.C. 129; Agricultural Act of 1949, 7 U.S.C. 1421 *et seq.;* Federal Crop Insurance Act, 7 U.S.C. 1501 *et seq.;* Agricultural Marketing Act of 1946, 7 U.S.C. 1621 *et seq.;* Agricultural Trade Development and Assistance Act of 1954, P.L. 480, 7 U.S.C. 1691 *et seq.;* Consolidated Farm and Rural Development Act, 7 U.S.C. 1921 *et seq.;* Food Stamp Act, 7 U.S.C. 2011-2027; Cotton Research and Promotion Act, 7 U.S.C. 2101 *et seq.;* Animal Welfare Act, 7 U.S.C. 2131 *et seq.;* Potato Research and Promotion Act, 7 U.S.C. 2611 *et seq.;* Egg Research and Consumer Information Act, 7 U.S.C. 2611 *et seq.;* Beef Research and Information Act, 7 U.S.C. 2901 *et seq.;* Wheat and Wheat Foods Research and Nutrition Education Act, 7 U.S.C. 3401 *et seq.;* Commodity Credit Corporation Charter Act, 15 U.S.C. 714 *et seq.;* Multiple Use-Sustained Yield Act, 16 U.S.C. 528-531; Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590a-f; Flood Control Act of 1944 (Sec. 13); Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001 *et seq.;* Wilderness Act, 16 U.S.C. 1131 *et seq.;* National Forest Management Act of 1976, 16 U.S.C. 1600 *et seq.;* Forest and Rangeland Renewable Resources Planning Act of 1974, 16 U.S.C. 1600 *et seq.;* Forest and Rangeland Renewable Resources Research Act of 1978, 16 U.S.C. 1641 *et seq.;* Soil and Water Resources Conservation Act of 1977, 16 U.S.C. 2001 *et seq.;* Cooperative Forestry Assistance Act of 1978, 16 U.S.C. 2101 *et seq.;* Animal Quarantine Laws, 21 U.S.C. 102, 111, 120; Poultry Products Inspection Act, 21 U.S.C. 451 *et seq.;* Federal Meat Inspection Act, 21 U.S.C. 601 *et seq.;* Housing Act of 1949, 42 U.S.C. 1471 *et seq.;* Rural Clean Water Act of 1977 (Sec. 35) 33 U.S.C. 1288; National School Lunch Act, 42 U.S.C. 1751-1768; Child Nutrition Act of 1966, 42 U.S.C. 1771-1778.

Prior to the implementation of a reimbursement plan for rulemaking proceedings conducted under other statutes, the Office of the General Counsel (OGC) will review the relevant statute or statutes and determine whether there is explicit or implicit authority for reimbursement for public participation. OGC will make this determination in response to a request from an Agency Head who will make such request:

(a) prior to soliciting applications for reimbursement; or

(b) where such a solicitation is not made, after receiving an application for reimbursement for a specific rulemaking proceeding.

Done at Washington, D.C., on: March 19, 1979.

BOB BERGLAND,
Secretary.

[FR Doc. 79-8747 Filed 3-21-79; 8:45 am]

[3410-02-M]

Agricultural Marketing Service

[7 CFR Ch. IX]

[Docket No. AO-382]

MELONS GROWN IN SOUTH TEXAS

Decision on Proposed Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision proposes a marketing agreement and order regulating the handling of melons grown in South Texas.

The proposed order would authorize regulations to fix the grade, size, quality, maturity, pack, container and markings for melons, except watermelons, grown in 19 designated counties in South Texas. The primary objective of the proposal is to improve the quality of melons shipped to markets. This should reduce marketing losses and result in improved returns to growers.

DATES: Referendum Period.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-4722.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing—Issued October 26, 1978; published October 31, 1978. (43 FR 50685)

Notice of Recommended Decision—February 6, 1979; published February 12, 1979. (44 FR 8880)

PRELIMINARY STATEMENT

The proposed marketing agreement and order were formulated on the record of a public hearing held at Edinburg, Texas, November 28 through December 1, 1978. Notice of the hearing was published in the October 31, 1978, issue of the FEDERAL REGISTER (43 FR 50685). The notice set forth a proposed order submitted by the South Texas Melon Steering Committee on behalf of melon producers in the proposed production area.

On the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, on February 6, 1979, filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision which contained notice of the opportunity to file by February 27, 1979, written exceptions thereto. None was filed.

The material issues, findings and conclusions, rulings and general findings of the recommended decision published February 12, 1979, in Volume 44 of the FEDERAL REGISTER (44 FR 8880) are hereby incorporated by reference herein and made a part hereof, subject to the following corrections of inadvertent, grammatical, or obvious errors.

On page 8881, first paragraph, line 1, change "Coastal Bend Districts" to "adjacent areas"; second paragraph, line 2, change "mid April" to "May"

On page 8883, first column, fifth paragraph, line 3, change "handles" to "handlers"; second column, fourth paragraph, line 21, change "and" to "an"

On page 8884, third column, second paragraph, lines 20 and 22, change "commerical" to "commercial"

On page 8885, first column, first paragraph, line 6, change "commerical" to "commercial"; second paragraph, line 5, change "states" to "States"; second column, first paragraph, line 16, change "similar" to "Similar"; line 22, change "familar" to "familiar"

On page 8887, third column, fifth paragraph, lines 16 & 17, change "sufficient to operate". . . to "not to

exceed approximately two fiscal periods' expenses"

On page 8889, second column, last paragraph, line 7, change "of" to "or"

On page 8889, third column, fourth paragraph, line 29, change "thereform" to "therefrom"

On page 8890, first column, second paragraph, line 4, insert "been" after "have"

On page 8891, third column, first paragraph, line 2, change "Kelleberg" to "Kleberg"

On page 8892, first column, section .18, change "an" to "and"

On page 8892, first column, section .18, line 2, insert "Grown" after "Melons"

On page 8892, second column, second paragraph, line 6, change "at least 100 percent" to "all"

On page 8893, first column, section .30, line 9, change "Seretary" to "Secretary"

On page 8895, second column, paragraph (b)(2), change "naturities" to "maturities".

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Melons Grown in South Texas," and "Marketing Order Regulating the Handling of Melons Grown in South Texas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, that this entire decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER.[1] The regulatory provisions of the marketing agreement are identical with those contained in the order which is published with this decision.

Referendum order. It is hereby directed that a referendum be conducted in accordance with the procedure for the conduct of referenda (7 CFR 900.400 et seq.) to determine whether the issuance of the annexed order regulating the handling of melons grown in South Texas is approved or favored by producers, as defined under the terms of the order, who during the representative period were engaged in the production area in the production of the regulated commodity for market.

The representative period for the conduct of such referendum is hereby determined to be January 1, 1978, to December 31, 1978.

The agents of the Secretary to conduct such referendum are hereby designated to be David B. Fitz and Robert F. Matthews.

A Final Impact Analysis is available from Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, Phone (202) 447-4722.

Copies of this Decision are being mailed to known interested persons. Others may obtain copies from Mr. Brader or David B. Fitz, Marketing Field Office, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, 320 North Main, Room A-103, McAllen, Texas 78501.

Signed at Washington, D.C., on: March 19, 1979.

P.R. "BOBBY" SMITH,
Assistant Secretary for Marketing and Transportation Services.

Marketing Order [1] *Regulating the Handling of Melons Grown in South Texas*

FINDINGS AND DETERMINATIONS

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order, regulating the handling of melons grown in South Texas.

Upon the basis of the record it is found that:

(1) The order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The order regulates the handling of melons grown in the production area in the same manner as, and is applicable only, to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of melons grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of melons grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of melons shall be in conformity to and in compliance with the following terms and conditions;

The provisions of the proposed order contained in the recommended decision issued by the Deputy Administrator on February 6, 1979, and published in the FEDERAL REGISTER on February 12, 1979 (44 FR 8880), shall be and are the terms and provisions of this order, and are set forth in full herein.

Marketing Order [1] *Regulating the Handling of Melons Grown in South Texas*

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[1] Marketing agreement is filed with original.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

§ .1 *Secretary.*

"Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ .2 *Act.*

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

§ .3 *Person.*

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ .4 *Production area.*

"Production area" means the counties of Bee, Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Live Oak, McMullen, Nueces, Refugio, San Patricio, Starr, Webb, Willacy, and Zapata in the State of Texas.

§ .5 *Melons.*

"Melons" means all varieties of *Cucumis melo*, commonly called muskmellons and including but not limited to varieties *reticulatus* and *inodorus*, grown in the production area. Such varities include cantaloupes, honeydew and honey ball melons. Watermelons (*Sitrullaus lanatus*) are not included in the foregoing definition.

§ .6 *Handler.*

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of melons owned by another person) who handles melons or causes melons to be handled.

§ .7 *Handle.*

"Handle" or "ship" means to harvest, grade, package, sell, transport, or in any other way to place melons grown in the production area, or cause such melons to be placed, in the current of commerce within the production area or between the production area and any point outside thereof. Such term shall not include the transportation, sale, or delivery within the production area of field-run melons to a person for the purpose of having such melons prepared for market.

§ .8 *Grower.*

"Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity in the production of melons for market.

§ .9 *Committee.*

"Committee" means the South Texas Melon Committee established pursuant to § .22.

§ .10 *Fiscal period.*

"Fiscal period" means the annual period beginning and ending on such dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ .11 *Grade, size, and maturity.*

"Grade," "size," and "maturity" mean, respectively, any of the officially established grade, size, or maturity definitions as set forth in the U.S. Standards for Grades of Cantaloupes (§§ 2851.475-2851.494(c) of this title) or U.S. Standards for Grades of Honey Dew and Honey Ball Type Melons (§§ 2851.3740-2851.3749 of this title), including amendments, modifications, or variations thereof, or, such other grades, sizes, and maturities as may be recommended by the committee and approved by the Secretary.

§ .12 *Grading.*

"Grading" is synonymous with "preparing melons for commercial market" and means sorting or separation of melons into grades, sizes, maturities, or packs or any combination thereof, for handling.

§ .13 *Pack.*

"Pack" means a quantity of melons specified by grade, size, weight, or count, or by type or conditions of container, or any combination of these recommended by the committee and approved by the Secretary.

§ .14 *Container.*

"Container" means any carton, crate, box, bag, hamper, pallet bin, package, basket, bulk load, or any other type of receptacle used in handling melons.

§ .15 *Varieties.*

"Varieties" means and includes all classifications, subdivisions, or types or melons according to those definitive characteristics now and hereinafter recognized by the U.S. Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ .16 *Export.*

"Export" means shipment of melons to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ .17 *District.*

"District" means each of the geographic divisions of the production area initially established pursuant to § .24 or as reestablished pursuant to § .25.

§ .18 *Part and subpart.*

"Part" means the Order Regulating the handling of Melons Grown in South Texas and all rules and regulations, and supplementary orders issued thereunder. The aforesaid Order Regulating the Handling of Melons Grown in South Texas shall be a "subpart" of such "part."

COMMITTEE

§ .22 *Establishment and membership.*

(a) There is hereby established a South Texas Melon Committee, consisting of ten (10) members, to administer the terms and provisions of this part. Six members shall be growers, three members shall be handlers, and one shall be a public member. Each shall have an alternate who shall have the same qualifications as the member.

(b) Each member, other than the public member, shall be an individual who is, prior to his selection and during his term of office (1) a resident of the production area, and (2) a grower or handler, or an officer or employee of a grower or handler, or of growers' cooperative marketing organization.

(c) Five members shall be growers from District No. 1 and one member shall be a grower from District No. 2. No person, if he handles melons, shall be eligible for selection as a grower member on the committee unless all of the melons handled by him during the

fiscal period immediately preceding his proposed selection to the committee were his own production or unless such person is an officer or employee of a growers' cooperative marketing association. Three members shall be handlers from District No. 1.

(d) The public member and alternate shall be a resident of the production area and be neither a grower nor a handler and shall have no direct financial interest in the commercial production, financing, buying, packing or marketing of melons, except as a consumer, nor shall such person be a director, officer or employee of any firm so engaged.

§ .23 *Term of office.*

(a) Except as otherwise provided in paragraph (b) of this section, the term of office of committee members and their respective alternates shall be for two years and shall begin as of March 1 and end the last day of February or for such other two year period as the committee may recommend and the Secretary approve. The terms shall be so determined that approximately one-half of the total committee membership shall terminate each year. Members and alternates shall serve in such capacity for the portion of the term of office for which they are selected and have qualified, and until their respective successors are selected and have qualified;

(b) The term of office of the initial members and alternates shall begin on the effective date of this subpart. Approximately one-half the initial committee members and alternates shall serve for a 1 year term.

§ .24 *Districts.*

To determine a basis for selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: (Valley) the counties of Cameron, Hidalgo, Starr, Brooks, Kleberg, Jim Hogg, Kenedy, and Willacy in the State of Texas.

District No. 2: (Laredo-Coastal Bend) the counties of Zapata, Webb, Duval, Jim Wells, Nueces, San Patricio, La Salle, McMullen, Live Oak, Bee, and Refugio in the State of Texas.

§ .25 *Redistricting.*

The committee may recommend, and the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to:

(a) Shifts in melon acreage within the districts and within the production area during recent years;

(b) The importance of new production in its relation to existing districts;

(c) The equitable relationship of committee membership and districts; and

(d) Other relevent factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than 6 months prior to such date.

§ .26 *Nominations.*

(a) Initial members. For nominations to the initial committee, the meeting or meetings may be sponsored by the U.S. Department of Agriculture or by any agency or group requested to do so by the Department. The nominations, resulting from these meetings, for each of the six initial grower and three initial handler members of the committee, together with nomination for the initial alternate members for each position shall be submitted to the Secretary prior to the effective date of this subpart.

(b) Successor members. (1) The committee shall hold or cause to be held, not later than January 15 of each year, or such other date as may be specified by the Secretary, a meeting or meetings of growers and handlers in each district for the purpose of designating at least one nominee for each position as member and for each position as alternate member of the committee which is vacant, or which is about to become vacant;

(2) The names of nominees shall be suppied to the Secretary at such time and in such manner and form as he may prescribe;

(3) Only growers may participate in designating grower nominees and only handlers may participate in designating handler nominees to the committee;

(4) Only growers and handlers who are present at such nomination meetings, or represented at such meetings by a duly authorized employee, may participate in the nomination and election of nominees for members and their alternates.

(c) Each person, whether grower or handler, is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote shall be construed to permit a voter to cast one vote for each position to be filled;

(d) The public member and alternate member shall be nominated by the members of the committee. The public member and alternate member shall not be growers or handlers, or employees of growers or handlers. The committee shall recommend rules for receiving names of persons to be considered for nomination to the public member and alternate positions. Rules shall also be recommended for establishing eligibility of persons nominated to the public member and alternate positions. The persons nominated for the public member and alternate positions shall be submitted by the incumbent committee to the Secretary by January 15, or such other date recommended by the committee and approved by the Secretary, of the years the terms expire together with information deemed pertinent by the committee or as requested by the Secretary. The names of the nominees for the initial public member and alternate shall be submitted to the Secretary not later than 90 days after the first regular meeting of the initial South Texas Melon Committee.

§ .27 *Selection.*

Committee members and alternates shall be selected by the Secretary on the basis of representation provided for in § .22 from nominations made pursuant to § .26.

§ .28 *Failure to nominate.*

If nominations, including initial nominations, are not made within the time and manner prescribed in § .26, the Secretary may, without regard to nominations, select the members and alternates on the basis of the representation provided for in § .22.

§ .29 *Acceptance.*

Any person selected by the Secretary as member or as an alternate member of the committee shall, prior to serving as such, qualify by filing a written acceptance with the Secretary within the time period specified by the Secretary.

§ .30 *Vacancies.*

To fill committee vacancies, the Secretary may select members or alternates from nominees on the latest nomination reports or from nominations made in the manner specified in § .26 or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the vacancy may be filled without regard to nomination, but such selection shall be made on the basis of representation provided for in § .22.

§ .31 *Alternate member.*

An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or when designated to do so by such member. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or his alternate or the

committee, in that order, may designate another alternate from the same district and the same group (handler or grower) to serve in such member's stead. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified. The committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ *.32 Procedure.*

(a) Seven members of the committee shall be necessary to constitute a quorum and the same number of concurring votes shall be required to pass any motion or approve any committee actions.

(b) In assembled meetings all votes shall be cast in person. However, the committee may provide for meetings by telephone, telegraph, or other means of communication and any vote cast at such meetings shall be promptly confirmed in writing and recorded in the minutes of each meeting so as to reflect how each member voted.

§ *.33 Expenses.*

Members and alternates, when serving as members of the committee, shall serve without compensation but shall be reimbursed for such expenses authorized by the committee and necessarily incurred by them in attending committee meetings and in the performance of their duties under this part: *Provided,* That the committee at its discretion may request the attendance of one or more alternates at any or all meetings notwithstanding the expected or actual presence of the respective members and may pay expenses as aforesaid.

§ *.34 Powers.*

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ *.35 Duties.*

The committee shall have, among others, the following duties:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees, and to adopt such rules, regulations, and bylaws for the conduct of its business as it deems necessary, and to recommend nominees for the public member and alternate;

(b) To act as intermediary between the Secretary and any grower or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary, to determine the compensation and define the duties of each such person, and to protect the handling of committee funds through fidelity bonds;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to melons;

(f) To recommend research projects to the Secretary in accordance with this part;

(g) To notify handlers of each meeting of the committee to consider recommendations for regulations and of all regulatory actions taken which might affect growers or handlers and to provide such notification to producers through appropriate news releases or such other means as may be available to the committee;

(h) To give the Secretary the same notice of meetings of the committee and its subcommittee as is given to its members;

(i) To prepare a marketing policy;

(j) To recommend marketing regulations to the Secretary;

(k) To recommend rules and procedures for, and to make determination in connection with appropriate safeguards;

(l) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(m) Prior to or at the beginning of each fiscal period, to prepare a budget of anticipated expenses for such fiscal period, together with a report thereon;

(n) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to producers and handlers for examination at the office of the committee;

(o) To prepare and forward to the Secretary, prior to the last day of each fiscal period, an annual report, and make a copy available to each handler and grower who requests it. This annual report shall contain at least:

(1) A complete review of the regulatory operations during the fiscal period;

(2) An appraisal of the effect of such regulatory operations upon the melon industry; and

(3) Any recommendations for changes in the program.

(p) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period and at such other times as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by growers and handlers; and

(q) To consult, cooperate, and exchange information with other marketing order committees and other individuals or agencies in connection with all proper activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ *.40 Expenses.*

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred during each fiscal period by the committee for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Each first handler's pro rata share of such expenses shall be proportionate to the ratio between the total quantity of melons handled by him as the first handler thereof during a fiscal period and the total quantity of melons so handled by all handlers as first handlers thereof during such fiscal period.

§ *.41 Budget.*

Prior to or at the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ *.42 Assessments.*

(a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided for in this subpart. Each handler who first handles melons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses;

(b) Assessments shall be levied during each fiscal period upon handlers at a rate per unit established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information;

(c) At any time during or after a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment in conformance with§ .41. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the assessment rate. Such increase shall be applicable to all melons which were handled by each first handler thereof during such fiscal period;

(d) The payment of assessments for the maintenance and functioning of the committee may be required irrespective of whether particular provisions of this part are suspended or become inoperative;

(e) To provide funds for the administration of the provisions of this part the committee may accept the payment of assessments in advance;

(f) If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be increased by a late payment charge or an interest charge at rates prescribed by the committee with the approval of the Secretary.

§ .43 Accounting.

(a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part. At the end of the fiscal period an annual financial audit shall be conducted by a competent accountant and two copies sent to the Secretary;

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds, and property (including but not limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the successor, the committee, or person designated by the Secretary, the right to all such property and funds and all claims vested in such person;

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations under this part are not in effect, and, if the Secretary determines such action appropriate, he may direct that such person or persons may act as such trustee or trustees.

§ .44 Excess funds.

(a) If, at the end of a fiscal period the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of any such assessments which represent payments by the handler in excess of his pro rata share, shall be credited with such refund against his operations of the following fiscal period or such excess shall be accounted for in accordance with one of the following:

(1) The committee, with the approval of the Secretary, may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established, except funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used (i) to defray any expenses authorized under this part, (ii) to defray expenses during any fiscal period prior to the time assessment income is sufficient to cover such expenses, (iii) to cover deficits incurred during any fiscal period when assessment income is less than expenses, (iv) to defray expenses incurred during any period when any or all provisions of this part are suspended or are inoperative, and (v) to cover necessary expenses of liquidation in the event of termination of this part. Any funds remaining after termination should be refunded to handlers on a pro rata basis. If it is found impracticable to return such remaining funds to handlers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate;

(2) If such excess is not retained in a reserve or used to defray necessary expenses of liquidation, as provided for in subparagraph (1) of this paragraph, it shall be refunded proportionately to the handlers from whom collected, except any sum paid by any handler in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due to the committee from such handler.

RESEARCH AND DEVELOPMENT

§ .48 Research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of melons. The expenses of such projects shall be paid from funds collected pursuant to § .42

REGULATIONS

§ .50 Marketing policy.

(a) Prior to or at the same time initial recommendations in any fiscal period are made pursuant to § .51, and as the Secretary may require, the committee shall prepare a marketing policy statement. Notice of such marketing policy shall be given to producers, handlers, and other interested parties by bulletins, newspapers, or other appropriate media, and copies thereof shall be submitted to the Secretary and shall be available at the committee office to all interested parties;

(b) Marketing policy statements relating to recommendations for regulations shall give appropriate consideration to melon supplies for the remainder of the season, with special consideration to:

(1) Estimates of total supplies including grade, size, and quality thereof, in the production area;

(2) Estimates of supplies of melons in competing areas;

(3) Estimates of supplies of other competing commodities;

(4) Market prices by grades, sizes, containers, and packs;

(5) Anticipated marketing problems;

(6) Level and trend of consumer income; and

(7) Other relevant factors.

§ .51 Recommendations for regulations.

Upon complying with requirements of § .50, the committee may recommend regulations to the Secretary when it finds that such regulations as are authorized in this order will tend to effectuate the declared policy of the act.

§ .52 Issuance of regulations.

(a) The Secretary shall limit by regulation the handling of melons when he finds from the recommendations and information submitted by the committee, or from other available information, that such regulations would tend to effectuate the declared policy of the act.

(b) Such regulations may:

(1) Limit the handling of particular grades, sizes, maturities, qualities, or packs, or any combination thereof, of any or all varieties of melons during any period;

(2) Limit the handling of particular grades, sizes, maturities, qualities, or packs of melons differently for different varieties, for different markets, for different containers, or any combina-

tion of the foregoing, during any period;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of melons, including appropriate container markings to identify the contents thereof.

(c) The regulations or any portions of such regulations issued hereunder may be amended, modified, suspended, or terminated by the Secretary whenever it is determined:

(1) That such action is warranted upon recommendation of the committee or other available information;

(2) That such action is essential to provide relief from inspection, assessment, or regulations under paragraph (b) of this section for minimum quantities less than customary commercial transactions; or

(3) That regulations issued hereunder obstruct or no longer tend to effectuate the declared policy of the act.

§ .54 *Handling for special purposes.*

Regulations in effect pursuant to§ .42, § 52, or § .60 may be modified, suspended, or terminated by the Secretary, upon recommendation of the committee, to facilitate handling of melons for: (a) Relief or charity, (b) experimental purposes, (c) exports, and (d) other special purposes, which may be recommended by the committee and approved by the Secretary.

§ .55 *Safeguards.*

The committee, with the approval of the Secretary, may establish, through rules and regulations, the requirements with respect to proof that shipments made pursuant to § .54 were handled and used for the purpose stated.

§ .56 *Notification of regulation.*

The Secretary shall promptly notify the committee of regulations issued and of any modification, suspension, or termination thereof. The committee shall give notice thereof to all handlers of melons in the production area. In addition, the committee shall make the information available to growers through appropriate news releases or such other means as may be available.

INSPECTION

§ .60 *Inspection and certification.*

(a) Whenever the handling of melons is regulated pursuant to§ .52 or at other times when recommended by the committee and approved by the Secretary, no handler shall handle melons unless they are inspected by an authorized representative of the Federal-State Inspection Service and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § .52(c), or § .54, or paragraph (b) of this section. The cost of such inspection shall be borne by the applicant.

(b) Regrading, resorting, repacking any lot of melons, or breaking any lot (without continuing identification of applicable inspection or subcertification thereof) shall invalidate any applicable inspection certificate insofar as the requirements of this section are concerned. No handler shall handle melons after a lot has been broken, regraded, repacked, or resorted, or in any other way additionally prepared for market, unless such melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service. Such inspection requirements on regraded, resorted, repacked, or broken lots of melons may be modified, suspended or terminated upon recommendation by the committee, and approval of the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When melons are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the Inspection Service.

(e) The committee may recommend and the Secretary may require that no handler shall transport or cause the transportation of melons by motor vehicle or by other means unless such shipment is accompanied by a copy of the inspection certificate issued thereon, or such other documents as may be required by the committee. Such certificates or documents shall be surrendered to proper authorities at such time and in such manner as may be designated by the committee, with the approval of the Secretary.

REPORTS

§ .80 *Reports.*

Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and form and at such time as it may be prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following:

(1) The number of acres of melons and the approximate dates planted, for all melons which will be handled by each handler;

(2) The quantities of melons received by a handler;

(3) Identification of the inspection certificates relating to the melons which were handled pursuant to § .52 or § .54 or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least 2 succeeding years such records and documents on melons received by him as may be necessary to verify reports submitted to the committee pursuant to this section.

(d) For the purpose of assuring compliance with recordkeeping requirements and certifying reports of handlers, the Secretary and the committee, through their duly authorized employees or agents, shall have access to any premises where applicable records are located, and where melons are handled, and at any time during reasonable business hours shall be permitted to inspect such handler's premises and examine any and all records of such persons with respect to matters within the purview of this part.

(e) Any person filing a report, record or application that is willfully misrepresented shall be subject to the legal penalties for such misrepresentation of Government reports.

COMPLIANCE

§ .81 *Compliance.*

Except as provided in this subpart, no handler shall handle melons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle melons except in conformity with the provisions of this part.

MISCELLANEOUS PROVISIONS

§ .82 *Right of the Secretary.*

The members of the committee (including successors and alternates) and any agents or employers appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decisions, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ .83 *Effective time.*

The provisions of this subpart or any amendment thereto shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ .84 *Termination.*

(a) The Secretary shall, whenever he finds that any or all provisions of this subpart obstruct or do not tend to effectuate the declared policy of this act, terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary shall terminate the provisions of this subpart at the end of the then current fiscal period whenever he finds that such termination is favored by a majority of the growers who, during a representative period determined by the Secretary, have been engaged in the production for market of melons within the production area: *Provided*, That such majority has during such representative period, produced for market more than 50 percent of the volume of such melons produced for market.

(c) The provisions for this subpart shall, in any event, terminate whenever the provisions of the Act authorizing them cease to be in effect.

§ .85 *Proceedings after termination.*

(a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees for the purpose of settling the affairs of the committee by liquidating all funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such persons full title and right to all of the funds, property and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ .86 *Effect of termination or amendments.*

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart, or (b) release or extinguish any violation of this subpart or any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ .87 *Duration of immunities.*

The benefits, privileges and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ .88 *Agents.*

The Secretary may, by designation in writing, name any person, including any officer or employee of the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ .89 *Derogation.*

Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ .90 *Personal liability.*

No member or alternate member of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others in any way whatever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, as such member, alternate, agent or employee, except for acts of dishonesty, willful misconduct or gross negligence.

§ .91 *Separability.*

If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ .92 *Amendments.*

Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

[FR Doc. 79-8783 Filed 3-21-79; 8:45 am]

[3410-02-M]

[7 CFR Part 1004]

[Docket No. AO-160-A55]

MILK IN THE MIDDLE ATLANTIC MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This decision is based on milk industry proposals considered at a public hearing held in October 1978. The decision would reduce the pooling requirements for distributing plants and reserve processing plants and permit a federation of cooperative associations to operate a pool reserve processing plant. The decision would also increase the number of days' milk production of a producer that may be diverted monthly to nonpool plants as pooled milk during the months of September through February. These changes are adopted in response to changed supply-demand conditions and methods of handling the market's reserve milk supplies and are necessary to assure orderly milk marketing.

FOR FURTHER INFORMATION CONTACT:

Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-6273.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing issued September 14, 1978, published September 19, 1978 (43 FR 41990).

Order Suspending Certain Provisions issued October 18, 1978, published October 23, 1978 (43 FR 49285).

Order Suspending Certain Provisions; Correction issued November 13, 1978, published November 16, 1978 (43 FR 53413).

Recommended decision issued January 19, 1979, published January 25, 1979 (44 FR 5140).

PRELIMINARY STATEMENT

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held, pursuant to the provisions of

the Agricultural Marketing Agreement Act of 1937, as amended (7 CFR Part 900), at Philadelphia, Pa. on October 3-4, 1978, pursuant to notice thereof issued on September 14, 1978 (43 FR 41990).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Marketing Program Operations, on January 19, 1979, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

Index of Changes:

1. Issue No. 1—The 11th paragraph is revised.

2. Issue No. 4—The 15th paragraph is revised.

3. Issue No. 5—This issue considered whether an emergency existed that would warrant the omission of a recommended decision. Since that issue is now moot, it is not included is this final decision.

The material issues on the record relate to:

1. Pooling standards for distributing plants.
2. Diversion provisions.
3. Pooling standards for reserve processing plants.
4. Payments by handlers for certain milk received from other Federal order markets.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pooling standards for distributing plants.*

The requirements that a distributing plant must meet to qualify as a pool plant during September through February should be changed. The order now requires that a pool distributing plant must have not less than 40 percent for each month of March through August and 50 percent for each month of September through February of its receipts of milk disposed of as Class I milk during the month. This should be changed by providing that the total Class I disposition requirement be 40 percent during all months.

A federation of five dairy cooperative associations, representing approximately 75 percent of the market's producers, proposed changing the requirement that a pool distributing plant must have not less than 50 percent of its receipts of milk disposed of as Class I milk during each month of September through February. The cooperative federation proposed decreasing the 50 percent requirement to 40 percent.

The federation's witness contended that there have been recent changes in marketing conditions within the Middle Atlantic marketing area that necessitate the proposed modification of the Order 4 distributing plant performance requirements. The changed conditions referred to by the witness include a downward trend in Class I sales and Class I utilization percentage. The proponent witness pointed out that since the marketing area was expanded in 1975 there has been a significant decrease in the Order 4 Class I utilization. He noted that during 1976 and 1977, producer receipts increased while Class I sales remained at about the 1975 level, thus causing the Class I utilization percentage to decrease. He also pointed out that on May 1, 1978 a large distributing plant shifted its market affiliation from Order 4 to Order 2, the order for the New York-New Jersey market. This, he claimed, decreased the Order 4 Class I sales and further reduced the Order 4 Class I utilization percentage. The proponent witness also contended that the need for reserve milk supplies has been increasing over the years due to the changing pattern of distribution, reduced number of plants, large number of three-day holiday weekends and changing processing practices at distributing plants.

The federation's witness pointed out that due to increased supplies during the flush production months of 1976 and 1977, it was necessary to suspend the requirement that distributing plants dispose of 50 percent of their producer receipts as Class I milk. The witness stated that within the last two years four of the federation's five cooperatives and various pool plants would have had trouble pooling milk under Order 4 if there had not been timely suspensions of the pool distributing plant Class I disposition percentage. He noted that prior to the suspensions there had been several times when fluid milk handlers and individual dairy farmers had lost their pool status because of the existing pooling requirements. He contended that it is not a stable condition when order provisions must be suspended each time there is a problem in maintaining pooling status for plants and producer milk supplies.

An Order 4 proprietary handler testified in support of the proposed decrease in the distributing plant performance level for September through February. However, the handler also proposed that for the months of March through August the Class I disposition requirement for a distributing plant be decreased from the present level of 40 percent to 30 percent. The handler's witness contended that this was necessary because of the seasonal differences in Class I utilization.

The witness noted that during the periods of March through August 1976 and September 1976 through February 1977 the Order 4 Class I sales were 57.93 percent and 62.28 percent, respectively, of the receipts from producers. He also noted that the Class I utilization for the same periods a year later were 55.09 percent and 59.69 percent, respectively. He indicated that the 1976 seasonal difference in Class I utilization was 4.35 percentage points and the 1977 difference was 4.60 percentage points. It was the witness' contention that these statistics clearly demonstrate a continuing trend requiring a seasonal variation in the Order 4 pooling requirement.

At the hearing and in its brief, the proponent federation supported a 40 percent year-round distributing plant performance standard, rather than one that changes seasonally. The federation contended that the 40 percent requirement adequately accommodated the needs of the reserve supplies of the market.

A producer in the market testified in opposition to any reduction in the distributing plant performance requirements. He contended that the proposal would remove the incentive for producers to control production because they would not have any problem pooling additional milk. He also contended that additional milk supplies were not needed to meet the market's Class I requirements and that any such milk would decrease the Order 4 Class I utilization and the returns to producers.

The supply-demand relationship for milk associated with the market has changed significantly since June 1975 when the marketing area was expanded. Since then, there has been a steady decline in the percent of producer milk assigned to Class I use. Until May 1978 this had occurred primarily because producer milk receipts had increased substantially while Class I use had been relatively unchanged, with the latter varying from above year-earlier levels in some months to below year-earlier levels in other months. However, on May 1, 1978 the largest distributing plant under Order 4 became regulated under Order 2. This resulted in a substantial decrease in Order 4 Class I disposition. For example, September 1976 and September 1977 Class I disposition by pool handlers were 2.3 percent and 1.4 percent, respectively, above a year earlier. However, the total Class I disposition in September 1978 [1] was 14.1 percent

[1] Official notice is taken of the Middle Atlantic Market Administrator's Bulletin, Issue No. 10, 1978.

below September 1977. In the 5 months following April 1978, the Class I disposition averaged over 12 percent less than year-earlier levels in the same months. Also, the market's Class I utilization percentage has decreased substantially since the marketing area was expanded in 1975. The Order 4 Class I utilization percentage for June through September 1978 averaged 11.7 percentage points less than for the same months in 1975. These data clearly indicate significant changes in the market's supply-demand relationship for milk.

Increasing supplies of milk relative to Class I sales necessitated the suspension of the 50 percent Class I pooling standard for certain months during each of the last three years. The 50-percent requirement was suspended for June and July 1976, May through August 1977, and again in 1978 during April through October. A suspension action reduced the 50-percent requirement to 40 percent for the months of November 1978 through February 1979. The need for the suspensions stemmed from a continuing downward trend in the Class I utilization percentage of the market. These actions were taken to prevent some distributing plants, and thus the milk of producers who regularly supply these plants, from losing pool status. A reduced pooling standard should minimize the need for such suspension actions.

As a proprietary handler's witness pointed out, there is seasonal variation in the market's Class I utilization. However, the market's Class I utilization has never dropped below 49 percent. It is therefore anticipated that a 40 percent Class I disposition requirement throughout the year will provide handlers, cooperative and proprietary alike, with a reasonable means for assuring the pooling of distributing plants. In exceptions to the recommended decision the proprietary handler contended that the Class I disposition requirement should be reduced below 40 percent during the months of March through September. Although there is some seasonal variation in the market's Class I utilization, the record does not indicate that a performance percentage of less than 40 percent is needed in any month to accommodate the pooling of milk associated with the market.

As noted by the dairy farmer mentioned earlier, it is true that the market's Class I utilization percentage would decrease if producer milk increased without a proportionate increase in the Class I demand. This in turn would lower the Middle Atlantic weighed average price for all producer milk. However, the record evidence fails to support the witness' contention that lowering the distributing plant pooling standards would remove the incentive for producers to control production. For the reasons stated, the proposed change in the pooling standards is needed at this time and should be adopted.

2. *Diversion provisions.* The order should be amended to increase to 18 days the number of days' production of an individual producer that may be diverted to nonpool plants each month during the period of September through February.

The order now provides that a handler's total monthly diversions to nonpool plants during September through February may not exceed 25 percent of the milk delivered to the handler by dairy farmers during the month. Alternatively, up to 15 days' production of each dairy farmer may be diverted during the month of nonpool plants. No diversion limitations apply during the months of March through August.

A proprietary handler proposed that limits now applicable on diversions to nonpool plants during September through February be eliminated. In support of the proposal, the handler's spokesman stated that prevailing marketing conditions do not warrant diversion limits to nonpool plants. He indicated that while production per producer has been increasing in the Middle Atlantic procurement area, the market's total Class I sales have been decreasing. Consequently, he contended, diversions of Order 4 producer milk to nonpool plants have been rapidly increasing in connection with the need to handle the market's reserve supplies.

Proponent claimed that his distributing plant has been faced with the same supply-demand changes that have occurred marketwide. The witness stated also that approximately 50 percent of the milk he pools is presently being diverted. However, because of increasing milk production and the difficulty of maintaining Class I sales, he anticipates that his Class I utilization could drop to around 47 percent, thus increasing the proportion of his milk supply that would have to be disposed of outside his distributing plant. Proponent stated that the Order 4 diversion limits have forced milk to be received at his pool plant and then transferred when it could have been marketed more efficiently through direct delivery to a nonpool plant. He contended that the order's diversion limitations should be eliminated because of the same marketwide conditions that necessitate a reduction in the distributing plant performance requirements.

Proponent noted that if the limitations on diversions were removed, the pool plant performance requirements would still limit the amount of milk that could be diverted to nonpool plants. Since 40 percent of a handler's milk would have to be received and utilized in Class I at an Order 4 distributing plant, no more than 60 percent could be diverted.

Deletion of the limits on diversion of milk to nonpool plants was opposed at the hearing by a federation of cooperatives. A witness for the cooperatives stated that the present provisions have been adequate and will continue to be so in the foreseeable future. Removal of the diversion limits, he contended, would permit milk to be pooled for manufacturing uses on a year-round basis and not be made available for fluid use. He also contended that this should not be encouraged in the Middle Atlantic market, since many handlers need supplemental milk supplies during peak days of fluid milk demand. He stated that each year when schools reopen his cooperative must completely deplete its reserve milk supplies to fulfill requests from other handlers for supplemental milk supplies. He thus contended that if an increased proportion of the market's milk supply were to be committed for manufacturing use on a year-round basis, the availability of supplemental milk supplies for distributing plants during peak periods would be threatened.

Distributing plants need reserve milk supplies that are not used in Class I. There are certain non-Class I uses of milk at distributing plants that are unavoidable such as, shrinkage, route returns (that are dumped or used for animal feed), standardization of milk to a butterfat content that differs from the butterfat content of milk received from producers, and variation in the inventory of milk supplies in the plant.

Moreover, distributing plants tend to need significantly greater milk supplies on certain days of the week than on other days of the week to meet variations in sales to accounts such as schools and supermarkets. Most schools have no need for milk during vacations, weekends, and holidays. Supermarkets tend to have greater sales volume during the latter part of the week than during other days of the week. In addition, distributing plants tend to process milk on only four days or five days a week to accommodate to a 40-hour workweek for employees and to avoid paying overtime wage rates.

In these circumstances of daily variations in sales volume and plant processing schedules, distributing plant operators need substantially higher volumes of milk for processing on certain days of the week than on other days of the week and, therefore, prefer to schedule milk receipts at their plants to conform with such daily variation in milk requirements.

During the months when production is seasonally low and Class I sales are relatively high, it is necessary to provide assurance that milk supplies will be made available to meet the needs of fluid milk distributors. As pointed out by proponent, the performance standards for pool plants tend to limit the proportion of a handler's milk supply that can be pooled and used in other than Class I use. However, performance standards for pool plants do not necessarily insure that all the milk required by distributing plants will be made available to such plants. Qualification of a pool plant is based on monthly performance standards. The pool plant performance standards set requirements that must be met by the plant on the average over the month. However, on peak demand days during any month the market's Class I requirements are often considerably higher than the monthly average demand for Class I use. Limits on diversion of milk to nonpool plants, when set at a level commensurate with the needs of the fluid market, can help assure that milk will be made available to pool plants for fluid uses on peak demand days.

Nevertheless, a substantial proportion of the milk in the market is not needed at distributing plants, particularly on non-processing days such as weekends. Rather than require these supplies to be physically received at the distributing plant and then transferred to a manufacturing outlet for disposal, Order 4 provides for the diversion of milk directly from the farm to the manufacturing plant. The diversion provisions facilitate the economical disposition of milk supplies not needed at distributing plants. The diversion limits are, therefore, set at levels appropriate to accomplish that purpose.

Some marketing conditions clearly have changed since the present diversion provisions were adopted. Due to the shifting to Order 2 of a large distributing plant, the Order 4 Class I utilization percentage has decreased significantly. A result of this change has been an increase in the percentage of Order 4 reserve milk supplies. One outcome of this has been a substantial increase in the quantity of milk diverted to nonpool plants. For example, such diversions during July 1978 totaled 71.1 million pounds, up 23 percent from the same month a year earlier.

Proponent handler operates a distributing plant at which virtually no milk is used for Class II. Thus, reserve milk supplies associated with the Class I operation must be disposed of elsewhere. Proponent handles during the entire year all of the milk production of the dairy farmers who supply his pool distributing plant and arranges for the pooling of the milk under the order. These dairy farmers have increased their production at about the same general rate of increase experienced for the market as a whole. As a result, during the months when diversion limits are applicable, the handler utilizes the days of production basis for diverting to nonpool plants because more milk can be diverted under that provision than under the percentage limits.

The modification to the distributing plant pooling requirements that is adopted herein would allow a handler to dispose of up to 60 percent of his milk supplies to nonpool plants during the period of September through February. These supplies could either be diverted or transferred to nonpool plants. It is often more costly to receive milk at a pool plant and then transfer it to a nonpool plant than to move the milk directly from a farm to a nonpool manufacturing facility. However, the present 15 days' production limit on diversions would limit diversions to approximately 50 percent of the handler's receipts. This could result in some milk being transferred when it could more economically be diverted. Such uneconomic handling can be avoided by providing for the diversion to nonpool plants of up to 18 days' production of individual producers.

Providing that up to 18 days' production of a dairy farmer may be diverted to nonpool plants as producer milk will make it possible for the proponent handler, and any others similarly situated, to continue to pool all the milk produced by his regular producers without incurring costly transfer expenses. The change will not provide the means by which large volumes of milk intended only for manufacturing use on a year-round basis may be associated with the market and not be made available to distributing plants.

There is no need, on the other hand, to increase the 25-percent diversion limit. The record does not indicate that any Order 4 handler using the 25-percent diversion limit is experiencing any problem in handling reserve milk because of this limit. Furthermore, no such handler requested that the 25-percent limit be increased. Also, it is noted that an increase in this type of diversion provision, under which a producer's milk could be diverted to a nonpool plant every day for an indefinite period, could inhibit pool milk supplies from being made available to distributing plants when needed.

The record establishes that the basic reasons for having diversion limits are still valid. Accordingly, the proposal to remove all diversion limits is denied.

3. *Pooling standards for reserve processing plants.* The provisions of Order 4 for pooling a reserve processing plant should be modified to provide that such a plant may be operated by either a cooperative association or a federation of cooperatives. A federation should be defined as an organization formed by two or more cooperative associations and incorporated under the laws of a state. The order also should be modified so that a reserve processing plant of a cooperative or federation is pooled only if the total of the fluid milk products (except filled milk) that are transferred from the cooperative's or federation's pool plant(s) to pool distributing plants and the milk of its member producers that is delivered directly from farms to pool distributing plants is not less than 40 percent of the total milk deliveries of the cooperative's or federation's member producers during the month.

The present order provisions accord pool plant status to any reserve processing plant which is operated by a cooperative association if at least 50 percent of its member milk is delivered to pool distributing plants during the month, either directly from farms or by transfer from the cooperative's pool plants.

An organization composed of five dairy cooperative associations proposed that the provisions that provide for the pooling of a reserve processing plant be modified in two respects. One change would reduce the present 50 percent delivery requirement to 40 percent. The other change would permit a federation of cooperatives to be the operator of a pool reserve processing plant.

(a) *Fifty percent delivery requirement.* In support of its proposal to reduce the present 50 percent delivery requirement to 40 percent, proponent presented statistics demonstrating that the Order 4 Class I utilization percentage had decreased significantly over the last few years to an all-time low of 49 percent during July 1978. The witness contended that this has meant an increase in the amount of reserve milk supplies in the market. He stated also that the five proponent cooperatives collectively handle the reserve milk supplies for the market at reserve processing plants. Proponent stated that four of the five cooperatives have had less than 50 percent Class I usage of member milk during many months in recent years and have had to resort to requests for suspension action to keep the milk of member producers pooled under the order. Consequently, proponent stated that current marketing conditions made it vital that the proposal be adopted.

The changes in the market's supply-demand relationship for milk, as expounded in the findings of Issue No. 1, necessitate a reduction in the Order 4

pooling requirements for reserve processing plants. It has been a customary practice of cooperatives in this market to move the milk of member producers to reserve processing plants when it is not needed at pool distributing plants. The proportion of reserve milk supplies in the market has increased in recent years and the Class I utilization percentage has declined. For example, in 1975 Class I utilization was 65 percent and in 1977 Class I utilization was 58 percent. A further significant decrease in Class I utilization for this market has prevailed since May 1, 1978 when a large distributing plant shifted from the Order 4 pool to the Order 2 pool.

The distributing plant that shifted to the Order 2 pool discontinued receiving milk from a large Order 4 cooperative that had been supplying about 10 million pounds of milk each month to the plant. This milk supply of the cooperative is now a part of the reserve milk supply in the Order 4 market and is processed at reserve processing plants.

To accommodate the pooling of the increased volume of reserve milk supplies on the market it has been necessary to suspend various pooling provisions of the order on several occasions during the past three years. Such suspensions have involved pool distributing plant Class I disposition percentages and diversion limits. The suspension of these provisions has enabled cooperatives to move reserve milk supplies to pool distributing plants and then move such supplies to reserve processing plants or to nonpool manufacturing plants.

Such method of pooling reserve milk supplies by cooperatives that operate reserve processing plants tends to require movement of milk to pool distributing plants in circumstances when such milk is not needed at the distributing plants. This practice could be avoided if the the 50 percent delivery requirement were reduced to 40 percent. The lower delivery requirement would permit the cooperatives who operate reserve processing plants to move all their reserve milk supplies directly from the farm to their reserve processing plants and maintain pool status on the milk. This would enable the cooperatives to avoid engaging in hauling milk to pool distributing plants solely for the purpose of keeping the milk pooled.

Moreover, providing pool plant status for a reserve processing plant operated by a cooperative enables the cooperative to minimize the total cost of farm-to-plant hauling for milk of member producers. If member producer milk can be accorded pool status by being received at the reserve processing plant, the cooperative could be expected to utilize milk produced on farms located closest to the reserve processing plant at such plant. Milk of other member producers whose farms are located closest to pool distributing plants could be expected to be moved to such plants. By following this practice to the fullest extent practicable the cooperative will realize greater efficiency in handling its member milk supplies.

The delivery requirement for a cooperative that operates a reserve processing plant should be set low enough to enable the cooperative to move all of the member producer milk that needs to be moved to such plant directly from the farm. On the other hand, such delivery percentage should be high enough to encourage the cooperative to ship adequate supplies of member producer milk to pool distributing plants to fulfill the milk requirements of such plants. The proposed 40 percent delivery requirement will best meet these desired objectives under the current Class I utilizaton percentage in the Order 4 market. The 40 percent delivery requirement is also comparable to the pooling performance standards adopted for proprietary handlers in the market who operate both a pool distributing plant and a reserve processing plant.

(b) *A plant operated by a federation.* In support of the proposal to permit pool plant status for a plant operated by a federation of two or more cooperatives, proponent stated that two cooperatives in the market have formed a new wholly-owned cooperative (federation) called Holly Milk Cooperative, which has constructed a new processing plant in the Order 4 production area. The witness stated that this plant was built to handle the increased quantities of reserve milk supplies in the market, particularly the reserve supplies of the two cooperatives who entered into the joint venture to build the plant. Proponent stated that at times in the past it has been necessary for these cooperatives to transport reserve milk supplies as far as Ohio to find sufficient plant capacity to handle such milk.

The Holly plant is intended to serve these two cooperatives in the same manner as pool reserve processing plants operated by other handlers in the market. However, the pooling provisions of the order are not written in a manner that would accord pool status for a reserve processing plant operated by a federation. This is because the present provisions limit pool status to a reserve processing plant operated by a cooperative association that has member producers or a reserve processing plant operated by a handler who also operates a pool distributing plant.

Pool plant status for a reserve processing plant operated by a federation would enable the cooperative association members of the federation to realize savings in farm-to-plant hauling costs by moving milk produced on members' farms located closest to the reserve processing plant directly to such plant and moving milk produced on farms located closest to pool distributing plants to such plants.

The 40 percent delivery requirement should be based on the combined cooperatives' member producer milk received at pool distributing plants either directly from the farm or as transfers from pool plants operated by the federation of such cooperatives. Proponent contemplated that the delivery percentage should be met by each member cooperative of the federation. However, proponent conceded that additional economies in farm-to-plant hauling costs could be realized by the cooperatives if they were to meet the pooling standard on a combined basis. Moreover, it will provide for more simplified administration of the pooling provisions to assign pooling credit on shipments from the federation's plant to pool distributing plants on a combined basis.

To facilitate drafting of appropriate pooling provisions for a reserve processing plant operated by a federation, a definition of a federation, as stated previously, is adopted. In order to implement the pooling of milk that is received at a reserve processing plant operated by a federation of cooperative associations, appropriate conforming changes are included in the dairy farmer, producer, and producer milk definitions of the order.

4. *Payments by handlers for certain milk received from other Federal order markets.* A proposal that would require regulated handlers to pay not less than the Middle Atlantic order class prices to a cooperative association for bulk milk received by transfer from a plant pooled under another Federal order by such cooperative association should not be adopted.

Current order provisions do not regulate the price that Order 4 handlers must pay for bulk milk that is received from handlers (either cooperative association or proprietary) regulated under another Federal order. Such milk is priced and pooled in the market of origin where the transferor-handler is held accountable at minimum prices established under that order. Order 4 provisions deal with the classification of interorder transfers at the transferee-handler's pool plant. However, the actual price at which the interorder transaction takes place is not subject to the minimum prices in the transferee-market, i.e., the Order 4 market.

A federation of five cooperative associations that represent producers who supply the Order 4 market proposed

that the order be amended to require that Order 4 handlers pay not less than minimum Order 4 prices applicable at their plant location for bulk milk received from a cooperative association plant pooled under another Federal order. While stating that such a requirement is not contained in any Federal order, a witness representing the federation testified that there are unique circumstances that justify the adoption of its proposal. Particularly, the witness referred to various regulatory provisions of the New York-New Jersey milk marketing order (Order 2) which include farm point pricing [2] and the pooling of supply plants under that order by designation rather than requiring such plants to supply milk for fluid use on a regular basis. The witness noted that there are Order 2 supply plants in Pennsylvania located near the farms of producers who direct-ship milk to Order 4 plants. He contended that under these circumstances Order 2 supply plant milk must be priced at its full value in order to contribute to orderly marketing in both the production and marketing area. Proponent alleges that this currently is not the case because farm point pricing of milk under Order 2 understates the actual cost of the milk to a handler and therefore underprices the milk at the plant of first receipt under Order 2 in comparison with Order 4. Proponent indicated that when the plant of first receipt is a supply plant such underpricing occurs because the handler for the milk receives a 15-cent credit from the pool on each hundredweight of farm bulk tank milk received.[3]

Proponent contends that there is a disparity of pricing between Orders 2 and 4 such that Order 2 supply plant milk can be delivered to Order 4 pool plants at less than Order 4 minimum class prices applicable at the latter plants. Proponent presented an exhibit to illustrate the magnitude of price disparity between Orders 2 and 4. Order 2 Class I price differentials applicable at six Order 2 supply plant locations were compared with applicable Order 4 prices at the same locations. On the basis of the exhibit, the Order 2 Class I differential value ranged from 34 to 54.5 cents per hundredweight less than the Order 4 Class I differential value at the same locations.

Proponent contends that it is this difference in pricing that resulted in offers of milk to Order 4 handlers at less than Order 4 prices during May, June and July 1978, although no Order 2 bulk Class I milk was received at Order 4 pool plants during such months. Proponent stated that in order to meet the competition from offers of Order 2 priced milk, Middle Atlantic cooperative associations reduced service charges to Order 4 handlers on milk used to service school and institutional accounts.

A Philadelphia area milk distributors association and an individual proprietary handler also contended that there is a disparity of pricing between Order 2 and Order 4. However, they opposed the proposal on the grounds that it would result in the loss of alternative sources of supply for Order 4 handlers that may be needed to be competitive with Order 2 handlers in the sale of fluid milk products. They also argued that the proposal would not result in uniformity of pricing among competing handlers. One witness stated that just considering the proposal at the hearing hampers the free movement of milk and that the proposal thus should be denied expeditiously.

A cooperative association that has member producers on both the Order 4 and Order 2 markets also opposed the proposal. A witness representing the cooperative association stated that the proposal should not be adopted since there are no economic or marketing conditions that could serve as a basis to adopt the proposal. He contended that the proposal was specifically aimed at an Order 2 supply plant that the opposing cooperative association operates at New Holland, Pennsylvania. For this reason, the witness constructed the Class I differential cost for milk moved from the new Holland plant to Philadelphia. On the basis of his calculations, the differential cost of delivering milk to Philadelphia would exceed the Order 4 Class I price in such area plus the applicable 6-cent direct delivery differential by 8.2 cents per hundredweight ($2.922 versus $2.84). On this basis, the witness concluded that there is no misalignment of Class I costs between the orders and that, therefore, there is no economic justification for the proposal.

The witness further testified that evidence of actual movements of bulk Class I milk from Order 2 pool plants to Order 4 pool plants does not establish a need for the proposal. An exhibit presented by the witness indicates that in recent years the volume of bulk Class I shipments from Order 4 to Order 2 exceeded such shipments from order 2 to Order 4 and that for the months of May, June and July, 1978 no shipments were made from Order 2 pool plants to Order 4 pool plants. Additionally, the witness testified that a single shipment of bulk Class I milk from Order 2 to Order 4 in August 1978 was made by a proprietary handler. Consequently, the proposal would have had no effect on the transaction since it is limited in scope to shipments by a cooperative association.

With respect to this latter point, the witness further contended that the proposal is discriminatory among handlers and their sources of milk supplies. The witness stated that the proposal would foreclose Order 2 cooperative associaton supply plants as a source of supply to Order 4 handlers while such handlers could continue to purchase milk from order 2 proprietary handlers at whatever price the market would bear. In addition, the witness stated that the proposal would apply the 6-cent direct delivery differential to purchases by Philadelphia area Order 4 handlers from Order 2 cooperative association supply plants whereas such differential does not now apply to transfers from Order 4 reserve processing plants to Philadelphia area distributors. Furthermore, the witness contended that the proposal would prevent Order 2 cooperatives from disposing of reserve milk supplies to Order 4 handlers for Class II use while it would not do so for Order 2 proprietary handlers, thus giving the latter handlers an advantage in the disposition of surplus milk.

In its brief, a federation of cooperative associations that represents producers supplying the Order 2 market opposed the proposal. The federation questioned the legality of a provision that would require Order 4 handlers to pay Order 2 cooperative associations prices different than those required under Order 2. The federation also stated that if the proposal has any validity it would appear that it should be implemented in Order 2 since the milk is priced and pooled under that order. Additionally, the federation stated that if there is a disparity of pricing between the two orders, a joint hearing should be held to consider narrowing any such price differences.

Although the proposal would apply to bulk milk transfers from cooperative association plants pooled under any other Federal order, proponent contends that the alleged interorder pricing problem arises because of the unique feature of farm point pricing in Order 2 and an alleged disparity of pricing between Orders 2 and 4 that results from farm pricing and pricing changes in Order 2 that became effective November 1, 1977. The hearing record, however, does not demonstrate a price disparity between the cost of direct-delivered Class I milk at Order 4 plants and the cost of Class I milk at

[2] Under the New York-New Jersey order, prices for milk are established at township locations, which is commonly referred to as farm point pricing.

[3] Proponent is referring to a 15-cent transportation credit for pool milk received by a handler in a pool or partial pool unit. This transportation credit is intended to partially reimburse handlers for transportation costs incurred in moving milk from the farm to the plant of first receipt.

such plants that is received by transfer from Order 2 supply plants. Moreover, the record does not establish that the differences in the regulatory provisions of Orders 2 and 4 require the implementation of the proposal.

With respect to the alleged misalignment of prices between Orders 2 and 4, the Class I differential costs computed by the proponent's witness are those applicable at supply plants in Pennsylvania that are located at varying distances from the major population centers of the Middle Atlantic marketing area (ranging from 60 to 200 miles). However, there are no Order 4 supply plants at these locations that assemble milk supplies for trans-shipment to Order 4 bottling plants. In addition, the Order 2 Class I differential costs stated by the witness do not include reloading and transportation costs that would be incurred in shipping milk from Order 2 supply plants to the Philadelphia area where offers of milk were supposedly made at less than Order 4 direct-delivered prices. Furthermore, the Order 2 Class I cost used by the witness is understated by 15 cents or more since it excludes farm-to-first plant hauling costs incurred by an Order 2 supply plant operator.

With respect to this latter point, proponent's witness conceded that the Order 4 cooperatives were not concerned with bulk milk transfers from Order 2 proprietary handler plants since costs incurred in receiving and transferring milk tend to equalize the cost of Class I milk between the two orders. This basically negates the claim by proponent that there is a disparity of pricing between the two orders. Actually, the crux of proponent's concern in proposing a provision that relates only to supply plants of cooperatives is the fact that cooperative associations can pay member producers less than minimum order prices while a proprietary handler can not. Thus, a cooperative association can transfer a portion of the cost of marketing functions to its member producers while a proprietary handler must absorb such costs or pass them on to the next purchasing handler. This is not a situation that is unique to the Order 2 market and thus something that should be recognized in the pricing provisions of Order 4. Blending by a cooperative association of the net proceeds of all of its sales in all markets in all use classifications and distributing the returns to its producers in accordance with the contract between the association and its producers is authorized by the Act and may occur in any market.

With respect to costs of milk incurred by a cooperative association, an opposing cooperative association presented a constructed Class I differential cost in marketing Order 2 supply plant milk in the Philadelphia area. Although it is not possible on the basis of this record to determine whether all of the cost components of the constructed differential precisely reflect current marketing costs, the figures presented by opponent appear reasonable in that they are consistent with the findings of the Assistant Secretary in his decision to revise the pricing structure under Order 2.[4] On the basis of the figures presented by the opposing cooperative, it would appear that Class I costs of Order 2 supply plant milk would exceed the cost of Order 4 direct-delivered milk in the Philadelphia area.

It would not be anticipated that a cooperative association would sell milk at less than its cost for any extended period of time. Rather, sales below costs would be expected only occasionally, usually during periods of surplus production when supplies of distress milk might have to be disposed of on a least-loss basis. In exceptions proponent contended that this possibility of distress milk has given rise to potential disorderly marketing conditions in the Order 4 market and is a condition which should be corrected by amendatory action. The potential of such an emergency situation is not an appropriate condition on which to base the proposed amendment. Should any such marketing condition arise there would obviously be a strong incentive for the cooperative to stop the practice as soon as possible to stop the financial losses incurred.

The record of this proceeding establishes that the volume of bulk Class I milk received by Order 4 handlers from Order 2 sources is insignificant. The greatest volume of such sales since November 1977 occurred in February 1978 when 785 thousand pounds of Class I milk were received at Order 4 plants from Order 2 sources. During such month over 431 million pounds of milk were received from Order 4 producers and over 256 million pounds of such milk were disposed of in Class I uses. Also, during the months of May, June, and July, when Order 2 supply plant milk was purportedly offered at less than Order 4 prices, no bulk Class I milk was received by Order 4 handlers from Order 2 sources.

The record does not establish the existence of disorderly marketing conditions in the Middle Atlantic marketing area that could serve as a basis for implementing the proposal. The possibility of bulk Class I sales from plants pooled under other Federal orders by cooperative associations to Order 4 handlers at less than Order 4 prices is a matter of conjecture. There is no evidence of any such sales. Furthermore, it cannot be concluded on the basis of this record that there is a disparity of pricing between Orders 2 and 4 that would result in a cost of Order 2 supply plant milk at less than the direct-delivered Order 4 price in the Philadelphia area, or that there is a unique feature of Order 2 that requires unique treatment of such milk in Order 4. For these reasons, the proposal is denied.

[4] Offical notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on August 12, 1977 (42 FR 41582).

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of indus-

trial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reason previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Middle Atlantic marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER.[5] The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

December, 1978, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Middle Atlantic marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

(This decision constitutes the Department's Final Impact Analysis Statement for this proceeding.)

Signed at Washington, D.C., on: March 19, 1979.

P. R. "BOBBY" SMITH,
Assistant Secretary for Marketing and Transporation Services.

Order[1] *amending the order, regulating the handling of milk in the Middle Atlantic marketing area.*

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Middle Atlantic marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Middle Atlantic marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issues by the Acting Deputy Administrator, Marketing Program Operations, on January 19, 1979, and published in the FEDERAL REGISTER on January 25, 1979 (44 FR 5140), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein:

1. In § 1004.7, the introductory text of paragraph (a) and paragraph (d) are revised to read as follows:

§ 1004.7 Pool Plant.

* * * * *

(a) A plant from which during the month a volume not less than 40 percent of its receipts described in paragraph (a) (1) or (2) of this section is disposed of as Class I milk (except filled milk) and a volume not less than 15 percent of such receipts is disposed of as route disposition (other than as filled milk) in the marketing area;

* * * * *

(d) A plant operated in accordance with paragraph (d) (1), (2) or (3) of this section, subject to the requirement of paragraph (d)(4) of this section.

(1) A reserve processing plant operated by a cooperative association at which milk from dairy farmers is received if the total of fluid milk products (except filled milk) transferred from such cooperative association plant(s) to, and the milk of member producers physically received at, pool plants pursuant to § 1004.7(a) is not less than 40 percent of the total milk of member producers during the month.

(2) A reserve processing plant operated by a federation of cooperative associations at which milk of member producers of the cooperatives is received if the total of fluid milk products (except filled milk) transferred from such federation plant(s) to, and the milk of member producers of the cooperatives physically received at, pool plants pursuant to § 1004.7(a) is not less than 40 percent of the combined milk of member producers of the cooperatives during the month.

(3) A reserve processing plant owned and operated by a cooperative association that also owns and operates a pool plant pursuant to § 1004.7(a) so long as the volume of the cooperative's member milk pooled at the reserve processing plant does not exceed the volume of sales of Class I milk (except filled milk) from the cooperative's pool distributing plant, plus the milk of member producers received directly at pool plants pursuant to § 1004.7(a) of other handlers during the month.

(4) A cooperative or federation of cooperatives operating a pool reserve processing plant qualified pursuant to this paragraph shall notify the market administrator each month, at the time of filing reports pursuant to § 1004.30 and in the detail prescribed by the

[5] Marketing agreement filed as part of the original document.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

market administrator, with respect to any receipts from member dairy farmers of the cooperative(s) delivering to such plant not meeting the health requirements for disposition as fluid milk in the marketing area.

* * * * *

2. In § 1004.11, the phrase, "the proviso of paragraph (d) of said § 1004.7" is revised to read "(d)(4)".

3. In § 1004.12, the number "15" in the introductory text of paragraph (d)(2) is changed to "18", and paragraph (b) is revised to read as follows:

§ 1004.12 Producer.

* * * * *

(b) A dairy farmer with respect to milk which is received at a pool plant pursuant to § 1004.7(d): *Provided,* That such milk is received directly from the farm of one who is a member of the cooperative operating the plant, or is received directly from the farm of one who is a member of a cooperative association that is a member of the federation operating the plant, or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b) or (e).

* * * * *

4. In § 1004.13, paragraph (b) is revised to read as follows:

§ 1004.13 Producer milk.

* * * * *

(b) Received at a pool plant pursuant to § 1004.7(d): *Provided,* That such milk is received directly from the farm of one who is a member of the cooperative operating the plant, or is received directly from the farm of one who is a member of a cooperative association that is a member of the federation operating the plant, or is received as milk diverted from a pool plant pursuant to § 1004.7 (a), (b) or (e).

* * * * *

5. A new § 1004.19 is added to read as follows:

§ 1004.19 Federation.

Federation means an organization that is formed by two or more cooperative associations as defined in § 1004.20 and which is incorporated under the laws of a state.

[FR Doc. 79-8784 Filed 3-21-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Ch. I]

[Docket No. ERA-R-79-11]

INQUIRY TO OBTAIN PUBLIC COMMENT ON THE CLARITY OF REGULATIONS ISSUED BY THE ECONOMIC REGULATORY ADMINISTRATION

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Inquiry, request for written comments.

SUMMARY: As part of the Department of Energy's (DOE's) regulatory reform effort, the Economic Regulatory Administration (ERA) asks you to comment on the clarity of ERA's regulations and to propose examples of rules which should be redrafted in better English.

DATE: Written comments are due by May 25, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Stanley Vass, Office of Regulations and Emergency Planning, Economic Regulatory Administration, Department of Energy, Room 2310 A, 2000 M Street, NW., Washington, D.C. 20461, telephone 202-254-7477.

Mr. William Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, telephone 202-634-2170.

Ms. Kristina Clark, Office of General Counsel, Department of Energy, Room 6A-127, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone 202-252-6744.

Mr. William Strauss, Director, Office of Policy and Evaluation, Department of Energy, Room 7H-075, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, telephone 202-252-5727.

SUPPLEMENTARY INFORMATION:

I. *Background.*

On March 24, 1978, the President issued Executive Order 12044, "Improving Government Regulations," calling on 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. The Economic Regulatory Administration and Department of Energy as a whole aim to meet these goals.

The most recent report on the status of DOE's regulatory reform actions was published in the FEDERAL REGISTER on January 3, 1979 (44 FR 1032). That notice described an agenda of 16 new reform initiatives for the first half of the 1979 fiscal year based on suggestions received from the public. As one of those initiatives, ERA promised to compile a list of regulatory provisions which are identified by the public as being difficult to understand. ERA also promised to review this list and make any necessary changes.

II. *Comments Requested.*

We request specific comments on the following:

(1) Which regulations or regulatory provisions are especially difficult to comprehend or unnecessarily complicated?

(2) How could regulatory languange be changed to accomplish ERA's purposes better?

(3) Which regulations are especially easy to understand and might therefore be used as a model?

III. *Comment Procedures.*

A. Written Comments.

You are invited to submit views on any of the above items. Any comments should be submitted inside an envelope marked "Regulatory Reform," Box XB. Ten copies are requested unless there is a special hardship. Comments should be addressed to Public Hearing Management, Room 2313, Department of Energy, Box XB, 2000 M Street, NW., Washington, D.C. 20461. All comments received will be available for public inspection in the ERA Office of Public Information, Room B-110, 2000 M Street, NW., Washington, D.C. and the Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., from 8:00 a.m. to 4:30 p.m., on any working day.

This notice was issued in Washington, D.C., on March 15, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

[FR Doc. 79-8736 Filed 3-21-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[18 CFR Ch. I]

[Docket No. RM79-14]

MECHANICS OF INCREMENTAL PRICING

Public Conference

AGENCY: Federal Energy Regulatory Commission.

ACTION: Public Conference.

SUMMARY: Commissioner George R. Hall will convene an informal public conference to discuss proposals made at the February 12, 1979 conference

regarding the mechanics of incremental pricing under the Natural Gas Policy Act of 1978.

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

DATE: 10:00 a.m., April 3, 1979.

FOR FURTHER INFORMATION CONTACT:

Norman A. Pedersen, Office of Commissioner, George R. Hall, 825 N. Capitol Street, N.E., Washington, D.C. 20426, Phone: (202) 275-4147.

Warren C. Edmunds, 825 N. Capitol Street, N.E., Washington, D.C. 20426, Phone: (202) 275-4415.

SUPPLEMENTAL INFORMATION: On April 3, 1979, Commissioner George R. Hall will reconvene the informal public conference which was first convened in this docket on February 12, 1979.[1] The purpose is to permit an opportunity for an informal discussion of several of the proposals made at the February 12th conference regarding the mechanics of incremental pricing under the Natural Gas Policy Act of 1978 (NGPA). Specific areas to be addressed are outlined below. The conference will begin at 10:00 a.m. on April 3, 1979, in Hearing Room A of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

At the February 12, 1979 conference, a number of alternatives to staff's proposal were presented. Among the more comprehensive alternatives were those of Interstate Natural Gas Association of America (INGAA), United Distribution Companies (UDC), Natural Gas Pipeline Company of America (Natural), Northern Natural Gas Company (Northern) and Pacific Gas & Electric Company (PG&E). Additionally, several Conference participants proposed specific features which they believed should be incorporated into whatever incremental pricing method is finally adopted.

The alternatives proposed by INGAA, UDC, Natural, Northern and PG&E are summarized in the attached appendix. Those parties are invited to come forward on April 3, 1979, for an informal "working" discussion about their proposals. The other participants at the February 12, 1979 conference as well as members of the public are invited to participate in this discussion.

After conclusion of the informal discussion involving INGAA, UDC, Natural, Northern and PG&E, those participants as well as any others who wish to participate are invited to address the issue of submetering. While a number of adverse comments were received on the staff's proposal for submetering, no party proposed a specific alternative method for accurately determining the volumes used in non-exempt industrial boiler fuel facilities. The April 3, 1979 conference will give participants an opportunity to present informally any proposals they may have for the accurate determination of volumes used by non-exempt industrial boiler fuel facilities. Anyone making a proposal should be prepared to discuss whether or not their proposed alternative would be administratively feasible, less costly than submetering and as accurate a compliance method.

The Process Gas Consumers Group (PGC) has suggested that data verification committees (DVC's) for the various pipelines should evaluate requests for exemption from incremental pricing and make proposals to the Commission. Following the discussion involving INGAA, UDC, Northern, Natural and PG&E and the discussion of submetering, PGC as well as any other parties who wish to make presentation will be invited to present proposals in detail regarding the use of DVC's and to discuss their proposals informally with staff. PGC and the other parties making presentations are invited to address the following questions:

- What timetable should be followed for determining who shall be exempt from incremental pricing and, if DVC's are to make exemption recommendations, could this time-table be met?
- How would the proposal deal with pipelines for which there are no DVC's?

This Notice should not be interpreted as implying any decision or even disposition on the part of the Commission with respect to how Title II should be implemented.

This conference supplements but does not supplant the opportunity for comment which will be provided when the Commission issues a Notice of Proposed Rulemaking regarding the implementation of Title II of the NGPA.

Persons wishing to make oral presentations regarding submetering or the use of DVC's should notify the Secretary of the Commission in writing on or before March 29, 1979 and should indicate the amount of time desired. Written comments on submetering or DVC's should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any comments received will be included in the Docket RM79-14 public reading file in the Commission's Office of Public Information. Parties who intend to make oral presentations regarding submetering or DVC's at the April 3, 1979 conference are urged to bring copies of any written comments they have for distribution to the conference participants.

Due to the informal nature of the discussion regarding the INGAA, UDC, Northern, Natural and PG&E proposals, it will not be necessary for persons desiring to participate in that discussion to notify the Secretary of a desire to participate.

In response to a number of requests, the Secretary is establishing a mailing list for this Docket. All those who submitted oral or written comments in connection with the February 12, 1979, conference already are on the mailing list. Anyone who has not submitted comments but who wishes to be included in the mailing list should send a request for inclusion to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

APPENDIX

INCREMENTAL PRICING SURCHARGE PASSTHROUGH MECHANISM PROPOSALS

I. INGAA Proposal[1]

Establishment of Incremental Gas Cost Account. As of January 1, 1980, a memorandum incremental gas cost account will be established to record those purchased gas costs subject to incremental pricing.

Interstate pipelines will continue to include all purchased gas costs (inclusive of those purchased gas costs subject to incremental pricing) in their PGA accounts.

Billings to Customers. Each month each interstate pipeline will: (i) bill all customers its normal PGA rate reflecting the full amount of its purchased gas costs; (ii) bill non-exempt end uses the incremental pricing surcharge determined below; and (iii) reflect a prorata credit to all exempt end uses in the amount of the total incremental surcharges billed.

Each month each interstate pipeline and local distribution company served by an interstate pipeline will flow through the surcharges to non-exempt end uses and the credits to exempt end uses associated with incremental pricing as shown on the bills of their suppliers.

Determination of the Incremental Pricing Surcharge. Each month each interstate pipeline will compute an incremental pricing surcharge on the basis of either: (i) the aggregate Maximum Surcharge Absorption Capability (MSAC) for the previous month (if the amount recorded in the incremental gas cost account at the beginning of

[1] *See: Regulations Implementing the Incremental Pricing Provisions of the Natural Gas Policy Act of 1978,* Docket No. RM79-14, "Notice of Informal Public Conference and Inquiry," issued January 12, 1979.

[1] As set forth in Appendix A to comments filed February 12, 1979.

the current month is greater than such aggregate MSAC), or (ii) a pro-rata share of the amount recorded in the incremental gas cost account (if the amount charged to the incremental gas cost account at the beginning of the current month is less than the aggregate MSAC for the previous month).

Sequence of Events. (a) On or before the 10th working day of January 1980 and the 10th working day of each month thereafter, each distribution company will furnish to its natural gas supplier the dollar amount of MSAC and volumes for all non-exempt sales made during the preceding month. If a distribution company has more than one natural gas supplier, the distribution company will allocate its MSAC among its sources of supply based on the volumes delivered during the previous month. The MSAC shall be computed by multiplying (i) the difference between the alternate fuel cost (as prescribed by the Commission and stated in dollars per million Btu's) and the distribution compnay's rate for those sales (also stated in dollars per million Btu's) times (ii) the volume of non-exempt gas sold during the previous month. By the 10th working day of each month the same calculation for direct sales to non-exempt end uses will also be computed by the interstate pipeline supplying such uses.

(b) On or before the 12th working day of January, 1980, and the 12th working day of each month thereafter, each natural gas supplier will determine the dollars of purchased gas costs subject to incremental pricing for gas actually purchased during the preceding month. (At this point, pipelines with sales to other pipelines proceed on to item (e)).

(c) Within two working days after receipt of the information required in (a) and (b) above each natural gas supplier will in turn supply to each of his natural gas suppliers their pro-rata share (based on the volume of purchases during the previous month) of the total dollars of MSAC accumulated for the previous month and the exempt and non-exempt volumes sold during the preceding month. The exchange of these pro-rata dollars and volumes will continue upstream until the last natural gas supplier has received his pro-rata share of MSAC dollars associated with downstream non-exempt volumes.

(d) The first upstream natural gas supplier will compare its actual purchased gas costs subject to incremental pricing with its total MSAC dollars. This total MSAC dollar amount shall include MSAC dollars attributable to direct sales, MSAC dollars attributable to sales to distribution companies and the pipelines' pro-rata share of MSAC dollars from downstream pipelines. If its MSAC dollars are greater than its purchased gas costs subject to incremental pricing then the entire purchased gas costs subject to incremental pricing will be surcharged to the downstream natural gas suppliers and direct sales customers pro-rata based on MSAC dollars. If the MSAC dollars are less than its purchased gas costs subject to incremental pricing then the full amount of MSAC dollars will be flowed through to the downstream natural gas suppliers and direct sales customers who generated the MSAC dollars. The process will be continued until a total dollar amount of incremental pricing surcharge has been computed for each distribution company and direct sale customer that generated MSAC dollars.

(e) Concurrent with the billing of the surcharge dollars to non-exempt end uses on the basis of their pro-rata share of the incremental surcharge amount, each natural gas supplier will reflect a credit (equal to the total amount of the surcharge dollars billed to the non-exempt end uses) to exempt end uses based on their pro-rata share of the preceding month's volumes billed to all exempt end uses.

II. Natural Gas Pipeline Company of America (NATURAL) Proposal[2]

(1) A purchasing pipeline would determine the maximum absorption capabilities of customers served directly or indirectly by its system. The purchasing pipeline allocates a portion of this maximum to the selling pipeline based on the percentage of the purchaser's total supply provided by the selling pipeline. This process is continued from pipeline-to-pipeline all the way upstream. On the way downstream, a selling pipeline may have dollars in its surcharge account both from wellhead purchases and purchases from other pipelines. The total in this account is allocated to all purchasers from the pipeline based on the maximum absorption capability of each (pipelines, distributors and direct industrials). This process should be completed monthly.[3]

(2) Recovery of gas cost in the general PGA Account:

(a) the pipelines continue to change the PGA every six months;

(b) the PGA filing will reflect forecasted monthly gas costs through the six month period based on the inflation rate in existence at the beginning of the period.

(c) At the end of each PGA period, the actual amount collected through the PGA should be compared to the amount which should been collected.

(d) During the following PGA period, over collections are refunded or under collections are collected.

(3) *Surcharge Account.* Each month distributors will calculate bills for their incrementally priced users using two methods: (a) existing rates including all taxes; and (b) the alternate fuel price established by the Commission reflecting applicable taxes. If the bill calculated using existing rates is higher it is rendered to the consumer and it is determined that no surcharge amount was collected for that month from that consumer. If the bill using the alternate fuel price is higher, the distributor may: (a) bill the consumer at the alternate fuel price subject to a refund on this bill; or (b) bill the consumer at existing rates subject to an additional surcharge on this bill. When all incrementally priced consumers have been billed for the month, the distribution company determines what surcharge amount has been collected (or could have been collected) for that month and notifies its pipeline supplier of the surcharge amount it could be billed. Where more than one pipeline supplies its system, the distributor allocates the monthly surcharge amount between pipelines based on the percentage of total supply provided by each to that system. The pipeline, after the fact, will receive notice from each of its customers as to the amount which each can take from the surcharge account for that month.

(A) If the total amount to be taken from the account for a month exceeds the amount at the start of the month, the pipeline determines the surcharge amount which each distributor must absorb. Distributors who billed at alternate fuel price will refund any excess which has been charged incrementally priced consumers, while distributors who bill below the alternate fuel at existing rates will pass the surcharge on to their consumers. If the total amount taken from the account for a month is less than the amount in the account at the start of the month, the deficiency is transferred to the general PGA account, to be collected from all pipeline's customers. Distributors who bill at existing rates below the alternate fuel must render incrementally priced consumers an additional bill raising charges to the alternate fuel cost. Distributors who billed at the alternate fuel costs need take no further action.

(4) The company which sells to an incrementally priced user should collect any required data from that user. Distributors selling to incrementally priced users will gather data from these users and pipelines selling directly to industrials will gather data from these users. Any flow of data should be from the consumer to the

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[2] As set forth in Natural's February 12, 1979 filing.

[3] Northern Illinois Gas Company (NIGAS) does not support recommendation No. 1. NIGAS is in agreement on the other aspects of the NATURAL proposal.

distributor to the pipelines to the Commission. The proposal emphasizes that steps must be taken to insure that data is defined, collected and verified in a uniform manner.

Natural's supplemental comments filed on February 28 [4] would modify this proposal to incorporate a provision for current recovery of those "excess incremental" gas costs which would otherwise necessarily pass into account No. 191. The PGA would be computed, as it is now, to include all gas costs, but would then be reduced by the total MAC for the applicable month. As reduced, costs would be billed to all customers in the normal manner and concurrently the surcharge would be billed based on actual customer data.

III. Northern Natural Gas Company (Northern) Proposal [5]

Northern supports the INGAA proposal but asks that individual pipelines be permitted to devise their own mechanisms. Northern would estimate the costs, surcharges and rate reductions which would occur over a 12 month PGA period and bill the surcharge and remaining gas costs on a current basis.

Specifically, Northern, when it estimates gas costs for the coming calendar year, would subtract from total gas costs that portion of the estimated amount of incremental gas costs which would be recovered from incrementally priced customers. The latter estimate would be based on information furnished by Northern distribution customers. Northern would then bill the distributor the resulting PGA rate for all volumes purchased and the distributor would remit an additional amount for the incremental cost surcharge collected from his incrementally priced industrial customers. During the year, Northern would continue to make appropriate entries monthly to Account 191 reflecting the difference between actual and estimated gas costs in the PGA. However, in addition, Northern would compare the amount of incremental gas costs *actually* recovered, to the amount *estimated* to be recovered and reflect the difference in the amount to be recovered during the next PGA period.

IV. *United Distribution Companies' (UDC) Recommended Method for the Determination and Collection of the Surcharge* [6]

UDC suggests the following method for determining and implementing incremental pricing surcharges as required by Title II of the Natural Gas Policy Act of 1978:

(1) Incremental pricing should be handled on a month-by-month basis, with the excess gas costs accumulated by each interstate pipeline in one month being converted to a surcharge and billed through to boiler fuel users in the following month.

(2) The volume of boiler fuel use on which the surcharge shall be determined and for which it shall be billed shall be the volume of actual use which occurred during the same calendar month as that for which the excess gas cost fund has been accumlated by the interstate pipelines.

(3) Promptly following each month of incrementally priced use, each distribution utility customer of an interstate pipeline shall determine its "maximum surcharge absorption capability" for such month by multiplying the volume of incrementally priced uses of each of its customers during the prior month times the difference between the applicable alternative fuel cost for such month and the amount which the utility would bill to each of its customers for the incrementally priced uses absent the surcharge. The distribution utility shall then adjust each determination for any uncollectible amount remaining in its surcharge account from the prior month; and the determination as so adjusted shall promptly be submitted to the pipeline supplier. When the distribution utility has more than one pipeline suppler, and/or it own excess gas cost fund attributable to local supply, such maximum surcharge absorption capability shall be allocated among the same on the basis of volumes of the respective supplies during the month. Specific care should be taken that such allocation be made on the basis of the distribution utility's total supply from every source.

Each interstate pipeline will make similar determinations for its own direct sales to incrementally priced used during the said prior month.

(4) Each interstate pipeline will promplty aggregate all of the "maximum surcharge absorption capabilities" for all of its direct industrial and distribution utility customers along with those cerfified to it by any interstate pipeline to which it made sales during the month, and, after apportionment among its own interstate pipeline suppliers, certify the same upstream, to the end that all in-tandem pipeline transactions may be accommodated in the most rapid possible fashion.

(5) Upon all of these necessary intandem pipeline determinations of maximum surcharge absorption capabilities having been carried through to the pipeline furtherest upstream in the shortest possible time, each interstate pipeline will then, again in descending order, determine the surcharge for its customers in the following fashion:

(a) If the aggregate of the maximum surcharge absorption capabilities of all of its direct, distribution utility and interstate pipeline customers, as allocated to it, is less than the excess gas cost fund for the month, the surcharge to be billed to and paid by each such customer shall be equal to its respective maximum surcharge absorption capability.

(b) If, however, the said aggregate of the maximum surcharge absorption capabilities of said customers is greater than the said excess gas cost fund for the prior month, the pipeline shall apportion the fund among its direct industrial, distribution utility and pipeline customers on the basis of their maximum absorption capabilities and shall bill accordingly.

The excess gas cost fund of each interstate pipeline for the purpose of such determination shall be the aggregate of the funds attributable to its own incrementally priced supplies and of the surcharge billed to it by its interstate pipeline suppliers in accordance with the foregoing.

(6) If sub-paragraph 5(a) applies and a portion of the excess gas cost fund of a pipeline for a month remains in its excess gas cost account after all such allocations to customers, such excess shall be transferred out so that the incremental pricing account is entirely charged out month-by-month.

(7) The foregoing determination and billing of the pipeline surcharges shall be in accordance with an approved incremental pricing surcharge provision in its tariff; and monthly tariff sheet filings will be made accordingly and shall become effective upon being filed.

(8) Each distribution company which is an "interstate pipeline" for the purposes of Title II of the Act shall determine its own excess gas cost fund attributable to its own local purchases for the prior month and apportion the same in similar fashion.

(9) Each distribution utility shall aggregate the several dollar surcharges billed to it by its pipeline suppliers, as well as any dollar surcharge attributable to its own local supplies during the prior month, and apportion the same on the basis of the respective maximum surcharge absorption capabilities of users for the prior month as above determined.

(10) The distribution utility shall then bill the surcharge as so determined for each user by one of the following three methods:

(a) The distribution utility shall add the surcharges as determined to the regular bills rendered to its customers for use during the prior month as they

[4] *See:* Item 1-C of February 28, 1979 filing, 4.

[5] Summary of Northern's February 12, 1979, proposal.

[6] As set forth in UDC's February 12, 1979, filing, 24-26.

are computed at the then effective rate for utility service, or

(b) If, for any reason, the surcharge cannot be determined by the utility by the time the regular bill must be sent, the distribution utility shall either:

(i) bill its customer on the basis of effective gas rates alone and promptly bill the surcharge by way of adjustment; or

(ii) bill its customer on the basis of the applicable alternate fuel cost for the month in which the use occurred and, as soon as possible, make any necessary downward adjustment by way of refund.

V. Pacific Gas and Electric Company Proposal [7]

Under PG&E's initial proposal filed on February 12, incremental pricing surcharges would:

(1) be prospective rates based on recorded data; (2) change quarterly if the surcharge calculation uses only amortization of account balances; (3) retain the semi-annual rate change feature if provision is made for basing rates on the current rate of accrual of incremental gas costs into the unrecovered incremental gas cost account plus amortization of account balances; (4) reflect downstream balances by reducing surcharge rates otherwise applicable by an amount sufficient to amortize the downstream balance(s); (5) transfer unrecovered amounts to the PGA only if they exist at the end of each calendar year; (6) provide for subaccounts to be kept by source (e.g., by supplier or grouped if direct purchase); (7) provide for the possibility of negative incremental surcharge rates to amortize unrecoverable downstream balances specifically attributable to an upstream supplier or suppliers; the debit created thereby in the upstream company's incremental cost account would be cleared as necessary to the originating company's PGA at the end of each calendar year, thus insuring equitable PGA allocation of unrecoverable amounts.

Since the initial comments offered by PG&E and other parties indicate that numerous passthrough mechanisms are possible, PG&E submitted supplemental comments on February 28 [8] proposing a general formula approach to incremental pricing.

General Formula. PG&E's general formula would permit a supplier flexibility to choose, among other things, the length of the pricing period, the method of computing surcharge absorption capability, effective dates of incremental pricing surcharges, frequency of changes, and method of coordination with alternate fuel prices.

The formula would take the form of:

$$IPS_B = \frac{IGC_p}{NES_p}$$

where IPS_B = incremental pricing surcharge in the next billing period

IGC_p = accumulative incremental gas cost in the pricing period not in excess of maximum surcharge absorption capability (MSAC)

NES_p = accumulative non-exempt sales in the pricing period.

Allocation of the incremental pricing surcharge so computed to sale for resale customers and/or direct sale customers would be:

$$IPS_{RB} = \frac{IPS_B \times NES_R}{S_R}$$

where IPS_{RB} = incremental pricing surcharge to a sale for resale customer and/or direct sale customer(s) in the next billing period.

NES_R = non-exempt sales reported by a sale for resale customer and/or direct sale customer(s) in the pricing period.

S_R = total sales to a sale for resale customer and/or direct sale customer(s) in the pricing period.

and $IPS_B \times NES_R$ is less than or equal to the individual maximum surcharge absorption capability of a sale for resale customer and/or direct sale customer(s).

Under the above formula, the length of the billing period would be the same as the length of the pricing period, but PG&E believes that the minimum length should be three months. The determination of incremental gas cost could be simply the accumulative IGC account balance or it could be augmented by the latest known rate of accrual into the account (a form of estimating). If the IPS computation reflects the current rate of accrual into the IGC account, the result would be to minimize lag in IGC cost recovery. To the extent that the IGC thus determined exceeds the MSAC, such excess would be incorporated in the PGA calculation at the earliest opportunity. Such incorporation could, for example, be virtually instantaneous if both the IPS and PGA rates change on the same date. If IPS rates change more frequently than PGA rates, the IGC passthrough could actually be more timely through IPS rates than through PGA rates.

The computation of MSAC would be of the form:

$MSAC = (A-R)NES,$

where A = current alternative fuel price ceiling,

R = gas rate in effect,

NES = non-exempt sales.

If this computation yields a negative MSAC, the reported MSAC would be zero. The components of this equation would generally be geared toward reflection of latest known prices and latest known non-exempt sales by each customer making the MSAC computation (again, a form of estimating would thus be permissible). While these parameters are oriented toward use of recorded unit costs and sales volumes, the use of estimates should not be foreclosed where these would yield reasonable results.

PG&E proposes the following conditions to this formula:

(1) A change in the alternative fuel ceiling (which either increases or decreases the last reported MSAC) would trigger a change in incremental pricing surchages if, based on the most recent filing, the surcharges would exceed the MSAC or if the MSAC would become less than the incremental gas cost account reflected in the most recent filing.

(2) Upstream and downstream reporting: The incremental gas cost amount at each level making the IPS computation should reflect downstream IGC account balances solely attributable to the level making the computation. To the extent this would cause the accumulative IGC amount to exceed the accumulative MSAC such excess would be reflected in the pipeline PGA, thus allowing the downstream customer to amortize its IGC account balance through the IPS from the supplier making the computation. Simultaneously, the pipeline's PGA would allocate this "unrecoverable" IGC to all customers in the normal fashion.

(3) Incremental pricing surcharges of downstream companies should change on a timely basis (if not concurrently with upstream supplier changes) so that a surcharge would not become unrecoverable simply due to passthrough lag at the downstream level.

[FR Doc. 79-8773 Filed 3-21-79; 8:45 am]

[6450-01-M]

[18 CFR Part 157]

TRANSPORTATION CERTIFICATES FOR NATURAL GAS

Displacement of Fuel Oil

CROSS REFERENCE: For a document issued by the Economic Regulatory Administration in the Department of Energy concerning transportation certificates for natural gas displacement of fuel oil, see FR Doc. 79-8985 appearing under Economic Regulatory Administration (DOE) published as a proposed rule in this issue. Refer to the table of contents at the front of this issue under "Economic Regulatory Administration" to find the correct page number.

[7] Derived from PG&E's February 12, 1979, filing, 8-10.

[8] Derived from pages 2-5 in PG&E's February 12, 1979, filing.

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 600]

[N-79-918]

COMPREHENSIVE PLANNING ASSISTANCE

Transmittal of Proposals to Congress

AGENCY: Housing and Urban Development/Office of Assistant Secretary for Community Planning and Development.

ACTION: Notice of Transmittal.

SUMMARY: Under recently-enacted legislation the Chairmen of the House Committee on Banking, Finance and Urban Affairs and the Senate Committee on Banking, Housing, and Urban Affairs have requested the Secretary of Housing and Urban Development to provide their Committees with certain rules at least 15 days of continuous session prior to publication in the FEDERAL REGISTER. This Notice advises of the transmittal of specifically identified proposed rule(s) pursuant to such requests.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen of both the Senate Banking, Housing, and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the rulemaking document described below:

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

This proposed rule would amend the 701 regulations to implement more effectively national objectives set forth by the President's Urban Policy including: (1) community conservation and aid to distressed communities; (2) expansion of housing and employment opportunities; and (3) promotion of orderly and efficient growth. It would also provide for waivers from areawide organization requirements regarding board composition in order to facilitate creation of single planning organizations which undertake unified planning for multiple Federal planning programs.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535 7(o), Section 324 of the Housing and Urban Development Amendments of 1978).

Issued at Washington, D.C. March 16, 1979.

PATRICIA ROBERTS HARRIS,
Secretary, Department of Housing and Urban Development.

[FR Doc. 79-8737 Filed 3-21-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

[38 CFR Ch. I]

LOAN GUARANTY

Home Improvement Loans

AGENCY: Veterans' Administration.

ACTION: Advance notice of proposed regulations.

SUMMARY: This notice is published to invite comments from the public to assist the VA (Veterans' Administration) in establishing a home improvement loan program for installation of energy conservation measures including solar energy systems and in revising the present VA loan program for financing home alterations, improvements, or repairs. Comments are also requested in specific areas relating to the above two types of home improvement loans to assist the VA in the development of additional procedures or regulations.

DATES: Comments must be received on or before April 23, 1979.

ADDRESS: Send written comments to: Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

Comments will be available for inspection at the address shown above until May 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans' Administration, Washington, DC 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Veterans' Housing Benefits Act of 1978 (Pub. L. 95-476, 92 Stat. 1497) authorizes guaranteed or direct loans to improve a dwelling or farm residence owned and occupied by a veteran as his or her personal residence through the installation of a solar heating system, solar heating and cooling system, or a combined solar heating and cooling system or through the application of a residential energy conservation measure. The term "residential energy conservation measure" includes caulking, weather-stripping, furnace efficiency modifications, clock thermostats, insulation, storm windows and doors, heat pumps and any other measure as prescribed by the Administrator. The terms "solar heating, solar heating and cooling" and "combined solar heating and cooling" have the meaning given such terms in clauses (1) and (2) of section 3 of the Solar Heating and Cooling Demonstration Act of 1974 (42 U.S.C. 5502(1) and (2), Pub. L. 93-409, 88 Stat. 1069). The above terms may also include a "passive system" which is defined as window and skylight glazing, thermal floors, walls, and roofs, movable insulation panels (in conjunction with glazing), portions of a residential structure that serve as solar furnaces, double-pane window insulation and such other energy-related components as determined by the Administrator.

Congress also has enacted the Energy Tax Act of 1978 (Pub. L. 95-618, 92 Stat. 3174) authorizing income tax credits for the installation of solar energy systems or other energy conservation measures. Thus, the installation with the assistance of a VA loan of a solar energy system or other energy conservation measure may also benefit the veteran by qualifying him or her for an income tax credit under the Energy Tax Act of 1978.

The present VA home improvement loan program, authorized by section 1810(a)(4) of title 38, United States Code, may be used by a veteran for the purpose of altering, repairing, or improving a home which the veteran owns and occupies as his or her personal residence. Generally, home improvement loans must protect or improve the basic livability of the veteran's home. Home improvement loans made for $1,500 or less need not be secured by a lien. Loans for more than $1,500 but for 40 percent or less of the prior-to-improvements reasonable value of the home must be secured by a lien reasonable and customary in the community. However, if the loan is for more than $1,500 and for more than 40 percent of the prior-to-improvements reasonable value of the home, the loan must be secured by a first lien. Loans for alteration, improvements, or repairs may be closed on the automatic basis (without VA prior approval) by authorized lenders. At present the maximum allowable interest rate for home improvement loans is the same as the maximum rate in effect for acquisition of a home under the VA guaranteed home loan program, currently 9½ percent.

In conjunction with the enactment of the energy-conservation home improvement loan program (38 U.S.C. 1810(a)(7)) Congress has authorized the VA to establish a separate interest rate for energy-saving home improvement loans and the present home im-

provement loan program for alterations, improvements, or repairs if deemed necessary to induce lenders to make such loans. Title 38, United States Code also authorizes the VA to allow veterans to pay reasonable loan discount points required by a lender on either energy-conservation home improvement loans or home improvement loans for alterations, improvements, or repairs.

The VA is interested in establishing an energy-conservation home improvement loan program and revising the present home improvement loan program in order to assist veterans to make energy-conservation home improvements or other home improvements at a reasonable interest cost and with a minimum of federal paperwork. In addition, the program must be flexible and fair to attract private lenders and investors into investing capital in these programs.

COMMENTS REQUESTED

Comments are sought as to the need for and the type of regulations necessary to implement the energy-conservation home improvement loan program and to revise the present home improvement loan program for alterations, improvements, or repairs. It is expected that both home improvement loan programs can be established using identical or similar program guidelines.

The VA welcomes comments in particular on these issues:

1. What maximum rate of interest should be established for energy-conservation home improvement loans or home improvement loans for alterations, improvements, or repairs?

2.What maximum loan maturities (terms) should be established?

3. What procedures should be followed in determining the value of solar improvements, or other improvements or repairs?

4. What procedures should be established for determining veteran-applicant's credit worthiness and obtaining loan approval?

5. What types of closing costs should be permitted on home improvement loans? Should lenders be permitted to charge a loan origination fee? How should the VA regulate the charging of loan discount points by lenders on VA home improvement loans?

6. What other home improvements should be authorized by the Administrator as consituting a "passive system" for solar heating and/or cooling?

7. What other home improvement should be authorized by the Administrator as "residential energy conservation measures"?

8. What should be the lien requirements for energy-conservation home improvement loans? Should the lien requirements for alteration, repair, and improvement loans be altered?

9. What type of VA operational procedures would be beneficial in inducing a lending institution (bank, savings and loan association, credit union, mortgage banker, finance company, etc.) to make guaranteed energy-conservation or alteration and repair home improvement loans?

10. What program guidelines would most effectively induce investment by secondary market institutions in either energy-conservation home improvement loans or home improvement loans for alterations, improvements, or repairs?

Comments and suggestions are sought on any issue or facet in the administration of an energy-conservation home improvement loan program or the home improvement loan program for the purpose of alterations, improvements, or repairs.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (271A), Veterans' Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All written comments received will be available for public inspection at the above address only between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays) until May 1, 1979. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: March 15, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-8611 Filed 3-21-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR 571]

[Docket No. 76-06; Notice 7]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend Federal Motor Vehicle Safety Standard (FMVSS) 127, *Speedometers and Odometers*, by specifying requirements for distinguishing between original equipment and replacement odometers and by making primarily technical and clarifying changes to the provisions relating to shielding odometers and making them more reversal resistant. The proposal regarding replacement odometers is intended to complement previously-established requirements for reducing tampering with original equipment odometers. This proposal would reduce the ability of tamperers to misrepresent vehicle mileage by replacing original equipment odometers with replacement odometers set to low mileage readings. More accurate mileage readings will help consumers to determine the condition of used vehicles offered for sale and to take appropriate care in maintaining the safety-related systems in those vehicles. This notice also seeks further public comment on several of the odometer tampering provisions in the standard.

DATES: Comments due: May 7, 1979. Effective dates: September 1, 1979, with the exceptions of S4.1.3, the speedometer accuracy requirement, which becomes effective September 1, 1980, and S4.2.1–S4.2.10, the odometer requirements, which become effective September 1, 1981.

ADDRESS: Comments should be sent to Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh St., S.W., WAshington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr Kevin Cavey, Office of Vehicle Safety Standards, 202-426-2720.

SUPPLEMENTARY INFORMATION: On July 27, 1978, the NHTSA published a response (43 FR 32421) to petitions for reconsideration of the final rule (March 16, 1978; 43 FR 10919). Subsequently, the agency received a second round of petitions, seeking reconsideration of the July 27 notice. Among the issues raised in that round of petitions were the practicability and objectivity of the requirements relating to providing a visible indication that an odometer has been reversed and to increasing the resistance of odometers to reversal. One commenter objected to these requirements also on the ground that they could be circumvented by simply purchasing a replacement odometer, setting it to a low mileage reading, and installing it in place of the original equipment odometer.

In this issue of the FEDERAL REGISTER, the agency is responding to those petitions by issuing this proposal and

issuing a separate notice that amends FMVSS 127 in various ways. Most notably, that notice deletes the 10 percent limit on the variation in distance between graduations on the speedometer scales, provides greater leadtime to comply with the odometer requirements and revises the provision regarding irreversibility of odometers.

To increase the consumers' protection against odometer tampering and promote greater consumer awareness of vehicle condition, the NHTSA proposes that replacement wheels for odometers and wheels on replacement odometers be visibly different from the wheels on odometers installed in new vehicles as original equipment. The means of indicating the difference would be required to be visible to the driver at any odometer reading. This requirement should complement the existing odometer requirements regardless of whether odometers are made to permanently mark the ten thousands miles or kilometers wheel so that the mark will become visible if the odometer is reversed or are made to resist reversal. In the former case, the proposal would prevent tamperers from replacing marked ten thousands wheels with identical new unmarked ones. In the latter case, the proposal would prevent the tamperer from simply removing reversal resistant odometers and replacing them with identical odometers set to lower mileage readings.

Comments are requested on whether the method of visibly differentiating original equipment and replacement odometer wheels should be left totally to the discretion of the manufacturer or whether the method should be standardized to facilitate detection of tampering in all vehicles, regardless of make or model. The agency notes that colors on original equipment odometer wheels are already virtually standardized. Wheels for registering whole miles and kilometers have white numerals on black backgrounds, while the tenths wheels have red or black numerals on a white background. Comments are requested on whether the method should be color, symbols or other type of marking or visible indication if the method is to be standardized. If a single color, symbol or other type of marking or visible indication is to be specified, what should it be? If markings are to be used, what size should they be? Should a combination of methods be required or permitted? The agency's initial perference is for use of a particular color to differentiate between original equipment and replacement odometer wheels. Just as the agency has previously stated its expectation that the vehicle manufacturers will use their vehicle owner manuals to educate consumers about telltale signs of odometer tampering, so the agency expects the manufacturer will explain the significance of the visible differentiation that this proposal would require.

This notice also proposes to require that the ten thousands wheel on odometers be visibly different from the other wheels on odometers. Again, the initial agency preference is to use color to provide the visible differentiation. This requirement would prevent a tamperer from removing a ten thousands wheel from an original equipment odometer and replacing it with a wheel, other than a ten thousands wheel, from another odometer.

The notice would refine and improve the irreversibility option by incorporating interpretations of the option in the response to petitions published today and by defining and limiting the types of tampering that odometers must be guarded against. The response to petitions amends the standard to require that damaging the odometer or a shield around the odometer must be necessary in order to reverse an odometer manufactured in accordance with the irreversibility option. To aid manufacturers in designing their odometers to comply with that option, the preamble to the petition response sets forth the most common methods of tampering.

Those methods are: (1) forcing the odometer wheels apart and out of mesh with the pinion gears by using fingers, a dental pick, ice pick, small screwdriver or other similar instrument; (2) applying rotational pressure with fingers or other means to force odometers wheels to override interference of the pinion gears; (3) rotating the pinion gear carrier plates; and (4) disassemblying, resetting, and reassemblying the odometer.

This notice would divide the irreversibility option into two separate options. One option would require that odometers be irreversible unless certain damage is done to the odometers to achieve reversal. To facilitate the manufacturer's determination of compliance with the irreversibility option, this notice proposes to incorporate the tampering methods discussed in the preamble to the petition response. If any of those methods permits reversal of an odometer without that specified damage being done to the odometers, the standard would be violated. Compliance with this option could be achieved by:

(1) Reducing the clearance between the odometers wheels, using staking, crimping, welding or adhesives to secure the end retainers on the shaft to prevent wheel and gear separation and using frangible wheels that break if forced to rotate or forced apart (Fiat has an odometers which ceases to record distance after it has been forcibly reversed);

(2) Installing the odometers shaft in the speedometer/odometers assembly by staking, crimping, welding or use of adhesives; and

(3) Staking, crimping, welding or using adhesives to attach the rigid or simi-rigid part of the odometer which holds the pinion gear carrier plates in position or attaching the carrier plates to the odometer shaft by keying, welding, staking, crimping or using adhesives.

Comments are requested on whether strength requirements should be specified for the staking, crimping, welding, and adhesives to be used in complying with this option. If requirements were to be adopted, what should they be? As an indication of the strength expected by the agency, manufacturers using an adhesive are expected to use one with the bonding strength of epoxy.

The other option would require that odometers be shielded so that they can not be tampered with unless a shield of specified strength is first deflected, penetrated or fractured.

In addition to seeking comment on the proposals set forth above, this notice also seeks comment on the other provisions in the standard relating to odometer tampering to aid the agency in determining whether they too need further refinement.

The agency has considered the economic impact of this proposal and determined that it is not significant within the meaning of Executive Order 12044 and the Department of Transportation's policies and procedures for implementing that order. The agency has determined further that the impact is so minor as not to require preparation of a written evaluation of it. The only new requirements proposed in this notice involve differentiating between original and replacement odometer wheels. Compliance could be achieved by methods as simple and inexpensive as using different colored inks and different shaped numerals.

In consideration of the foregoing, it is proposed to amend 49 CFR 571.127 in the manner set forth below. (Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50 and 501.8.)

Issued on March 12, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator
for Rulemaking.

§ 571.127 [Amended]

* * * * *

1. S 3 is amended to read as follows:

S 3 *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, motorcycles, and buses, and to speedometers

and odometers and odometer wheels for use in vehicles to which this standard applies. Motor driven cycles whose speed attainable in 1 mile is 30 mph or less are excluded.

2. S 4.2.6 is amended to read as follows:

S 4.2.6 Each odometer shall meet the requirements of S 4.2.6.1 or S 4.2.6.2.

S 4.2.6.1(a) Except as provided in paragraph (b) of this section and S 4.2.8, each odometer shall not be reversible, whether installed in the vehicle or removed from the vehicle, by any of the following means:

(1) Forcing the odometer wheels to override the interference of the pinion gears;

(2) Forcing the odometer wheels apart or out of mesh with the pinion gear;

(3) Rotating the pinion gear carrier plates; or

(4) Disassembly of the odometer, adjustment of the distance reading, and reassembly of the odometer.

(b) Each odometer may be reversed by one or more means specified in paragraph (a) of this section if one or more of the following operations is necessary to achieve the reversal by any of those means:

(1) Breaking one or more rigid or semi-rigid parts of the odometer so that its recording of distance is impaired;

(2) Breaking one or more rigid or simi-rigid parts of the odometer so that the breakage is visible to the driver when the odometer is installed in the vehicle;

(3) Breaking or otherwise defeating the staking, crimping, welding or adhesive used to hold the odometer shaft in the speedometer/odometer assembly; or

(4) Breaking or otherwise defeating the staking, crimping, welding or adhesive used to secure the retainers that prevent the odometer wheels from moving along the shaft.

S 4.2.6.2 Each odometer shall meet the requirements in paragraph (a)-(d) of this section.

(a)(1) The odometer shall be totally encapsulated; or

(2) The odometer shaft shall be held in the speedometer/odometer assembly by staking, crimping, welding or adhesive and all of the odometer except the ends of the shaft shall be encapsulated.

(b) No part of the encapsulated portion of the odometer shall be contactable by fingers or any instrument unless it is necessary to deflect, penetrate or fracture the encapsulation in order to make that contact.

(c) The requirements in paragraphs (a) and (b) of this section shall be met without the speedometer face or the speedometer/odometer lens in place.

(d) The material used for encapsulation under paragraph (a) of this section shall have resistance to deflection, penetration and fracture that is equivalent to the resistance of a 2 mm thickness of lucite in the configuration of the encapsulation.

(3) S 4 is amended by adding the following new section:

S 4.2.9(a) Each replacement wheel for an odometer and each wheel on a replacement odometer shall be visibly different from each wheel on an original equipment odometer.

(b) The wheel on which odometer for registering ten thousands of miles or kilometers shall be visibly different from every other wheel on that odometer.

(c) The visible differences required by paragraphs (a) and (b) of this section shall be visible to the driver of the vehicle at any distance reading.

[FR Doc. 79-8597 Filed 3-19-79; 10:08 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1125]

[Ex Parte No. 293, Sub. No. 2]

STANDARDS FOR DETERMINING RAIL SERVICES CONTINUATION SUBSIDIES

Calculation of Off-Branch Costs

AGENCY: Rail Services Planning Office, Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The New Jersey Department of Transportation (NJDOT) and the Consolidated Rail Corporation (Conrail) have petitioned the Rail Services Planning Office (RSPO) to amend the regulations regarding the calculation of off-branch costs for Class II railroads and to account for inflation not presently covered by the regulations. RSPO is in agreement with both petitioners that the regulations should be reopened in the two areas addressed in the petitions.

Therefore, RSPO is seeking proposals for amendments which would account for inflation and yet would recognize changes in productivity. RSPO is requesting comments from interested parties on the issues addressed in the petitions.

DATE: RSPO invites comments on the proposed amendments on or before April 16, 1979.

ADDRESS: Submit an original and six copies to: Rail Services planning Office, 1900 L Street, N.W., Suite 500, Washington, D.C. 20036, ATTN: Regional Subsidy Standards.

FOR FURTHER INFORMATION CONTACT:

James Wells, Chief, Cost Evaluation Branch, Rail Services Planning Office, 202-254-7552.

SUPPLEMENTARY INFORMATION: The New Jersey Department of Transportation and Conrail have petitioned RSPO to amend the present regulations regarding: (1) revision of the off-branch cost procedures for Class II railroads § 1125.7(n)(4); and (2) development of a procedure in order to account for the inflation in costs that occurs between the end of the calendar year and the end of the subsidy year.

Each of the areas that have been addressed in the petitions is discussed in detail below.

Class II and Class III Off-Branch Cost Methodology

The New Jersey Department of Transportation has petitioned RSPO to amend the present regulations governing the development of off-branch costs for Class II railroads under § 1125.7(n)(4).

RSPO believes that the current regulations which develop off-branch costs are in need of revision. The current regulations develop the off-branch costs based on a single factor, revenue ton-miles. When the Standards were originally developed, this was believed to be adequate for Class II railroads, since the characteristics of their traffic was assumed to be relatively consistent.

When the current procedure was developed, Class II railroads were defined as those with $10 million per year or less in gross freight operating revenues. However, on June 29, 1978, the Interstate Commerce Commission published revised revenue levels for determining a railroad's classification for accounting and reporting purposes. This change was effective retroactively to January 1, 1978. The revised classification defines Class II railroads as those with more than $10 million but less than $50 million in gross freight operating revenues. In addition, it added a third category, Class III railroads, which are defined as those with gross freight operating revenues of less than $10 million.

The revised basis for classifying railroads has placed a number of railroads that were formerly Class I into the Class II category. These railroads have traffic characteristics that are substantially different from those that formerly constituted the Class II category. Under the revised classification basis, Class II railroads will include carriers with line-haul movements of substantial distance and a traffic mixture consisting of bridge, interline, and local traffic. The current off-branch cost regulations do not differentiate between the various categories of traffic handled by a carrier. Continued use of the single factor approach contained in the current regulations will not calculate costs that are representative of the various types of traffic handled by the railroads which are now classified as Class II.

The NJDOT petition proposed a cost methodology that will calculate the off-branch costs for Class II or Class III carriers. RSPO feels that the proposal warrants consideration and believes that the proposed methodology could improve the accuracy of off-branch cost determinations and be relatively simple to use.

The NJDOT proposal segregates a carrier's total variable system expenses between line-haul, terminal, and interchange operations and develops unit costs for each. These unit costs are similar to those calculated for Class I carriers. The proposed procedure will enable a carrier to determine the off-branch costs for interline and local traffic that will reflect the operational characteristics of each. The off-branch costs for interline traffic will be calculated by multiplying an interchange cost per carload, modified terminal cost per carload, and the line-haul cost per car-mile by the applicable service units of the movement. The off-branch costs for a single line movement will consist of a modified terminal cost per carload, a terminal cost per carload, and the line-haul cost per car-mile multiplied by the applicable service units of the movement.

The majority of the data necessary to complete this procedure is available from the carrier's Annual Report Form R-2 or R-3 or the Commission's *Rail Carload Cost Scales*. The only required data elements that may not be publically available are: the number of carloads originated, terminated, and interchanged; ton-miles of revenue freight; and loaded freight car-miles. These figures should be readily available from the carrier's internal records.

The actual computation of a carrier's unit costs is a fairly simple operation. It is accomplished by the following procedure: first, the carrier's total variable system expenses are developed by applying a composite variability ratio to the carrier's total system expenses; second, ratios are used to separate the carrier's total variable system expenses between line-haul, terminal, and interchange operations; and third, the individual costs are calculated for each operational area by dividing the variable expense for each by the appropriate service units. Additionally, a modified terminal cost per carload is calculated.

The variability ratio that is employed to calculate a carrier's total variable expenses is a three-year composite ratio. The ratio was developed based on the Class I railroads and represents that portion of expenses affected by the volume of traffic handled by the carrier. This variability ratio is the same as that used in the current regulations. The line-haul, terminal, and interchange ratios employed to separate a carrier's total variable system expenses between these operations are developed by using the individual carrier's service units and the appropriate regional unit costs from the latest ICC *Rail Carload Cost Scales*. The service units that are used include: revenue carload terminal handlings; revenue carload interchange handlings; total ton-miles of revenue freight; and total loaded car-miles. The unit costs from the *Cost Scales* are for a general service, equipped boxcar and include variable interchange cost per carload; average train variable terminal cost per carload and per hundredweight; and average train variable cost per car-mile and per ton-mile. The unit costs for a general service, equipped boxcar are used because the weighted average unit costs for all types of cars closely approximate those for this type of car. The unit costs multiplied by the carrier's service units develop a theoretical estimate of expenses for a carrier's line-haul, terminal, and interchange operations. A ratio for each operational area is then calculated by dividing each theoretical expense total by the sum of all three.

The application of these ratios to the carrier's total variable system expenses produces the carrier's estimated expenses for each operational area. The carrier's unit costs are then calculated by dividing the total expenses for each operational area by the carrier's appropriate service units. The unit costs that are determined include a cost per loaded car-mile for line-haul expenses and costs per carload for interchange and terminal expenses. A modified terminal cost per carload is also calculated. The modified terminal cost is the carrier's cost of handling a loaded car in a terminal immediately prior or subsequent to its movement on the branch line. This unit cost is determined by adding a station clerical cost per carload to the interchange cost per carload.

In order to verify the accuracy and ease of computation of the proposed procedure, the RSPO compared it with the current regulations and costs developed by the ICC's Rail Form A. The comparison was made based on calendar year 1975 costs for two carriers, "A" and "B", selected because

both will be reclassified as Class II under the new ICC accounting and reporting classifications. The two carriers are sufficiently different in size, operation, and traffic to test whether the proposed methodology will function under various situations. The results of the comparison of the procedures, detailed below, reveal that the proposed procedure develops off-branch costs that are markedly similar to those developed from Rail Form A.

	Interline cost per carload by length of haul					
	50 Mile		100 Mile		400 Mile	
	A	B	A	B	A	B
Rail Form A	$80.30	$96.56	$108.71	$149.74	$279.18	—
NJDOT Proposal	82.22	91.45	110.89	134.02	282.96	—
Current Regulations	41.36	78.25	82.72	156.50	330.89	—

	Single line cost per carload by length of haul					
	50 Mile		100 Mile		400 Mile	
	A	B	A	B	A	B
Rail Form A	$120.68	$134.92	$149.09	$188.09	$319.56	—
NJDOT Proposal	121.04	127.78	149.71	170.35	321.78	—
Current Regulations	41.36	78.25	82.72	156.50	330.89	—

ACCOUNTING FOR INFLATION BETWEEN END OF CALENDAR YEAR AND END OF SUBSIDY YEAR

In its report and amendment of the regulations published July 13, 1978, (43 FR 30062), RSPO invited comments on the changes that were made to the regulations. When Conrail filed its statement, it raised the issue of failure of the regulations to account for the inflation in costs which occurs between the end of the calendar year and the end of the subsidy year. At the time Conrail filed its initial statement, this issue was beyond the scope of that proceeding. Recognizing that Conrail's comments constituted a petition to reopen the Standards, RSPO decided to handle the comments in a separate proceeding.

The basis for Conrail's proposed amendment is that the light density lines operated by Conrail under the 3R Act subsidy provisions have an accounting or subsidy year of April 1, through March 31. When on-branch cost components use the latest Annual Report Form R-1 as the basis, they do not include any cost escalations after December 31, of that year. As a result, the cost of operations (other than those reimbursed on an actual basis) in March are being reimbursed at the average costs of the preceeding year. Conrail estimates that it has incurred as inflationary loss of $400,000 for the subsidy year ended March 31, 1978.

The costs at issue here are only those costs which are assigned to the branch line on the basis of an operating service unit. These would include such cost elements as repairs to locomotives, fuel, and train supplies. Cost categories such as maintenance of way and crew wages (which are assigned on an actual basis) would include the effect of any inflation. In addition, items such as depreciation do not automatically change as a result of inflation until new purchases of equipment are made.

Although the problem appears to be one that is relatively easy to solve, that is not the case. To increase the unit costs by a factor that will cover the inflation ignores any change in productivity. By increasing only the expense amount or the unit costs by an inflation factor, the result is presumed to be the cost of performing an operating function during the period covered by the inflation factor. This may or may not be true. The changes in unit cost from one year to the next are caused by the increase in costs but this may be decreased or compounded when the level of productivity is considered. By increasing only the cost side, the unit costs developed may or may not truly portray the railroad's cost for that activity during the period covered by the inflation factor. This is the reason that something other than an indexing procedure is needed.

RSPO requests comments and proposed solutions on how to account for the inflation occurring between the end of the calendar year and the end of the subsidy year. Any proposed solutions should take into consideration changes in productivity as well as changes in inflation, and should be based on readily available data.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Issued: March 16, 1979, by Alexander L. Morton, Director, Rail Services Planning Office.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

PROPOSED REGULATIONS

Part 1125, Subchapter B, Chapter X, Title 49, Code of Federal Regulations is amended by revising § 1125.7(n)(4) to read as follows:

§ 1125.7 Calculation of available costs and management fee.

* * * * *

(n) * * *

(4) Class II and Class III line-haul railroads shall calcluate off-branch costs as follows (based on: the carrier's latest Form R-2 or R-3 filed with the ICC; the ICC's latest *Rail Carload Cost Scales;* and the carrier's own records):

(i) A carrier that has only freight operations shall calculate the estimated system variable expenses by multiplying the total operating expenses by .78, the three-year composite variability ratio for all Class I railroads. If a carrier has passenger and freight service, the freight portion of the total estimated system variable expenses shall be calculated by multiplying the total estimated system variable expenses calculated as above by the ratio of freight related operation expenses to total railway operating expenses [freight related operating expenses divided by total railway operation expenses].

(ii) The total number of revenue carload terminal handlings shall be determined from company records [originating and terminating (local) revenue carloads multiplied by 2, plus originating or terminating and interchange (interline) revenue carload].

(iii) The total number of revenue carload interchange handlings shall be determined from company records [bridge (interchange to interchange) revenue carloads multiplied by 2, plus originating or terminating and interchange (interline) revenue carloads].

(iv) The average load per car shall be determined from company records [ton-miles-revenue freight, divided by loaded freight car-miles].

(v) The ratios employed to separate the estimated system variable expenses between interchange, terminal and line-haul operations are calculated as follows:

(A) Theoretical interchange expenses are calculated by multipling the number of revenue carload interchange handlings, paragraph

(n)(4)(iii) above, by the interchange variable cost per carload for other than box, unequipped, refrigerator, tank and TOFC cars, (ICC *Rail Carload Cost Scales*, Table 12, Line 6 or 14, appropriate region, multiplied by 100)

(B) Theoretical terminal carload expenses are calculated by multiplying the number of revenue carload terminal handlings, paragraph (n)(4)(ii) above, by the average train variable terminal cost per carload for box-general service, equipped (one half of the terminal cost per carload ICC *Rail Carload Scales*, Table 3, appropriate region, line 2, col. (6)).

(C) Theoretical terminal lading expenses are calculated by multiplying the total terminal tons [terminal carload handlings, paragraph (n)(4)(ii) above, multiplied by average load per car, paragraph (n)(4)(iv) above] by the average train variable terminal cost per ton for box-general service, equipped [one half of the terminal cwt cost, ICC *Rail Carload Cost Scales*, Table 3, appropriate region, line 2 col. (7), multiplied by 20].

(D) Theoretical line-haul car expenses are calculated by multiplying the carrier's loaded car-miles by the average train variable cost per car-mile excluding interchange, for box-general serives, equipped [ICC *Rail Carload Cost Scales*, Table 3, appropriate region, Line 2, col. (4) minus Appendix B, appropriate region, Line 2, col. (4)].

(E) Theoretical line-haul lading expenses are calculated by multiplying the carrier's total ton-miles of revenue freight by the average train variable ton-mile cost for a box-general service, equipped [cwt-mile cost ICC *Rail Carload Cost Scales*, Table 3, appropriate region, Line 2, col. (5), multiplied by 20].

(F) Theoretical station clerical expenses are calculated by multiplying total revenue carload terminal handlings, paragraph (n)(4)(ii) above, by the variable station clerical cost per carload [one half of the station clerical cost per carload, ICC *Rail Carload Cost Scales*, Table 18, appropriate region, Line (2) multiplied by 100].

(G) Total theoretical system variable expenses are calculated by adding paragraph (n)(4)(v)(A) plus (n)(4)(v)(B) plus (n)(4)(v)(C) plus (n)(4)(D) plus (n)(4)(v)(E) above.

(H) The ratio for interchange variable expenses is calculated by dividing total theoretical interchange variable expenses, paragraph (n)(4)(v)(A) above, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) above.

(I) The ratio for terminal variable expenses is calculated by dividing the total theoretical terminal variable expenses, paragraph (n)(4)(v)(B) plus (n)(4)(v)(C) above, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) above.

(J) The ratio for line-haul variable expenses is calculated by dividing total theoretical line-haul variable expenses, paragraph (n)(4)(v)(D) plus (n)(4)(v)(E) above, divided by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) above.

(K) The ratio for station clerical variable expenses is calculated by dividing total theoretical station clerical variable expenses, paragraph (n)(4)(v)(F) above, by the total theoretical system variable expenses, paragraph (n)(4)(v)(G) above.

(vi) The carrier's total system variable expenses are separated as follows:

(A) Total interchange variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) above, by the interchange variable expense ratio, paragraph (n)(4)(v)(H) above.

(B) Total terminal variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) above, by the terminal variable expense ratio, paragraph (n)(4)(v)(I) above.

(C) Total line-haul variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) above, by the line-haul variable expense ratio, paragraph (n)(4)(v)(J) above.

(D) Total station clerical variable expenses are calculated by multiplying the total system variable expenses, paragraph (n)(4)(i) above, by the station clerical expense ratio, paragraph (n)(4)(v)(K) above.

(vii) The carrier's unit costs shall be determined as follows:

(A) The interchange cost per carload shall be calculated by dividing the total interchange variable expense, paragraph (n)(4)(vi)(A) above, by the total number of interchange handlings, paragraph (n)(4)(iii) above.

(B) The terminal cost per carload shall be calculated by dividing the total terminal variable expenses, paragraph (n)(4)(vi)(B) above, by the total number of terminal handlings, paragraph (n)(4)(ii) above.

(C) The line-haul cost per car-mile shall be calculated by dividing the total line-haul variable expenses, paragraph (n)(4)(vi)(C) above, by the total number of loaded car-miles.

(D) The modified terminal cost per carload shall be calculated by adding the interchange cost per carload, paragraph (n)(4)(vii)(A) above, to the station clerical cost per carload [total station clerical variable expense, paragraph (n)(4)(vi)(D) above, divided by the total number of terminal handlings, paragraph (n)(4)(ii) above].

(viii) The interchange costs shall be calculated by multiplying the interchange cost per carload, paragraph (n)(4)(vii)(A) above, by the number of carloads of traffic interchanged at a point off the branch line and originated or terminated on the branch.

(ix) The terminal costs shall be calculated by multiplying the modified terminal cost per carload, paragraph (n)(4)(vii)(D) above, times the number of carloads which originated or terminated on the branch during the subsidy year. To this amount add the normal terminal cost per carload, paragraph (n)(4)(vii)(B) above, times the number of carloads which originated or terminated on the branch that are local to the railroad serving the branch.

(x) The line-haul costs shall be calculated by multiplying the line-haul cost per car-mile, paragraph (n)(4)(vii)(C) above, by the loaded car-miles generated off the branch by cars originated or terminated on the branch during the subsidy year.

[FR Doc. 79-8780 Filed 3-21-79; 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.

[6110-01-M]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

TRADE REGULATIONS

Federal Trade Commission Procedures

AGENCY: Administrative Conference of the United States.

ACTION: Request for public comments.

SUMMARY: The Administrative Conference of the United States is preparing a report to Congress on the procedures that the Federal Trade Commission uses to make trade regulation rules. The Conference solicits comments from interested members of the public on recommendations that one of its committees has under consideration.

DATE: Comments by April 11, 1979.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Babcock, Administrative Conference of the United States, 2120 L Street, N.W., Washington, D.C. 20037 (202/254-7020).

SUPPLEMENTARY INFORMATION: The Administrative Conference through its Committee on Rulemaking and Public Information is conducting a major project to study and evaluate the procedures that the Federal Trade Commission uses to make trade regulation rules pursuant to the Magnuson-Moss Warranty—Federal Trade Commission Improvement Act, Pub. L. 93-637. The Conference's study is mandated by section 202(d) of that Act, as amended by Pub. L. 95-585. The project is a large one and is being considered by the Committee in several segments.

The Committee now has the following recommendations under consideration and requests comments on these recommendations from members of the public. (Comment on ten other recommendations under consideration was requested by an earlier notice, published on February 21, 1979, at 44 FR 10565.) Copies of the consultant's draft report chapters now completed are available on request from the Conference in accordance with its procedures (1 CFR Part 304).

The Federal Trade Commission is experimenting with practices and procedures similar to those contained in some of the recommendations published here or on February 21. Publication of the recommendations under consideration is intended to elicit comment on any matter relevant to those recommendations, including: (1) the extent to which the changes embodied in the proposals have already been implemented by the Commission; (2) the experience to date with these modifications; (3) the experience of other agencies with practices similar to those recommended; and (4) the extent to which the recommendations might be of use to agencies other than the Federal Trade Commission.

Owing to the magnitude of the project and the Congressional mandate for submission of a report, the Committee is meeting frequently (see 44 FR 6167, January 31, 1979) to maintain a tight schedule. Therefore, those wishing to comment on the draft of the recommendations under consideration set forth below are urged to do so as soon as possible, to give committee members ample time to consider them. Comments must be in writing an should be sent to the Conference at the address shown above. Those received after April 11, 1979 will be considered only if time permits.

RECOMMENDATIONS UNDER CONSIDERATION

(RECOMMENDATIONS 1 THROUGH 10 APPEAR AT 44 FR 10565 (FEB. 21, 1979))

11. In lieu of its present discovery practice, the Commission should provide by rule that the Presiding Officer, on his own motion or at the request of the Commission staff or any other participant, can ask any participant for clarification, elaboration or support of his presentation. The rule should also provide that failure to comply may result in the drawing of adverse inferences with respect to that presentation or a reduction in the weight to be given to it.

12. The use of subpoenas is properly part of the investigative rather than the hearing process. Compulsory process must, of course, remain available to the Commission staff, even after a hearing commences, in order to investigate previously unforeseen matters that are likely to affect the outcome of the proceeding. Once a hearing has commenced, the subpoena power should be used sparingly, and only with the approval of the Presiding Officer.

13. If a person appealing from the Commission's initial denial of a Freedom of Information Act request asserts that the information sought is desired for use in a pending rulemaking proceeding, the agency official handling the appeal should not affirm the denial on the basis of a discretionary exemption in that Act without first obtaining the views of the Presiding Officer in the proceeding as to the utility of that information. The Commission should adopt such amendments to its Freedom of Information Act procedures as may be necessary to assure this consultation.

14. An oral hearing can serve any or all of at least four somewhat separate functions: (1) fact gathering; (2) fact testing; (3) assessment of the views of different segments of the public; and (4) clarification of positions and exchange of views on policies, values or desirable lines of inquiry. The fact testing function is performed in the quasi-adjudicative hearing referred to in Proposed Recommendation No. 8. Any other hearing or hearings should be designed according to which of the other three functions is likely to predominate. For example, the clarification of positions and exchange of views on policies, values or desirable lines of inquiry may best be furthered by such informal devices as roundtable or panel discussions.

RICHARD K. BERG,
Executive Secretary.

FEBRUARY 19, 1979.

[FR Doc. 79-8748 Filed 3-21-79; 8:45 am]

[3410-11-M]

DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES NATIONAL FOREST

State Highway Department Herbicide Treatment Proposal; Finding of No Significant Effect on Human Environment

An Environmental Assessment Report that discusses proposed herbicide treatment by the State Highway Department, along 129 miles (257 acres) of State Highway shoulders and ditches within the Deschutes National Forest in Jefferson, Deschutes, and Klamath counties, Oregon, is available

for public review in the Forest Service office in Bend, Oregon.

Althouth this project involves application of the herbicide atrazine, the Environmental Assessment Report does not indicate that there will be any significant effect upon the quality of the human environment. Therefore, it has been determined that an environmental statement is not needed.

This was determined upon consideration of:

1. Application and use of the herbicide atrazine was addressed and approved for use in the 1978 Pacific Northwest Region, Forest Service Final Environmental Statement for Vegetation Management with Herbicides.

2. There will be no irretrievable or irreversible resource commitments on the proposed project areas.

3. No known threatened or endangered plant or animal species are within the proposed project areas.

No action will be taken prior to April 23, 1979.

The responsible officer is Earl E. Nichols, Forest Supervisor, Deschutes National Forest, 211 NE. Revere, Bend, Oregon 97701.

Dated: February 7, 1979.

WILLIAM T. MARTIN,
Acting Forest Supervisor.

[FR Doc. 79-8697 Filed 3-21-79; 8:45 am]

[3410-11-M]

GIFFORD PINCHOT NATIONAL FOREST

Conifer Release and Site Preparation for Fiscal Year 1979 and Fiscal Year 1980; Mt. Adams Ranger District; Finding of No Significant Effect on Human Environment

An Environmental Assessment Report that discusses the proposed conifer release and site preparation program on the Gifford Pinchot National Forest within the Mt. Adams Ranger District in Skamania and Klickitat Counties, Washington, is available for public review in the Gifford Pinchot National Forest Supervisor's Office.

This assessment considers the treatment of 658 acres of cutover plantation. The Forest Service preferred alternative consists of 68 acres of 2,4-D early spring application, 465 acres of Krenite application, 24 acres of 2,4-D summer treatment, 4 acres of Tordon treatment, 6 acres of no treatment, and 87 acres of Velpar weedkiller spot treatment.

This project is not considered to be a major Federal Action, having no significant effect on the quality of human environment. Therefore, it has been determined that an Environmental Statement will not be required. This project does not involve a significant Civil Rights impact or effect a minority group and, therefore, a Civil Rights Impact Statement is not required. There is no effect on prime farmlands, range or forest lands, no flood plains or wetlands are located in the project area. The project is not soil or land disturbing, therefore a Cultural Resource Inventory is not required. No endangered plants or animals are known to exist in the project area. This project meets all the requirements of the National Forest Management Act, specifically, the five-year regeneration requirement.

No action will be taken prior to April 23, 1979.

The responsible official is Robert D. Tokarczyk, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

ROBERT D. TOKARCZYK,
Forest Supervisor.

MARCH 7, 1979.

[FR Doc. 8698 Filed 3-21-79; 8:45 am]

[3410-11-M]

GIFFORD PINCHOT NATIONAL FOREST

Conifer Release for Fiscal Year 1979 and Site Preparation, Mt. Adams Ranger District; Finding of No Significant Effect on Human Environment

An Environmental Assessment Report that discusses the proposed conifer release and site preparation program on the Gifford Pinchot National Forest within the Mt. Adams Ranger District in Skamania, Klickitat and Yakima Counties, Washington, is available for public review in the Gifford Pinchot National Forest Supervisor's Office.

This assessment considers the treatment of 541 acres of cutover plantation. The Forest Service preferred alternative consists of 193 acres of 2,4-D early spring application, 127 acres of Krenite application, 221 acres of no treatment. This project is not considered to be a major Federal action, having no significant effect on the quality of human environment. Therefore, it has been determined that an Environmental Statement will not be required.

This determination was based upon consideration of the following factors which are discussed in detail in the Environmental Assessment Report: (a) No irreversible or irretrievable effects on the environment; (b) No apparent adverse cumulative or secondary effects; (c) Physical and biological effects are limited to the area of the plant treatment; (d) This project does not involve a significant civil rights impact or effect a minority group and, therefore, a Civil Rights Impact Statement is not required; (e) There is no effect on prime farmlands, range or forest lands, no flood plains or wetlands are located in the project area; (f) The project is not soil or land disturbing, therefore a Cultural Resource Inventory is not required; (g) No endangered plants or animals are known to exist in the project area.

No lasting problems were uncovered during the Environmental Assessment Report; only problems that will be solved with proper implementation of the project. This project meets all the requirements of the National Forest Management Act, specifically, the five-year regeneration requirement.

No action will be taken prior to April 23, 1979.

The responsible official is Robert D. Tokarczyk, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

ROBERT D. TOKARCZYK,
Forest Supervisor.

MARCH 7, 1979.

[FR Doc. 79-8699 Filed 3-21-79; 8:45 am]

[3410-11-M]

GIFFORD PINCHOT NATIONAL FOREST

Conifer Release, Wind River Ranger District; Finding of no Significant Effect on Human Environment

An Environmental Assessment Report that discusses the proposes conifer release by aerial spraying using the herbicides Krenite and Roundup on not more than 2,200 acres of National Forest land within the boundaries of the Wind River Ranger District in Skamania County, Washington, is available for public review in the Gifford Pinchot National Forest Supervisor's Office.

The projects consist of 63 project areas (units). The 63 units are scattered over 17 compartments on the Wind River Ranger District. The Environmental Assessment Report does not indicate that there will be any significant effects on the quality of the human environment. Therefore, it has been determined that an Environmental Statement will not be prepared.

This determination was based upon consideration of the following factors which are discussed in detail in the Environmental Assessment Report: (a) No irreversible or irretrievable effects on the environment; (b) No apparent adverse cumulative or secondary effects; (c) Physical and biological effects limited to the area of the plant treatment; (d) No known threatened or endangered species of plants, animals or birds have been recorded or observed in any proposed treatment area.

A problem of stream buffers was discussed during the assessment. A mini-

mum of 100 feet of nontreated buffer strip will be left adjacent to all wet areas and Class III streams. An additional precaution will be put into practice in the Bear Creek Watershed. A four mile per hour maximum wind speed will be adhered to while spraying within the watershed. A pilot car will be required for the movement of all ground tankers.

No action will be taken prior to April 23, 1979.

The responsible official is Robert D. Tokarczyk, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

ROBERT D. TOKARCZYK,
Forest Supervisor.

MARCH 17, 1979.

[FR Doc. 79-8702 Filed 3-21-79; 8:45 am]

[3410-11-M]

OCHOCO NATIONAL FOREST, CROOKED RIVER NATIONAL GRASSLAND

Noxious Weed Control; Finding of no Significant Effect on Human Environment

An Evnironmental Assessment Report that discusses noxious weed control on approximately 293 acres on National Forest System land in Crook and Jefferson Counties, Oregon, is available for public review in the Forest Service Office in Prineville, Oregon.

Although this project involves application of the herbicides 2,4-D, krovar and atrazine, the environmental assessment report does not indicate that there will be any significant effect upon the quality of the human environment. Therefore, it has been determined that an environmental statement is not needed.

This determination awas based upon consideration of the following: (1) Application of the herbicides 2,4-D, krovar and atrazine in accordance with federal and state regulations and requirements will have only a slight adverse effect on the ecosystem; (2) there will be no irretrievable or irreversible resource commitments on the proposed project areas; (3) physical and chemical effects of 2,4-D, krovar and atrazine, when properly applied, have proved to be acceptable based on the best scientific evidence available, and (4) no known threatened or endangered plant or animal species are located within the proposed project areas.

Public concern has been expressed about possible effects of 2,4-D, krovar and atrazine on human health. Herbicides will be used in accordance with federal and state regulations which provide controls that assure protection of human health and welfare.

No action will be taken prior to April 23, 1979.

The responsible official is William L. McCleese, Forest Supervisor, Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754.

WILLIAM L. MCCLEESE,
Forest Supervisor.

MARCH 13, 1979.

[FR Doc. 79-8700 Filed 3-21-79; 8:45 am]

[3410-11-M]

SIUSLAW NATIONAL FOREST

Vegetation Management Program; Finding of No Significant Impact

An Environmental Assessment that discusses the proposed vegetation management program for this Forest, and proposals for treatment methods for approximately 21,388 acres of National Forest roadsides and timberlands within Benton, Douglas, Lane, Lincoln, Tillamook, and Yamhill Counties, Oregon, is available for public review in the Forest Service offices in Alsea, Corvallis, Hebo, Mapleton, and Waldport.

This proposed program involves the singular and combined use of the herbicides 2,4-D, Picloram, Krenite, Amitrole, and Atrazine, and other hand and mechanical treatments. The Environmental Assessment does not indicate that this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors which are discussed in the Environmental Assessment: (a) All chemicals are approved by EPA for the proposed use, and analyzed within the Final Environmental Statement, Vegetation Management with Herbicides—USDA-FS-R6-FES(Adm)75-18(Revised); they were included in the preferred alternative; (b) there will be no irreversible or irretrievable resource commitments on the project areas; (c) the physical and biological effects are limited to the project area; and (d) no known threatened or endangered plants or animals are within the project areas.

Some public concern has been expressed over the use of any chemical and the effect it may have on water quality and the environment. The proposed project includes application measures designed to protect nontarget areas and the water quality. State and Federal standards will be met.

No action will be taken prior to April 23, 1979.

The responsible official is Larry Fellows, Forest Supervisor, Siuslaw National Forest, P.O. Box 1148, Corvallis, Oregon 97330.

Dated: March 13, 1979.

LARRY A. FELLOW,
Forest Supervisor.

[FR Doc. 79-8701 Filed 3-21-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

BIG RACCOON CREEK WATERSHED PROJECT, INDIANA

Intent Not To Prepare an Environmental Impact Statement for Deauthorization of Federal Funding of the Big Raccoon Creek Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of funding of the Big Raccoon Creek Watershed Project, Boone, Hendricks, Montgomery, Parke and Putnam Counties, Indiana.

The environmental assessment of this action indicates it will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, enhancement of fish and wildlife resources and provision for water-based recreation. The planned works of improvement include 1 single-purpose floodwater retarding structure, 6 multiple-purpose structures for flood prevention and public recreation, 1 single-purpose fish and wildlife structure, 2.3 miles of single-purpose channel improvement for flood prevention, 12.5 miles of single-purpose fish and wildlife channel improvement and 4 access sites for fishing and boating.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224; 317-269-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental

impact appraisal is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 21, 1979.

Dated: March 14, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-8703 Filed 3-21-79; 8:45 am]

[3410-16-M]

INDIAN CREEK WATERSHED PROJECT, INDIANA

Intent Not To Prepare an Environmental Impact Statement for Deauthorization of Funding of the Indian Creek Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of funding of the Indian Creek Watershed Project, Brown, Johnson, Monroe and Morgan Counties, Indiana.

The environmental assessment of this Federal action indicates it will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include 8 single-purpose floodwater retarding and recreational structures and 2 multiple-purpose floodwater retarding and recreational structures with associated recreational facilities.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224; 317-269-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 21, 1979.

Dated: March 9, 1979.

(Catalog of Federal Domestic Assistance Program N. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-8704 Filed 3-21-79; 8:45 am]

[3410-16-M]

LOST RIVER WATERSHED PROJECT, INDIANA

Intent Not To Prepare an Environmental Impact Statement for Deauthorization of Federal Funding of the Lost River Watershed

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statment is not being prepared for the deauthorization of funding of the Lost River Watershed Project, Dubois, Lawrence, Martin, Orange and Washington Counties, Indiana.

The environmental assessment of this action indicates it will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreation. The planned works of improvement include 8 single-purpose floodwater retarding structures, 2 multiple-purpose floodwater retarding, recreational, municipal and industrial water supply structures, 1 recreational development, 1 municipal and industrial water supply facility and land treatment measures. The channel work will involve debris and hazardous tree removal only on 36.2 miles of existing channel, 2.2 miles of channel construction of which 0.8 mile will be new channel and a grade stabilization structure.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 5610 Crawfordsville Road, Suite 2200, Indianapolis, Indiana 46224; 317-269-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 21, 1979.

Dated: March 14, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008.)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-8705 Filed 3-21-79; 8:45 am]

[3410-16-M]

TRIBUTARY TO NORTH GROESBECK CREEK WATERSHED FLOOD PREVENTION AND CRITICAL AREA TREATMENT RC&D MEASURE, TEXAS

Intent Not To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tributary to North Groesbeck Creek Watershed Flood Prevention and Critical Area Treatment RC&D Measure located in portions of east central Childress and west central Hardeman Counties, Texas.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the construction of two small floodwater-retarding structures and a 2,400-foot grassed waterway across cropland and the installation of a stable, grassed waterway along 2.3 miles of county road for the control of erosion. The flood-

water-retarding sediment pools are expected to be dry. Installation of the dams, emergency spillways, and sediment pools will alter 19 acres of habitat for small mammals and songbirds. The planned action will reduce erosion on 65 acres of cropland and 2.3 miles of county road, reduce sediment on 34 acres of cropland, and reduce floodwater damages on 393 acres of cropland and 8 acres of miscellaneous land.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Texas 76501, telephone 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until April 23, 1979.

Dated: March 13, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

EDWARD E. THOMAS,
Assistant Administrator for Land Resources, Soil Conservation Service.

[FR Doc. 79-8706 Filed 3-21-79; 8:45 am]

[3410-01-M]

REDFORK WATERSHED, ARKANSAS

Intent Not To File an Environmental Impact Statement for Deauthorization of Federal Funding of the Redfork Watershed

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for deauthorization of Federal funds for the Redfork Watershed, Desha County, Arkansas.

The environmental assessment of this action indicates that it will not cause significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. M. J. Spears, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for the purpose of watershed protection, flood prevention, and agricultural water management on a 23,266-acre watershed. The planned works of improvement include land treatment on about 11,478 acres and the installation of structural measures consisting of channel work on about 38 miles of drainage main, laterals, and sublaterals with appurtenances.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. M. J. Spears, State Conservationist, Soil Conservation Service, Federal Office Building, 700 West Capitol Avenue, Little Rock, Arkansas 72203; 501-378-5445. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 21, 1979.

Dated: March 9, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 U.S.C. 1001-1008)

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-8707 Filed 3-21-79; 8:45 am]

[6335-01-M]

COMMISSION ON CIVIL RIGHTS

MISSOURI 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 Missouri Advisory Committee (SAC) to the Commission will convene at 1:30 p.m. and will end at 3:00 p.m. on April 18, 1979, at 911 Walnut Street, Room 3100, Kansas City, Missouri 64106.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, 911 Walnut Street, Room 3103, Kansas City, Missouri 64106.

The purpose of this meeting is a follow-up to the metropolitan desegregation study.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 19, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-8650 Filed 3-21-79; 8:45 am]

[6335-01-M]

TENNESSEE 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 Tennessee Advisory Committee (SAC) of the Commission will convene April 6, 1979 at 7:30 p.m. and will end at 11:30 p.m. in the Holiday Inn, I-40 and 45 Bypass, Exit 80A, Room 402, Jackson, Tennessee 38301.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue, N.E., Atlanta, Georgia, 30303.

The purpose of this meeting is to discuss agenda and date solidification for police/community relations conferences to be held in Chattanooga, Nashville, and Knoxville.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. March 19, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-8651 Filed 3-21-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

DUKE UNIVERSITY AND YALE UNIVERSITY

Withdrawal of Applications for Duty-Free Entry of Scientific Article

The following applications for duty-free entry of LKB 8800A Ultramicrotomes have been withdrawn by the respective applicants.

Accordingly, no further administrative proceedings will be taken by the Department of Commerce with respect to the applications.

Docket Number 79-00315. Applicant: Yale University, Biology Department, Kline Biology Tower, New Haven, Conn. 06520.

Docket Number 78-00011. Applicant: Duke University Eye Center, Duke

University Medical Center, Durham, NC 27710.

(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. 79-8609 Filed 3-21-79; 8:45 am]

[3510-25-M]

NATIONAL INSTITUTE OF DENTAL RESEARCH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 79-00079. Applicant: DHEW, PHS, National Institute of Dental Research, Building 30, Room B-20, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Stereotaxic Frame and Micromanipulator Frame. Manufacturer: AB Transvertex, Sweden. Intended use of article: The article is intended to be used for research which involves the introduction of a fine micropipette (Tip Diameter less than 1 um) into nerve cells of the spinal cord and brain. Physiological characterization of these nerve cells will be followed by the intracellular iontophoresis of a chemical which will permit observation of the morphology of the cells studied physiologically. The objective of this research is to characterize the function and morphology of nerve cells (and the connections between them) involved in pain perception.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article is capable of movement in the longitudinal and transverse axes. The National Bureau of Standards advises in its memorandum dated March 2, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-8608 Filed 3-21-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially Section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 79-00127. Applicant: The Regents of the University of California, Riverside, Materiel Management Department, Riverside, California 92521. Article: Electron Microscope, Model EM-400 with Eucentric Goniometer Stage. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for research in plant cell biology, as well as for other investigations on cell ultrastructure, development, and function. In particular, the article will be used for examinations of thin sections of tissue and isolated material, negatively stained and shadowed-preparations, and freeze-fractured and freeze-etched material. Three-dimensional determination of cell, organelle, and membrane organization will also be done, which includes spatial mapping on structural features of sterological determinations of their interrelationships. Determinations of structural relations integrated in series from the tissue through the cell to the ultrastructural level will be done. With the features of scanning electron microscopy and elemental analysis, which can be easily added to this instrument, identifications of particular atomic elements and the determination of their localization, distribution, and relative quantities within tissues and cells will be investigated. In addition, the article will be used in the course, Biology 211, to teach students the principles of specimen preparation and electron optics, as well as how to use the electron microscope. Article ordered: July 10, 1978.

Docket Number 79-00135. Applicant: Iowa State University, Ames Laboratory, 126 Metallurgy Bldg., Ames, IA 50011. Article: Electron Microscope, Model JEM-100CX with Standard Side Entry Type and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for assessment of microstructure as regards morphology, crystallography and chemical composition of metals, ceramics and semiconductors with major emphasis on metals. Article ordered: September 27, 1978.

Docket Number 79-00139. Applicant: Institute of Pathology/CWRU, 2085 Adelbert Road, Cleveland, Ohio 44106. Article: Electron Microscope, Model JEM-100CX with Side Entry Goniometer Stage and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of parasitic protozoa such as *Plasmodium, Babesia, Toxoplasma, Leishmania* and *Trypanosoma*, and their host cells. The overall objective of the research is to study by transmission and scanning electron microscopy two important, yet poorly understood aspects of host-parasite interaction namely a) the mechanism of host cell invasion by the parasites and b) effects of antibodies on the parasites. Article ordered: December 22, 1978.

Docket Number 79-00140. Applicant: National Institutes of Health, Rockville Pike, Bethesda, Maryland 20014. Article: Electron Microscope, Model JEM-100CX/SEG and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for high resolution imaging of the surfaces of virus infected cells to aid in the search for occult viruses in cultured cells. Article ordered: September 13, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission

electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff.

[FR Doc. 79-8607 Filed 3-21-79; 8:45 am]

[3510-15-M]

Maritime Administration

[Docket No. S-639, Sub.-1]

GREAT LAKES-ATLANTIC STEAMSHIP CO.

Notice of Amended Application

On March 13, 1979, Notice of Amended application appeared in the FEDERAL REGISTER (44 FR 14614) for the application of Great Lakes-Atlantic Steamship Company for operating-differential subsidy to aid in the operation of cargo vessels on Trade Area No. 1 (Great Lakes-Western Europe). In part the notice read:

"Great Lakes-Atlantic intends to operate its proposed service during the open navigation season through the St. Lawrence Seaway. During the period when the St. Lawrence Seaway is closed, between December 15 and April 15, approximately, the applicant would provide a substitute service via a port in the North Atlantic range between Maine and Virginia with through, intermodal bills of lading issued to and from Great Lakes ports in conjunction with connecting rail carriers."

The last sentence of the above cited paragraph is hereby corrected by deleting the last three words, "connecting rail carriers" and substituting therefor the words, "connecting land carriers."

Further, the date for submitting comments is hereby extended to close of business on March 28, 1979.

(Catalog of Federal Domestic Assistant Program No. 11-504, Operating-Differential Subsidy (ODS)).

By order of the Maritime Subsidy Board.

Dated: March 16, 1979.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 79-8593 Filed 3-21-79; 8:45 am]

[3510-22-M]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by Section 302, of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will hold its 22nd regular meeting, to consider: (1) Preliminary EIS and management options for the shallow-water reef fish FMP; (2) new amendments to the spiny-lobster draft FMP; (3) status reports: Migratory coastal pelagics, mollusks, and billfishes FMP's; (4) alternatives to initiate development of a new FMP; and (5) other business. The Scientific and Statistical Committee, established by the Council, will meet to consider management options for the shallow-water reef fish FMP.

DATES: The Scientific and Statistical Committee will meet on Monday, April 9, 1979, from 1:30 p.m. to 5 p.m., at the Council's Office, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico. The Council will meet on Wednesday, April 11, 1979, from 9 a.m. to 5 p.m., at the Windward Passage Hotel, Veterans Drive, Charlotte Amalie, Saint Thomas, U.S. Virgin Islands. The meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918 Telephone: (809) 753-4926.

Dated: March 19, 1979.

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-8631 Filed 3-21-79; 8:45 am]

[3510-22-M]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Cancellation of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: Notice is hereby given that the scheduled meeting on March 23, 1979, of the New England Fishery Management Council's Scientific and Statistical Committee as published in the FEDERAL REGISTER, Vol. 44, No. 48, page 13059, Friday, March 9, 1979, has been cancelled.

FOR FURTHER INFORMATION CONTACT:

New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960. Telephone: (617) 535-5450.

Dated: March 19, 1979.

WINFRED H. MEIBOHM,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-8632 Filed 3-21-79; 8:45 am]

[3510-25-M]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN MAN-MADE FIBER TEXTILE PRODUCTS FROM THE DOMINICAN REPUBLIC

Import Restraint Level; Correction

MARCH 16, 1979.

On March 14, 1979, there was published in the FEDERAL REGISTER (44 FR 15525) a letter dated March 12, 1979 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, establishing an import restraint level of 1,134,636 dozen for man-made fiber brassieres in Category 649, produced or manufactured in the Dominican Republic and exported to the United States during the twelve-month period which began on November 1, 1978. The following paragraph was omitted and should have been included as paragraph 2 of that letter:

Man-made fiber textile products in Category 649 which have been exported to the United States before November 1, 1978 shall not be subject to this directive.

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-8606 Filed 3-21-79; 8:45 am]

[3510-25-M]

EXPORT OF TEXTILE PRODUCTS

Changed Procedure

MARCH 19, 1979.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changed procedure for entries of certified handloomed and folklore products "which consist of products exempted from restraints under the bilateral textile agreements."

SUMMARY: The Tariff Schedules of the United States Annotated (TSUSA) and the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (Correlation) include certain TSUSA numbers which are used to exempt specified handloomed and folklore products from restraint levels established under the bilateral textile agreements. Effective on April 1, 1979, the TSUSA numbers used to exempt the specified handloomed and folklore products will be removed from the TSUSA and the Correlation.

A new procedure to exempt such merchandise will become effective for all entries or withdrawals after March 31, 1979. After that date, entries or withdrawals of products which are properly certified under arrangements established between the United States and exporting bilateral agreement countries are to be identified by the importer as certified products on the proper Customs entry documents by placing the symbol F as a prefix to the appropriate 7-digit Schedule 3 or Schedule 7 item numbers. Merchandise which is properly certified as exempt by the exporting bilateral agreement country and which is identified on the proper Customs entry document by the symbol F as a prefix to the appropriate 7-digit item number may be permitted as exempt items.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4212.)

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
March 19, 1979.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: The Tariff Schedules of the United States Annotated (TSUSA) and Annex 1 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated (Correlation) provide certain 7-digit Schedule 3 and Schedule 7 item numbers which are used to exempt specified handloomed and folklore products from restraint levels established under the textile bilateral agreements of the United States with Colombia, Republic of Korea, Malaysia, Mexico, Philippines, Taiwan, India, Pakistan and Thailand.

These 7-digit item numbers are to be removed from the TSUSA and the Correlation, effective on April 1, 1979. Beginning with that date, merchandise from the above countries or other bilateral textile agreement countries which in the future have an arrangement with the United States to exempt specified products which are properly certified as exempt under the arrangement should be entered under the appropriate 7-digit Schedule 3 or Schedule 7 item number, provided the importer places the symbol F as a prefix to the appropriate 7-digit number on the proper Customs' entry document. Only textile products which are properly certified as exempt by the exporting country and which are entered or withdrawn with the symbol F prefix may be permitted entry as exempt items.

This letter and a notice of the change will be published in the FEDERAL REGISTER.

Sincerely,

ARTHUR GAREL,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 79-8725 Filed 3-21-79; 8:45 am]

[3710-KK-M]

DEPARTMENT OF DEFENSE

Department of the Army/Corps of Engineers

FOUNTAIN CREEK, COLO.

Proposed Flood Control Measures

Albuquerque District, Corps of Engineers is in the process of preparing a Draft Environmental Impact Statement for proposed flood control measures on Fountain Creek, Colorado to protect the city of Pueblo, Colorado.

AGENCY: U.S. Army, Corps of Engineers, Albuquerque District, DOD.

ACTION: Preparation of a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action and Alternatives:* The authorized action considered by the DEIS is construction of Fountain Lake on Fountain Creek north of Pueblo, Colorado. Along with the authorized project, nine structural and four non-structural alternatives have been investigated as means of providing as much flood protection as possible to the city while maintaining economic feasibility. The authorized project and the two other possible dam sites as well as one of the levee/channel project have been eliminated from further study because of their poor cost/benefit ratios. Advanced planning studies and the DEIS are concentrating on the remaining three levee/channel alternatives and the four non-structural alternatives.

2. *Public Involvement Process:* Public involvement in the planning process has involved two public meetings in April 1976 and October 1978. Additionally there have been three formal meetings with the Fountain Creek Commission and numerous other meetings with the city of Pueblo and interested local environmental groups. At this time there are no plans for additional public meetings. Affected federal, state and local agencies and other interested or affected private organizations and parties are invited to submit comments. Although no additional public meetings are scheduled, interested parties are invited to submit comments on the DEIS when it becomes available for public review as indicated below.

3. *Significant Issues Analyzed:* Significant issues analyzed in the DEIS include the impact of the proposed work on the Fountain Creek flood plain through Pueblo, impacts on cultural and historic resources, a comparison of current and projected future conditions with and without the project and the various alternatives and the need for mitigaton.

4. *Public Review:* The DEIS should be available for public review in July 1978.

INFORMATION: Questions about the proposed action and the DEIS may be answered by:

Mr. William Tully, USAED, Albuquerque, P.O. Box 1580, Albuquerque, N.M. 87103, AC 505-766-2657.

BERNARD J. ROTH,
Colonel, Corps of Engineers, District Engineer, USAED, Albuquerque.

MARCH 1, 1979.

[FR Doc. 79-8708 Filed 3-21-79; 8:45 am]

[3810-70-M]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 18 April 1979, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced

Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. LOFDAHL,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MARCH 19, 1979.

[FR Doc. 79-8613 Filed 3-21-79; 8:45 am]

[3810-70-M]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DoD Advisory Group on Electron Devices (AGED) will meet in closed session on 27 April 1979, at 201 Varick Street, 9th Floor, New York, New York 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 § 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

H. E. LOFDAHL,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MARCH 19, 1979.

[FR Doc. 79-8614 Filed 3-21-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

EUROPEAN ATOMIC ENERGY COMMUNITY

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy.

The subsequent arrangement to be carried out under the above mentioned agreement involves the shipment from the United States to the Central Bureau of Nuclear Measurements, Geel, Belgium of 10g of Uranium 233 and 1g of Plutonium 242. These materials are to be used in development of an efficient and reliable method for analyzing dissolver solutions from reprocessing plants, under a collaborative program supported by the Department of Energy's Office of Safeguards and Security. Contract No. WC-EU-115 has been assigned to this shipment.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

For the Department of Energy.

Dated: March 16, 1979.

HAROLD D. BENGELSDORF,
Director for Nuclear Affairs, International Programs.

[FR Doc. 79-8616 Filed 3-21-79; 8:45 am]

[6450-01-M]

ECONOMIC REGULATORY ADMINISTRATION

Rescission of Negative Determination of Environmental Impact

AGENCY: Department of Energy.

ACTION: Rescission of Negative Determination of Environmental Impact issued June 29, 1978.

SUMMARY: The Department of Energy (DOE) hereby rescinds the Negative Determination (ND) of Environmental Impact, issued June 29, 1978, (43 FR 28229), to the following powerplants:

Docket No.	Owner	Powerplant No.	Generating station	Location
OFU-034	Virginia Electric Power Company.	1	Portsmouth	Portsmouth, Va.
OFU-035	Virginia Electric Power Company.	2	Portsmouth	Portsmouth, Va.
OFU-036	Virginia Electric Power Company.	3	Portsmouth	Portsmouth, Va.
OFU-037	Virginia Electric Power Company.	4	Portsmouth	Portsmouth, Va.

In response to public comments, DOE is rescinding the ND to reassess the air quality impacts which would result if the listed prohibition orders were made effective.

Following the close of the public comment period on the ND and the environmental assessment (EA), upon which the ND was based, DOE discovered an error in the air quality analysis in the EA. Accordingly, DOE finds it appropriate to rescind the ND pending a reevaluation of the air quality impacts which would result if the above-named prohibition orders were made effective.

Upon completion of this review, DOE will determine whether to reissue the ND or to prepare an environmental impact statement.

For further information regarding the prohibition orders, see 40 FR 28430 (July 31, 1975).

FOR FURTHER INFORMATION CONTACT:

Steven A. Frank, Division of Coal Utilization, Room 7202, 2000 M St.,

NW, Washington, D.C. 20461 (202) 254-6246.

Robert J. Stern, Division of NEPA Affairs, Room 6234, 20 Massachusetts Avenue, NW., Washington, D.C. 20545 (202) 376-5998.

Janine Landow-Esser, Office of the General Counsel, Room 8217, 20 Massachusetts Avenue, NW., Washington, D.C. 20461 (202) 376-4262.

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

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79-8629 Filed 3-21-79; 8:45 am]

[6450-01-M]

CANADIAN CRUDE OIL ALLOCATION PROGRAM

Allocation Notice for the April 1 Through June 30, 1979, Allocation Period

In accordance with the provisions of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby publishes the allocation notice specified in § 214.32 for the allocation period commencing April 1, 1979.

The issuance of Canadian crude oil rights for the April 1, 1979, allocation period to refiners and other firms is set forth in the Appnedix to this notice. As to this allocation period. the Appendix lists: (1) the name of each refiner and other firm to which rights have been issued; (2) the base period volume [1] of Canadian crude oil for each first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The issuance of Canadian crude oil rights is made pursuant to § 214.31, which provides that rights may be issued to refiners or other firms that own or control a first or second priority refinery based on the number of barrels of Canadian light and heavy crude oil, respectively, included in the refinery's volume of crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period, November 1, 1974, through October 31, 1975. These calculations have been made and are shown on a barrels per day basis.

The listing contained in the Appendix also reflects any adjustments made by ERA to base period volumes to compensate for reductions in volumes due to unusual or nonrecurring operating conditions or to reflect current operating conditions as provided by § 214.31(d).

Based on its review of the affidavits, supplemental affidavits and reports filed pursuant to Subpart D of Part 214, and other information available to the agency, ERA has designated each refinery or other facility listed in the Appendix as a first or second priority refinery as defined in § 214.21. If a refinery or other facility has not been designated as a priority refinery by ERA, such refinery or other facility is not entitled to process or otherwise consume Canadian crude oil subject to allocation under the program.

As provided by § 214.31(e), in the allocation period commencing April 1, 1979, each refinery or other firm which has been issued Canadian crude oil rights for light and heavy crude oil, respectively, is entitled to process, consume or otherwise utilize in the priority refinery or refineries specified in the Appendix to this notice a number of barrels of Canadian light and heavy crude oil, respectivley, subject to allocation under Part 214, equal to the number of rights specified in the Appendix.

The Canadian National Energy Board (NEB) has advised ERA that the total volumes of Canadian light and heavy crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three-month allocation period commencing April 1, 1979, will be as follows: The average export level for Canadian lights crude oil will be 55,062 barrels per day (B/D) for April, May, and June. The average export level for Canadian heavy crude oil will be 106,129 B/D for April, 76,672 B/D for May, and 57,938 B/D for June. For purposes of determining allocations of Canadian heavy crude oil, it has been assumed that the average export level will be 80,207 B/D for the three months. Any change in the export levels for Canadian light crude oil, including condensate, and Canadian heavy crude oil anticipated for this allocation period will be reflected in revised allocations that will be issued in a supplemental allocation notice or notices.

The NEB has formally advised ERA of the following operational constraint with respect to the export of Canadian light crude oil for the allocation period:

—50 B/D of light crude oil through the Union Oil pipeline from the Reagan field in Canada to the Thunderbird refinery (second priority) at Cut Bank, Montana.

ERA has given effect to this operational constraint in the allocations set forth in the Appendix.

Additionally, the NEB has formally advised ERA that no Canadian condensate is available for export through Sarnia for this allocation period. Consumers Power Company, Marysville, Michigan, a first priority refinery, usually nominates for and receives an allocation for light crude oil, all of which must be condensate. Consequently, no light crude oil will be allocated to Consumers power Company, Marysville, for this allocation period.

Allocation of Canadian Light Crude Oil. The authorized export level for Canadian light crude oil for this allocation period is 55,062 B/D. The adjusted base period volumes of Canadian light crude oil for all first priority refineries nominating for light crude oil substantially exceeds the light crude oil export level. Accordingly, with the exception of allocations of light crude oil required by the operational constraint, no allocations of light crude oil are shown for second priority refineries. The export level of light crude oil, as adjusted to reflect the operational constraint, was allocated among first priority refineries nominating for light crude oil, excluding Consumers Power Company, Marysville, on a pro rata basis in the following manner. First, an allocation factor of 0.502931 [2] was applied to each first priority refinery's adjusted base period volume of light crude oil. Second, the resulting allocation for Murphy Oil Corporation was reduced to conform to its nomination for light crude oil for its first priority refinery. Third, the allocation factor was recomputed [3] to reflect this adjustment and was reapplied to each first priority refinery's (excluding Murphy's Superior refinery) adjusted base period volume of light crude oil to arrive at the final allocations.

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through Ocotober 31, 1975) on a barrels per day basis.

[2] 0.502931 = Adjusted export level for Canadian light crude oil (55,062 B/D less 50 B/D to Thunderbird refinery = 55,012 B/D), divided by sum of adjusted base period volumes of Canadian light crude oil for first priority refineries nominating for Canadian light crude oil, excluding Consumers Power, Marysville, (109,372 B/D).

[3] The factor as recomputed is 0.505077 = Adjusted export level for light crude oil (55,012 B/D, less allocation to Murphy's Superior refinery (10,000 B/D) = 45,012 B/D), divided by sum of first priority refineries' (excluding Murphy) adjusted base period volumes of light crude oil (89,119 B/D).

Allocation of Canadian Heavy Crude Oil. The authorized export level for Canadian heavy crude oil for April, May, and June 1979, is an average of 80,207 B/D. Allocations of heavy crude oil were made according to the first two of the six steps specified in § 214.31(a)(3).

First, the first priority refineries for which nominations had been submitted were allocated heavy crude oil equal to one-fourth of their total base period volumes of Canadian heavy crude oil. Second, the first priority refineries for which nominations had been submitted were allocated heavy crude oil on a pro rata basis with reference to one-fourth of their total base period volumes less oil already allocated to them. Allocations under the third through sixth steps specified in § 214.31(a)(3) were not necessary because there was not enough heavy crude oil to cover the total Canadian base period volumes for all first priority refineries for which nominations for heavy crude oil had been received.

On or prior to the thirtieth day preceding each allocation period, each refiner or other firm that own or controls a first priority refinery shall file with the ERA the supplemental affidavit specified in § 214.41(b) to confirm the continued validity of the statements and representations contained in the previously filed affidavit or affidavits, upon which the designation for that priority refinery is based. Each refiner or other firm owning or controlling a first or second priority refinery shall also file the periodic report specified in § 214.41(d)(1) on or prior to the thirtieth day preceding each allocation period, provided, however, that the information as to estimated nominations specified in § 214.41(d)(1)(i) is not required to be reported.

Within 30 days following the close of each three-month allocations period, each refiner or other firm that owns or controls a priority refinery shall file the periodic report specified in § 214.41(d)(2) certifying the actual volumes of Canadian crude oil and Canadian plant condensate included in the crude oil runs to stills of or consumed or otherwise utilized by each such priority refinery (specifying the portion thereof that was allocated under Part 214) for the allocation period.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR part 205. Any person aggrieved hereby may file an appeal with DOE's Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before 30 days from the publications of this Notice.

Issued in Washington, D.C. on March 16, 1979.

BARTON R. HOUSE,
Assistant Administrator, Fuels Regulations, Economic Regulatory Administration.

[6450-01-M]

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - April 1, thru June 30, 1979
(Barrels Per Day)

		Base Period Volumes			Nominations		Allocation	
Priority	Refiner/Refinery	Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
	AMOCO							
II	Whiting, Ind.	26,751	25,560	1,191	0	0	0	0
II	Casper, Wyo.	2,991	2,991	0	0	0	0	0
II	Mandan, N.D.	8,995	8,995	0	0	0	0	0
II	Sugar Creek, Mo.	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash.	34,225	34,225	0	0	0	0	0
	ASHLAND							
II	Buffalo, N.Y.	36,752	32,033	4,719	0	0	0	0
II	Findlay, Ohio	2,198	33	2,165	0	0	0	0
I	St. Paul Park, Minn.	14,707 1/	13,127 1/	1,580 1/	40,000	27,000	6,630	5,709 2/
	CLARK							
II	Blue Island, Ill.	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich.	13,872	13,872	0	0	0	0	0
I	Marysville, Mich.	27,306	27,306	0	1,200 3/	0	0 3/	0
	CONTINENTAL							
I	Billings, Mont.	25,994	25,994	0	25,994	0	13,129	0
II	Denver, Colo.	4,639	4,639	0	4,638	0	0	0
II	Ponca City, Ok.	1,188	1,188	0	1,188	0	0	0
I	Wrenshall, Minn.	20,651	20,651	0	20,651	0	10,430	0
	CRA							
II	Coffeyville, Kan.	318	318	0	0	0	0	0
II	Phillipsburg, Kan.	173	173	0	0	0	0	0
II	Scottsbluff, Neb.	401	401	0	0	0	0	0
	CRYSTAL							
II	Carson City, Mich.	1,104	1,104	0	0	0	0	0
	DOW CHEMICAL, U.S.A.							
II	Bay City, Mich.	2,767	2,767	0	0	0	0	0
	ENERGY COOPERATIVE							
II	East Chicago, Ind.	10,804	10,267	537	0	0	0	0
	EXXON							
I	Billings, Mont.	15,908	15,908	0	16,000	0	8,035	0
	FARMERS UNION							
I	Laurel, Mont.	13,439	13,439	0	13,500	0	6,788	0
	GLADIEUX							
II	Fort Wayne, Ind.	774	774	0	0	0	0	0
	GULF							
II	Toledo, Ohio	13,253	13,253	0	0	0	0	0
	HUSKY							
II	Cheyenne, Wyo.	4,865	4,865	0	0	0	0	0
II	Cody, Wyo.	806	806	0	0	0	0	0
	KOCH							
I	Pine Bend, Minn.	44,383 1/	3,396 1/	40,987 1/	0	95,000	0	68,847 2/
	LAKE SUPERIOR D.P.							
I	Ashland, Wisc.	125	125	0	0	0	0	0
	LAKESIDE							
II	Kalamazoo, Mich.	1,240	1,240	0	0	0	0	0
	LAKETON							
II	Laketon, Ind.	141	10	131	0	0	0	0
	LITTLE AMERICA							
II	Casper, Wyo.	2,248	2,248	0	0	0	0	0
II	Sinclair, Wyo.	709	709	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	MARATHON							
II	Detroit, Mich.	10,301	10,159	142	23,687	0	0	0
	MOBIL							
II	Buffalo, N.Y.	24,995	24,995	0	0	6,036	0	0
II	Ferndale, Wash.	45,444	45,444	0	0	10,975	0	0
II	Joliet, Ill.	14,606	2,132	12,474	0	12,989	0	0
	MURPHY							
I	Superior, Misc.	25,625	20,253	5,372	10,000	10,000	10,000	5,651
	NCRA							
II	McPherson, Kan.	836	836	0	0	0	0	0
	PESTER REFINING CO.							
II	El Dorado, Kan.	196	196	0	0	0	0	0
	PHILLIPS							
II	Great Falls, Mont.	1,222	1,222	0	0	0	0	0
II	Kansas City, Kan.	3,352	3,105	247	0	0	0	0
	ROCK ISLAND							
II	Indianapolis, Ind.	1,063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes, Wash.	55,919	55,919	0	0	0	0	0
II	Wood River, Ill.	8,673	8,673	0	0	0	0	0
	SOHIO							
II	Toledo, Ohio	29,182	29,182	0	15,000	10,000	0	0
	SUN							
II	Toledo, Ohio	16,427	16,427	0	0	0	0	0
	TENNECO							
II	Chalmette, La.	1,767	1,767	0	0	0	0	0
	TEXACO							
II	Anacortes, Wash.	41,229	41,229	0	0	0	0	0
II	Casper, Wyo.	1,380	1,380	0	0	0	0	0
II	Lockport, Ill.	1,244	1,244	0	0	0	0	0
	TEXAS AMERICAN							
II	West Branch, Mich.	2,011	2,011	0	0	0	0	0
	THE REFINERY CORP.							
II	Commerce City, Colo.	174	174	0	0	0	0	0
	THUNDERBIRD							
II	Cut Bank, Mont.	554	554	0	50	0	50 4/	0
	TOTAL PETROLEUM							
II	Alma, Mich.	9,727	3,020	6,707	0	8,000	0	0
	UNION OIL OF CALIF.							
II	Lemont, Ill.	11,711	11,711	0	10,000	20,000	0	0
	UNITED REFINING							
II	Warren, Pa.	9,917	9,789	128	0	0	0	0
	WYOMING REFINING CO.							
II	New Castle, Wyo.	676	676	0	0	0	0	0
	TOTAL PRIORITY I	202,010	154,071	47,939	127,345	132,000	55,012	80,207
	TOTAL PRIORITY II	469,029	440,588	28,441	54,563	68,000	50	0
	TOTAL I&II	671,039	594,659	76,380	181,908	200,000	55,062	80,207

1/ Adjusted.
2/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil.
3/ Condensate - Not available for export through Sarnia to Consumers Power during this allocation period.
4/ Operational constraint.

[FR Doc. 79-8625 Filed 3-21-79; 8:45 am]

[6450-01-M]

ENERGY EMERGENCY HANDBOOK

Request for Comment

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of opportunity for written comment with respect to the development of the Energy Emergency Handbook.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it is currently developing the Energy Emergency Handbook, and solicits public comments. Public hearings on the Handbook have not been scheduled. However, if a significant number of requests for hearings are received, one or more hearings may be scheduled at central locations. Written comments will be accepted through May 15, 1979. The proposed Handbook is briefly described in the Supplementary Information section of this notice. Copies of the proposed Handbook are available for inspection at the Department of Energy, Forrestal Building, Room GA-152, 1000 Independence Avenue, Washington, D.C., and at all DOE Regional Offices.

ADDRESSES: Send comments to Yvonne Allen, Director, Energy Emergency Center, Economic Regulatory Administration, Department of Energy, Room 7204, 2000 M Street, N.W., Washington, D.C. 20461. Copies of the Energy Emergency Handbook are available at the following DOE regional offices: Region I, 150 Causeway Street, Boston, Mass. 02114; Region II, 26 Federal Plaza, New York, N.Y. 10007; Region III, 1421 Cherry Street, Philadelphia, Pa. 19102; Region IV, 1655 Peachtree Street, N.E., Atlanta, Ga. 30309; Region V, 175 West Jackson Boulevard, Chicago, Ill. 60604; Region VI, 2626 Mockingbird Lane, Dallas, Tex. 75235; Region VII, 324 East 11th Street, Kansas City, Mo. 64106; Region VIII, 1075 S. Yukon Street, Lakewood, Colo. 80226; Region IX, 111 Pine Street, San Francisco, Calif. 94111; Region X, 1992 Federal Office Building, 915 Second Avenue, Seattle, Wash. 98174.

FOR FURTHER INFORMATION CONTACT:

Yvonne Allen (Energy Emergency Center), Department of Energy, 2000 M Street, N.W., Room 7204, Washington, D.C. 20461, 202-252-5155.

Grant Garrison (Office of General Counsel), Department of Energy, Federal Building, 1726 M Street, Room 510, Washington, D.C. 20461, 202-634-5545.

SUPPLEMENTARY INFORMATION:

I. Legislative Authority

The Energy Emergency Handbook was developed pursuant to authority vested in the Department of Energy by the following legislation:

The Department of Energy Organization Act (Pub. L. 95-91), which provides in Section 102 that "it is the purpose of this Act * * * (8) to facilitate establishment of an effective strategy for distributing and allocating fuels in periods of short supply * * *", and

The Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended by Pub. L. 95-91, which provides in Section 5(b)(3) that the Secretary shall "develop effective arrangements for the participation of State and local governments in the resolution of energy problems; and in Section 5(b)(4) that the Secretary shall "develop plans and programs for dealing with energy production shortages."

II. Historical Overview

The Energy Emergency Handbook is an integral component of DOE's overall program to improve its capacity, and that of States and localities, to effectively manage short-term energy emergencies. The Handbook was developed as the result of recommendations made by the Winter Energy Emergency Planning Task Force of Winter 1977 and replaces the "Energy Emergency Planning Guide: Winter 1977-78" (prepared by the Task Force after consultation with Federal, State, local, and industry representatives). The Energy Emergency Planning Guide provided a review of the roles and responsibilities of industry, States, and the Federal government in dealing with energy emergencies relating to several fuels. Many of the measures included in the guide are proposed for incorporation into the Energy Emergency Handbook.

III. Objectives of the Energy Emergency Handbook

The Handbook is designed to inform State and local governments of Federal and State response actions which are available to manage energy emergencies. While it is recognized that each State and community has its own unique authorities, responsibilities and problems, the Handbook is intended to provide all users with information which will help them prepare for and respond to energy emergencies resulting from moderate to severe shortages of natural gas, petroleum products, electricity, coal and propane. In addition, specific actions which Federal and State Governments can take, their objectives, operation and impact will be presented.

IV. Outline of the Handbook

The Handbook is still in the process of development and will be finalized in mid-September 1979. The outline below represents the proposed approach for the Handbook. Modifications in the scope and content will be made to reflect comments received from the public.

CHAPTER 1. INTRODUCTION

- Provides an overview of the contents of the Handbook.
- Describes nature of energy emergencies included in the Handbook.
- Describes the components of the energy emergency management process.
- Provides a plan for rapid communication, prior to and during an emergency to ensure effective coordination of private industry and Federal, State and local governments.

CHAPTER 2-6. ENERGY EMERGENCIES; VARIOUS FUELS

- Provides an overview, cause of and impact analysis of energy emergencies in the following fuel systems:

—Petroleum.
—Natural gas.
—Propane.
—Coal.
—Electricity.

CHAPTER 7. STATE ENERGY EMERGENCY ACTIONS

- Provides an analysis of various actions a State may take to deal with energy emergencies. Measures discussed have been used effectively in the past; are included in existing legislation in certain States; and are anticipated to have a high likelihood of effective implementation. Implementation of specific measures depends upon the State legislative and constitutional authority.

A. Demand Restraint

a. Public awareness campaign designed to achieve demand restraint goals through pre-emergency and emergency information programs.
b. Reduce temperature settings for space heating.
c. Reduce temperature settings for water heating.
d. Reduce working hours of industrial and commercial businesses.
e. Eliminate aesthetic outdoor lighting.
f. Curtail civic and sports activities.

g. Close schools.
h. Impose natural gas curtailment priority categories.
i. Implement emergency electric energy curtailment plans.
j. Restrict private transportation.
k. Modify transportation routes, schedules, or speed limits.
l. Restrict time when fuels, particularly gasoline, may be sold.
m. Encourage use of paratransit and ride-sharing programs.

B. Supply Enhancement

a. Relax state air pollution restrictions.

C. Supply Distribution/Transportation

a. Clear frozen waterways.
b. Clear roads and bridges.
c. Grant hauling permits to fuel trucks quickly.
d. Permit overweight trucks to transport fuel over specified routes.

D. Supply Allocation

a. Allocate fuel supplies to high priority users.
b. Redistribute fuel from the supplies of large users.
c. Require pro rata reductions in deliveries of fuel to end-users.

E. Human Needs

a. Develop state plan which addresses human needs during energy emergencies.

F. Other

a. Establish lines of communication with the Federal government for preliminary advice prior to seeking Federal action.

The proposed format for the measures which will be included in the Handbook is as follows:

● *Objective.* A brief statement of the intent of the action.

● *Implementation.* A discussion of typical implementation procedures, including the form the action could take (e.g., press release, TV announcement by the governor, implementation of auditing and enforcement procedures, etc.). If special laws or executive orders are typically required, they will be briefly described.

● *Impacts.* A discussion of each action in terms of its anticipated impacts on an energy emergency. In addition, possible undesirable economic, social and political side-effects will be discussed.

● *Experience.* A partial listing of states that have had experience with this action.

CHAPTER 8. FEDERAL ENERGY EMERGENCY ACTIONS

● Describes the types of Federal actions available to deal with a variety of energy emergencies or shortages.

● Proposes the following measures for possible inclusion in the Handbook, which are directed at Federal operations or define what can be done to assist states.

A. Demand Restraint

1. *Petroleum.* a. Restrict sales of gasoline on weekends.
b. Increase use of paratransit and ride-sharing programs.
2. *Electricity.* a. Reduce, for the benefit of higher-priority uses, electricity used at uranium enrichment plants.
b. Restrict use of illuminated advertising signs.
c. Request utilities to reduce intracompany and power station requirements to a minimum.
3. *All Fuels.* a. Public awareness campaigns designed to achieve demand restraint goals through pre-emergency and emergency information programs.
b. Limit space heating, hot-water heating, and cooling in commerical and public buildings.
c. Limit use of fuels in Federal facilities.

B. Supply Enhancement

1. *Petroleum.* a. Impose mandatory refinery yield program.
b. Distribute fuel from the Strategic Petroleum Reserve.
c. Order accelerated production from wells on Federal lands.
2. *Natural Gas.* a. Grant gas distribution companies permission to inject ethane-propane mixes into their gas distribution system.
b. Order accelerated production from Federal leases.
c. Encourage increased imports of natural gas.
d. Prohibit the use of natural gas by electric plants and major fuel-burning installations that: (1) have access to petroleum, and (2) have had the capability to burn petroleum at some time after September 1, 1977.
3. *Coal.* a. Temporarily permit the burning of natural gas or petroleum instead of coal, despite prohibitions against burning natural gas or petroleum.
4. *Electricity.* a. Purchase electric energy from Canada.
b. Increase capacity factors on hydroelectric stations with reservoirs.
c. Request utilities to operate base load generators at maximum capacity factor.
5. *All Fuels.* a. Suspend State Implementation Plans under Section 110(f), of the Clean Air Act, as amended, to permit utilization of higher pollutant fuels.

C. Supply Distribution/Transportation

1. *Natural Gas.* a. Authorize temporary sales after Presidential declaration of emergency.
b. Exempt sales and transportation of gas from FERC certification requirements temporarily.
c. Grant temporary certificates to transport natural gas.
2. *All Fuels.* a. Direct railroads to give priority to transporting fuel.
b. Suspend limits on the number of hours that truckers may drive.
c. Use military or other Federally owned equipment to transport fuels.
d. Requisition privately-owned railcars.
e. Use vessels under foreign flag to transport fuel between domestic ports.
f. Clear frozen waterways.
g. Authorize a motor carrier or water carrier to provide temporary service for which the ICC has not granted the carrier permanent operating rights.

D. Supply Allocation

1. *Petroleum.* a. Allocate crude oil to refiners through standby regulations.
b. Allocate any controlled or decontrolled petroleum products by activating standby regulations.
c. Limit prices of any controlled or decontrolled petroleum products by activating standby regulations.
d. Continue state set-aside program.
e. Implement International Energy Program to allocate petroleum among the oil-importing countries.
f. Expand petroleum products entitlements program.
2. *Propane.* a. Allocate propane.
Continue state set-aside program.
3. *Natural Gas.* a. Allocate natural gas after Presidential declaration of emergency.
b. Expedite consideration of requests for increased allocation of petroleum products to Synthetic Natural Gas plants.
4. *Coal.* a. Allocate coal to electric powerplants and major fuel-burning installations.
5. *Electricity.* a. Request utilities to maximize energy transfers to deficient areas.
b. Order emergency interconnections, sales and exchanges between electric utilities.
c. Maximize fuel switching.
6. *All Fuels.* a. Allocate or requisition any fuel or other commodity in an emergency that threatens national defense (authority under the Defense Production Act).

E. Human Needs

All Fuels. a. Assist in distributing food to individuals and provide public shelters and medical aid.
b. Provide food stamps to persons when an energy emergency causes loss of income.
c. Support emergency relocation of persons and provide temporary housing and community services.
d. Provide grants to states and individuals in declared disaster areas.

e. Provide new loans to assist small businesses harmed by the energy emergency.

f. Implement Community services Administration Emergency Energy Assistance Program (formerly crisis intervention).

g. Provide short-term loans of emergency equipment from Defense Civil Preparedness Agency.

h. Use HEW-funded programs by direction of the Governor to meet emergency needs of groups with high risk to health.

i. Use the Aid to Families with Dependent Children program to assist eligible families (not all states have included an emergency assistance option in their program).

j. Assist the elderly through the Administration on Aging.

k. Department of Defense Disaster Relief Assistance in Peacetime Energy Emergencies.

F. Other

1. *All Fuels.* a. Direct which contractural obligations should be satisfied first when an emergency that threatens national defense prevents all obligations from being satisfied (authority under the Defense Production Act).

b. Expedite consideration of requests for waiver, exemption or postponement from DOE regulations, including temporary public interest exemption from FUA, EPAA, ESECA, etc., regulations.

c. Use emergency communications network of the Defense Civil Preparedness Agency.

The proposed format for the measures which will be included in the Handbook is as follows:

- *Objective.* Brief statement of the intent of the action.
- *Initiation.* Brief discussion of the first implementation step, including identification of the Federal office to be contacted.
- *Operation.* Description of procedures subsequent to initiation.
- *Scope of Action* (as appropriate)

—Eligibility. What are eligibility requirements?

—Funding Available. Total funds available and typical grants/loans.

—Allowable Uses and Limitations. This discussion will focus on allowable uses as well as political, economic and practical limitations of the action.

—Duration.

- *References.*

CHAPTER 9. FEDERAL ENERGY EMERGENCY PLANNING

- Describes Federal activities in an energy emergency and planning for future emergencies.
- Describes energy management responsibilities and activities.

CHAPTER 10. FEDERAL ENERGY EMERGENCY LEGISLATION

- Provices an overview of Federal energy emergency legislation and copies of the National Energy Act, including the National Energy Conservation Policy Act, the Powerplant and Industrial Fuel Use Act, Energy Tax Act, and the Natural Gas Policy Act.

CHAPTER 11. FEDERAL-STATE DIRECTORY

- Provides a Directory of Key State and Federal officials with energy emergency management responsibilities (a directory of local officials may be developed). The Directory will be updated as appropriate.

V. SPECIFIC REQUESTS FOR COMMENT

Comments are invited on all aspects of the Energy Emergency Handbook. In addition, ERA requests that particular attention be given to (1) usefulness of the approach, scope, and format of the Handbook to users (State and local governmental officials with energy emergency management responsibilities); (2) State and Federal measures in terms of (a) practical implementation prior to and during an energy emergency, (b) measures which should be added or omitted based upon State and local experiences, (c) format of the description of each measure, and (d) desirability of including some or all of the human needs and other measures administered by other Federal agencies; (3) desirability of holding one or more public hearings on the Handbook.

Issued at Washington, D.C. on March 15, 1979.

HAZEL R. ROLLINS,
Deputy Administrator, Economic, Regulatory Administration.

[FR Doc. 79-8750 Filed 3-21-79; 8:45 am]

[6450-01-M]

Federal Energy Regulatory Commission

[Docket No. TC79-10]

ALGONQUIN GAS TRANSMISSION CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 14, 1979, Algonquin Gas Transmission Company (Respondent), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. TC79-10 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with Section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent add a new subparagraph (b) to Section 14.7 which provides:

"* * * Notwithstanding the other provisions of this Section 14, Seller shall:

* * * * *

"(b) Grant adjustments, during the period April 1, 1979 through October 31, 1979, to the extent required by Part 281, Subpart A, Subchapter I, Chapter 1 of Title 18, Code of Federal Regulations, in order to protect deliveries of natural gas for essential agricultural uses and for high priority uses."

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by Section 4 of the Natural Gas Act and Section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with Section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8655 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP78-266, et al.]

BEAR CREEK STORAGE CO., ET AL.

Filing of Proposed Stipulation and Agreement

MARCH 14, 1979.

Take notice that on March 9, 1979, Bear Creek Storage Company (Bear Creek), Southern Natural Gas Company (Southern), and Tennessee Gas

Pipeline Company, a Division of Tenneco, Inc. (Tennessee) have filed a proposed stipulation and agreement requesting certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act authorizing (1) the construction, development, and operation of a natural gas storage field and related facilities by Bear Creek, (2) the capitalization and recovery by Bear Creek of the cost of base storage gas and related injection fuel gas, (3) the sale and delivery of natural gas, and (4) the abandonment of gas production, all as described more fully in the proposed stipulation and agreement which is on file with the Commission in the above-captioned docket.

ARTICLE I

The proposed stipulation states that the certificates of public convenience and necessity requested by Bear Creek, Southern, and Tennessee in Docket Nos. CP78-266 and CP78-267 should be issued as described therein. Such certificates shall authorize the development and operation of the Pettit limestone formation in the Bear Creek Field located in Bienville Parish, Louisiana, as an operational gas storage facility.

ARTICLE II

Specifically, Bear Creek's certificate will authorize the following:

A. The acquisition of all necessary mineral, royalty, and working interests, and all storage, surface, and other rights and interests necessary to develop and operate the Pettit Reservoir of the Bear Creek Field as a gas storage facility.

B. The drilling, construction and operation of a total of 52 injection-withdrawal wells, 2 salt water disposal wells and 3 observation wells in the Bear Creek Field, together with certain wellhead measuring equipment and other ancillary facilities.

C. The conversion into observation wells of 4 existing wells in the Bear Creek Field.

D. The reworking for the purpose of insuring pressure integrity of 8 existing wells owned by Southern and others extending through the Pettit Reservoir into deeper formations and the reworking of 7 existing dually completed wells owned by Southern and others for the purpose of eliminating the ability of those wells to produce from the Pettit Reservoir.

E. The construction and operation of a central plant in the Bear Creek Field which will consist of an approximately 28,000 horsepower compressor station, dehydration facilities, and other ancillary facilities necessary to the operation of the storage field.

F. The establishment of a delivery point together with necessary metering facilities (to be called the Bear Creek Area Delivery Point) for the receipt and the redelivery of gas. Such delivery point shall consist of two interconnections, one between the proposed facilities of Bear Creek and the existing facilities of Southern and the other between the proposed jointly-owned Southern-Tennessee Bear Creek Pipeline (as applied for in the application in *Southern Natural Gas Company and Tennessee Gas Pipeline Company, a Division of Tenneco, Inc.*, Docket No. CP78-267) and the proposed facilities of Bear Creek.

G. The construction and operation of certain field pipeline facilities, as proposed in the application and accompanying exhibits in Docket No. CP78-266, to connect the central plant to the various injection-withdrawal wells proposed to be drilled and constructed. The field lines will consist of approximately 7 miles of 14-inch O.D. pipeline, 3.4 miles of 12¾-inch O.D. pipeline, 6.2 miles of 10¾-inch O.D. pipeline, 8.3 miles of 8⅝-inch O.D. pipeline and .6 miles of 6⅝-inch O.D. pipeline.

H. The receipt from Southern and Tennessee of approximately 49,900,000 Mcf of cushion gas plus necessary injection fuel gas (estimated to be approximately 576,000 Mcf) at the rates stated herein.[1]

I. The injection into and withdrawal annually from the Pettit Reservoir as top storage gas of an additional approximate 65,000,000 Mcf of natural gas to enable Bear Creek to utilize the Pettit Reservoir at its proposed storage design volume, estimated to be approximately 114,900,000 Mcf. The total top storage gas capacity shall be shared equally by Southern and Tennessee.

J. The operation as proposed in the application and accompanying exhibits in this proceeding of the Pettit Reservoir to provide a storage service pursuant to the proposed tariff contained in Exhibit P of the application and at the rates proposed therein as modified by this stipulation and agreement.

[1] The total cushion gas volume of approximately 49,900,000 Mcf includes an estimated 4,410,000 Mcf of non-recoverable reserves presently contained in the Pettit Reservoir. For the remaining 45,490,000 Mcf required for cushion gas Tennessee and Southern are each requesting in the application and accompanying exhibits in this proceeding authorization to sell to Bear Creek approximately 22,745,000 Mcf of base storage gas and to have such volume injected by Bear Creek for base storage gas; however, Southern's volume of injection shall be reduced by the amount of recoverable reserves in place at the time Bear Creek acquires from Southern necessary interests in the Bear Creek Field (estimated to be approximately 1,754,000 Mcf as of April 1, 1979).

ARTICLE III

Specifically, the certificates of Southern and Tennessee will authorize the following:

A. The sale to Bear Creek of approximately (i) 22,745,000 Mcf of base storage gas and approximately 299,550 Mcf of related fuel gas by Tennessee and (ii) 22,745,000 Mcf of base storage gas by Southern (including approximately 1,754,000 Mcf of recoverable reserves currently in the Pettit Reservoir) and approximately 276,450 Mcf of non-recoverable reserves currently acquired or to be acquired in the Pettit Reservoir by Southern.

B. The delivery to Bear Creek at the Bear Creek Area Delivery Point by Southern and Tennessee each of volumes of top storage gas up to one-half of the capacity of the Pettit Reservoir (less cushion gas) when filled to its proposed total storage design volume. Such top storage gas inventory is estimated to be approximately 32,500,000 Mcf for Southern and 32,500,000 Mcf for Tennessee. Such volumes delivered to Bear Creek will be stored and subsequently redelivered by Bear Creek to Southern and Tennessee at the Bear Creek Area Delivery Point.

C. The establishment of an interconnection between the proposed Bear Creek pipeline, filed for in *Southern Natural Gas company and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.*, Docket No. CP78-267, and the proposed Bear Creek storage facilities to permit the delivery and receipt of injection and withdrawal volumes at Bear Creek for the account of Tennessee and Southern.

D. The establishment of an interconnection between Southern's existing Bienville Compressor Station facilities and the proposed Bear Creek storage facilities to permit Southern to directly deliver and receive injection and withdrawal volumes at Bear Creek.

E. The operation of the Bear Creek Storage Field for Bear Creek by Southern as operator under the Bear Creek Operating Agreement (See Exhibit M to the application).

ARTICLE IV

The parties stipulate and agree that the Commission should issue an order authorizing the transfer to Bear Creek of the Pettit Reservoir of the Bear Creek Field and abandonment of service related thereto.[2]

[2] Southern will sell its working interest in the Pettit Reservoir and the following four well bores completed in the Pettit Reservoir to Bear Creek:

(1) P SU F; Hodge-Hunt Lumber Co. #A-1.
(2) P SU H; Hodge-Hunt #D-1.
(3) P SU H; T. A. Loe, *et al.*, #1.
(4) P SU B; Commercial Real Estate #1.

A negligible volume of gas is produced from the Pettit Reservoir by Franks Petroleum Inc. (Franks) and sold to United Gas

Footnotes continued on next page

The Commission will provide for the filing of comments on the offer of settlement on an expedited basis. Any person desiring to be heard or to protest the proposed stipulation and agreement should file initial comments by March 23, 1979, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All protests and comments 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 party wishing to become a party must file a petition to intervene in accordance with the Commission's Rules; *provided, however,* that persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filings. Copies of the proposed stipulation and agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8679 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket Nos. ER79-216 and ER79-217]

BOSTON EDISON CO.

Proposed Tariff Changes

MARCH 13, 1979.

Take notice that Boston Edison Company (Edison) of Boston, Massachusetts on February 27, 1979, tendered for filing Fifth Revised Exhibit B to its contracts with the following three total requirements wholesale customers:

	FERC Rate Schedule No.
Town of Concord	47
Town of Norwood	48
Town of Wellesley	51

The Company also tendered for filing Second Revised Exhibit B to its Contract Demand tariff, FERC No. 111, under which partial requirements service is furnished to the Town of Reading.

The rate schedule changes are proposed to be effective for deliveries of power and energy on and after April 29, 1979.

According to Edison, the proposed all-requirements rate schedule will increase revenues from the three affected customers by $656,070, based on sales for the twelve-month test year ended September 30, 1978. According to Edison, the proposed Contract Demand rate schedule will increase revenues by $332,148 on the same test year basis. According to Edison, the total of the two increases is $998,218. According to Edison, the design of the all-requirements rate has been modified through the inclusion of separate demand charges for taking service at the 115 kV level and at the 14/4 kV level. According to Edison, the design of the Contract Demand rate has been changed to include a monthly customer charge.

Edison states that it has filed the rate increases in order to recover its increased cost of providing electric service and to earn a fair return on its investment dedicated to the public service. Edison further states that a copy of the filing has been posted as required by the Commission's regulations, and a copy has been mailed to each of the customers affected by the proposed changes and to the Massachusetts Department of Public Utilities. All the affected customers are located in Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with 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 March 28, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8680 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-17]

CITIES SERVICE GAS CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Cities Service Gas Company (Respondent), Post Office Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. TC79-17 a tariff sheet as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheet which is on file with the Commission and open to public inspection.

The tariff sheet tendered by Respondent adds a new Section 9, entitled Interim Adjustments, to the General Terms and Conditions of Respondent's FERC Gas Tariff, Original Volume No. 1. The filed tariff sheet provides that adjustments to the respondent's priority of service shall be granted to the extent necessary to supply the essential agricultural uses and high-priority uses of direct sale customers and indirect sale customers as provided for in Part 281, Subpart A, Subchapter I, Chapter 1 of Title 18 of the Code of Federal Regulations. The tariff sheet further provides that volumes delivered under any such adjustment shall be reduced proportionately if such adjustments would otherwise result in the reduction of deliveries of natural gas:

(a) To a direct sale customer, local distribution company or interstate pipeline customer to any level which would cause a direct or indirect supply deficiency for service to essential agriculture or high-priority uses; for

(b) Which the Company determines is reasonably necessary for injection into storage by the Company or by any of its customers except to the extent the Federal Energy Regulatory Commission, upon complaint, determines that such storage is not reasonably necessary to serve high-priority uses or essential agricultural uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protests with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. 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 in-

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Footnotes continued from last page

Pipe Line Company (United). This interest will be acquired and arrangements will be made with United to deliver the remaining recoverable reserves attributable to Franks' interest to United.

tervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8656 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-222]

THE CONNECTICUT LIGHT & POWER CO.

Purchase Agreement

MARCH 14, 1979.

Take notice that on March 1, 1979, the Connecticut Light & Power Company (CL&P) tendered for filing a proposed rate schedule pertaining to a Northfield Mountain Purchase Agreement between the Connecticut Light and Power Company(CL&P), The Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO), (the NU Companies) and the City of Holyoke Gas and Electric Department (HG&E) dated as of September 1, 1978.

CL&P states that the Purchase Agreement provides for a sale to HG&E of a specified percentage of capacity and related pondage from the NU Companies' Northfield Mountain Pumped Storage Hydro Electric Project (Project) together with related transmission service during the period October 31, 1978 through October 31, 1983.

CL&P states that a complete review and redetermination of the carrying charges for the Project have recently been completed in order to accurately determine the capacity costs. CL&P states that this review and redetermination delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P requests that the Commission waive its notice requirements and permit the rate schedule filed to become effective on October 31, 1978.

CL&P states that the capacity charge rate for the entire Project is a rate determined on a cost-of-service basis for the entire Project. The monthly transmission charge is equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Excecutive Committee, multiplied by the number of kilowatts of winter capability which HG&E is entitled to receive.

CL&P states that the services to be provided under the Purchase Agreement are similar to service provided by the NU Companies relating to an earlier agreement between the NU Companies and HG&E (Rate Schedule FPC Nos. CL&P 104; HELCO 84; and WMECO 98).

CL&P states that a copy of the rate schedule has been mailed or delivered to CL&P, Hartford, Connecticut; HELCO, Hartford, Connecticut; WMECO, West Springfield, Massachusetts; and HG&E, Holyoke, Massachusetts.

HELCO and WMECO have filed Certificates of concurrence in this docket.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8691 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-225]

THE CONNECTICUT LIGHT & POWER CO.

Second Amendment to Northfield Mountain Purchase Agreement

MARCH 14, 1979.

Take notice that on March 2, 1979, The Connecticut Light & Power Company (CL&P) tendered for filing a proposed Second Amendment to Northfield Mountain Purchase Agreement (Second Amendment) dated May 1, 1977 between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO), and (2) Holyoke Gas and Electric Department (HG&E).

CL&P states that HG&E has requested that the entitlement percentage purchased by HG&E in the Northfield Project be increased from 4,000 kilowatts to 6,000 kilowatts for the period May 1, 1977, to October 31, 1978.

CL&P requests that the Commission permit the Second Amendment filed to become effective on May 1, 1977.

CL&P states that the monthly transmission charge is equal to one-twelfth of the annual average cost of transmission service on the Northeast Utilities system determined in accordance with Section 13.9 (Determination of Amount of the Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee multiplied by the number of kilowatts of winter capability which HG&E is entitled to receive.

HELCO and WMECO have filed certificates of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, WMECO, West Springfield, Massachusetts and HG&E, Holyoke, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 March 26, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8682 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-218]

THE DAYTON POWER & LIGHT CO.

Filing of Rate Schedule

MARCH 14, 1979.

Take notice that on February 28, 1979, the Dayton Power and Light Company (Dayton) tendered for filing a rate schedule setting forth all rates and charges that Dayton and the Cincinnati Gas & Electric Company (Cincinnati) have agreed to under an Interconnection Agreement between Dayton and Cincinnati providing for interconnection of electric facilities, Emergency Energy, Interchange Energy, Maintenance Energy, Short Term Power and Energy, Limited Term Power and Energy and Conservation Energy. Dayton indicates that this rate schedule supersedes that contained in the Agreement between Dayton and Cincinnati dated March 1, 1950 and all modifications thereto and schedules thereunder.

Dayton requests waiver of the Commission's notice requirements to allow for an effective date of March 1, 1979.

Dayton indicates that copies of the filing and Dayton's letter of transmittal were served upon Cincinnati.

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 §§ 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 March 26, 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. 79-8683 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-20]

EAST TENNESSEE NATURAL GAS CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, East Tennessee Natural Gas Company (Respondent), Tenneco Building, P.O. Box 2511, Houston, Texas 77001, filed in Docket No. TC79-20 tariff sheets as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

Respondent states that the tendered tariff sheets provide special adjustment to direct sale or local distribution customers as follows pursuant to §§ 281.105-201.108 of the Commission's Regulations:

A direct sale customer's high-priorty and essential agricultural reguirements for the Curtailment Period shall be the lesser of (1) the estimated volume of natural gas required by such customer during the Curtailment Period to serve such customer's high-priority and essential agricultural uses or (2) the sum of (a) the volume for high-priority uses for such customer for the Curtailment Period in the end use data being utilized by Seller in the implementation of its curtailment plan and (b) the lesser of (i) the volume certified by the Secretary of Agriculture as essential agricultural requirements as calculated under 7 CFR § 2900.4 or (ii) the maximum volume which may be delivered by seller to the direct sale customer under any volumetric limitations in such customer's gas purchase contract with Seller. The volume of adjustment under this section for a direct sale customer for the Curtailment Period shall be such customer's high-priority and essntial agricultural requirements for the Curtailment Period reduced by the estimated volume of natural gas to be purchased or obtained from all sources by such customer during the Curtailment Period; provided, however, that if a direct sale customer purchases volumes from local distribution or interstate pipeline suppliers other than Seller, the volume of adjustment for such customer's high-priority and essential agricultural requirements for the Curtailment Period to be supplied by Seller shall be equal to the volume of adjustment otherwise determined pursuant to this paragraph multiplied by the ratio of such customer's purchases from seller during the corresponding period in the calendar year 1978 to such customer's total volumes purchased from all local distribution and interstate pipeline suppliers during the same period.

A local distribution customer's high-priority and essential agricultural requirements for the Curtailment Period shall be the lesser of (1) the sum of (a) the estimated volume of natural gas required by such customer during the Curtailment Period to serve high-priority uses and (b) the volume requested from such customer by essential agricultural users for the Curtailment Period of (2) the sum of (a) the volume for high-priority uses for such customer for the Curtailment Period in the end use data being utilized by Seller in the implementation of its curtailment plan and (b) the lesser of (i) the volume certified by the Secretary of Agriculture as essential agricultural requirements as calculated for the Curtailment Period under 7 CFR § 2900.4 for the essential agricultural user(s) on whose behalf the local distribution customer is requesting volumes from Seller or (ii) the maximum volume which may be delivered by Seller to the local distribution customer under any volumetric limitations in such customer's gas purchase contract with Seller. The volume of adjustment under this section for a local distribution customer for the Curtailment Period shall be such customer's high-priority and essential agricultural requirements for the Curtailment Period reduced by the estimated volume of natural gas to be purchased or obtained from all sources by such customer during the Curtailment Period; provided, however, that if a local distribution customer purchases volumes from an interstate pipeline supplier other than Seller, the volume of adjustment for such customer's high-priority and essential agricultural rquirements for the Curtailment Period to be supplied by seller shall be equal to the volume of adjustment otherwise determined pursuant to this paragraph multiplied by the ratio of such customer's purchases from seller during the corresponding peirod in the calendar year 1978 to such customer's total volumes purchased from all interstate pipeline suppliers during the same period.

If any adjustment under this section and the resulting reduction of Curtailment Period Quantity Entitlements of the Curtailment Period under the preceding paragraph result in (1) the estimated volume of natural gas to be purchased or obtained from all sources by any direct sale or local distribution customer less than such customer's estimated high-priority and essential agricultural requirements for the Curtailment Period, (2) the estimated volume of natural gas to be purchased or obtained from all sources by any interstate pipeline customer less than such customer's volume for high-priority use for the Curtailment Period in the end use data being utilized by Seller determines is below the level which is reasonably necessary for injection into storage by Seller or any Affected Customer to protect high-priority or essential agricultural uses, then Seller, having satisfied itself that the level of supply of any customer is reduced below the level of supply specified in (1), (2) or (3) of this sentence, shall restore any reductions under this section of such customer's Curtailment Period Quantity Entitlement to such level of supply. Seller shall not thereafter adjust the Curtailment Period as a result of adjustments under this section. When further reductions of Curtailment Period Quantity Entitlements cannot be made because of such limitation for further reductions under this section, including those previously and subsequently granted, shall be reduced from time to time on a pro rata basis so that each customer granted an adjustment for the Curtailment Period will receive the same percentage of the volume of adjustment otherwise provided under this section.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. 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 hering therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8667 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-41]

EASTERN SHORE NATURAL GAS CO.

Tariff Filing

MARCH 19, 1979.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) of Dover, Delaware, on March 16, 1979, tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to become effective April 1, 1979:

First Revised Sheet No. 233
Original Sheet No. 233A
Original Sheet No. 254
Original Sheet No. 255
Original Sheet No. 256

Eastern Shore states that the purpose of the filing is to revise Eastern Shore's FERC Gas Tariff in order to comply with the requirements prescribed in the Commission's Interim Curtailment Rule, issued March 6, 1979, in Docket No. RM79-13. First Revised Sheet No. 233 reflects the revisions in Eastern Shore's curtailment procedures necessary to comply with the Commission's Interim Curtailment Rule. Sheet Nos. 254-256 reproduce the Commission's interim curtailment regulations published in the FEDERAL REGISTER, 44 FR 13470-13472. Original Sheet No. 233A contains provisions which previously were found on Original Sheet No. 233.

The tariff sheets tendered by Eastern Shore adopt and incorporate the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Eastern Shore's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8668 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-25]

EL PASO NATURAL GAS CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, El Paso Natural Gas Company (Respondent), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. TC79-25, tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations, thereunder, all as more fully set forth in said sheets which are on file and open to public inspection.

The tariff sheets tendered by Respondent establish a new Section 11.8A to Respondents tariff which provides that:

In addition to the provisions for emergency relief by special exemption from curtailment which are contained in Section 11.8 hereof, Seller shall grant adjustments in curtailment levels during the interim period April 1, 1979, through October 31, 1979, as necessary to protect high-priority uses and/or essential agricultural uses as such terms are defined in Part 281, Subpart A, Title 18, Code of Federal Regulations. Any such adjustments in curtailment levels shall be made solely in accordance with the terms and conditions of said subpart.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended or rejected on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8669 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-5]

FLORIDA GAS TRANSMISSION CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 15, 1979, Florida Gas Transmission Company (FGT), Orlando and Orange Avenues, P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. TC79-5 tariff sheets as part of its FERC gas tariff to provide an interim plan for the delivery of natural gas for essential agricultural and high priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in the tariff sheets, which are on file with the Commission and open to public inspection.

The tariff sheets tendered by FGT provide, among other things, that notwithstanding the priorities of service set forth in its current gas tariff, the service provisions contained in its rate schedules G and I, or any other contract or service agreement for gas deliveries, FGT will adjust the effective deliveries of natural gas from April 1, 1979 through October 31, 1979, "to Buyers under Rate Schedule G, to Resale 'Preferred Interruptible' Consumers, Direct Sale 'Preferred Interruptible' Consumers or Direct-Sale 'Intermediate Interruptible' Consumers" that request adjustments under the terms and conditions set forth.

The tariff sheets tendered incorporate by reference the method set forth at 18 CFR § 281.106 for determining the supply deficiency for essential agricultural and high priority uses. They also provide at section 5(a)(b) that

[t]o the extent the grant of any adjustment in (a)(1) above [adjustments for a direct sale customer to satisfy supply deficiencies for

essential agricultural and high priority uses] or as respecting essential agricultural uses in (a)(2) above [adjustments for local distribution companies] would cause the reduction in deliveries under Seller's effective curtailment plan to any high priority use, Seller shall not grant such adjustment absent a Commission order requiring it to make such adjustment.

In addition, Section 5(a)(7) provides that:

[t]o the extent the grant of any adjustment in (a)(1) above or as respecting essential agricultural uses in (a)(2) above, would directly result in the reduction in deliveries to any other essential agricultural use and a resulting request for adjustment for essential agricultural uses, then Seller shall reduce the first adjustment and reduce the second (or more) requested adjustment(s), prorata, by a percentage calculated by dividing the adjustments granted or requested to each affected essential agricultural user during the prior curtailment period by the total adjustments granted or requested for all affected essential agricultural user during the prior curtailment period.

Section 5(b)(ii) of the tariff sheets filed by FGT provides for calculating FGT's supply obligation for essential agricultural uses for a local distribution company as the lesser of the sum of volumes certified by the Secretary of Agricultural as essential agricultural requirements and

the volumes which may be delivered by Seller to the local distribution company without causing Seller to exceed the aggregate volumetric limitations set forth in Section 16 of Seller's FERC Gas Tariff, Original Volume No. 1, of that local distribution company for the individual delivery point or system.

FGT's tariff filing also states that

[i]n Seller's curtailment plan the curtailment period is administered daily, adjusted monthly and balances are made every year ending each September 30. The curtailment period is subject to variations as operating conditions require.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10), No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8670 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-240]

FLORIDA POWER CORP.

Filing of Service Agreement

MARCH 19, 1979.

Take notice that on March 6, 1979, Florida Power Corporation ("Florida Power"), tendered for filing an executed transmission service agreement with Seminole Electric Cooperative, Inc. ("Seminole"). Florida Power states that the form of service agreement was provided in transmission tariff revisions tendered for filing on February 9, 1979, with a request that those revisions become effective 60 days there-after. Florida Power requests that the service agreement with Seminole be made effective on the same date that the tariff revisions are made effective. Florida Power states that copies of the filing have been served on the customer and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 April 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8657 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-241]

FLORIDA POWER CORP.

Filing of Service Agreement

MARCH 19, 1979.

Take notice that on March 6, 1979, Florida Power Corporation ("Florida Power") tendered for filing an executed transmission service agreement with Florida Power & Light Company ("FP&L"). Florida Power states that the form of service agreement was provided in transmission tariff revisions tendered for filing on February 9, 1979, with a request that those revisions become effective 60 days thereafter. Florida Power requests that the service agreement with FP&L be made effective on the same date that the tariff revisions are made effective. Florida Power states that copies of the filing have been served on the customer and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 April 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8658 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-220]

THE HARTFORD ELECTRIC LIGHT CO.

Amendment to purchase Agreement With Respect to Middletown Station

MARCH 14, 1979.

Take notice that on March 1, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Amendment to Purchase Agreement With Respect to Middletown Station (Amendment) dated November 1, 1978, between HELCO and Village of Stowe Electric Department (Stowe).

HELCO states that a change has been made to the text of the Purchase Agreement With Respect to Middletown Station (Purchase Agreement). The change increases Stowe's entitle-

ment in Middletown Station from 2,300 kilowatts to 5,100 kilowatts for the period from November 1, 1978, to October 31, 1979.

HELCO states that they were not notified of Stowe's intent to increase their entitlement to capacity of Middletown Station until a date which prevented the filing of the Amendment thirty days prior to the expected effective date of the Amendment. Therefore, HELCO requests that the Commission waive its notice requirements and permit the Amendment to become effective as of November 1, 1978.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut and Stowe, Stowe, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 March 26, 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 proceedings.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8684 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-221]

THE HARTFORD ELECTRIC LIGHT CO.

Amendment To Purchase Agreement With Respect to Middletown Station

MARCH 14, 1979.

Take notice that on March 1, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed Amendment to Purchase Agreement With Respect to Middletown Station (Amendment) dated November 1, 1978, between HELCO and Village of Ludlow Electric Light Department (Ludlow).

HELCO states that a change has been made to the text of the Purchase Agreement With Respect to Middletown Station (Purchase Agreement). The change increases Ludlow's entitlement in Middletown Station from 500 kilowatts to 1,000 kilowatts for the period from November 1, 1978 to October 31, 1979.

HELCO states that they were not notified of Ludlow's intent to increase their entitlement to capacity of Middletown Station until a date which prevented the filing of the Amendment thirty days prior to the expected effective date of the Amendment. Therefore, HELCO requests that the Commission waive its notice requirements and permit the Amendment to become effective as of November 1, 1978.

HELCO states that copies of this rate schedule have been mailed or delivered to HELCO, Hartford, Connecticut, and Ludlow, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8685 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. E-9520]

ILLINOIS POWER CO.

Compliance Filing

MARCH 13, 1979.

Take notice that on February 24, 1979, Illinois Power Company (Illinois Power) tendered for filing revised rate schedules and cost of service data. Illinois Power indicates that this filing is made in compliance with Ordering Paragraph C of the Commission's Opinion No. 816 and the January 9, 1979, Order and is in conformance with the dictates of that Opinion and Order.

Illinois Power states that a copy of the filing was served upon the Village of Ladd, City of Oglesby, the Cedar Point Light and Water Company and the Illinois Commerce Commission which has jurisdiction over the rates of Cedar Point Light and Water Company.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before March 28, 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. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8686 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket NO. ER79-219]

INDIANA & MICHIGAN ELECTRIC CO.

Filing

MARCH 14, 1979.

Take notice that Indiana & Michigan Electric Company (I&MECO) on Febraury 28, 1979, tendered for filing a Notice of Termination of I&MECO's Supplement 15 to Rate Schedule FERC No. 20 (Service Schedule G—Supplemental Power to Commonwealth Edison Company).

The agreement with Commonwealth Edison Company does not provide for any service under the Schedule after September 30, 1978. Therefore, I&MECO has requested that the Commission make the Notice of Termination effective any time after that date as provided in 18 CFR 35.15.

According to I&MECO, copies of this filing have been served upon the Commonwealth Edison Company.

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 §§ 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 March 26, 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. 79-8687 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-37]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Kansas-Nebraska Natural Gas Company (Respondent), 300 N. St. Joseph Avenue, Hastings, Nebraska 68901, filed in Docket No. TC79-37 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent adopt and incorporated by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide the Respondent's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses. In addition, Respondent's proposed tariff sheets also provide that the existing provisions of its tariff, §§ 13.b(1) and 13.b(5), shall not be applicable to an eligible end-user or to a gas distributor for which an adjustment has been granted, and penalties for unauthorized annual takes in violation of § 13.b shall not be applicable to such deliveries.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. 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 approceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8671 Filed 3-21-79; 8:45 am]

[6450-01-]

[Docket Nos. CP77-368 and CS72-1181]

LONE STAR GAS CO., AND GORDON OIL CO., INC.

Consent Order Approving Stipulation and Consent Agreement, Dismissing Investigation and Terminating Proceedings

MARCH 13, 1979.

These consolidated proceedings arose from allegations that certain parties had violated Section 7(b) of the Natural Gas Act which prohibits the abandonment of interstate facilities or service without prior Commission approval.[1] Lone Star Gas Company (Lone Star), a jurisdictional pipeline company, was said to have diverted supplies of certificated natural gas from the Sherman Field area in Grayson County, Texas, from its interstate transmission system to intrastate markets. Gordon Oil Company, Inc. (Gordon Oil), a small independent gas producer with wells in the Sherman Field area, was said to have unlawfully abandoned sales to Lone Star during the period January 1, 1977 to February 10, 1977.

By order of November 4, 1977, the Commission set the matter for hearing. On April 25, 1978, however, the Commission suspended the hearing proceedings and directed the Office of Enforcement to conduct an investigation of the allegations and to report back to the Commission with recommendations for Commission action.

During the course of the investigation, OE entered into negotiations with Lone Star, as a result of which Lone Star formally admitted that its activities in question constituted violations of Section 7(b) of the Natural Gas Act. Accordingly, Lone Star agreed to submit to a Commission consent order finding that Lone Star's activities in question constituted violations of Section 7(b) of the Natural Gas Act and providing for appropriate remedies. We will approve the settlement which has been negotiated and issue an order accordingly.

With respect to Gordon Oil, the Commission finds that Gordon Oil has satisfactorily shown cause why it should not be held to have violated Section 7(b) and will terminate the proceedings on that basis.

I

BACKGROUND

Lone Star purchases gas production in the Sherman Field area, Grayson County, Texas, from a number of independent producers. One of these producers is Gordon Oil, a small independent producer of natural gas, located in Grayson County, Texas. The company is wholly owned by Robert A. Gordon and his wife Wanda J. Gordon,[2] who are the only active officers as well. The company has one employee, a file clerk/bookkeeper, and operates out of the home of Mr. and Mrs. Gordon.

Gordon Oil is the operator of two gas wells in the Sherman Field area known as the M. J. Turner and the W. N. Garr units. As operator,[3] Gordon Oil sold production from these units to Lone Star under a July 15, 1955 contract between Lone Star and R. J. Carraway, Gordon Oil's predecessor. The sale is made pursuant to Gordon Oil's small producer certificate issued in Docket No. CS72-1181.[4]

Prior to August 23, 1961, the flow of gas (including the gas produced by Gordon Oil) was due north through gathering line EC-6 from the Sherman Field to transmission line E-10". Beginning August 23, 1961, however, Lone Star began to remove gas from line EC-6" at Station 66+33 into intrastate line D9-D-6." In 1966, Lone Star removed the portion of line EC-6" between Station 52+26 and transmission line E-10", thereby causing all of the Sherman Field gas to flow to intrastate markets through line D9-D-6". This action was taken without Gordon Oil's knowledge or consent. Indeed, although all of the Sherman Field gas was already flowing to intrastate markets at the time that Gordon Oil acquired its interest in the wells in question, Lone Star continued to treat production from Gordon Oil's wells as certificated and as subject to price ceilings prescribed by the Commission under the Natural Gas Act.

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[1] Section 7(b) reads as follows:
"No natural-gas company shall abandon all or any portion of tis facilities subject to the jurisdiction of the Commission, or any service rendered by means of such facilities, without the permission and approval of the Commission first had and obtained, after due hearing, and a finding by the Commission that the available supply of natural gas is depleted to the extent that the continuance of service is unwarranted, or that the present or future public convenience or necessity permit such abandonment."

[2] Mrs. Gordon's son-in-law, Joe T. Phillips owns a single share of the company.

[3] Gordon Oil Company itself has no ownership interest in the wells.

[4] Gordon Oil initially obtained a certificate in Docket No. CI68-291 on November 22, 1967, having succeeded to the interests of R.J. Carraway. The subsequent small producer certificate was issued December 6, 1972.

The reason for the diversion, according to Lone Star, is that the markets served by interstate transmission line E-10" were not able in 1961 to absorb all of the Sherman Field production. The intrastate line D9-D-6" was therefore connected into the interstate gathering line in order to move the production to an area where Lone Star could market the gas. As discussed below, however, shifting the gas to an intrastate line did not result in Lone Star selling the gas for a higher price; the advantage to Lone Star in diverting the gas was rather in increasing sales. The diversion continued in this fashion for some 15 years.

The event which disturbed the situation was the anticipated expiration of Gordon Oil's contract with Lone Star on December 31, 1976. During the course of negotiations with Lone Star in early 1976 concerning a possible "roll-over" contract, it came to the attention of the parties that Gordon Oil's gas (in addition to gas from a number of other wells in the Sherman Field area) had been diverted by Lone Star from certificated interstate service into the non-jurisdictional intrastate line.

In light of this informaiton, Gordon Oil wrote the Commission on November 9, 1976 notifying the Commission that Lone Star—acting without Gordon Oil's knowledge—had been selling this gas in intrastate commerce for at least several years. The letter then asked the Commission whether Lone Star's actions had released Gordon Oil's gas from its interstate dedication.[5]

On November 24, 1976, before the Commission had answered this letter and again acting without Gordon Oil's knowledge, Lone Star reconnected gathering line EC-6" to line E-10", terminated the diversion and recommenced transporting the Sherman Field supplies through certicated interstate facilities. Accordingly, while Lone Star had been flowing the Sherman Field gas in intrastate commerce from 1961, as of November 24, 1976, the gas again began flowing interstate.

Having received no response to its November 9, 1976 letter, Gordon Oil's attorney on December 30, 1976 spoke by telephone with a Commission Staff attorney, who either read him a copy of a December 29, 1976 letter from the Commission's Secretary or at least explained the contents of the letter. That letter stated incorrectly that "Lone Star Gas Company has been granted abandonment authorization for the interstate transportation facilities serving [Gordon Oil's] wells." The letter then concluded that:

> Nevertheless, it will be necessary for your client to file for abandonment authorization pursuant to the requirements under Section 7(b) of the Natural Gas Act * * * before removing the subject acreage and gas production from interstate dedication.

(Letter of December 29, 1976 from Secretary, FPC to Charles B. Robinson). Although the letter explicitly (albeit inaccurately) stated that the gas was no longer being transported through certificated facilities, it was left unexplained how, under the circumstances, Gordon Oil could remove the gas from interstate dedication.[6]

On December 31, 1976, Gordon Oil interrupted the flow of gas from the Garr and Turner units pending resolution of the contract dispute with Lone Star. By letter dated January 19, 1977, Gordon Oil notified Lone Star of the Commission's statements with respect to Lone Star's facilities and enclosed a copy of the December 29, 1976 letter from the Commission's Secretary.

Lone Star responded by letter dated January 26, 1977 and informed Gordon Oil that no Section 7(b) abandonment authorization had ever been granted for the facilities transporting the Sherman Field gas and that the information supplied by the Commission was therefore in error. Lone Star then demanded that Gordon Oil re-establish deliveries at the applicable small producer rate. Lone Star's letter did not disclose the fact that interstate service had been restored on November 24, 1976.

By letter dated January 27, 1977, Gordon Oil sought abandonment authorization on the grounds that Lone Star "has heretofore been granted abandonment authorization for the interstate transportation facilities serving seller's wells."[7] The application was received by the Commission on January 31, 1977 and filed in Docket No., CI77-246.

Without having received information from the Commission that the information in the December 29, 1976 letter was incorrect, but apparently on the strength of Lone Star's statement that no abandonment authorization had in fact been granted, Gordon Oil recommended deliveries to Lone Star from the subject wells on February 10, 1977.

By letter dated February 18, 1977, the Commission informed Gordon Oil that Lone Star denied having received abandonment authorization, but added that "[f]urther research on our part has been inconclusive." The letter then directed Gordon Oil to demonstrate clearly that abandonment authorization had been granted to Lone Star or risk having its own application for abandonment returned as inappropriate. It having finally become clear to all parties that Lone Star had not received abandonment authorization, Gordon Oil's application was returned on May 19, 1977.

By order of November 4, 1977, the Commission set the matter for hearing and directed Gordon Oil to show cause why it should not be found in violation of the Natural Gas Act. On April 25, 1978, however, the Commission suspended the proceedings and directed the Commission's Office of Enforcement to investigate the facts to determine whether violations had been committed by Lone Star and Gordon Oil and to report back to the Commission with recommendations for action.

II

Discussion

A. Lone Star

It is clear from the foregoing that Lone Star has violated Section 7(b) of the Natural Gas Act by abandoning certificated service without prior Commission authorization. The diversion began August 23, 1961 and ended November 24, 1976. As a result of the Lone Star violations, approximately 17.2 Bcf of natural gas supplies were diverted from interstate service. This figure includes all of the Sherman Field area gas diverted, not merely Gordon Oil's production. However, the information obtained does not demonstrate that the violation was "willful and knowing" within the meaning of Section 21 of the Natural Gas Act. It appears rather that the action was taken at a time when interstate supplies on Lone Star's system were more than adequate. In addition, Lone Star did *not* the Sherman Field gas at a higher price than would otherwise have prevailed.

In order to appreciate this latter point, and the exact price impact of Lone Star's action on its customers—both inter- and intrastate—it is important to understand Lone Star's somewhat unique regulatory status. Lone

[5] Gordon Oil had written the Commission on February 17, 1976, stating its "understanding" that gas from the two wells did not feed into interstate pipelines and asking for advice as to what needed to be done to disconnect the well upon expiration of the contract. The Commission responded by letter dated March 12, 1976, enclosing a form of contract summary to be used as an abandonment application. The Commission's letter made no response to Gordon Oil's suggestion that the gas was no longer moving in interstate commerce in any event.

[6] The letter was actually wrong on the facts on two counts. First, Lone Star had never obtained abandonment authorization for the facilities and service in question. Second, however, since Lone Star had in fact restored certificated service on November 24, 1976, the implication that the gas was moving in intrastate commerce was also erroneous.

[7] The abandonment application itself, signed by Mr. Gordon, is dated January 25, 1977. Accordingly, the representation that Lone Star had been granted abandonment of its facilities was made prior to receipt of the contrary information in Lone Star's January 26, 1977 letter to Gordon Oil.

Star owns and operates gathering and transmission lines, distribution facilities and related facilities in Texas and Oklahoma. Lone Star's interstate transportation of natural gas is of course subject to the transportation "head" of Commission jurisdiction under Section 1(b) of the Natural Gas Act. Lone Star does not, however, make any interstate sales of natural gas for resale. Instead the company operates its distribution business as an integrated operation. Thus, *sales by producers* to Lone Star for resale in interstate commerce have been subject to federal regulation under the Natural Gas Act and are now subject to the Natural Gas Policy Act as well. Lone Star's *transportation* facilities and service are equally subject to federal regulation. But *sales* by Lone Star for ultimate consumption are regulated under applicable state law.

Under Texas law, retail rates are regulated by local municipalities. In order to make it possible for this local regulation to be meaningful, the Texas Railroad Commission establishes an "imputed" price for use by each affected city "gate." This "city gate" rate—which must be an imputed price since there is no sale—is based in part upon Lone Star's *system average* purchased gas costs. Both inter- and intrastate gas purchase costs are factored into this calculation.

What this means is that when Lone Star diverted low-priced interstate gas supplies to customers served with intrastate supplies, the imputed city gate rate on which local rate regulation is based was unaffected. The rate which Lone Star obtained from sale of the gas was thus the same whether the gas was sold to inter- or intrastate consumers.

While Lone Star benefitted from the diversion in that it was able to increase its total sales (by moving the available supplies from a line where market conditions constrained full deliveries to a line where the market was better able to absorb the gas), Lone Star did not obtain a higher price for the gas thus sold. This fact—combined with the abundance of interstate supplies at the time—goes far to negate any *intent* to violate Section 7(b).[8] Moreover, it underscores the fact that the actual public harm caused by the diversion at the time, was not great.

The Commission's Office of Enforcement has negotiated with Lone Star a proposed Stipulation and Consent Agreement. Under this Agreement, Lone Star admits that its actions involving the Sherman Field gas constituted violations of Section 7(b) of the Natural Gas Act. In particular, Lone Star specifically recognizes that—notwithstanding the fact that gathering facilities are not subject to the Commission's certificate jurisdiction—where the removal of such facilities results in the termination of certificated service, abandonment authorization must be obtained. In addition, Lone Star undertakes to pay back equivalent volumes (17.2 Bcf) to market areas previously dependent wholly on interstate supplies. Lone Star further certifies that no other cases of such diversion presently exist on the Lone Star system and specifically promises to seek the necessary authorizations in the future.[9]

The Commission will approve the Stipulation and Consent Agreement and enter a consent order binding Lone Star to comply with the provisions thereof.

B. GORDON OIL

The situation with Gordon Oil differs significantly from that of Lone Star. While Lone Star's activities in question span some 15 years and clearly constitute violations of the Natural Gas Act, the questions regarding Gordon Oil center on some 40 days between January 1, 1977 and February 10, 1977. Although the wells were shut in during that period, the facts demonstrate that no violation of Section 7(b) was intended. The Commission explicitly but erroneously informed Gordon Oil's attorney on December 30, 1976 [11] that Lone Star "ha[d] been granted abandonment authorization for the interstate transportation facilities serving your client's wells." Implicitly, this information confirmed what Gordon Oil believed, that Lone Star was flowing the gas in question in *intrastate* commerce. On the basis of these supposed facts—both of which turned out to be incorrect— shutting in production from the wells could in no way affect the flow of natural gas service in *interstate* commerce.

The statement in the Secretary's letter of December 29, 1976 that Gordon Oil nevertheless was required to obtain abandonment authorization "before removing the subject acreage and gas production from interstate dedication" could only be understood to mean that the wells remained dedicated to Lone Star's interstate customers and subject to applicable Commission price regulation. The letter could in fact have been interpreted to *require* Gordon Oil to shut in the wells. As the gas was still dedicated to interstate commerce, continued deliveries to Lone Star under the circumstances, as Gordon Oil reasonably believed them to be, might have constituted *knowing* diversion of interstate supplies.

In light of the facts set out above, the Commission finds that any violation(s) of Section 7(b) which may have occurred as a result of Gordon Oil's shutting in production in early 1977 were in fact unintentional and that no further action is warranted. The Commission therefore finds that Gordon Oil has satisfactorily shown why it should not be held in violation of Section 7(b) of the Natural Gas Act, and will terminate proceedings in Docket No. CS72-1181.

The Commission finds:

(A) Lone Star is a natural gas company within the meaning of the Natural Gas Act and is therefore subject to the jurisdiction of the Commission under Section 1(b) of the Act.

(b) Lone Star has violated Section 7(b) of the Natural Gas Act by failing to seek Commission approval prior to abandoning certificated service in interstate commerce, as detailed in the attached Stipulation and Consent Agreement.

(C) The attached Stipulation and Consent Agreement provides for an equitable resolution of the issues involving Lone Star's violations detailed therein and should be approved as in the public interest.

(D) Gordon Oil has shown why it should not be held to have violated the Natural Gas Act and all proceedings against Gordon Oil should therefore be terminated.

The Commission orders:

(A) The attached Stipulation and Consent Agreement is approved and adopted as a consent order of this Commission and Lone Star is hereby ordered to comply with the provisions thereof.

[8] In addition, since gathering line EC-6" was not subject to the Commission's certificate authority, Lone Star did not violate Section 7(c) of the Act. The violation was in removing, without Commission authorization under Section 7(b), facilities essential to continued certificated service. As part of the Stipulation and Consent Agreement, Lone Star explicitly recognizes its obligation in this regard.

[9] The Office of Enforcement's investigation has disclosed one other diversion-type situation which existed on the Lone Star system from 1955 to 1970. This other diversion differed significantly from the Sherman Field case, however, in that no facilities were removed and certificated service continued throughout the 15 year period, albeit at reduced levels. In September, 1970 the interconnection was blanked off and no volumes have been diverted intrastate during the ensuing nine years. In view of the fact that the diversion was voluntarily terminated nearly nine years ago, the Commission does not consider further action appropriate.

The 1955-1970 diversion is apparently the only other case of intrastate diversion which has occurred on the Lone Star system. In the attached Agreement, Lone Star certifies that no cases of such diversion exist on its system at present and specifically promises not to engage in such transfers in the future without obtaining all necessary Commission authorization.

[11] The Secretary's letter was dated December 29, 1976, but the contents of the letter were made known to Gordon Oil's attorney by telephone the following day.

(B) All proceedings against Lone Star in Docket No. CP77-368 are hereby terminated.

(C) All proceedings in Docket No. CS72-1181 against Gordon Oil involving allegations of unlawful abandonment of service between January 1, 1977 and February 10, 1977, are hereby terminated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

STIPULATION AND CONSENT AGREEMENT

Lone Star Gas Company, a Division of ENSERCH Corporation, (Lone Star) hereby enters into the following stipulation and consent agreement:

1. Lone Star owns and operates natural gas transmission lines, gathering lines, distribution systems and related properties by which it transports natural gas in both interstate and intrastate commerce within the States of Texas and Oklahoma and distributes that natural gas to domestic, commercial and industrial consumers within those states. Although it operates as a large distribution company, to the extent it engages in the transportation of natural gas in interstate commerce it is a "natural gas company" within the meaning of Section 1(b) of the Natural Gas Act, and is therefor subject to the jurisdiction of the Federal Energy Regulatory Commission.

2. Beginning on or about August 23, 1961, a portion of the gas produced from certificated wells in the Sherman Field area in Grayson County, Texas, and flowing into an uncertificated gathering facility designated Line EC was diverted from certificated interstate service (jurisdictional transmission Line E) into a newly constructed line, Line D9-D, connected to Lone Star's Texas intrastate transmission facilities. Although gas which would have flowed into certificated Line E from Line EC was diverted into intrastate Line D9-D, a large portion of such certificated production in Grayson County was utilized to serve the same Texas towns whether the gas entered Line E or Line D9-D. During 1966, Lone Star removed approximately one mile of gathering Line EC between the points of interconnection with certificated Line E and intrastate Line D9-D, thereby causing all gas from the certificated production in the Sherman Field area to flow into the intrastate line.

3. At no time prior to diverting a portion of the certificated flow in 1961 or removing the portion of Line EC in 1966 did Lone Star seek or obtain the necessary authorization under Section 7(b) of the Natural Gas Act. Lone Star admits and recognizes that its removal of gathering Line EC resulted in a cessation of jurisdictional service without prior Commission approval and that the diversion of certificated interstate service into its intrastate transmission facilities was likewise performed without Commission authorization. Therefore, Lone Star admits and recognizes that its actions have constituted violations of Section 7(b) of the Natural Gas Act.

4. Lone Star hereby certifies that on or about November 24, 1976 it ceased engaging in the unlawful diversion of certificated interstate service into its intrastate transmission facilities described in paragraphs 2 and 3 above, and that no other cases of diversion presently exist on the Lone Star system. Lone Star further certifies that it will not engage in any such activities in the future, without securing all necessary and appropriate Commission authorization. Lone Star specifically recognizes that the removal of facilities necessary to allow flowing gas to continue to serve interstate commerce, whether or not such facilities are subject to the Commission's certificate jurisdiction, constitutes a termination of service for which prior authorization must be obtained in accordance with Section 7(b) of the Natural Gas Act.

5. In order to restore the amount of natural gas diverted from certificated Line E to intrastate Line D9-D, Lone Star consents and agrees to transfer a total of 17,213,703 Mcf of intrastate natural gas to a market area formerly served entirely from certificated sources as set forth below:

(a) The entire payback obligation, which Lone Star has already initiated, shall be discharged completely no later than three years from the date of Commission approval of the instant Stipulation and Consent.

(b) Lone Star shall submit semi-annual reports beginning July 1, 1979, and after each six month period thereafter, indicating how much gas has been paid back up to the date of the report and indicating the remaining balance to be discharged.

(c) All volumes subject to Lone Star's payback obligation hereunder shall be delivered to Lone Star's Wichita Falls, Texas market area.

Lone Star hereby stipulates that the facts and admissions set forth above are accurate and agrees to comply fully with the requirements herein.

For the Lone Star Gas Company.

DOUGLAS WILLIAMS,
Senior Vice President, Operations.

MARCH 6, 1979.

[FR Doc. 79-8688 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP77-124]

MCCULLOCH INTERSTATE GAS CORP.

Revised Tariff Sheets Reflecting Approved Settlement Rates

MARCH 14, 1979.

Take notice that on February 26, 1979, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing revised tariff sheets reflecting rates provided in a Stipulation and Agreement approved by the Commission in the above-referenced proceeding. McCulloch also filed additional data relevant to the approved tariff rates. The filed materials are listed below.

McCulloch states that the filing is being made pursuant to Commission directions set forth in a letter order of December 19, 1978. The revised sheets reflect recalculation of Schedule X-1 transportation service rate, and the PGA applicable to the period commencing November 1, 1977. The additional data supplied relates to the refund, and attendant interest, which McCulloch has made to CIG.

McCulloch states that the filing has been made out of time, but submits that good cause exists for its failure to make timely filing. The company requests that the filings be accepted without condition or sanction as in compliance with the terms and conditions of the Commission's letter order of December 19, 1978.

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 §§ 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 March 26, 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.

The Commission is in receipt of the following materials:

1. (a) Third Substitute Eleventh Revised Sheet No. 32 Superseding Second Substitute Revised Sheet No. 32, effective November 1, 1977;

(b) Second Substitute Thirteenth Revised Sheet No. 32 Superseding Thirteenth Revised Sheet No. 32, effective December 1, 1977;

(c) Second Substitute Fourteenth Revised Sheet No. 32 Superseding Substitute Fourteenth Revised Sheet No. 32, effective April 1, 1978;

(d) Substitute Fifteenth Revised Sheet No. 32 Superseding Fifteenth Revised Sheet No. 32, Second Alternative, effective October 1, 1978;

(e) Sixteenth Revised Sheet No. 32 Superseding Substitute Fifteenth Revised Sheet No. 32, effective January 1, 1979; and

(f) Substitute Second Revised Sheet No. 38 Superseding Second Revised Sheet No. 38, effective November 1, 1978 (McCulloch's Schedule X-1 transportation service rate).

2. Schedule A which reflects McCulloch's calculations of the appropriate sales rate under Schedule PL-1 in this proceeding, as adjusted by the applicable PGA filings of McCulloch and the Commission Staff.

3. Schedule B which reflects McCulloch's calculations of the appropriate refund for *sales* made to its jurisdictional customer, Colorado Interstate Gas Company ("CIG") in accordance with the provisions of the Settlement Agreement filed with and accepted by the Commission herein.

4. Schedule C which reflects McCulloch's calculations of the appropriate refund for *transportation service* under Schedule X-1 to its jurisdictional customer CIG in accordance with the provisions of the Settlement Agreement filed with and accepted by the Commission herein.

5. A letter dated February 13, 1979 to Mr. Jon Whittney, Controller of CIG, submitting McCulloch's check in the amount of

$69,920.35 representing the amount refundable to CIG as calculated on the aforereferenced Schedules B and C and relative to the final settlement in this rate proceeding.

6. Check No. 9203818 (Voucher No. 12275) payable to CIG from McCulloch reflecting payment of the refundable amount of $69,920.35 pursuant to the calculations reflected on the aforereferenced Schedules B and C.

7. McCulloch's "Computation of Federal Income Taxes to Reflect Reduction In Rate to Recognize the Revenue Act of 1978" which revises Schedule II, Page 2 of 4, Statement A(6) filed by McCulloch in the rate proceeding herein.

[FR Doc. 79-8689 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-34]

MISSISSIPPI RIVER TRANSMISSION CORP.

Tariff Filing

MARCH 19, 1979.

Take notice that Mississippi River Transmission Corporation (MRTC), 9900 Clayton Road, St. Louis, Missouri 63124, on March 16, 1979, tendered for filing its Second Revised Sheet No. 23H and Original Sheet No. 23I to its FERC Gas Tariff, First Revised Volume No. 1 in Docket No. TC79-34 to provide on an interim basis a plan for the delivery of natural gas for essential argicultural and high priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The MRTC filing proposes to add the following new Section 8.6 to the General Terms and Conditions of MRTC's FERC Gas Tariff:

8.6 Protection of High-Priority and Essential Agricultural Uses

Notwithstanding any other provision of this Tariff, during the period April 1 through October 31, 1979 adjustments will be made to the volumes of gas otherwise available to Buyer under the provisions of this Section 8 so as to prevent to the maximum extent possible actual curtailment of deliveries to high-priority and essential agricultural uses, direct or indirect, in the manner and in accordance with the methodology, and subject to the limitations, as prescribed in Sections 281.101 *et seq* of the Federal Energy Regulatory Commission's ("F.E.R.C.") Regulations as issued March 6, 1979 in F.E.R.C.'s Docket No. RM79-13 upon the furnishing by Buyer to Transmission of the information required by said F.E.R.C. Regulation together with such other information concerning Buyer's entitlement to additional gas volumes pursuant hereto as may be reasonably requested by Transmission. In the event such information shows that the eligible end-user or its distribution company supplier will be using or delivering gas for lower-priority uses during the requested period of adjustment, any such adjustment shall be reduced by the volumes of gas indicated to be used or delivered for lower-priority uses during the period. There is specifically incorporated herein by reference the aforesaid F.E.R.C. Regulation as issued March 6, 1979 and the terms used herein that are contained in said Regulation shall each have the respective meanings given such terms in said Regulation. This Section 8.6 shall expire by its own terms October 31, 1979.

The tariff sheets tendered by MRTC adopt and incorporate by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that MRTC's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheet should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8672 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-38]

MONTANA-DAKOTA UTILITIES CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Montana-Dakota Utilities Company (Respondent), 400 North Fourth Street, Bismark, North Dakota 58501, filed in Docket No. TC79-38 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent adopt and incorporated by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Respondent's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8673 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-24]

NATIONAL FUEL GAS SUPPLY CORP.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, National Fuel Gas Supply Corporation (Respondent), 308 Seneca Street, P.O.

Box 387, Oil City, Pennsylvania, pursuant to section 401 of the Natural Gas Policy Act of 1978 and Part 281 of the regulations thereunder filed in Docket No. 79-24 a tariff sheet, entitled Original Sheet No. 33-A, as part of its FERC Gas Tariff, Original Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses, all as more fully set forth in said sheet which is on file with the Commission and open to public inspection.

The tariff sheet tendered by Respondent would amend said tariff to add as the final paragraph to subsection 3 of its Section 16 the following:

3. Special Adjustment Procedure (Cont'd)

Notwithstanding any other provisions under the section heading 3. Special Adjustment Procedure, if any affected customer shall, pursuant to 18 CFR 281, notify Seller that for the applicable curtailment period such customer's curtailment period quantity entitlement will result in curtailing essential agricultural uses or high priority uses, Seller, as provided for under said regulation, having satisfied itself that the customer is entitled thereto, shall to the extent so provided permit a special adjustment to such customer's curtailment period quantity entitlement equal to the volume required to avoid such curtailment.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheet should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8659 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-200]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

MARCH 14, 1979.

Take notice that on March 1, 1979, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP79-200 pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity as supplemented on March 12, 1979, authorizing the construction and operation of connecting facilities in Ward and Liberty Counties, Texas, for receipt and delivery of natural gas transported by Houston Pipe Line Company (Houston) and Oasis Pipe Line Company (Oasis), all as more fully set forth in the application on file with the Commission and open to public inspection.

Natural has in the past pursued the acquisition of new gas supplies on both its Amarillo and Gulf Coast Lines to replace existing gas supplies as they are produced. Natural states that it has been more successful in recent years in securing new gas supplies on its Gulf Coast Line than on its Amarillo Line. It is stated that the Amarillo supply continues to decline despite Natural's efforts to acquire new supplies to supplement current supply sources. Natural states that to alleviate partially this problem, it was granted authority to add capacity to its Gulf Coast gas supply system between Compressor Station No. 302 and No. 304. It is stated that these facilities will help Natural in the management of its supply/capacity imbalance by allowing full utilization of the North Lansing storage field. In order to acquire utilization of excess Gulf Coast supplies to reduce curtailments, Natural states it would have to expand the mainline facilities north of Station No. 304 to its major market area, or alternatively, to provide a means of transferring Gulf Coast supplies to the Amarillo system via a cross system connection. Natural asserts use of existing facilities of others as contemplated, would eliminate the requirement for it to construct duplicate and/or alternative facilities.

Natural estimates that the cost of construction of the connecting facilities is $464,000, which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 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 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. 79-8690 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-15]

NATURAL GAS PIPELINE CO. OF AMERICA

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Natural Gas Pipeline Company of America (Respondent), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. TC79-15 tariff sheets, Original Sheets Nos. 150 and 151, as part of its FERC Gas Tariff Third Revised Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the

Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent provide as follows:

(a) If a Participating DMQ-1 Buyer can demonstrate that an essential agricultural user (as finally defined and implemented in the Interim Regulation for Section 401 of the Natural Gas Policy Act) will suffer curtailment unless relief is granted, Buyer will request a waiver of curtailment to have the curtailment level decreased by the volume of gas necessary to serve the essential agricultural user for the period required, unless curtailment is necessary to protect the needs of high priority users.

(b) The Buyer requesting waiver shall demonstrate qualification for waiver by submitting, under oath, the following informaiton to Natural:

(1) The volume of natural gas that each of its high-priority users and essential agricultural users estimate will be necessary for its high-priority requirements and essential agricultural requirements during the curtailment period, except that the Buyer may aggregate the high-priority requirements for residential and small commercial customers who use less than 50 Mcf on a peak day.

(2) A statement from the Buyer and from each high-priority user, except residential and small commercial customers who use less than 50 Mcf on peak day, and from each essential agricultural user that the volumes specified in subparagraph (b)(1) will be used solely for high-priority uses or essential agricultural uses.

(c) The volume of natural gas for which waiver is requested is calculated as the sum of the volumes in subparagraph (b)(1) less the estimated supplies available to serve essential agricultural use and high-priority use, absent waiver.

(d) Buyer will not be granted a waiver, and a granted waiver will be terminated, if gas supplies are, or become, available to meet the requirements of other than high-priority and essential agricultural users served by Buyer.

(e) If a Buyer has more than one pipeline supplier of natural gas, the waiver of curtailments volume calculated under subparagraph (c) for a particular curtailment period which may be requested from Natural by Buyer shall be in the proportion that the volumes supplied by Natural is to the total of Buy's interstate pipeline supply during the calendar year 1978.

(f) Natural will review the request for waiver and determine to the best of its knowledge, information and belief, the request and data submitted are true. Immediately after the receipt of a request for waiver, all Participating DMQ-1 Buyers will be advised and all data and correspondence subsequently entered into will be submitted to them upon their request. The Buyer requesting waiver of curtailment shall reply to all reasonable questions by any other Participating DMQ-1 Buyer or Natural relating to such request.

(g) Deliveries of the volume of natural gas for which waiver is requested will be initiated at the time designated.

(h) If any increased volume cannot be satisfied out of short term available supply the volume of gas waived under paragraph (b) shall be obtained by increased curtailment to those Participating DMQ-1 Buyers not curtailing high-priority or essential agricultural users, in proportion to their Daily Quantity Entitlements for the month of January as shown on Sheet Nos. 301 through 305 of Natural's FERC Gas Tariff, Third Revised Volume No. 1. Upon termination of the waiver, the waived volumes shall be reinstated, in like manner, to the said Participating DMQ-1 Buyers not curtailing high-priority or essential argicultural users.

(i) the definition of High-Priority users shall be that as contained in the approved FERC Interim Curtailment Rule, 18 CFR, Section 281.103(a)(7).

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM 79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8660 Filed 3-21-79; 8:45 am]

[6450-01-M]

NATURAL GAS POLICY ACT OF 1978

Determination by Jurisdictional Agency

MARCH 12, 1979.

On March 2, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OF NEW MEXICO ENERGY AND MINERALS DEPARTMENT OIL CONSERVATION DIVISION

FERC Control Number: JD79-585.
API Well Number: None.
Section of NGPA: 103.
Operator: O. H. Berry.
Well Name: J. L. Isbell No. 6.
Field: Jalmat Yates.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 180 MMcf.

FERC Control Number: JD79-586.
API Well Number: 30-015-22220.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Eddy "GF" State Well No. 1.
Field: Carlsbad South Morrow.
County: Eddy.
Purchaser: El Paso Natural Gas Co.
Volume: 113 MMcf.

FERC Control Number: JD79-587.
API Well Number: 30-015-22283
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Eddy "GF" State Well No. 1.
Field: Undesignated Morrow.
County: Eddy.
Purchaser: El Paso Natural Gas Co.
Volume: 233 MMcf.

FERC Control Number: JD79-588.
API Well Number: 30-015-22378.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Eddy "GF" State Well No. 1.
Field: Camsbad South Marrow.
County: Eddy.
Purchaser: El Paso Natural Gas Co.
Volume: 81 MMcf.

FERC Control Number: JD79-589.
API Well Number: 30-025-25896.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Lea "ED" State (NCT-A) Well No. 2
Field: Quall Ridge Morrow.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 866 MMcf.

FERC Control Number: JD79-590.
API Well Number: None.
Section of NGPA: 103.
Operator: Champlin Petroleum Co.
Well Name: State "36" No. 2.
Field: Carlsbad E. (Morrow).

County: Eddy.
Purchaser: El Paso Natural Gas Co.
Volume: 77 MMcf.

FERC Control Number: JD79-591.
API Well Number: None.
Section of NGPA: 103.
Operator: Champlin Petroleum Co.
Well Name: State "6" N0. 14.
Field: Chaveroo (SA).
County: Chaves.
Purchaser: Cities Service Oil Company.
Volume: 19 MMcf.

FERC Control Number: JD79-592.
API Well Number: 30-02502596.
Section of NGPA: 103.
Operator: Coquina Oil Corporation.
Well Name: Alexandar No. 1.
Field: Antelope Ridge.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 730,000 MMcf.

FERC Control Number: JD79-593.
API Well Number: None.
Section of NGPA: 108.
Operator: Kimbell Oil Company.
Well Name: Cook No. 2.
Field: Aztec Fruitland.
County: San Juan.
Purchaser: El Paso Natural Gas Co.
Volume: 20.5 MMcf.

FERC Control Number: JD79-594.
API Well Number: None.
Section of NGPA: 108.
Operator: Robert N. Enfield.
Well Name: No. 1 Sinclair State.
Field: Eumont Yates.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: Not available.

FERC Control Number: JD79-595.
API Well Number: 3000560424.
Section of NGPA: 103.
Operator: Depco, Inc.
Well Name: R & S State No. 1.
Field: Buffalo Valley (Morrow).
County: Chaves.
Purchaser: El Paso Natural Gas Co.
Volume: 264 MMcf.

FERC Control Number: JD79-596.
API Well Number: 3002525530.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: A. L. Christmas (NCT-C) Well No. 10.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 41 MMcf.

FERC Control Number: JD79-597.
API Well Number: 3002525594.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: A. L. Christmas (NCT-C) Well No. 11.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 31 MMcf.

FERC Control Number: JD79-598.
API Well Number: 3002525624.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: A. L. Christmas (NCT-C) Well No. 12.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 89 MMcf.

FERC Control Number: JD79-599.
API Well Number: 3002525463.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: S. J. Carr Well No. 9.
Field: Langlie Mattix Seven Rivers Queen.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 80 MMcf.

FERC Control Number: JD79-600.
API Well Number: 3002525785.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Mark Well No. 10.
Field: Wantz Abo.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 9 MMcf.

FERC Control Number: JD79-601.
API Well Number: 3002526051.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: Mark Well No. 11.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 6 MMcf.

FERC Control Number: JD79-602.
API Well Number: 30-025-60532.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: Mark Well No. 12.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 6 MMcf.

FERC Control Number: JD 79-603.
API Well Number: 3002525739.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Hugh Well No. 12.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 6 MMcf.

FERC Control Number: JD 79-604.
API Well Number: 3002525906.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Hugh Well No. 13.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 21 MMcf.

FERC Control Number: JD 79-605.
API Well Number: 3002525462.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Hugh Well No. 14.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 22 MMcf.

FERC Control Number: JD 79-606.
API Well Number: 3002525462.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Drinkard (NCT-B) Well No. 5.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 25 MMcf.

FERC Control Number: JD 79-607.
API Well Number: 3002525509.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Drinkard (NCT-B) Well No. 5.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 7 MMcf.

FERC Control Number: JD 79-608.
API Well Number: 3002525599.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: Drinkard (NCT-B) Well No. 6.
Field: Wantz Granite Wash.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 4 MMcf.

FERC Control Number: JD 79-609.
API Well Number: 3002525499.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: A. L. Christmas (NCT-C) Well No. 9.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 25 MMcf.

FERC Control Number: JD 79-610.
API Well Number: 3002525634.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: A. L. Christmas (NCT-C) Well No. 13.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 39 MMcf.

FERC Control Number: JD 79-611.
API Well Number: 3002525645.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: A. L. Christmas (NCT-C) Well No. 14.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 57 MMcf.

FERC Control Number: JD 79-612.
API Well Number: 3002525657.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: A. L. Christmas (NCT-C) Well No. 15.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 10 MMcf.

FERC Control Number: JD 79-613.
API Well Number: 3002525670.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: A. L. Christmas (NCT-C) Well No. 16.
Field: Tubb.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 27 MMcf.

FERC Control Number: JD 79-614.
API Well Number: 3002525626.
Section of NGPA: 103.

Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: W. A. Ramsay (NCT-A) Well No. 51.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 168 MMcf.

FERC Control Number: JD 79-615.
API Well Number: 3002525651.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: H. P. Saunders Well No. 2.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 6 MMcf.

FERC Control Number: JD 79-616.
API Well Number: 3002525411.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: H. T. Mattern (NCT-C) Well No. 10.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 93 MMcf.

FERC Control Number: JD 79-617.
API Well Number: 3002525500.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.)
Well Name: H. T. Mattern (NCT-C) Well No. 10.
Field: Blinebry.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 44 MMcf.

FERC Control Number: JD79-618.
API Well Number: 3002525547.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: H. T. Mattern (NCT-C) Well No. 12.
Field: Blinebry.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 16 MMcf.

FERC Control Number: JD79-619.
API Well Number: 3002525507.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: Harry Leonard (NCT-C) Well No. 19.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 43 MMcf.

FERC Control Number: JD79-620.
API Well Number: 3002525589.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: R. E. Cole (NCT-A) Well No. 18.
Field: Drinkard.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 93 MMcf.

FERC Control Number: JD79-621.
API Well Number: 3002525688.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: H. V. Pike Well No. 2.
Field: Blinebry.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 18 MMcf.

FERC Control Number: JD79-622.
API Well Number: 3002525484.
Section of NGPA: 103.
Operator: Warren Petroleum Co. (Gulf Oil Corp.).
Well Name: H. T. Mattern (NCT-A) Well No. 4
Field: Blinebry.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 12 MMcf.

FERC Control Number: JD79-623.
API Well Number: 3002525487.
Section of NGPA: 103.
Operator: Gulf Oil Corporation.
Well Name: Harry Leonard (NCT-A) Well No. 11.
Field: Eumont.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 185 MMcf.

FERC Control Number: JD79-624.
API Well Number: 3002525496.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Harry Leonard (NCT-A) Well No. 12.
Field: Eumont.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 164 MMcf.

FERC Control Number: JD79-625.
API Well Number: 3002525465.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Arnott-Ramsey (NCT-E) Well No. 7.
Field: Lenglie Mattix Seven Rivers Queen.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 11 MMcf.

FERC Control Number: JD79-626.
API Well Number: 3002525596.
Section of NGPA: 103.
Operator: Gulf Oil Corporation.
Well Name: Arnott-Ramsay (NCT-E) Well No. 8.
Field: Langlie Mattix Seven Rivers Queen.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 128 MMcf.

FERC Control Number: JD79-627.
API Well Number: 3002525597.
Section of NGPA: 103.
Operator: Gulf Oil Corp.
Well Name: Arnott-Ramsay (NCT-E) Well No. 9.
Field: Langlie Mattix Seven Rivers Queen.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 3 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8676 Filed 3-21-79; 8:45 am]

[6450-01-M]

NATURAL GAS POLICY ACT OF 1978

Determination by Jurisdictional Agency

MARCH 12, 1979.

On March 5, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OF NEW MEXICO, ENERGY AND MINERALS DEPARTMENT, OIL CONSERVATION DIVISION

FERC Control Number: JD79-638.
API Well Number: 3002525872.
Section of NGPA: 103.
Operator: Amerada Hess Corporation.
Well Name: J. G. Hare #8.
Field: Eunice-Eumont Queen.
County: Lea.
Purchaser: Northern Natural Gas Company.
Volume: 91 MMcf.

FERC Control Number: JD-639.
API Well Number: 3002525670.
Section of NGPA: 103.
Operator: Amerada Hess Corporation.
Well Name: State PA #4.
Field: Arrowhead (Eunice-Drinkard)
County: Lea.
Purchaser: Getty Oil Company.
Volume: 5 MMcf.

FERC Control Number: JD79-640.
API Well Number: 3002526044.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Horse Back #7.
Field: Commanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 12 MMcf.

FERC Control Number: JD79-641.
API Well Number: 3002525911.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Quannah Parker #2-Y.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 9 MMcf.

FERC Control Number: JD79-642.
API Well Number: 3002525778.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Quanah Parker #1.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 48 MMcf.

FERC Control Number: JD79-643.
API Well Number: None.

Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Horse Back #6.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 10 MMcf.

FERC Control Number: JD79-644.
API Well Number: 3002525924.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Horse Back #5.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Co.
Volume: 16 MMcf.

FERC Control Number: JD79-645.
API Well Number: 3002525907.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Horse Back #3.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 29 MMcf.

FERC Control Number: JD79-646.
API Well Number: 3001533418.
Section of NGPA: 103.
Operator: Aminoil USA, Inc.
Well Name: Willow Lake Unit #3.
Field: Malaga.
County: Eddy.
Purchaser: El Paso Natural Gas Company.
Volume: 2016.

FERC Control Number: JD79-647.
API Well Number: 3004120471.
Section of NGPA: 103.
Operator: Phillips Petroleum Company.
Well Name: Lambirth-A Well No. 1.
Field: Peterson South Fusselman.
County: Roosevelt.
Purchaser: Undedicated.
Volume: 109 MMcf.

FERC Control Number: JD79-648.
API Well Number: 3004522961.
Section of NGPA: 103.
Operator: Mesa Petroleum Co.
Well Name: State Com 47 PC.
Purchaser: El Paso Natural Gas Company.
Volume: 25 MMcf.

FERC Control Number: JD79-649.
API Well Number: None.
Section of NGPA: 108.
Operator: Adobe Oil & Gas Corporation.
Well Name: Hannifin State Com No. 1.
Field: West-Lusk (Morrow).
County: Eddy.
Purchaser: Continental Oil Company.
Volume: 1 MMcf.

FERC Control Number: JD79-650.
API Well Number: 3002503506.
Section of NGPA: 108.
Operator: ZIA Energy, Inc.
Well Name: Atlantic State No. 2.
Field: Eumont-Yates-Seven Rivers-Queen.
County: Lea.
Purchaser: Phillips Petroleum Company.
Volume: 10.9 MMcf.

FERC Control Number: JD79-651.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State WE H #3.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 5 MMcf.

FERC Control Number: JD79-652.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State WE H #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 5 MMcf.

FERC Control Number: JD79-653.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State WE "H" #2.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 1 MMcf.

FERC Control Number: JD79-654.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: Annie L. Christmas #3.
Field: Drinkard.
County: Lea.
Purchaser: Getty Oil Company.
Volume: 4 MMcf.

FERC Control Number: JD79-655.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: Lea 407 State #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 4 MMcf.

FERC Control Number: JD79-656.
API Well Number: 3002525662.
Section of NGPA: 103.
Operator: Gifford, Mitchell & Wisenbaker.
Well Name: Horse Back #2.
Field: Comanche Stateline Tansill Yates.
County: Lea.
Purchaser: El Paso Natural Gas Company.
Volume: 32 MMcf.

FERC Control Number: JD79-657.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State WE D #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-658.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State WE B #5.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-659.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State AK #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 10 MMcf.

FERC Control Number: JD79-660
API Well Number: None.
Section of NGPA: 108
Operator: Warrior, Inc.
Well Name: State AK #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 6 MMcf.

FERC Control Number: JD79-661.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State AK #2.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 5 MMcf.

FERC Control Number: JD79-662.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: State AK #3..
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 9 MMcf.

FERC Control Number: JD79-663.
API Well Number: None
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: Lea 407 State #5.
Field: San Simon.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-664.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: Phillips State #1.
Field: Wilson.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 3 MMcf.

FERC Control Number: JD79-665.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior, Inc.
Well Name: L. W. White #1.
Field: Eumont Yates Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 2 MMcf.

FERC Control Number: JD79-666.
API Well Number: None.
Section of NGPA: 108.
Operator: Warrior Inc.
Well Name: Atlantic State #1.
Field: Eumont Seven Rivers Queen.
County: Lea.
Purchaser: Phillips Petroleum Co.
Volume: 4 MMcf.

FERC Control Number: JD79-667.
API Well Number: 30039600410000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Canyon Largo Unit #24.
Field: Blanco, South-Pictured Cliffs Gas.
County: Rio Arriba.
Purchaser: El Paso Natural Gas Company.
Volume: 6.9 MMcf.

FERC Control Number: JD79-668.
API Well Number: 30045060700000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Huerfanito Unit #15.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 17.5 MMcf.

FERC Control Number: JD79-669.
API Well Number: 30045061790000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.

Well Name: Huerfanito Unit #10.
Field: Blanco, South-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 9.5 MMcf.

FERC Control Number: JD79-670.
API Well Number: 30045061590000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Huerfanito Unit #50.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 3.0 MMcf.

FERC Control Number: JD79-671.
API Well Number: 30045060920000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Huerfanito Unit #51.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 4.4 MMcf.

FERC Control Number: JD79-672.
API Well Number: 30043061330000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Magnolia Com #1.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 2.2 MMcf.

FERC Control Number: JD79-673.
API Well Number: 30045059930000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Turner B Com H 13.
Field: Blanco, South-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 2.2 MMcf.

FERC Control Number: JD79-674.
API Well Number: 30045044600000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Mitcham Com #1.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 6.9 MMcf.

FERC Control Number: JD79-675.
API Well Number: 30039068600000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: SJ 27-5 Unit 73.
Field: Blanco, South-Pictured Cliffs Gas.
County: Rio Arriba.
Purchaser: El Paso Natural Gas Company.
Volume: 4.0 MMcf.

FERC Control Number: JD79-676.
API Well Number: 30045095070000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Simmons #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 6.0 MMcf.

FERC Control Number: JD79-677.
API Well Number: 30045214230000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Calloway #3.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 8.0 MMcf.

FERC Control Number: JD79-678.
API Well Number: 30045130190000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Wright Com #1.
Field: Ballard-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 11.7 MMcf.

FERC Control Number: JD79-679.
API Well Number: 30039057300000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Leeson #2.
Field: Blanco, South-Pictured Cliffs Gas.
County: Rio Arriba.
Purchaser: El Paso Natural Gas Company.
Volume: 6.0 MMcf.

FERC Control Number: JD79-680.
API Well Number: 30039048400000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Leeson #1.
Field: Blanco, South-Pictured Cliffs Gas.
County: Rio Arriba.
Purchaser: El Paso Natural Gas Company.
Volume: 6.0 MMcf.

FERC Control Number: JD79-681.
API Well Number: 30045095170000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Montgomery #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 5.0 MMcf.

FERC Control Number: JD79-682.
API Well Number: 30045093920000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Fuller #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 4.0 MMcf.

FERC Control Number: JD79-683.
API Well Number: 30045095430000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Swires #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 6.0 MMcf.

FERC Control Number: JD79-684.
API Well Number: 30045092330000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Hartman #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 6.0 MMcf.

FERC Control Number: JD79-685.
API Well Number: 30045080610000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Hare #1.
Field: Aztec-Fruitland Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 2.6 MMcf.

FERC Control Number: JD79-686.
API Well Number: 300450940000.
Section of NGPA: 108.
Operator: El Paso Natural Gas Company.
Well Name: Fifield #1.
Field: Aztec-Pictured Cliffs Gas.
County: San Juan.
Purchaser: El Paso Natural Gas Company.
Volume: 4.0 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8677 Filed 3-21-79; 8:45 am]

[6450-01-M]

NATURAL GAS POLICY ACT OF 1978

Determination by Jurisdictional Agency

MARCH 12, 1979.

On March 8, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

WEST VIRGINIA DEPARTMENT OF MINES, OIL & GAS DIVISION

FERC Control Number: JD79-690.
API Well Number: 470872956.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Minnie B. Simmons Serial 132.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 6322 MMcf.

FERC Control Number: JD79-691.
API Well Number: 470872927.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: J. A. Keffer Serial 427.
Field: Clover.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1818 MMcf.

FERC Control Number: JD79-692.
API Well Number: 470872958.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Harless Serial 498.
Field: Clover.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1197 MMcf.

FERC Control Number: JD79-693.
API Well Number: 470872954.

Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Jennings No. 197.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1294.2.

FERC Control Number: JD79-694.
API Well Number: 470070726.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: H. R. Cummings Well #2.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5570 MMcf.

FERC Control Number: JD79-695.
API Well Number: 470872955.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Jennings #461.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 4637 MMcf.

FERC Control Number: JD79-696.
API Well Number: 470872072.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Trix Goff #1.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 3913 MMcf.

FERC Control Number: JD79-697.
API Well Number: 470872953.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Jennings No. 180.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 3844 MMcf.

FERC Control Number: JD79-698.
API Well Number: 470872951.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: B. C. Smith Serial 215.
Field: Tripplet.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1463 MMcf.

FERC Control Number: JD79-699.
API Well Number: 470070565.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Dennis Tanner #1.
Field: Nicut.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 3625 MMcf.

FERC Control Number: JD79-700.
API Well Number: 470872028.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: State Construction #1.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 9969 MMcf.

FERC Control Number: JD79-701.
API Well Number: 470070594.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Ralph Lane Well #1.
Field: Nicut.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 8155 MMcf.

FERC Control Number: JD79-702.
API Well Number: 470070645.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Shirley Hall #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5569 MMcf.

FERC Control Number: JD79-703.
API Well Number: 470070602.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: H. A. Edgell Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 2546 MMcf.

FERC Control Number: JD79-704.
API Well Number: 470070644.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Mona Barker Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5755 MMcf.

FERC Control Number: JD79-705.
API Well Number: 470070957.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: S. L. Vaughn Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 3998 MMcf.

FERC Control Number: JD79-706.
API Well Number: 470872946.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: H. O. Grady Well #1.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 4053 MMcf.

FERC Control Number: JD79-707.
API Well Number: 470872947.
Section of NPGA: 108.
Operator: Harry C. Boggs.
Well Name: Nichols #1.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1463 MMcf.

FERC Control Number: JD79-708.
API Well Number: 470870661.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: John Nida #1.
Field: Looneyville.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 2595 MMcf.

FERC Control Number: JD79-709.
API Well Number: 47087799.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Webb Serial 672.
Field: Clover.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 1850 MMcf.

FERC Control Number: JD79-710.
API Well Number: 470132005.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: D. O. Chenoweth #1.
Field: Nicut.
County: Calhoun.
Purchaser: Consolidated Gas Corp.
Volume: 1762 MMcf.

FERC Control Number: JD79-711.
API Well Number: 470872068.
Section of NGPA: 108.
Operator: Liqui Gas Inc.
Well Name: Herschel Miller #2.
Field: Spring Creek.
County: Roane.
Purchaser: Harry C. Boggs Natural Gas.
Volume: 9230 MMcf.

FERC Control Number: JD79-712.
API Well Number: 470070725.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Perry Hall Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5759 MMcf.

FERC Control Number: JD79-713.
API Well Number: 70872070.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Whited #1.
Field: Spring Creek.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 3052 MMcf.

FERC Control Number: JD79-714.
API Well Number: 47-013-2051.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Kee Chenoweth #1.
Field: Nicut.
County: Calhoun.
Purchaser: Consolidated Gas Corp.
Volume: 3906 MMcf.

FERC Control Number: JD79-715.
API Well Number: 470870922.
Section of NGPA: 108
Operator: Harry C. Boggs.
Well Name: P. C. Adams #1.
Field: Linden.
County: Roane.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5191 MMcf.

FERC Control Number: JD79-716.
API Well Number: 470070828.
Section of NGPA: 108
Operator: Harry C. Boggs.
Well Name: H. R. Cummings #3.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 2035 MMcf.

FERC Control Number: JD79-717.
API Well Number: 470070848.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Ruie Hall Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 4022 MMcf.

FERC Control Number: JD79-718.
API Well Number: 470070818.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: M. C. Chapman Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 6624 MMcf.

FERC Control Number: JD79-719.
API Well Number: 470070804.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Russell Marks Well #1.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 5488 MMcf.

FERC Control Number: JD79-720.
API Well Number: 470070736.
Section of NGPA: 108.
Operator: Harry C. Boggs.
Well Name: Shirley Hall Well #2.
Field: Elmira.
County: Braxton.
Purchaser: Columbia Gas Transmission Corp.
Volume: 11187 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 6, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8678 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-14]

NORTHERN NATURAL GAS CO.

Filing of Revised Tariff Sheet

MARCH 19, 1979.

Take notice that on March 16, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, tendered for filing with the Federal Energy Regulatory Commission (Commission) as a part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Sheet No. 58K, all as more fully set forth in said sheet which is on file with the Commission and open to public inspection.

Second Revised Sheet No. 58K contains an addition, Paragraph 9.15, to Paragraph 9 of the General Terms and Conditions of Northern's FERC Gas Tariff. Paragraph 9.15 was tendered for filing pursuant to the Interim Regulations for the Implementation of Section 401 of the Natural Gas Policy Act of 1978, issued March 6, 1979. Paragraph 9.15 would provide that:

> For the period April 1, 1979 through October 31, 1979, Northern shall allow adjustments to the provisions of this Paragraph 9 to the extent necessary to supply the essential agricultural uses of high priority uses of its indirect sales customers including those indirect sales customers served by its Peoples Division. Requests for and the granting of adjustments shall be made in accordance with the provisions of Part 281, Subpart A, of the Regulations under the Natural Gas Act.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said tariff sheet should on or before March 26, 1979 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. 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 the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8661 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP71-107 (Phase II) (PGA79-1) (R&D79-1)]

NORTHERN NATURAL GAS CO.

Order on Rehearing Clarifying and Modifying Suspension Order, Expanding the Scope of the Evidentiary Hearing, Granting Interventions, and Denying Motion To Reject

MARCH 14, 1979.

On January 10, 1979, the Commission accepted for filing Northern Natural Gas Company's (Northern) Purchased Gas Adjustment (PGA) rate filing,[1] suspended the proposed rate increase, and established procedures. On January 18, 1979, Northern submitted a request for clarification of the Commission's January 10th Order. On February 2, 1979, the Minnesota Municipal Utilities Association and Northern Municipal Defense Group (MMUA) submitted a motion to expand the scope of the evidentiary hearing established in the Commission's January 10th Order. On February 9, 1979, Farmland Industries, Inc. and Terra Chemicals, Inc. (Farmland) filed an application for rehearing which requested rejection of the filing or, in the alternative, that the scope of the proceeding be expanded. For the reasons set forth below, we shall expand the scope of the evidentiary hearing as set forth below, deny the motion to reject Northern's filing, and deny Northern's motion for clarification.

Northern requests that Ordering Paragraph A of the January 10th Order[2] be modified to limit the amount of the PGA rate increase which is subject to refund, to that amount attributed to 60-day emergency purchases. MMUA requests that the scope of the evidentiary hearing, which was limited to emergency purchases in the January 10th Order,[3] be

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[1] Northern Natural Gas Company, Docket No. RP71-107 (Phase II) (PGA79-1) (R&D79-1), Order Accepting For Filing and Suspending Proposed Rate Increase and Establishing Procedures, issued January 10, 1979. On October 26, 1978, Northern filed a PGA rate increase to reflect the annual effect of the changes in its Purchased Gas Costs. On December 11, 1978, Northern replaced this filing with a filing which reflected the impact of the Natural Gas Policy Act of 1978 on Purchased Gas Costs. The proposed effective date was December 27, 1978.

[2] Ordering Paragraph A provides: Nothern's proposed Substitute Seventeenth Revised Sheet No. 4a to FERC Gas Tariff Third Revised Volume No. 1, Substitute Seventeenth Revised Sheet No. 1c to FERC Gas Tariff Original Volume No. 2, are accepted for filing, suspended and waiver of notice requirements is granted such that the filing shall become effective on December 27, 1978, subject to refund.

[3] Ordering Paragraph B provides: Pursuant to the authority of the Natural Gas Act, Sections 4, 5, 8 and 15, and the Commission's rules and regulations, a public hear-

Footnotes continued on next page

expanded to include the following issues:

(a) Whether Northern's proposed 2.49¢ per Mcf surcharge designed to recoup unrecovered purchased gas costs during the 12 month period ended September 20, 1978, is just and reasonable;

(b) Whether Northern's PGA Clause needs to be revised to provide greater assurance of accurate tracking of purchased gas costs;

(c) Whether Northern's PGA has in the instant case overstated the estimated cost of purchased gas for the year 1979 by overestimating company-use volumes and losses;

(d) Whether Northern's PGA Clause has operated to overrecover purchased gas costs since its inception; and

(e) Whether Northern's PGA Clausesurcharges are properly coordinated with the gas cost recovery provisions of its base rates.

The Commission finds it appropriate to expand the scope of the evidentiary hearing to include these issues.

Farmland raises one issue similar to an issue raised by MMUA [4] and in addition raises several other issues. Farmland initially suggests that Northern's filing fails to comply with the provisions of Order No. 18. First, Farmland suggests that acceptance of the December 27, 1978, effective date contravenes Order No. 18 which allows a surcharge for PGA tariff adjustments effective only "on or after January 1, 1979." Implicit in the Commission's order was a waiver of the January 1, 1979 date [5] and allowance of a December 27, 1978 effective date. Since Northern only files once a year under its PGA tariff, good cause exists to allow an effective date of December 27, 1978.

Second, Farmland suggests that Northern's use of an inflation factor in computing its 1979 NGPA costs contravenes Order No. 18. To the extent that the inflation factor was used for costs attributable to the NGPA from December 1, 1978 to December 27, 1978, Northern will of course be required to credit any overcollections to its unrecovered purchased gas cost account (Account 191). Given the short period (27 days) involved, we are not persuaded that a revised filing is necessary to reflect costs actually incurred during that 27 day period. To the extent the inflation factor applies to the NGPA costs incurred after December 27, 1978, the Commission is not persuaded that the estimation procedures in Northern's filing mandate rejection. However, the Commission finds it appropriate to expand the scope of the evidentiary hearing to include this issue.

Farmland also states that Northern's PGA filing is inconsistent with the Commission's Statement of Policy issued January 24, 1979, respecting the effect of the NGPA on area rate clauses and indefinite price escalator clauses. On February 13, 1979, the Commission modified its Statement of Policy in a Notice of Proposed Rulemaking in Docket No. RM79-22. Given the fact that the Commission has not issued a final rule, the Commission shall not take summary action on Northern's filing at this time. The Commission's decision not to reject Northern's filing at this time does not prejedice further action by the Commission. In the ongoing proceeding, the parties may raise the area rate and indefinite price escalator issues if they deem them appropriate.

Because the issues, which have been included within the scope of the evidentiary hearing, may effect the entire amount of the PGA rate increase, the Commission denies Northern's request for limiting the amount of the PGA rate increase which is subject to refund.

Timely petitions to intervene were filed by Northern Municipal Defense Group and the Minnesota Municipal Utilities Association. Timely notices of intervention were filed by the Minnesota Public Service Commission, and the South Dakota Public Utilities Commission. Untimely petitions to intervene were filed by the Iowa Public Service Company, Wisconsin Gas, Minnesota Gas Company, Terra Chemicals International, Inc., and Farmland Industries, Inc. The Commission finds good cause for granting both the timely and the late petitions to intervene. All petitions to intervene shall therefore be granted.

The Commission Orders:

(A) The Commission's order of January 10, 1979, in this docket, is modified to expand the scope of the evidentiary hearing to include the issues listed in the body of this order.

(B) Northern's motion to limit the amount of the PGA rate increase which is subject to refund is denied.

(C) Farmland's motion to reject Northern's filing is denied.

(D) To the extent not granted in Ordering Paragraph A and in the body of this order, Farmland's application for rehearing is denied.

(E) The above-named petitioners are permitted to intervene in this proceeding 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 to intervene; and, *Provided, further,* that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8691 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-228]

NORTHERN STATES POWER CO.

Notice of Agreement With Wisconsin Electric Power Co.

MARCH 14, 1979.

Take notice that Northern States Power Company, on March 2, 1979, tendered for filing an Agreement, dated May 10, 1977, with Wisconsin Electric Power Company.

The Agreement provides for the purchase of capacity and associated energy by Wisconsin Electric Power Company for the period May 1, 1979, through April 30, 1980. An effective date of May 1, 1979 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426, in accordance with §§ 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 March 26, 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 to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8692 Filed 3-21-79; 8:45 am]

Footnotes continued from last page

ing shall be held concering the prudency of the emergency purchases made by Northern.

[4] Farmland contends that Northern's PGA filing fails to support accurate tracking of projected gas costs for uncontracted new gas from small producers.

[5] In the January 10th order, p. 2 the Commission noted that the filing reflected the impact on purchased gas costs of the Natural Gas Policy Act of 1978 (NGPA).

[6450-01-M]

[Docket No. RP72-115 (PGA79-1)]

OKLAHOMA NATURAL GAS GATHERING CORP.

Notice of PGA Change

MARCH 19, 1979.

Take notice that on March 5, 1979, Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing Sixteenth Revised Sheet PGA-1. Gathering Corporation states that Sixteenth Revised Sheet PGA-1 is intended to replace Fifteenth Revised Sheet PGA-1.

Gathering Corporation states that Sixteenth Revised Sheet PGA-1 will become effective on April 1, 1979, and revise its Base Tariff Rate to flow through the increase in the system cost of purchased gas and refund the balance accumulated in its unrecovered purchased gas cost account.

Gathering Corporation further states that the projected cost of purchased gas, as computed in said filing, is based on the applicable area rates, exclusive of the effect of increases which may possibly be triggered by the prices permitted by the Natural Gas Policy Act of 1978 and escalation clauses contained in certain gas purchase contracts. Gathering Corporation states that if such increases occur, costs will be accumulated in the unrecovered purchased cost account and recovered subsequent to its next PGA filing.

Gathering Corporation states that copies of this filing were served upon all its jurisdictional customers, as well as 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, N.E., Washington, DC 20426, in accordance with §§ 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 March 26, 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. 79-8662 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-13]

PANHANDLE EASTERN PIPE LINE CO.

Tariff Filing

MARCH 19, 1979.

Take Notice that Panhandle Eastern Pipe Line Company (Panhandle), 3000 Bissonnet Avenue, P.O. Box 1642, Houston, Texas 77001, on March 15, 1979, tendered for filing Fourth Revised Interim Original Sheet 42-A to its FERC Gas Tariff, Original Volume No. 1 pursuant to Part 281, Subpart A, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, promulgated by the Commission's Interim Curtailment Rule issued on March 6, 1979, in Docket No. RM79-13 to implement section 401 of the Natural Gas Policy Act. This filing which Panhandle proposes to put into effect during the period starting on April 1, 1979, until October 31, 1979, prescribes that curtailments pursuant to Section 16.3 of Panhandle's FERC Gas Tariff shall be subject to adjustment to the extent necesary to supply certified essential agricultural uses or high priority uses.

The pertinent part of Panhandle's proposed interim tariff sheet tendered for filing herein is as follows:

During the period April 1, 1979, through October 31, 1979, curtailments pursuant to Section 16.3 shall be subject to adjustment pursuant to the provisions of Part 281, Subpart A, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, to the extent necessary to supply the certified essential agricultural uses of high priority uses.

The tariff sheet tendered by Panhandle adopt and incorporate by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Panhandle's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailnent of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheet should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8663 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER76-398]

PENNSYLVANIA POWER & LIGHT

Extension of Time

MARCH 13, 1979.

By motion filed on March 5, 1979, Pennsylvania Power & Light Company (PP&L) requested further time to comply with Opinion No. 34, issued by the Commission on January 15, 1979. The motion states that additional time is needed for compliance with Opinion No. 34 because of numerous computations that must be made. The motion further states that counsel for the consumer complainants has no objection to the extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 1, 1979 for PP&L to comply with Ordering Paragraphs (B) and (C) of Opinion No. 34.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8693 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-21]

TENNESSEE GAS PIPELINE CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Respondent), Tenneco Building, P.O. Box 2511, Houston, Texas 77001, filed in docket No. TC79-21 tariff sheets as part of its FERC Gas Tariff, Ninth Revised Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set

forth in said sheets which are on file with the Commission and open to public inspection. Respondent states that the tendered tariff sheets provide special adjustment for direct sale or local distribution customers pursuant to §§ 281.105–281.108 of the Commission's Regulations as follows:

A direct sale customer's high-priority and essential agricultural requirements for the Curtailment Period shall be the lesser of (1) the estimated volume of natural gas required by such customer during the Curtailment Period to serve such customer's high-priority and essential agricultural uses or (2) the sum of (a) the volume for high-priority uses for such customer for the Curtailment Period in the end use data being utilized by Seller in the implementation of its curtailment plan and (b) the lesser of (i) the volume certified by the Secretary of Agriculture as essential agricultural requirements as calculated under 7 C.F.R. § 2900.4 or (ii) the maximum volume which may be delivered by Seller to the direct sale customer under any volumetric limitations in such customer's gas purchase contract with Seller. The volume of adjustment under this section for a direct sale customer for the Curtailment Period shall be such customer's high-priority and essential agricultural requirements for the Curtailment Period reduced by the estimated volume of natural gas to be purchased or obtained from all sources by such customer during the Curtailment Period; provided, however, that if a direct sale customer purchases volumes from local distribution or interstate pipeline suppliers other than Seller, the volume of adjustment for such customer's high-priority and essential agricultural requirements for the curtailment Period to be supplied by Seller shall be equal to the volume of adjustment otherwise determined pursuant to this paragraph multiplied by the ratio of such customer's purchases from Seller during the corresponding period in the calendar year 1978 to such customer's total volumes purchased from all local distribution and interstate pipeline suppliers during the same period.

A local distribution customer's high-priority and essential agricultural requirements for the Curtailment Period shall be the lesser of (1) the sum of (a) the estimated volume of natural gas required by such customer during the Curtailment Period to serve high-priority uses and (b) the volume requested from such customer by essential agricultural users for the Curtailment Period or (2) the sum of (a) the volume for high-priority uses for such customer for the Curtailment Period in the end use data being utilized by Seller in the implementation of its curtailment plan and (b) the lesser of (i) the volume certified by the Secretary of Agriculture as essential agricultural requirements as calculated for the Curtailment Period under 7 C.F.R. § 2900.4 for the essential agricultural user(s) on whose behalf the local distribution customer is requesting volumes from Seller or (ii) the maximum volume which may be delivered by Seller to the local distribution customer under any volumetric limitations in such customer's gas purchase contract with Seller. The volume of adjustment under this section for a local distribution customer for the Curtailment Period shall be such customer's high-priority and essential agricultural requirements for the Curtailment Period reduced by the estimated volume of natural gas to be purchased or obtained from all sources by such customer during the Curtailment Period; provided, however, that if a local distribution customer purchases volumes from an interstate pipeline supplier other than Seller, the volume of adjustment for such customer's high-priority and essential agricultural requirements for the Curtailment Period to be supplied by Seller shall be equal to the volume of adjustment otherwise determined pursuant to this paragraph multiplied by the ratio of such customer's purchases from Seller during the corresponding period in the calendar year 1978 to such customer's total volumes purchased from all interstate pipeline suppliers during the same period.

If any adjustment under this section and the resulting reduction of Cutailment Period Quantity Entitlements for the Curtailment Period under the preceding paragraph result in (1) the estimated volume of natural gas to be purchased or obtained from all sources by any direct sale or local distribution customer less than such customer's estimated high-priority and essential agricultural requirements for the Curtailment Period, (2) the estimated volume of natural gas to be purchased or obtained from all sources by any interstate pipeline customer less than such customer's volume for high-priority use for the Curtailment Period in the end use data being utilized by Seller in the implementation of its curtailment plan, or (3) a level of supply which Seller determines is below the level which is reasonably necessary for injection into storage by Seller or any Affected Customer to protect high-priority or essential agricultural uses, then Seller, having satisfied itself that the level of supply of any customer is reduced below the level of supply specified in (1), (2) or (3) of this sentence, shall restore any reductions under this section of such customer's Curtailment Period Quantity Entitlement to such level of supply. Seller shall not thereafter adjust the Curtailment Period Quantity Entitlements of any such customers during that Curtailment Period as a result of adjustments under this section. When further reductions of Curtailment Period Quantity Entitlements cannot be made because of such limitation for further reductions under this section, the volume of adjustments for the curtailment Period otherwise determined under this section, including those previously and subsequently granted, shall be reduced from time to time on a pro rata basis so that each customer granted an adjustment for the Curtailment Period will receive the same percentage of the volume of adjustment otherwise provided under this section.

In accordance with the findings and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8674 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-35]

TENNESSEE NATURAL GAS LINES, INC.,

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Tennessee Natural Gas Lines, Inc. (Respondent), 814 Church Street, Nashville, Tennessee 37203, filed in Docket No. TC79-35 tariff sheets as part of its FERC Gas Tariff, First Revised Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent adopt and incorporate by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Respondent's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

Respondent disclaims contractual obligations as follows:

Notwithstanding any other provision of Seller's F.E.R.C. Gas Tariff or any service agreement or contract with Seller, Seller shall not be contractually or otherwise obligated to deliver to any customer any volumes of gas in excess of the maximum volume such customer is entitled to receive under this Article XIX, and Seller shall not be liable in damages or otherwise to any customer or other person for any volume of gas which any customer is not permitted to

receive as the result of curtailment of deliveries by Seller pursuant to this Article XIX.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or to make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8664 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket Nos. G-12706, *et al.*]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Filing of Pipeline Refund Reports and Refund Plans

MARCH 14, 1979.

Take notice that the pipelines listed below have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are shown.

Any person wishing to do so may submit comments concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, on or before March 26, 1979. Copies of the respective filings are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

Filing Date	Company	Docket No.	Type Filing
January 25, 1979	Consolidated Gas Supply Corporation	RP72-157	Plan.
February 5, 1979	Texas Eastern Transmission Corporation	G-12706	Report.
February 5, 1979	Panhandle Eastern Pipe Line Company	RP73-36	Report.
February 8, 1979	El Paso Natural Gas Company	RP78-18	Plan.

[FR Doc. 79-8694 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC9-33]

TRANSCONTINENTAL GAS PIPE LINE CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 16, 1979, Transcontinental Gas Pipe Line Corporation (Respondent), Post Office Box 1396, Houston, Texas 77001, filed in Docket No. TC79-33 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent add a new Section 13.4, entitled "Provision for Relief From Curtailment Pursuant to Section 401 of the Natural Gas Policy Act of 1978" to Respondent's FERC Gas Tariff, Second Revised Volume No. 1. The tariff sheets state their purpose is to assure to the maximum extent practicable that the curtailment rules provided in Section 13 do not cause curtailment of deliveries of natural gas for essential agricultural uses and for high priority uses. The tariff sheets state that Section 13.4 is in conformity with: (1) the "Settlement Agreement As To Curtailment Rules of Transcontinental Gas Pipe Line Corporation To Be Effective November 1, 1978" and (2) the Commission's Interim Curtailment Rule. The tariff sheets further provide that any Buyer which seeks relief from curtailment on behalf of an eligible end user shall submit an affidavit setting forth data and information supporting the requested relief, consistent with the guidelines and requirements set forth in the Commission's January 19, 1979, "Order Approving And Adopting Settlement" in Docket No. RP72-99 with specific reference to Article VIII of the Settlement Agreement and the Commission's interpretation thereof. Section 13.4(e) of the tendered sheets provides that Respondent, in as expeditious manner as possible, and after consultation with its customers shall determine, with specific reference to Article VIII of the Settlement Agreement and the Commission's interpretation thereof as referred to in Section 13.4(d), whether and to what extent relief shall be granted.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8675 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP77-19]

TRANSWESTERN PIPELINE CO.

Certification of Proposed Stipulation and Agreement

MARCH 14, 1979.

Take notice that on June 26, 1978, the Presiding Administrative Law Judge certified a proposed stipulation and agreement reserving certain issues to the Commission in Docket No. RP77-19.

Any person desiring to be heard or to protest the certified stipulation and agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). Comments will be entertained only on the merits of the settlement agreement and not on reserved issues. Initial comments will be filed with the Commission on or before March 26, 1979, and reply comments will be filed on or before April 9, 1979. Comments 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. 79-8695 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. RP78-88]

TRANSWESTERN PIPELINE CO.

Informal Settlement Conference

MARCH 19, 1979.

Take notice that on March 22, 1979, at 9:30 a.m., an informal settlement conference will be held in the above-docketed proceeding. The conference will be held at the office of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8665 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-12]

TRUNKLINE GAS CO.

Tariff Filing

MARCH 19, 1979.

Take notice that on March 15, 1979, Trunkline Gas Company (Respondent), P.O. Box 1642, Houston, Texas 77001, pursuant to section 401 of the Natural Gas Policy Act of 1978 and Part 281 of the Regulations thereunder filed in Docket No. TC79-12 a tariff sheet as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses, all as more fully set forth in said sheet which is on file with the Commission and open to public inspection.

The tariff sheet tendered by Respondent would amend Section 17.6 of its FERC Gas Tariff, Original Volume No. 1, to add subsection c which states that during the period April 1, 1979 through October 31, 1979, curtailments shall be subject to the provisions of Part 281, Subpart A, Subchapter I, Chapter 1 of Title 18, Code of Federal Regulations, to the extent necessary to supply the certified essential agricultural uses or high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheet should on or before March 26, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8666 Filed 3-21-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-226]

WESTERN MASSACHUSETTS ELECTRIC CO.

Purchase Agreement

MARCH 14, 1979.

Take notice that on March 2, 1979, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with Respect to Various Gas Turbine Units, dated May 1, 1978, between WMECO and Vermont Electric Cooperative, Inc. (VEC).

WMECO states that the Purchase Agreement provides for a sale to VEC of a specified percentage of capacity and energy from two gas turbine generating units during the summer period from May 1, 1978, to October 31, 1978.

WMECO requests that, in order to permit VEC to meet its NEPOOL requirements for its Capability Responsibility as a result of changes to their generation mix, the Commission, pursuant to Section 35.11 of its regulations, waive the customary notice period and permit the rate schedule filed to become effective on May 1, 1978.

WMECO states that the capacity charge for the proposed service is a negotiated rate, and the Variable and Additional maintenance charges were derived from historical costs.

WMECO states that copies of this rate schedule have been mailed or delivered to WMECO, West Springfield, Massachusetts and VEC, Johnson, Vermont.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 March 26, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-8696 Filed 3-21-79; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 79-17]

FARRELL LINES INC. v. ASSOCIATED CONTAINER TRANSPORTATION (AUSTRALIA) LTD., REDERIAKTIEBOLAGET TRANSATLANTIC AND PAD SHIPPING AUSTRALIA PTY. LTD.

Filing of Complaint

Notice is given that a complaint filed by Farrell Lines, Inc. against Associated Container Transportation (Australia) Ltd., Rederiaktiebolaget Transatlantic, and PAD Shipping Australia Pty. Ltd. was served March 15, 1979. The complaint alleges that respondents have violated sections 15, 16 First, and 17 of the Shipping Act, 1916, by agreeing to add and adding to their joint service (Agreement 9882) a vessel owned or chartered in part by Seaboard Shipping Company without approval of the Commission, and by agreeing to grant and granting Seaboard special rates, accomodations and privileges.

Hearing in this matter, if any is held, shall commence on or before September 15, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 79-8726 Filed 3-21-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

BANK HOLDING COMPANIES

Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, unless otherwise noted, received by the appropriate Federal Reserve Bank not later than April 16, 1979.

A. *Federal Reserve Bank of Chicago*, 230 South LaSalle Street, Chicago, Illinois 60690:

MICHIGAN NATIONAL CORPORATION, Bloomfield Hills, Michigan (investment advisory activities; Michigan): to act, through its subsidiary, Michigan National Investment Corporation, as investment or financial advisor to the extent of: serving as investment advisor to an investment company registered under the Investment Company Act of 1940; providing portfolio investment advice to any other person; serving in a fiduciary capacity as investment management agent; and furnishing general economic information and advice, general economic statistical forecasting services and industry studies. These activities would be conducted from an office in Clawson, Michigan, and the primary geographic area to be served is the Lower Peninsula of Michigan, principally those cities and counties in which Applicant's affiliate banks are located.

B. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

ALLIED BANCSHARES, INC., Houston, Texas (insurance activities; Texas): to acquire J. C. Penney Insurance Agency, Inc., change its name to Allied General Agency, Inc., and through that subsidiary to act as agent or broker with respect to: casualty and liability insurance for Applicant's subsidiary banks, including single interest insurance, blanket bond insurance, comprehensive fire, theft, and extended coverage, and personal liability insurance for subsidiary banks; and group hospitalization coverage for employees of Applicant's subsidiary banks. This subsidiary would not act as agent on any type of insurance offered to the public at large or any entity other than Applicant's 19 present and its future subsidiary banks, and the geographic areas to be served are the locations of those bank subsidiaries in Texas.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

BANKAMERICA CORPORATION, San Francisco, California (finance and insurance activities; Virginia): to engage, through its subsidiary, FinanceAmerica Mortgage Services Company, in making and acquiring loans and other extensions of credit such as would be made or acquired by a finance company, including purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real property; servicing loans and other extensions of credit; and offering life and accident and disability insurance directly related to its extensions of credit. These activities would be conducted from an office in Richmond, Virginia, and the geographic areas to be served are Prince George, Chesterfield, Dinwiddie, Amelia, Powhatan, Nottoway, Charles City, James City, Lunenburg, Burnswick, and Cumberland Counties, Virgina. Comments on this application must be received by the Federal Reserve Bank of San Francisco not later than April 12, 1979.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 14, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8600 Filed 3-21-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed de novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater con-

venience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 12, 1979.

A. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

FIRST CITY BANCORPORATION OF TEXAS, INC., Houston, Texas (finance, factoring, and leasing activities; Texas): to engage, through its subsidiary, First City Financial Corp., in making or acquiring commercial loans and other extensions of credit such as would be made by a finance or factoring company, including secured and unsecured loans, loans to purchase improved and unimproved real estate, loans to purchase securities, loans to purchase commodities, standby and commercial letters of credit, acceptances, and other loans; servicing of loans and other extensions of credit; and leasing real and personal property and equipment (other than that used for personal, family, or household purposes) or acting as agent, broker, or advisor in the leasing of such property in accordance with the Board's Regulation Y. These activities would be conducted from offices in Houston and Dallas, Texas, and the principal geographic areas to be served are the Houston and Dallas metropolitan areas.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 13, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8601 Filed 3-21-79; 8:45 am]

[6210-01-M]

BUCHEL BANCSHARES, INC.

Formation of Bank Holding Company

Buchel Bancshares, Inc., Cuero, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93 per cent or more of the voting shares of Buchel Bank and Trust Company, Cuero, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 6, 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, March 14, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8599 Filed 3-21-79; 8:45 am]

[6210-01-M]

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by merger to The Conecuh County Bank, Evergreen, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 13, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8604 Filed 3-21-79; 8:45 am]

[6210-01-M]

FIRST BANCORP IN DAVIDSON, INC.

Formation of Bank Holding Company

First Bancorp in Davidson, Inc., Davidson, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of First State Bank in Davidson, Davidson, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 6, 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, March 13, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8603 Filed 3-21-79; 8:45 am]

[6210-01-M]

FIRST NATIONAL BOSTON CORP.

Acquisition of Bank

First National Boston Corporation, Boston, Massachusetts, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with the successor by merger to Southeastern Bancorp, Inc., New Bedford, Massachusetts, thereby indirectly acquiring 100 percent (less directors' qualifying shares) of the voting shares of Southeastern Bank and Trust Company, New Bedford, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Boston. 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 not later than April 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 13, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8602 Filed 3-21-79; 8:45 am]

[6210-01-M]

MARLIN BANCSHARES, INC.

Formation of Bank Holding Company

Marlin Bancshares, Inc., Marlin, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Marlin, Marlin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 13, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 14, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-8605 Filed 3-21-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of 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 March 15, 1979. 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 ICC 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 April 9, 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.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of revisions to the Annual Report, Form RBO, to be filed by 102 ratemaking organizations (commonly referred to as rate bureaus) pursuant to 49 U.S.C. 11145. Data collected through this report is used for economic regulation. Reports are mandatory. The report is revised to reduce carrier reporting burden. The revisions will permit continued general analysis and retain uniformity of data reporting. Item 6 of the report is modified to disclose, by name, carriers added to and/or deleted from membership in a rate bureau in the year reported. Editorial and other nonsubstantive changes were made in the statistics portion. The 33-line balance sheet and 35-line income statement were revised to two 17-line statements. The ICC estimates reporting burden necessary to complete the revised Form RBO will average 4 hours for Class I carriers and 15 minutes for Class II carriers.

ICC Order No. 32448 (Sub No. 3) which was adopted on December 21, 1978, and issued on January 8, 1979, promulgated the revisions which have been incorporated in this form. Although the Order specified that the revisions became effective on January 1, 1979, this effective date is contingent upon ICC's compliance with 44 U.S.C. 3512 which precludes the collection of information from ten or more persons until the Comptroller General has had the opportunity to advise that the information is not presently available from other Federal sources and that the proposed report form is consistent with the provisions of section 3512. This notice represents the beginning of our review.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-8731 Filed 3-21-79; 8:45 am]

[1610-01-M]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were accepted by the Regulatory Reports Review Staff, GAO, on March 14, 1979 (NRC), March 15, 1979 (CAB), and March 19, 1979 (FTC). 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, FTC 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 April 9, 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.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of new Forms 380-B, Statement of Charter Operator and Direct Air Carrier; 380-C, Statement of Charter Operator and Surety Company; and 380-D, Statement of Charter Operator, Direct Air Carrier and Depository Bank; contained in an amendment to Part 380 of the Board's Special Regulations—Public Charters. These forms must be filed before a charter operator is permitted to operate, sell, receive money from any prospective participant for, or offer to sell or otherwise advertise a charter or series of charters. The CAB estimates that respondents will number approximately 600 air carriers and charter operators and that reporting time will average one hour for each prospectus.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a one-time questionnaire to be sent to shopping center landlords/developers and tenants as part of a survey of restrictive practices in the leasing of space in shopping centers. The FTC estimates respondents will number approximately 113 out of a universe of 2,500 and that reporting time will average 65 hours per response. Response is mandatory.

NUCLEAR REGULATORY COMMISSION

The NRC requests an extension without change clearance for the voluntary reporting requirements of the NRC-Agreement State Exchange-of-Information Program. Pursuant to the Atomic Energy Act of 1954, as amended, the NRC has entered into agreements with 25 States providing for the discontinuance of the Commission's authority with respect to certain materials and the assumption of this authority by the State. All agreements include provisions under which the State and the Commission agree to keep each other informed of proposed changes in their regulatory programs and to obtain the assistance of other parties thereon. The NRC and Agreement States have agreed to an exchange-of-information program whereby the States furnish a semi-annual report to the NRC. This information is compiled by the NRC and included in an NRC semi-annual report which is distributed to the Agreement States. The NRC report includes summary information on the licensing, inspection, and enforcement activities of the Commission and the Agreement states and other information as appropriate. The NRC states that respondents are the 25 States having agreements with the NRC and that each Agreement State submits a report semi-annually which requires approximately 12 hours to prepare.

NORMAN F. HEYL,
Regulatory Reports, Review Officer.

[FR Doc. 79-8732 Filed 3-21-79; 8:45 am]

[6820-61-M]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 85; Case No. 79-114]

GAS SERVICE CO., MISSOURI PUBLIC SERVICE CO.

Proposed Intervention in Gas Rate Increase Proceedings

The Administrator of General Services seeks to intervene in a proceeding before the Missouri Public Service Commission involving an application by the Gas Service Company for an increase in its gas revenues. The Administrator of General Services represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th & F Streets, N.W., Washington, DC 20405, telephone (202) 566-0726, on or before April 23, 1979, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any person parties of record in the proceeding.

(Section 201(a)(4), Federal Property and Administrative Services Act, 40 U.S.C. 481(a)(4))

Dated: March 8, 1979.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 79-8710 Filed 3-21-79; 8:45 am]

[6820-23-M]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

"Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, April 10 and 11, 1979, from 9:00 a.m. to 4:00 p.m., Room 3E1, 1776 Peachtree Street, N.W., Atlanta, Georgia. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Savannah, Georgia, Federal Building and Parking Facility. The meeting will be open to the public."

Dated: March 14, 1979.

PAUL L. ALLISON,
Acting Regional Administrator.

[FR Doc. 79-8765 Filed 3-21-79; 8:45 am]

[4110-07-M]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meetings

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Sunday, April 8, 1979, from 9:30 a.m. to 6:30 p.m. and Monday, April 9, 1979, from 9 a.m. to 4 p.m. at the Holiday Inn (Georgetown), 2101 Wisconsin Avenue, N.W., Washington, D.C. 20007. The meetings will be devoted to the topic of general benefit level issues.

These meetings are open to the public.

Individuals and groups who wish to have their interest in the Social Security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT:

Mr. Lawrence H. Thompson, Executive Director, Advisory Council on Social Security, P.O. Box 17054, Baltimore, Maryland 21235.

Telephone inquiries should be directed to Mr. Edward F. Moore, (301) 594-3171.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated:

LAWRENCE H. THOMPSON,
Executive Director, Advisory Council on Social Security.

[FR Doc. 79-8630 Filed 3-21-79; 8:45 am]

[4110-02-M]

Office of Education

PRESIDENT'S COMMISSION ON FOREIGN LANGUAGE AND INTERNATIONAL STUDIES

Hearing

AGENCY: President's Commission on Foreign Language and International Studies.

ACTION: Notice of Hearing.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming hearing of the President's Commission on Foreign Language and International Studies. It also describes the functions of the Commission. Notice of these hearings is required under the Federal Advisory Committee Act, (5 U.S. Code, Appendix I, Section 10(a)(2)). This document is intended to notify the general public of its opportunity to attend.

DATES: April 12-13, 1979.

ADDRESS: Jane S. McKimmon Center, North Carolina State University, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT:

Nan Bell, Staff Director, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036, (202) 653-4817

The President's Commission on Foreign Language and International Studies is established under Executive Order 12054 (April 21, 1978) and Section 9(a) of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. Appendix I). The Commission is directed to:

(A) Conduct such public hearings, inquiries, and studies as may be necessary to make recommendations to the President and the Secretary of Health, Education, and Welfare.

(B) The objectives of the Commission shall be to:

(1) Recommend means for directing public attention to the importance of foreign language and international studies for the improvement of communications and understanding with other nations in an increasingly interdependent world;

(2) Assess the need in the United States for foreign language and area specialists, ways in which foreign language and international studies contribute to meeting these needs, and the job market for individuals with these skills;

(3) Recommend what foreign language area studies programs are appropriate at all academic levels and recommend desirable levels and kinds of support for each that should be provided by the public and private sectors;

(4) Review existing legislative authorities and make recommendations for changes needed to carry out most effectively the Commission's recommendations.

The hearing will take place in Raleigh on April 12, 1979, from 1:30 p.m. to 5:00 p.m. and on April 13, 1979, from 8:30 a.m. to 1:00 p.m., and will include the following agenda:

(1) Statement on work and priorities of the Commission;

(2) Presentations on foreign language and international studies: issues of the eighties, and on foreign language and international studies at the elementary/secondary level;

(3) Concurrent panel discussions on international education in the schools and colleges, foreign languange education in the U.S., international exchanges, institutional language and area studies needs, and business and international trade needs.

The hearing will close with summaries of each panels's discussions. The hearing of the Commission and panel discussions will be open to the public. Records will be kept of the proceedings and will available for public inspection at the office of the President's Commission on Foreign Language and International Studies, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on March 14, 1979.

NAN P. BELL,
Staff Director.

[FR Doc. 79-8711 Filed 3-21-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF, SOUTHERN CALIFORNIA

Proposed Oil and Gas Lease Sale No. 48

In connection with oil and gas leasing on the Outer Continental Shelf, the Secretary of the Interior has established a policy relating to sale notices to further and enhance consultation with the affected coastal States. That policy includes providing the affected States with the opportunity to review the draft proposed sale notice prior to its final publication in the FEDERAL REGISTER. The following is a draft sale notice for proposed Sale No. 48 in the offshore waters of Southern California. This notice is hereby published as a matter of information to the public.

Dated: March 15, 1979.

ARNOLD E. PETTY,
Acting Associate Director,
Bureau of Land Management.

Approved: ————.

CECIL D. ANDRUS,
Secretary of the Interior.

PROPOSED SALE NOTICE

1. *Authority.* This notice is published pursuant to the Outer Continental Shelf Lands Act (43 US.C. 1331-1343), as amended, and the regulations issued thereunder (43 CFR 3300).

2. *Filing of Bids.* Sealed bids will be received by the Manager, Pacific Outer Continental Shelf (OCS) Office, Bureau of Land Management.

Bids may be delivered, either by mail or in person, to the above address until 4 p.m., p.s.t., June —, 1979; or by personal delivery to (sale site in Los Angeles, California to be announced) between the hours of 8:30 a.m., p.s.t., and 9:30 a.m., p.s.t., June —, 1979. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., p.s.t., June —, 1979. all bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in FR ———, 1979.

3. *Method of Bidding.* A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., p.s.t., June —, 1979," must be submitted for each tract. A suggested form appears in paragraph 17 of this notice. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, certified check, or money order payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 13 will be considered. Bidders submittting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of five decimal places, as well as submit a sworn statement that the bidder is qualified under 43 CFR 3302. The suggested form for this statement to be used in joint bids appears in paragraph 18. Other documents may be required of bidders under 43 CFR 3302.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. *Bonus Bidding With a Fixed Sliding Scale Royalty.* Bids on tracts 48-018, 48-019, 48-026, 48-027, 48-028, 48-029, 48-030, 48-037, 48-038, 48-039, 48-040, 48-041, 48-042, 48-043, 48-044, 48-045, 48-055, 48-056, 48-057, 48-058, 48-059, 48-060, 48-061, 48-062, 48-066, 48-067, 48-068, 48-069, 48-070, 48-071, 48-072, 48-073, 48-074, 48-077, 48-078, 48-079, 48-080, 48-081, 48-082, 48-083, 48-084, 48-085, 48-086, 48-109, 48-110, 48-111, 48-112, 48-113, 48-114, 48-115, 48-116, 48-123, 48-124, 48-125, 48-126, 48-127, 48-128, 48-131, 48-134, 48-137, 48-138, 48-139, 48-140, 48-167, 48-168, 48-169, 48-170, 48-171, 48-172, 48-173, 48-174, 48-175, 48-176, and 48-177, must be submitted on a cash bonus bid basis with the percent royalty due in amount or value of production saved, removed or sold fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $13.236230 million, but less than or equal to $1662.854082 million, the royalty percent due on the unadjusted value or amount of product is given by

$$R_j = b[\text{Ln}\,(V_j/S)]$$

where:

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j
b = 10.0
Ln = natural logarithm
V_j = the value of production in quarter j, adjusted for inflation, in millions of dollars
S = 2.5

When the adjusted quarterly value of production is equal to or greater than $1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold.

In determining the quarterly percent royalty due, R_j, the calculation will be rounded to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, V_j, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars).

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

[4310-84-C]

Figure 1
Form of the Sliding Royalty Schedule

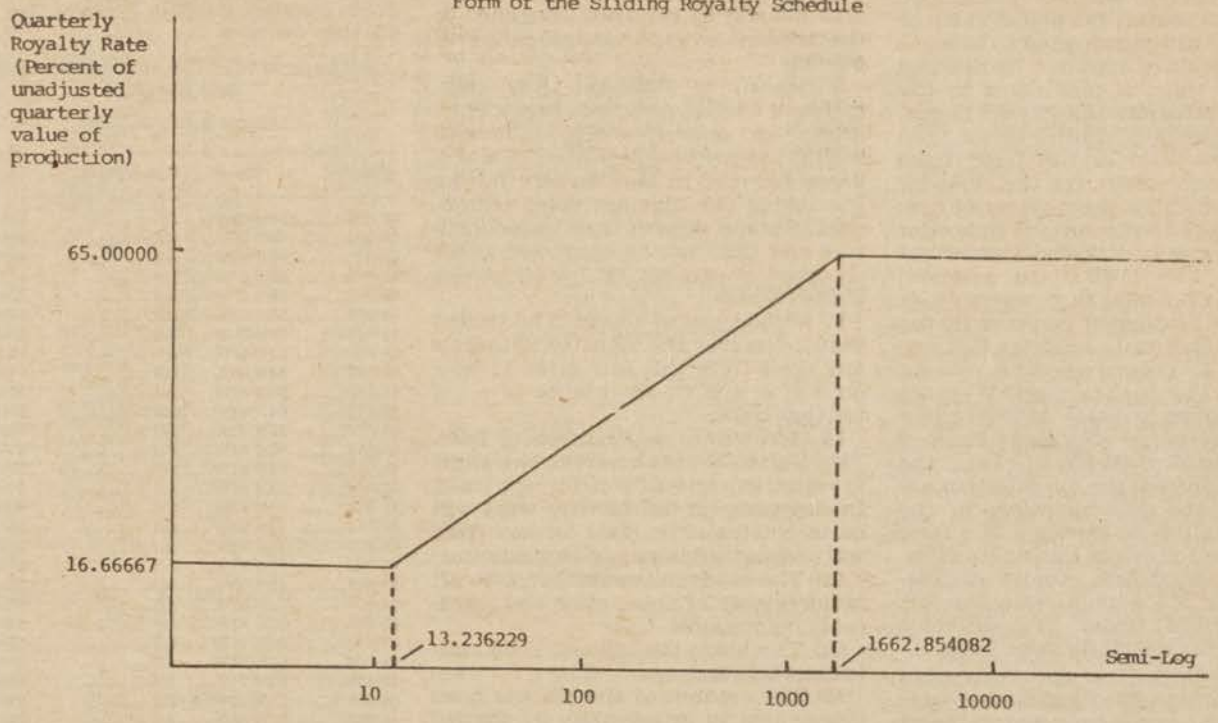

TABLE 1. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(1) Actual Value of Quarterly Production (Millions of Dollars)	(2) GNP Fixed Weighted Price Index	(3) Inflation Factor[a]	(4) Adjusted Value of Quarterly Production[b] (V_j, Millions of $)	(5) Percent Royalty Rate (R_j)	(6) Royalty Payment[c] (Millions of Dollars
10.000000	200.0	4/3	7.500000	16.66667	1.666667
30.000000	200.0	4/3	22.500000	21.97225	6.591675
90.000000	200.0	4/3	67.500000	32.95837	29.662533
270.000000	200.0	4/3	202.500000	43.94449	118.650123
810.000000	200.0	4/3	607.500000	54.93061	444.937941
10.000000	250.0	5/3	6.000000	16.66667	1.666667
30.000000	250.0	5/3	18.000000	19.74081	5.922243
90.000000	250.0	5/3	54.000000	30.72693	27.654237
270.000000	250.0	5/3	162.000000	41.71306	112.625262
810.000000	250.0	5/3	486.000000	52.69918	426.863358

a Column (2) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

b Column (1) divided by Inflation Factor.

c Column (1) times Column (5). All values are rounded for display purposes only.

[4310-84-M]

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of the index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production saved, removed, or sold as determined pursuant to 30 CFR 250.60 et seq. the timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

Leases awarded on the basis of a cash bonus bid with fixed sliding scale royalty will provide for a yearly rental or minimum royalty payment of $3 per acre or fraction thereof.

Bidders for these tracts should recognize that the Department of Energy is authorized, under Section 302 (b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

5. *Bonus Bidding With a Fixed Constant Royalty.* Bids on the remaining tracts to be offered at this sale must be on a cash bonus basis with a fixed royalty of 16⅔ percent. Leases which may be issued will provide for a yearly rental payment or minimum royalty payment of $3 per acre or fraction thereof or $8 per hectare or fraction thereof. A suggested cash bonus bid form is shown in paragraph 17.

6. *Equal Opportunity.* Each bidder must have submitted by 9:30 a.m., p.s.t., June , 1979, the certification required by 41 CFR 60-1.7(b) and Executive Oder No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, form 1140-7 (December 1971).

7. *Bid Opening.* Bids will be opened on June , 1979, beginning at 10 a.m., p.s.t., at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, June , 1979, that bid will be returned unopened to the bidder, as soon as thereafter as possible.

8. *Deposit of Payment.* Any cash, cashier's checks, certified checks, bank drafts, or money orders submitted with a bid may be deposited in a suspense account in the Treasry during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

9. *Withdrawal of Tracts.* The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

10. *Acceptance or Rejection of Bids.* The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid cash bounus bid; and

(c) The amount of the bid has been determined to be adequate by the Interior.

No bid will be considered for acceptance unless it offers a cash bonus in the amount of $25 or more per acre or fraction thereof or $62.00 per hectare or fraction thereof.

11. *Successful Bidders.* Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below; pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR 3304.1 within the time provided in 43 CFR 3302.5.

12. *Protraction Diagram/Leasing maps.* Tracts offered for lease may be located on the following leasing maps/protraction diagrams which are available from the Manager, Pacific Outer Continental Shelf Office at the address stated in Paragraph 2.

(a) Outer Continental Shelf Leasing Maps, Channel Islands Area: Maps 6A, 6B, 6D and 6E sell for $1.00 each; Map 6C sells for $2.00.

(b) Outer Continental Shelf Official Protraction Diagram NI 11-10, San Clemente, sells for $2.00.

13. *Tract Descriptions.* The tracts offered for bid are as follows:

NOTE: There may be gaps in the numbers of the tracts listed, and they are not in sequence. Some of the blocks identified in the final environmental statement may not be included in this notice. When the tracts are found on maps which describe them in acres, the tract list will show acres, as in OCS Leasing maps 6A, 6B, 6C, 6D, and 6E. When the tracts are found on an OCS Official Protraction Diagram such as NI 11-10, which describes tracts in hectares, the list will show hectares.

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6A

[Approved July 24, 1967]

Tract	Block	Description	Acres
48-001	55N 87W	All	4451.17
48-002	55N 86W	All	4360.19
48-003	55N 85W	All	4269.12
48-004	55N 84W	All	4177.93
48-005	55N 83W	All	4086.63
48-006	55N 82W	All [1]	1429.80
48-007	54N 87W	All	5760.00
48-008	54N 86W	All	5760.00
48-009	54N 85W	All	5760.00
48-010	54N 84W	All	5760.00
48-011	54N 83W	All	5760.00
48-014	53N 85W	All	5760.00
48-015	53N 84W	All	5760.00
48-016	53N 83W	All	5760.00
48-017	53N 82W	All	5760.00
48-018	53N 77W	S½	2880.00
48-019	53N 72W	All [1]	3374.52
48-021	52N 85W	All	5760.00
48-022	52N 84W	All	5760.00
48-023	52N 83W	All	5760.00
48-024	52N 82W	All	5760.00
48-025	52N 81W	All	5760.00
48-026	52N 76W	All	5760.00
48-027	52N 73W	All	5760.00
48-028	52N 72W	All	5760.00
48-031	51N 84W	All	5760.00
48-032	51N 83W	All	5760.00
48-033	51N 82W	All	5760.00
48-034	51N 81W	All	5760.00
48-035	51N 80W	All	5760.00
48-036	51N 79W	All	5760.00
48-037	51N 78W	All	5760.00
48-038	51N 77W	All	5760.00
48-039	51N 76W	All	5760.00
48-040	51N 75W	All	5760.00
48-041	51N 74W	All	5760.00
48-042	51N 73W	All	5760.00
48-043	51N 72W	All	5760.00
48-049	50N 83W	All	5760.00
48-050	50N 82W	All	5760.00
48-051	50N 81W	All	5760.00
48-052	50N 80W	All	5760.00
48-053	50N 79W	All	5760.00
48-055	50N 77W	All	5760.00
48-056	50N 76W	All	5760.00
48-057	50N 75W	All	5760.00
48-058	50N 74W	All	5760.00
48-059	50N 73W	All	5760.00
48-060	50N 72W	All	5760.00
48-066	49N 78W	All	5760.00
48-067	49N 77W	All	5760.00
48-068	49N 76W	All	5760.00
48-069	49N 75W	All	5760.00
48-070	49N 74W	All	5760.00
48-071	49N 73W	All	5760.00
48-072	49N 72W	All	5760.00
48-077	48N 78W	All	5760.00
48-078	48N 77W	All	5760.00
48-079	48N 76W	All	5760.00
48-080	48N 75W	All	5760.00
48-081	48N 74W	All	5760.00
48-082	48N 73W	All	5760.00
48-083	48N 72W	All	5760.00
48-109	39N 73W	All	5760.00
48-110	39N 72W	All	5760.00
48-111	38N 73W	All	5760.00
48-112	37N 72W	All	5760.00
48-113	36N 73W	All	5760.00
48-114	36N 72W	All	5760.00

[1] That portion seaward of the three geographical mile line.

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6B

[Approved August 8, 1966; Revised July 24, 1967]

Tract	Block	Description	Acres
48-029	52N 71W	All [1]	5749.62
48-030	52N 70W	W½ W½ [1]	1196.15
48-044	51N 71W	All	5760.00
48-045	51N 70W	W½ W½	1440.00
48-046	51N 63W	S½	2880.00
48-047	51N 62W	SW¼ SW¼	360.00
48-061	50N 71W	All	5760.00
48-062	50N 70W	All	5760.00
48-063	50N 65W	All	5760.00
48-064	50N 62W	W½, SE¼, S½ NE¼.	5040.00
48-065	50N 61W	NW¼ SW¼, S½ SW¼, SW¼ SE¼.	1440.00
48-073	49N 71W	All	5760.00
48-074	49N 70W	All	5760.00
48-075	49N 62W	All	5760.00
48-076	49N 61W	All	5760.00
48-084	48N 71W	All	5760.00
48-085	48N 70W	All	5760.00
48-086	48N 69W	All	5760.00
48-087	48N 59W	All [1]	2989.90
48-115	35N 55W	All	5760.00
48-116	34N 55W	All	5760.00

[1]That portion seaward of the three geographical mile line.

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6C

[Approved August 8, 1966; Revised April 25, 1977]

Tract	Block	Description	Acres
48-123	34N 39W	All	5760.00
48-124	34N 36W	All	5760.00
48-125	33N 39W	All	5760.00
48-126	33N 38W	All	5760.00
48-127	32N 39W	All	5760.00
48-128	32N 37W	All	5760.00
48-131	32N 33W	All [1]	5758.28
48-134	31N 36W	All	5760.00
48-137	31N 32W	All	5760.00
48-138	30N 36W	All	5760.00
48-139	30N 33W	All	5760.00
48-140	29N 33W	All	5760.00

[1]That portion seaward of the three geographical mile line.

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6D

[Approved August 8, 1966]

Tract	Block	Description	Acres
48-167	20N 66W	All	5760.00
48-168	20N 65W	All	5760.00
48-169	20N 64W	All	5760.00
48-170	20N 63W	All	5760.00
48-171	19N 66W	All	5760.00
48-172	19N 65W	All	5760.00
48-173	19N 64W	All	5760.00
48-174	19N 63W	All	5760.00
48-175	19N 62W	All	5760.00
48-176	19N 61W	All	5760.00
48-177	18N 63W	All	5760.00
48-178	18N 59W	All	5760.00
48-179	17N 61W	All	5760.00
48-180	14N 61W	All	5760.00
48-181	13N 61W	All	5760.00
48-182	13N 58W	All	5760.00
48-183	13N 55W	All	5760.00
48-184	13N 54W	All	5760.00
48-185	13N 53W	All	5760.00
48-186	12N 59W	All	5760.00
48-187	12N 55W	All	5760.00
48-188	12N 54W	All	5760.00
48-189	12N 52W	All	5760.00

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6D—Continued.

[Approved August 8, 1966]

Tract	Block	Description	Acres
48-190	11N 60W	All	5760.00
48-191	11N 59W	All	5760.00
48-192	11N 55W	All	5760.00
48-193	11N 53W	All	5760.00
48-194	11N 52W	All	5760.00
48-195	10N 61W	All	5760.00
48-196	10N 60W	All	5760.00
48-197	10N 58W	All	5760.00
48-198	10N 57W	All	5760.00

[1]That portion seaward of the three geographical mile line.

OCS LEASING MAP, CHANNEL ISLANDS AREA, MAP NO. 6E

[Approved August 8, 1966]

Tract	Block	Description	Acres
48-199	9N 59W	All	5760.00
48-200	9N 58W	All	5760.00
48-206	8N 58W	All	5760.00

[1]That portion seaward of the three geographical mile line.

OCS OFFICIAL PROTRACTION DIAGRAM, NI 11-10, SAN CLEMENTE

[Approved May 17, 1976; Revised September 27, 1977]

Tract	Block	Description	Hectares
48-201	418	All	121.59
48-202	419	All	203.22
48-203	462	All	1474.58
48-204	463	All	2304.00
48-205	464	All	2304.00
48-207	506	All	1456.93
48-208	507	All	2304.00
48-209	508	All	2304.00
48-210	550	All	1439.21
48-211	551	All	2304.00
48-212	552	All	2304.00

[1]That portion seaward of the three geographical mile line.

14. *Lease Terms and Stipulations.* All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued will be on Form 3300-1 (September 1978), available from the Manager, Pacific Outer Continental Shelf Office, at the address stated in paragraph 2. Section 6 of the lease form will be amended for tracts offered on a cash bonus basis with a fixed sliding scale royalty, listed in paragraph 4, as follows:

Sec. 6. *Royalty on Production.* (a) To pay the lessor a royalty of that percent in amount or value of production saved removed or sold from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $13.236229 million, a royalty of 16.66667 percent in amount or value of production saved, removed or sold will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $13.236230 million, but less than or equal to $1662.854082 million, the royalty percent due on the unadjusted value or amount of production is given by

$$R_j = b[\mathrm{Ln}\,(V_j/S)]$$

where:

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production saved, removed or sold in quarter j

b = 10.0

Ln = natural logarithm

V_j = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 2.5

When the adjusted quarterly value of production is equal to or greater than $1662.854083 million, a royalty of 65.00000 percent in amount or value of production saved, removed or sold will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production saved, removed or sold. In determining the quarterly percent royalty due, R_j, the calculation will be rounded to five decimal places (for example, 18.17612 percent). This calculation will incorporate the adjusted quarterly value of production, V., in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 15.392847 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term Supervisor refers to the Pacific Area Oil and Gas Supervisor for Operations of the Geological Survey and the term Manager refers to the Manager of the Pacific OCS Office of the Bureau of Land Management.

Stipulation No. 1

The following stipulation will apply to all leases resulting from this sale for tract numbers 48-001, 48-002, 48-003, 48-004, 48-005, 48-006, 48-007, 48-008, 48-009, 48-010, 48-011, 48-014, 48-015, 48-016, 48-017, 48-018, 48-019, 48-021, 48-022, 48-023, 48-024, 48-025, 48-026, 48-027, 48-028, 48-029, 48-030, 48-031, 48-032, 48-033, 48-034, 48-035, 48-036, 48-037, 48-038, 48-039, 48-040, 48-041, 48-042, 48-043, 48-044, 48-045, 48-049, 48-050, 48-051, 48-052, 48-053, 48-055, 48-056, 48-057, 48-058, 48-059, 48-060, 48-061, 48-062, 48-066, 48-067, 48-068, 48-069, 48-070, 48-071, 48-072, 48-073, 48-074, 48-077, 48-078, 48-079, 48-080, 48-081, 48-082, 48-083, 48-084, 48-085, 48-086, 48-109, 48-110, 48-111, 48-112, 48-113, 48-114, 48-115, 48-116, 48-167, 48-168, 48-169, 48-170, 48-171, 48-

172, 48-173, 48-174, 48-175, 48-176, 48-177, 48-178, 48-179, 48-180, 48-181, 48-182, 48-183, 48-184, 48-185, 48-186, 48-187, 48-188, 48-189, 48-190, 48-191, 48-192, 48-193, 48-194, 48-195, 48-196, 48-197, 48-198, 48-199, 48-200, 48-201, 48-202, 48-203, 48-204, 48-205, 48-206, 48-207, 48-208, 48-209, 48-210, 48-211, and 48-212. In addition, paragraph (d) only applies to 48-167, 48-168, 48-169, 48-170, 48-171, 48-172, 48-173, 48-174, 48-175, 48-176, 48-177, 48-178, 48-179, 48-180, 48-181, 48-182, 48-183, 48-184, 48-185, 48-186, 48-187, 48-188, 48-189, 48-190, 48-191, 48-192, 48-193, 48-194, 48-195, 48-196, 48-197, 48-198, 48-199, 48-200, 48-201, 48-202, 48-203, 48-204, 48-205, 48-206, 48-207, 48-208, 48-209, 48-210, 48-211, and 48-212.

(a) The lessee agrees that when operating or causing to be operated on its behalf boat or aircraft traffic into individual designated warning areas, the lessee shall coordinate and comply with instructions from the Commander of the appropriate onshore military installations, i.e., the Space and Missile Test Center (SAMTEC), the Pacific Missile Test Center (PMTC), or other appropriate military agency, when utilizing an individual designated warning area prior to commencing such traffic. Such coordination and instruction will provide for positive control of boats and aircraft operating into the warning areas at all times.

(b) The lessee, recognizing that mineral exploration and exploitation and recovery operations on the leased areas of submerged lands can impede tactical military operations, hereby recognizes and agrees that the United States reserves and has the right to temporarily suspend operations of the lessee under this lease in the interests of national security requirements. Such temporary suspension of operations, including the evacuation of personnel, and appropriate sheltering of personnel not evacuated (an appropriate shelter shall mean the protection of all lessee personnel for the entire duration of any Department of Defense activity from flying or falling objects or substances), will come into effect upon the order of the Supervisor, after consultation with the Commander, Space and Missile Test Center (SAMTEC) or his authorized designee, the Commander, Pacific Missile Test Center (PMTC), or higher authority, when national security interests necessitate such action. It is understood that any temporary suspension of operations for national security may not exceed seventy-two hours; however, any such suspension may be extended by order of the Supervisor. During such periods equipment may remain in place.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commander of the appropriate onshore military installations, i.e., the Western Area Frequency Coordinator located at the Space and Missile Test Center (SAMTEC), and the Pacific Missile Test Center (PMTC), or other appropriate military agency, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities conducted within individual designated warning areas. Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area: Provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

(d) Additionally, section (a) and (c) of this stipulation shall apply to tract numbers 48-167, 48-168, 48-169, 48-170, 48-171, 48-172, 48-173, 48-174, 48-175, 48-176, 48-177, 48-178, 48-179, 48-180, 48-181, 48-182, 48-183, 48-184, 48-185, 48-186, 48-187, 48-188, 48-189, 48-190, 48-191, 48-192, 48-193, 48-194, 48-195, 48-196, 48-197, 48-198, 48-199, 48-200, 48-201, 48-202, 48-203, 48-204, 48-205, 48-206, 48-207, 48-208, 48-209, 48-210, 48-211, and 48-212, coordination with the Commanding Officer Fleet Area Control and Surveillance Facility (FACSFAC) is required in addition to SAMTEC and PMTC.

STIPULATION No. 2

In order to indemnify and save harmless the United States, the following stipulations will apply to leases resulting from this lease sale in tract numbers 48-001, 48-002, 48-003, 48-004, 48-005, 48-006, 48-007, 48-008, 48-009, 48-010, 48-011, 48-014, 48-015, 48-016, 48-017, 48-018, 48-019, 48-021, 48-022, 48-023, 48-024, 48-025, 48-026, 48-027, 48-028, 48-029, 48-030, 48-031, 48-032, 48-033, 48-034, 48-035, 48-036, 48-037, 48-038, 48-039, 48-041, 48-042, 48-043, 48-044, 48-045, 48-049, 48-050, 48-051, 48-052, 48-053, 48-055, 48-056, 48-057, 48-058, 48-059, 48-060, 48-061, 48-062, 48-066, 48-067, 48-068, 48-069, 48-070, 48-071, 48-072, 48-073, 48-074, 48-077, 48-078, 48-079, 48-080, 48-081, 48-082, 48-083, 48-084, 48-085, 48-086, 48-109, 48-110, 48-111, 48-112, 48-113, 48-114, 48-115, 48-116, 48-167, 48-168, 48-169, 48-170, 48-171, 48-172, 48-173, 48-174, 48-175, 48-176, 48-177, 48-178, 48-179, 48-180, 48-181, 48-182, 48-183, 48-184, 48-185, 48-186, 48-187, 48-188, 48-189, 48-190, 48-191, 48-192, 48-193, 48-194, 48-195, 48-196, 48-197, 48-198, 48-199, 48-200, 48-201, 48-202, 48-203, 48-204, 48-205, 48-206, 48-207, 48-208, 48-209, 48-210, 48-211, and 48-212.

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or person who are agents, employees or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors, or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the Space and Missile Test Center (SAMTEC), the Pacific Missile Test Center (PMTC), or other appropriate military agency.

Not withstanding any limitations of the lessee's liability in section 14 of the lease, the lessee assumes the risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installations and agencies, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under theories of strict or absolute liability or otherwise.

STIPULATION No. 3

To apply to all leases resulting from this lease sale.

If the Supervisor, having reason to believe that a site, structure or object of historical or archaeological significance, hereinafter referred to as a "cultural resource," may exist in the lease area, gives the lessee written

notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the Supervisor and the Manager, Bureau of Land Management (BLM), Outer Continental Shelf (OCS) Office for review.

If such cultural resource indicators are present the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the Supervisor, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archeologist using such survey equipment and techniques as deemed necessary by the Suppervisor, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the Supervisor and the Manager, BLM OCS Office for their review. Should the Supervisor determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrent protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the Supervisor has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor and make every reasonable effort to preserve and protect the cultural resource from damage until the Supervisor has given directions as to its preservation.

STIPULATION No. 4

This stipulation is to be applied to leases resulting from this sale for all or part of tracts 48-001, 48-002, 48-003, 48-004, 48-005, 48-006, 48-007, 48-008, 48-009, 48-010, 48-011, 48-014, 48-015, 48-016, 48-017, 48-018, 48-019, 48-021, 48-022, 48-023, 48-024, 48-025, 48-026, 48-027, 48-028, 48-029, 48-030, 48-031, 48-032, 48-033, 48-034, 48-035, 48-036, 48-037, 48-038, 48-039, 48-040, 48-041, 48-042, 48-043, 48-044, 48-045, 48-046, 48-047, 48-049, 48-050, 48-051, 48-052, 48-053, 48-055, 48-056, 48-057, 48-058, 48-059, 48-060, 48-061, 48-062, 48-063, 48-064, 48-065, 48-066, 48-067, 48-068, 48-069, 48-070, 48-071, 48-072, 48-073, 48-074, 48-075, 48-076, 48-077, 48-078, 48-079, 48-080, 48-081, 48-082, 48-083, 48-084, 48-085, 48-086, and 48-087, which are all or partly within established or developing commercial trawl grounds.

(a) *Wells:* Subsea well-heads and temporary abandonments, or suspended operations that leave protrusions above the sea floor, shall be protected, if feasible, by a shroud which will allow commercial trawl gear to pass over the structure without snagging or otherwise damaging the structure or the fishing gear. Latitude and longitude coordinates of these structures along with water depths, shall be submitted to the Supervisor. The coordinates of such structures will be determined by the lessee utilizing state-of-the-art navigation systems with accuracy of at least ±50 feet (15.25 meters) at 200 miles (322 kilometers).

(b) *Pipelines:* All pipelines, unless buried, including gathering lines, shall have a smooth-surface design. In the event that an irregular pipe surface is unavoidable due to the need for valves, anodes or other structures, they shall be protected by shrouds which will allow trawl gear to pass over the object without snagging or otherwise damaging the structure or the fishing gear.

STIPULATION No. 5

To apply to all leases resulting from this lease sale to prevent detrimental impact upon areas of special biological interest discovered after issuance of the lease.

(a) If the Supervisor has reason to believe that areas of special biological interest in the lease area contain biological communities or species of such extraordinary or unusual value (even though unquantifiable) such that no threat of damage, injury, or other harm to the community or species would be acceptable, he shall give the lessee written notice that the lessor is invoking the provisions of this stipulation and the lessee shall comply with the following requirements: Prior to any drilling activity or the construction or placement of any structure for exploration or development on lease areas including, but not limited to, well drilling and pipeline and platform placement, hereinafter referred to as "operation," the lessee shall conduct site specific surveys as approved by the Supervisor and in accordance with prescribed biological survey requirements to determine the existence of any special biological resource including, but not limited to:

(1) Very unusual, rare, or uncommon ecosystems or ecotones.

(2) A species of limited regional distribution that may be adversely affected by any lease operation.

If the results of such surveys suggest the existence of a special biological resource that may be adversely affected by any lease operation, the lessee shall: (1) relocate the site of such operation so as not to adversely affect the resources identified; (2) establish to the satisfaction of the Supervisor, on the basis of the site-specific survey, either that such operation will not have a significant adverse effect upon the resource identified or that a special biological resource does not exist. The Supervisor will review all data submitted and determine, in writing, whether a special biological resource exists or may be significantly affected by lessee's operations. The lessee may take no action until the Supervisior has given the lessee written directions on how to proceed.

(b) The lessee agrees that if any area of biological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the Supervisor, and make every reasonable effort to preserve and protect the biological resource from damage until the Supervisor has given the lessee directions with respect to its protection.

STIPULATION No. 6

Transportation of Oil and Gas—to apply to all leases resulting from this sale.

(a) Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying of such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated manage-

ment areas. In selecting the means of transportation, consideration will be given to any recommendation of the intergovernmental planning program for leasing and management of transportation of Outer Continental Shelf oil and gas with the participation of Federal, State, and local government and the industry. Where feasible, and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries' trawling gear, and other uses as determined on a case-by-case basis.

(b) Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from the offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Supervisor. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all standards established for such vessels, pursuant to the Ports and Waterways Safety Act of 1972 (46 U.S.C., 391a), as amended.

STIPULATION NO. 7

To help mitigate the impacts of physical disruption and sedimentation on the significant (productive rocky bottom) biological communities of Cortez Bank, which include large concentrations of the hydrocoral *Allopora californica*, this stipulation shall apply to all leases resulting from this lease sale in the following tracts on Tanner Bank and Cortez Bank: 48-182, 48-183, 48-190, 48-195, 48-196, 48-197, 48-199, 48-200, 48-203, 48-204, 48-206, 48-207, 48-208, 48-209, 48-210, 48-211, and 48-212.

The lessee shall not, during any phase of operations, discharge drill cuttings, drilling muds, garbage, untreated sewage, or other solid waste within the 80-meter isobath, or within a buffer zone defined by the area 1,500 meters from the 80-meter isobath. Also, any produced formation water which may be discharged within the 80 meter isobath or the buffer zone must be analyzed for salinity, heavy metals and hydrocarbons. Toxicity tests must be performed. A decision, based upon these analyses and upon the volume of discharge, shall then be made by the Area Supervisor, USGS, as to whether the formation waters should be discharged into the sea or disposed of by any other means acceptable to the Supervisor. If it is determined that the discharge of formation water would have a negative effect upon local marine life, the lessee shall not discharge formation waters within the 80-meter isobath or within the buffer zone defined by the area, 1,500 meters from the 80-meter isobath. In addition, the lessee shall conduct a site specific biological survey approved by the Supervisor which is in accordance with prescribed biological survey requirements prior to placing anchors, moorings, bottom-founded vessels or platforms, pipelines or other structures in areas having water depths shallower than 80 meters.

Base upon results of the survey, the lessee may be required to: (1) Relocate the site of such operations so as not to adversely affect the area identified; or (2) modify his operations in such a way as not to adversely affect the area identified; or (3) establish to the satisfaction of the Supervisor, that, on the basis of the biologial survey, such operations will not adversely affect the area.

The lessee shall submit all data obtained in the course of biological surveys, conducted pursuant to this stipulation, to the Supervisor. The lessee shall take no action that may result in any effect on this biologically significant area until the Supervisor has given the lessee written approval of operations for the area, and the lessee has complied with the requirements of 43 CFR 6224 (Protection and Management of Viable Coral Communities on the Outer Continental Shelf). If any phase of operations is shown to be adversely affecting the area of the significant biological communities identified, the lessee shall immediately cease or, with the Supervisor's approval, modify his operations by undertaking any measures deemed economically, enviornmentally, and technologically feasible to halt or mitigate such adverse effect. These measures may include, but are not limited to, the monitoring of the significant biological communities identified to assess the adequacy of any mitigating measures taken, and the impact of lessee-initiated activities.

STIPULATION NO. 8

To be included in any leases resulting from this sale for the sliding scale royalty tracts listed in paragraph 4 of this notice.

(a) The royalty rate on production saved, removed or sold from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.12 (e)). The Director, Geological Survey, may grant a reduction for only one year at a time. Reduction of royalty rates will not be approved unless production has been underway for one year or more.

(b) Although the royalty rate specified in Sec. 6 (a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16⅔ percent of the production saved, removed or sold from the lease area may be taken as royalty in amount, except as provided in Sec. 15(d) of this lease: the royalty on any portion of the production saved, removed or sold from the lease in excess of 16⅔ percent may only be taken in value of the production saved, removed or sold from the lease area.

STIPULATION NO. 9

To apply to leases which result from the sale of tracts 48-004, 48-007, 48-008, 48-011, 48-019, 48-034, 48-049, 48-050, 48-109, 48-110, 48-113, 48-125, 48-127, 48-131, 48-174, and 48-182.

Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portion of this lease block unless or until the lessee has demonstrated to the Supervisor's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. If exploratory drilling operations are allowed, site specific surveys shall be conducted to determine the potential for mass movement of sediments. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed all potential mass movements of sediments in the lease block must be mapped. Down-hole pressure actuated control devices must be located below the base of the potentially unstable sediments located in the area in order to protect the environment in cases such mass movement occurs at the proposed location. This may necessitate all exploration for and development of oil and gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

STIPULATION NO. 10

To apply to the lease which would result from the sale of tract number 48-174.

A shallow geologic fault trends northwest-southeast across this tract and poses a potential for future movement. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas or emplacement of pipelines will not be allowed in the vicinity of the fault until the lessee

has demonstrated to the Supervisor's satisfaction that exploratory drilling operations, structures (platforms), casing, and wellheads can be safely designed to protect the environment in case such fault movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of potential fault movement, either within or outside of the tract.

15. *Information to Lessees.* The Department of the Interior will seek the advice of the State of California and Federal agencies to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely impacted by the proposed activities, then the Supervisor, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, BLM, and the State will require the lessee to undertake any measures deemed economically, environmentally, and technologically feasible to protect live bottom areas.

On September 18, 1978, the OCS Lands Act Amendments of 1978 was enacted. Some sections of current regulations applicable to OCS leasing operations are inconsistent with this new legislation, and the legislation requires the issuance of some new regulations. The inconsistencies will be corrected by rulemakings and the new regulations will be issued as soon as possible. Nevertheless, bidders are notified that such regulations shall apply to all leases offered at this lease sale and shall supersede all inconsistent provisions in current regulations applicable to OCS leasing operations.

Some of the tracts offered for lease may fall in areas which may be included in fairways, or traffic separation schemes. Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(g) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale the lessor may require a lessee to operate under a unit, pooling or drilling agreement and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

In applying safety, environmental, and conservation laws and regulations, the Supervisor, in accordance with Sec. 21(b) of the OCS Lands Act, as amended, will require the use of the best available and safest technologies which the Secretary determines to be economically feasible, whenever failure of equipment would have a significant effect on safety, health, or the environment, except where the Secretary determines that the incremental benefits are clearly insufficient to justify the incremental costs of utilizing such technologies.

16. *OCS Orders.* Operations on all leases resulting from this sale will be conducted in accrordance with the provisions of all Pacific Region Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

17. *Suggested Bid Form.* It is suggested that bidders submit their bids to the Manager, Pacific Outer Continental Shelf Office, in the following form:

OIL AND GAS BID

The following bid is submitted for an oil and gas lease on the tract of the Outer Continental Shelf specified below:

Tract No. ————
Total Amount Bid ————
Amount per Acre/Hectare ————
Amount of Cash Bonus Submitted with Bid ————

PROPORTIONATE INTEREST OF COMPANY(S) SUBMITTING BID

Qualification No. ————
Percent Interest ————
Company ————————————
Address ————————————

Signature (Please type signer's name under signature)

18. *Required Joint Bidder's Statement.* In the case of joint bids, each joint bidder is required to execute a joint bidder's statement before a notary public and submit it with his bid. A suggested form for this statement is shown below.

JOINT BIDDER'S STATEMENT

I hereby certify that ———— (entity submitting bid) is eligible under 43 CFR 3302 to bid jointly with the other parties submitting this bid.

Signature (Please type signer's name under signature)

Sworn to and subscribed before me this —— day of ———— 19——.

Notary Public

State of ————————————
County of ————

[FR Doc. 79-8373 Filed 3-21-79; 8:45 am]

[4310-84-M]

[4310-84-M]

[Oregon 06398]

OREGON

Order Providing for Opening of Public Land

1. By Public Land Order No. 4745 of November 7, 1969, stock driveway withdrawal established by Public Land Order No. 1967 of September 1, 1959, was revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 33 S., R. 18 E.,
Sec. 14, S½NE¼, N½NW¼, and that portion of the NE¼SE¼ lying north of a line with a bearing of North 64°35' W., beginning 1,144 feet north of a section corner common to sections 13, 14, 23, and 24.

The area described contains approximately 195 acres in Lake County, Oregon.

2. Portions of the land described in paragraph 1 are included in existing airport lease, OR 5767.

3. At 10 a.m. on April 25, 1979, the land described in paragraph 1 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

4. Subject to the existing airport lease identified in paragraph 2, the land described in paragraph 1 has been open to applications and offers under the mineral leasing laws and to location under the United States mining laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-8592 Filed 3-21-79; 8:45 am]

[1505-01-M]

WYOMING

Coal Lease Offering by Sealed Bid

Correction

In FR DOC. 79-7071, appearing at page 12776 in the issue for Thursday,

March 8, 1979, make the following change:

(1) On page 12776, third column, third line of the land description, "Section 20: N½NW¼, W½NW¼NE¼ NE¼" should be corrected to read "Section 20: N½NW¼, W½NW¼NE¼.

[4310-84-M]

CALIFORNIA DESERT CONSERVATION AREA ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 and Pub. L. 94-579 that the California Desert Conservation Area Advisory Committee to the Bureau of Land Management, U.S. Department of the Interior, will meet April 23 and 24, 1979, at Lake Arrowhead, California. The meeting will be a workshop with the staff of the Bureau of Land Management for the purpose of reviewing progress on the preparation of the comprehensive, long-range plan for the management, use, development and protection of the public lands of the California Desert Conservation Area; and for providing committee input for consideration by the Bureau of Land Management staff in developing the draft plan and environmental statement. Subjects to be discussed include the form the advisory committee's advice shall take, and the structure of management alternatives which take into account the principles of multiple use and sustained yield in providing for resource use and development.

The meeting will be held at the Lake Arrowhead Conference Center, 850 Willow Creek Road, Lake Arrowhead, California 92352, from 8 a.m. to 4:30 p.m., Monday, April 23, and Tuesday, April 24, 1979. The meeting is open to the public, and interested persons may attend and file statements with the advisory committee. The number of observers or participants will be limited, however, to the extent that accommodations are available.

Results of the workshop will be reviewed and discussed at the advisory committee meeting in Palm Springs, California, May 17-18, 1979, and public comments will be invited at that time.

Further information may be obtained from the Chairman, California Desert Conservation Area Advisory Committee, c/o Desert Plan Staff, Bureau of Land Management, 3610 Central Avenue, Suite 402, Riverside, California 92506.

Dated: March 14, 1979.

ED HASTEY,
State Director.

[FR Doc. 79-8712 Filed 3-21-79; 8:45 am]

[4310-84-M]

COLORADO

Proposed Initial Wilderness Inventory Decision and Commencement of Public Comment Period on Initial Wilderness Inventory

This Notice announces the beginning of the public review and comment period concerning the initial wilderness inventory of public lands in Colorado and announces the Proposed Initial Wilderness Inventory Decision of the State Director pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the procedures outlined in Bureau of Land Management (BLM) Wilderness Inventory Handbook of September 27, 1979.

PUBLIC REVIEW PERIOD

Beginning on the date of this announcement and running until July 31, 1979 the public is invited to review and provide comments on the State Director's Proposed Initial Wilderness Inventory Decision contained in this notice.

Following this, the comments will be evaluated and a final initial inventory decision will be issued by the State Director in September, 1979. Those lands not identified in the final decision will be released from the restrictions imposed by Section 603 of FLPMA. All public lands finally identified will undergo intensive wilderness inventory with full public involvement in accordance with the procedures outlined in the BLM *Wilderness Inventory Handbook* (Steps 4-6, pages 11-15). The State Director of Colorado has instructed the District Managers to begin the intensive wilderness inventory field work for the areas listed in this notice.

REVIEW INFORMATION

To facilitate public review and comment on this phase of the wilderness inventory the following information is available upon request:

Inventory Map: Displays the boundaries of all inventory units proposed for further study on a 1:500,000 scale color map of Colorado. Available at no cost in the BLM State Office and District Offices.

Situation Evaluations: Files which document the rationale used in evaluating inventory units. Each file contains a ½" = 1 mile color map of the inventory unit and specific data on the unit. Available for inspection at the respective BLM District office and the State Office or at the open houses listed below.

OPEN HOUSES

The BLM will host 5 open houses which will include formal presentations of the review process and opportunity for exchange of information.

Beginning times will be 1 and 7 p.m. at each location. Dates and places are:

May 15—Craig: Moffat County Court House, 200 West Victory Way

May 16—Grand Junction: BLM Grand Junction District Office, 764 Horizon Drive

May 17—Montrose: Montrose County Courthouse Annex, South 1st and Cascade

May 22—Canon City: Greeley Gas Company Flame Room, 120 South 6th Street

May 23—Denver: Regency Inn, Waterloo Station Conference Room, 3900 Elati St. (Exit 108, Interstate 25), Denver, Colorado

Both written and oral comments will be accepted at these meetings.

WRITTEN COMMENTS

Persons wishing to submit comments other than at the open houses should send them to:

Wilderness, Colorado State Office, Bureau of Land Management, Main Post Office Bldg., P.O. Box 2266, Denver, CO 80201.

TOLL FREE TELEPHONE

A toll free telephone has been installed in the BLM State Office in Denver. Calls may be made to it from anywhere within Colorado at no cost to the caller. Callers will receive a recorded message which will give pertinent data regarding the review process. Denver area local calls dial 837-3613, remainder of Colorado dial 1-800-332-3805.

ADDITIONAL INFOMATION

Information on the wilderness review process and inventory units can be obtained by contacting BLM personnel at the following locations:

Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, CO 80202.

Bureau of Land Management, Canon City District Office, 3080 East Main Street, Canon City, CO 81212.

Bureau of Land Management, Craig District Office, P.O. Box 248, 455 Emerson Street, Craig, CO 81625.

Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, CO 81502.

Bureau of Land Management, Montrose District Office, Highway 550 So., P.O. Box 1269, Montrose, CO 81401.

Proposed Initial Wilderness Inventory Decision

Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the procedures outlined in the Wilderness Inventory Handbook of September 27, 1978, the Bureau of Land Management has completed the initial wilderness inventory of all public lands under its jurisdiction in Colorado. Based on review of the District Manager's recommendations, the State Director for Colorado has decided that the public lands in the inventory units listed below have the possibility of meeting wilderness criteria and each unit should receive more intensive inventory to determine the presence or absence of wilderness characteristics.

Initial Inventory Units Proposed for Intensive Wilderness Inventory

CRAIG DISTRICT

Inventory unit No.[1]	Approximate acreage	General location
CO-010-208	41,155	Extreme Northwest Colorado (Moffat County).
CO-010-208E	12,580	Extreme Northwest Colorado (Moffat County).
CO-010-210	12,270	Extreme Northwest Colorado (Moffat County).
CO-010-210D	10,770	Extreme Northwest Colorado (Moffat County).
CO-010-211	6,520	Extreme Northwest Colorado (Moffat County).
CO-010-213	9,540	Extreme Northwest Colorado (Moffat County).
CO-010-214	24,470	Extreme Northwest Colorado (Moffat County).
CO-010-230	19,940	West of Maybell, Colorado (Moffat County).
CO-010-272	9,800	Along Yampa River West of Maybell, Colorado (Moffat County).
CO-010-218, 218A, -224, 224A, 226, -227, 228, 229D, -271.	43,420	Adjacent to Northern boundary of Dinosaur National Monument (Moffat County).
UT-080-104	4,420	Adjacent to the Western boundary of Dinosaur National Monument—in Colorado but inventoried by Utah BLM under Cooperative Agreement (Moffat County).
UT-080-110	4,900	West of Dinosaur National Monument—in Colorado but inventoried by Utah BLM under Cooperative Agreement. Unit extends into Utah. (Moffat County).
UT-080-114	2,071	Adjacent to the Western boundary of Dinosaur National Monument—in Colorado but inventoried by Utah BLM under Cooperative Agreement. (Moffat County).
CO-010-001A	9,310	North of Dinosaur, Colorado (Moffat County).
CO-010-001B	7,750	North of Dinosaur, Colorado (Moffat County).
CO-010-002A	8,400	East of Dinosaur, Colorado. (Moffat County).
CO-010-002B	10,920	East of Dinosaur, Colorado (Moffat County).
CO-010-003	13,500	East of Dinosaur, Colorado (Moffat County).
CO-010-00N1, 00N2, -00N3, 00N4A, 00N4B, -00N4C, 00N4D, 00N4E, -00N5, 00N6A, 00N6B.	23,000	Adjacent to southern boundary of Dinosaur National Monument—eleven small units, each less than 5,000 acres (Moffat County).
CO-010-006B	28,660	Southwest of Maybell, Colorado. (Moffat County-Rio Blanco County).
CO-010-007A	7,455	West of Meeker (Rio Blanco County).
CO-010-007B	9,250	West of Meeker (Rio Blanco County).
CO-010-007C	14,085	Northwest of Meeker (Rio Blanco County).
CO-010-155	12,400	North of Kremmling (Grand County).
CO-010-168	11,100	Northwest of Granby, Colorado (Grand County).
CO-010-178	12,400	North of State Bridge, Colorado (Grand County-Eagle County).
CO-010-108	791	North of Walden, Colorado-North Sand Dunes Instant Wilderness Study Area (Jackson County).

CANON CITY DISTRICT

CO-050-002	6,468	South of Buena Vista (Chaffee County).
CO-050-009	680	Northwest of Canon City—High Mesa Grassland Instant Wilderness Study Area (Fremont County).
CO-050-013	15,063	Southwest of Canon City (Fremont County).
CO-050-014	10,937	West of Canon City (Fremont County).
CO-050-010	12,950	North of Cotopaxi (Fremont County).
CO-050-017	11,080	Southwest of Canon City (Fremont County-Custer County).
CO-050-016	21,140	Northeast of Canon City (Teller County-Fremont County-El Paso County).
CO-050-131	2,739	Adjacent to Rio Grande National Forest, Northeastern edge of San Luis Valley (Saguache County).
CO-050-132B	1,587	Adjacent to Rio Grande National Forest—Northeastern edge of San Luis Valley (Saguache County).
CO-050-135	1,064	Adjacent to Great Sand Dunes National Monument—3 small tracts (Alamosa County).
CO-050-137	1,020	Adjacent to Rio Grande National Forest (Alamosa County).
CO-050-139B	614	Adjacent to Rio Grande National Forest—2 small tracts (Alamosa County).
CO-050-140	9,114	Northeast of Antonito (Conejos County).
CO-050-141	10,214	Northeast of Antonito (Conejos County).

INITIAL INVENTORY UNITS PROPOSED FOR INTENSIVE WILDERNESS INVENTORY—Continued

GRAND JUNCTION DISTRICT

CO-070-439	4,800	Northwest of Dotsero (Garfield County-Eagle County).
CO-070-421	15,518	Southwest of Bond (Eagle County).
CO-070-392	270	West of Aspen (Pitkin County).
CO-070-372	9,700	South of Carbondale (Pitkin County-Garfield County).
CO-070-425	5,300	North of Dotsero (Eagle County-Garfield County).
CO-070-316	11,700	North of Rifle (Garfield County).
CO-070-320	7,100	North of Rifle (Garfield County).
CO-070-338	7,800	Northwest of Glenwood Springs (Garfield County).
CO-070-430	21,000	South of Burns (Eagle County).
CO-070-433	19,333	North of Eagle (Eagle County).
CO-070-015	18,900	Northwest of DeBeque (Garfield County).
CO-070-013	5,400	East of Douglas Pass (Garfield County).
CO-070-150	30,000	South of Grand Junction (Mesa County).
CO-070-150A	12,700	South of Grand Junction (Mesa County).
CO-070-066	19,700	Northeast of Grand Junction (Mesa County).
CO-070-113	77,100	West of Grand Junction (Mesa County).
CO-070-138	9,100	Northeast of Gateway (Mesa County).
CO-070-103	6,500	Southeast of Grand Junction (Mesa County).
CO-070-001	7,600	Northwest of Grand Junction (Garfield County).
CO-070-176	17,900	Northwest of Uravan (Mesa County-Montrose County).
CO-070-132	27,700	North of Gateway (Mesa County).
CO-070-132A	19,000	Northwest of Gateway (Mesa County).

MONTROSE DISTRICT

CO-030-053A	2,440	Adjacant to Gunnison National Forest—Northeast Blue Mesa Reservoir near Gunnison, Colorado (Gunnison County).
CO-030-057	6,070	Adjacant to Gunnison National Forest—North of Blue Mesa Reservoir near Gunnison, Colorado (Gunnison County).
CO-030-063	2,520	Adjacant to Gunnison National Forest, North of Blue Mesa Reservoir (Gunnison County).
CO-030-085	400	Adjacant to Uncompahgre National Forest-North of Lake City (Hinsdale County).
CO-030-086	880	Adjacant to Uncompahgre National Forest North of Lake City (Hinsdale County).
CO-030-088	1,760	Adjacant to Gunnison National Forest North of Lake City (Hinsdale County).
CO-030-208	38,100	Southwest of Lake City (Hinsdale County).
CO-030-210	5,980	Southeast of Lake City (Hinsdale County).
CO-030-211	1,960	Adjacent to Gunnison National Forest Southeast of Lake City (Hinsdale County).
CO-030-212	80	Adjacent to Gunnison National Forest East of Lake City (Hinsdale County).
CO-030-213	2,240	Adjacent to Gunnison National Forest East of Lake City (Hinsdale County).
CO-030-217	7,900	East of Ouray (Ouray County-San Juan County-Hinsdale County).
CO-039-229A	5,920	Adjacent to San Juan National Forest—South of Silverton (San Juan County).
CO-030-229B	4,200	Adjacent to San Juan National Forest—South of Silverton (San Juan County-La Plata County).
CO-030-230	4,560	Adjacent to San Juan National Forest—Southeast of Silverton (San Juan County).
CO-030-230A	3,400	Adjacent to San Juan National Forest—Southeast of Silverton (San Juan County).
CO-030-238	1,420	Adjacent to Rio Grande National Forest East of Silverton (San Juan County).
CO-030-238A	600	Adjacent to San Juan National Forest—Southeast of Silverton (San Juan County).
CO-030-241	19,560	Northeast of Silverton (San Juan County-Hinsdale County).
CO-030-251	7,360	South of Mancos (Montezuma County).
CO-030-252	6,560	South of Mancos (Montezuma County).
CO-030-262	6,760	West of Cortez (Montezuma County).
CO-030-263	14,640	West of Cortez—Rare Lizard and Snake Instant Wilderness Study Area and contiguous lands (Montezuma County).
CO-030-265	9,640	West of Cortez (Dolores County-Montezuma County).
CO-030-265A	3,840	West of Cortez (Dolores County).
CO-030-286	22,600	South of Naturita (San Miguel County-Dolores County).
CO-030-290	14,280	South of Bedrock (Montrose County).
CO-030-300	6,160	Adjacent to Uncompahgre National Forest—North of Naturita (Montrose County).
CO-030-310A	1,840	Adjacent to BLM inventory Unit No. CO-070-176—North of Paradox (Montrose County).
CO-030-332	360	Adjacent to Uncompahgre National Forest—Southeast of Ridgway (Ouray County).
CO-030-353	13,600	Adjacent to Uncompahgre National Forest—Southwest of Delta (Montrose County).
CO-030-363	48,560	West of Delta (Montrose County-Delta County-Mesa County).
CO-030-364	7,000	West of Delta (Delta County).
CO-030-370A	6,600	North of Delta (Delta County).
CO-030-388	14,080	North of Montrose (Montrose County-Delta County).

INITIAL INVENTORY UNITS PROPOSED FOR INTENSIVE WILDERNESS INVENTORY—Continued

MONTROSE DISTRICT—Continued

CO-030-089	47,000	Northeast of Lake City—Powderhorn Instant Wilderness Study Area and contiguous lands (Hinsdale County-Gunnison County).
Total acreage	1,170,538	

[1]Total units 117.

Dated: March 16, 1979.

DALE R. ANDRUS,
State Director,
Bureau of Land Management, Colorado.

[FR Doc. 79-8713 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 36180]

NEW MEXICO

Application

MARCH 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 S., R. 29 E.,
sec. 35, NE¼SE¼.

This pipeline will convey natural gas across 0.070 of a mile of public land in Chaves County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 79-8714 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 36202]

NEW MEXICO

Application

MARCH 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 3 W.,
sec. 15, N½SW¼.

This pipeline will convey natural gas across 0.327 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 79-8715 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 36179]

NEW MEXICO

Notice of Application

MARCH 12, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 33 E.,
Sec. 1, lot 2, S½NE¼ and NE¼SE¼.
T. 20 S., R. 34 E.,
Sec. 6, lots 6 and 7.

This pipeline will convey natural gas across 1.035 miles of public lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 79-8716 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 36232, 36282, 36313]

NEW MEXICO

Notice of Applications

MARCH 16, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural

Gas Company has applied for four 4½-inch natural gas pipeline and related facilities rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 28 E.,
sec. 35, SE¼SE¼.
T. 20 S., R. 29 E.,
sec. 36, E½SE¼ and NW¼SE¼.
T. 23 S., R. 29 E.,
sec. 4, lot 3, SW¼NE¼, SE¼NW¼ and NW¼SE¼.
T. 20 S., R. 30 E.,
sec. 31, lot 4.
T. 21 S., R. 30 E.,
sec. 5, lots 4 to 6 inclusive, 10, 11 and 15;
sec. 6, lot 1.

These pipelines will convey natural gas across 2.677 miles of public lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-8717 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 36281]

NEW MEXICO

Notice of Application

MARCH 16, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 7 W.,
sec. 17, N½SW¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.514 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-8718 Filed 3-21-79; 8:45 am]

[4310-84-M]

[NM 35777]

NEW MEXICO

Application

MARCH 13, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gathering Company has applied for several 4-inch, 6-inch and 10-inch natural gas pipelines right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
sec. 3, lots 3, 4, S½NE¼, SE¼NW¼, E½SE¼ and SW¼SE¼;
sec. 4, lots 1 to 4 inclusive, SW¼NE¼ and SW¼NW¼;
sec. 5, S½NE¼, SE¼SW¼ and W½SE¼;
sec. 6, lots 5, 10, 11, SE¼NW¼ and N½SE¼;
sec. 7, lot 1;
sec. 8, E½W½ and N½SE¼;
sec. 9, E½SW¼, NW¼SW¼ and SW¼SE¼;
sec. 10, lots 1 to 3 inclusive;
sec. 18, lots 2, 3, W½NE¼ and SE¼NW¼.
T. 30 N., R. 9 W.,
sec. 1, SE¼NE¼ and W½SW¼;
sec. 3, SE¼NE¼ and SE¼;
sec. 5, lots 2 to 4 inclusive and SW¼NE¼;
sec. 6, lots 1, 5, S½NE¼ and SE¼NW¼;
sec. 7, SE¼SE¼;
sec. 8, W½SW¼;
sec. 10, N½NE¼, E½NW¼ and NW¼SW¼;
sec. 11, W½NW¼ and NW¼SW¼;
sec. 12, SE¼NE¼, N½NW¼, SE¼NW¼, E½SW¼, N½SE¼ and SW¼SE¼;
sec. 13, W½E½ and SW¼SW¼;
sec. 14, SE¼SW¼;
sec. 18, E½NE¼ and NW¼NE¼;
sec. 20, NE¼NE¼;
sec. 22, E½E½;
sec. 23, NW¼NE¼ and NE¼NW¼;
sec. 24, lots 2, 3, SE¼NW¼ and SW¼.
T. 30 N., R. 10 W.,
sec. 1, lots 11 and 12.

These pipelines will convey natural gas across 19.605 miles of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA, *Chief, Branch of Lands and Minerals Operations.*

[FR Doc. 79-8719 Filed 3-21-79; 8:45 am]

[4310-84-M]

[U-42383; U-42385; U-42387; U-42388; U-42389; U-42390; U-42410; U-42411; (U-942)]

UTAH

Applications

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for eight 4½-inch buried natural gas pipeline rights-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 21 E.,
Secs. 10, 11, 12, 13, 14 and 24.
T. 20 S., R. 22 E.,
Secs. 30 and 31.
T. 20 S., R. 23 E.,
Secs. 12 and 13.

The needed rights-of-way are a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the applications should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

DELL T. WADDOUPS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-8720 Filed 3-21-79; 8:45 am]

[4310-84-M]

UTAH

Commercial Recreation Use Fees—Rivers

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: For the 1979 season, fees for commercial river float boating will be increased from the present $25.00 per 100 user days to $75.00 per 100 user days on the following areas:

Green River—Desolation/Gray Canyons
Colorado River—Westwater Canyon
Dolores River—Utah state line to confluence with the Colorado River
San Juan River—Bluff, Utah to Mexican Hat, Utah

Fees for trips of one day or less duration will be $50.00 per 100 user days on the following areas:

Green River—Nefertiti Rapid to the Diversion Dam.
Colorado River—Rose Ranch to Castle Creek.

The above fee increase is based on an appraisal conducted during the fall of 1978. Results of this appraisal indicated fees should be based on three percent of the gross revenues collected. This amounted to an average of $1.50 per user day on multiple day trips including one day trips on Westwater. To lessen the economic impact the fee increase will be only partially implemented during 1979. The full fee schedule will be implemented in 1980 and will be based on an updated appraisal to be conducted prior to June 1, 1979. This will use the effective gross as a basis for the fee where effective gross revenue is defined as gross receipts minus charges for transportation to and from the river and other similar expenses. Thereafter, the fee schedule will be reappraised every three years with the next fee adjustment falling due in 1983.

DATE: Effective date: April 1, 1979.

ADDRESS: State Director, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111.

FOR FURTHER INFORMATION CONTACT: State Director, Utah.

SUPPLEMENTAL INFORMATION: Use fees on the above mentioned river segments have remained at the same level since their inception in 1973. The Federal Land Policy and Management Act of 1976 directs that fair market value be charged for commercial use.

The current fee schedule is based on an appraisal using the market approach. Fees collected will be returned to the area from which they were generated for site protection and managment.

Dated: March 15, 1979.

PAUL L. HOWARD,
State Director.

[FR Doc. 79-8721 Filed 3-21-79; 8:45 am]

[4310-84-M]

UTAH

Announcement of Public Comment Period on Initial Wilderness Inventory

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces the dates of a 90-day public comment period concerning the initial wilderness inventory of BLM-managed public lands in Utah. Beginning on April 4, 1979 and through July 2, 1979, the public is invited to review and provide comments on the wilderness inventory of public lands in Utah. This initial inventory was officially announced in the FEDERAL RFGISTER on January 5, 1979, and was conducted under the authority of section 603 of the Federal Land Policy and Management Act of October 21, 1976.

BLM-managed public lands in Utah have been reviewed and those areas of 5,000 acres or more that are roadless have been identified. In some instances, areas of less than 5,000 acres of public lands have been analyzed. These include:

1. Public land islands.

2. Roadless areas adjacent to lands administered by other Federal agencies having responsibilities for wilderness inventory and management.

An analysis (situation evaluation) has been prepared for each such area (inventory unit). Each unit has been tentatively placed into one of two categories using the criteria set forth in section 2(c) of the Wilderness Act of 1964. These are:

Category 1. Areas that may possibly meet the wilderness criteria and should receive further analysis.

Category 2. Areas that clearly and obviously do not meet the criteria for identification as wilderness study areas.

Some units are being inventoried under special project authorization and will be reviewed by the public under a different schedule.

This tentative determination has been made based on the initial inventory and is subject to change based upon additional information which may be obtained from the public and from local, state and federal agencies.

Situation evaluations and detailed maps of each inventory unit are on file at the respective Utah BLM district offices. Situation evaluations and statewide maps will be available for review at the BLM state office in Salt Lake City. These materials are available for inspection at the districts or state office by appointment or at the open houses listed below.

To facilitate public participation and comment, the following open houses are scheduled:

OPEN HOUSES

Salt Lake City—April 4, 1979, Salt Palace, Room 113, 2 p.m.-5 p.m., 7 p.m.-9 p.m.; also April 19, 1979, BLM district office, 2370 South 2300 West, 9 a.m.-9 p.m.
Green River—April 10, 1979, Overnighter Motel Meeting Room, 3 p.m.-5 p.m., 7:30 p.m.-.
Castle Dale—April 11, 1979, Emery County Courthouse Courtroom, 3 p.m.-5 p.m., 7:30 p.m.-.
East Carbon—April 11, 1979, Community Center, 2 p.m.-10 p.m.
Monticello—April 11, 1979, Monticello Library, 4 p.m.-10 p.m.
Moab—April 11, 1979, Grand BLM Resource Area office, Sand Flats Road, 3 p.m.-5 p.m., 7 p.m.-.
Loa—April 11, 1979, Loa Community Center, 4 p.m.-8 p.m.
Richfield—April 12, 1979, Sevier County Courthouse Auditorium, 4 p.m.-8 p.m.
Price—April 12, 1979, Price River BLM Resource Area office, 900 North 7th East, 3 p.m.-5 p.m., 7:30 p.m.-.
Blanding—April 12, 1979, Edge of Cedars Museum, 2 p.m.-5 p.m., 6 p.m.-10 p.m.
Fillmore—April 17, 1979, Senior Citizens Center, 7 p.m.-8 p.m.
Tooele—April 17, 1979, Tooele County Courthouse, South Auditorium, 11 a.m.-9 p.m.
Nephi—April 18, 1979, Juab County Courthouse, Commissioner's Room, 4 p.m.-8 p.m.
Brigham City—April 18, 1979, Brigham City Community Center, 24 North 3rd West, 11 a.m.-9 p.m.
Vernal—April 18, 1979, BLM district office, 170 South 500 East, 2 p.m.-5 p.m., 7 p.m.-9 p.m.
Cedar City—May 1, 1979, BLM district office, 1579 North Main Street, 1 p.m.-7 p.m.
Kanab—May 2, 1979, Kanab BLM Resource Area office, 320 North First East, 1 p.m.-7 p.m.
St. George—May 3, 1979, Dixie BLM Resource Area office, Dixie Office Building, 1 p.m.-7 p.m.
Escalante—May 3, 1979, Escalante BLM Resource Area office, 1 p.m.-7 p.m.

Public meetings to receive comments will be scheduled and announced at a later date.

People planning to participate and make oral comment at one or more of the public sessions above are urged to also submit written comments. Those wishing to submit comments other than at the public sessions, should send their comments to the State Director, Attention—Wilderness, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

After the comment period closes July 2, the Bureau will analyze the

public response and prepare a decision setting forth those inventory units that will undergo intensive review in the inventory process. Inventory units not designated for further review will be released from the constraints of interim management as set forth in section 603(c) of the Federal Land Policy and Management Act.

Additional information on this program is available upon request from all BLM offices in Utah.

PAUL L. HOWARD
State Director.

[FR Doc. 79-8722 Filed 3-21-79; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

FEDERAL AID IN FISH AND WILDLIFE RESTORATION PROGRAMS

Proposed Categorical Exclusions

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice proposes interim categorical exclusions for compliance with the National Environmental Policy Act (NEPA) and the regulations issued by the Council on Environmental Quality (CEQ) on November 29, 1978 (43 FR 55978). These exclusions are limited to the determination of project activities under the Federal Aid in Fish and Wildlife Restoration programs.

DATES: Comments must be received on or before May 7, 1979.

ADDRESSES: All written comments should be addressed to: Director, U.S. Fish and Wildlife Service, Washington, D.C. 20240, Attention: Division of Federal Aid. Copies of the Environmental Impact Statement on operation of the Federal Aid programs referred to in the Background section below are available from this address.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles K. Phenicie, Chief, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703-235-1526.

SUPPLEMENTARY INFORMATION:

1. BACKGROUND

On November 29, 1978, the Council on Environmental Quality published regulations on the implementation of the National Environmental Policy Act (43 FR, pages 55978-56007).

A primary purpose of the regulations is to reduce the paperwork burden for compliance with NEPA. The use of categorical exclusions is one means to reduce this burden. Categorical exclusions (Section 1508.4 of the regulations) refer to groups of actions which do not individually or cumulatively have a significant effect on the human environment; therefore, they are exempt from requirements to prepare an environmental impact statement.

The Service proposes to establish interim categorical exclusions of certain actions under the Federal Aid in Fish and Wildlife Restoration programs. These categorical exclusions were listed in the Environmental Impact Statement on Operation of the Federal Aid programs, December 22, 1978. By this notice, we are restating those categories together with the refinement, details, and examples necessary to full understanding. We are also providing an opportunity for the public to review and submit written comments on the proposed exclusions.

2. AUTHORSHIP

The author of this document is Mr. William H. Massmann, Division of Federal Aid, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703-235-1526.

CATEGORICAL EXCLUSIONS

Notice is hereby given that the following actions conducted by the States under the Federal Aid in Fish and Wildlife Restoration programs do not significantly affect the human environment. Therefore, the Service proposes to exclude the following actions from the requirement for developing an environmental assessment or statement. These proposed exclusions, when adopted, will serve to comply with NEPA until the issuance of more comprehensive guidelines or procedures by the U.S. Fish and Wildlife Service.

1. SURVEYS AND INVENTORIES

The purpose of surveys and inventories is to determine periodically the numbers and conditions of fish and wildlife and their habitats, or the harvest or other uses of these resources. Surveys range from direct observation of animals or measures of habitat conditions to indirect determinations relying on sampling procedures. Surveys of wildlife users determine their desires and needs, and may further show economic, sociological, esthetic, or scientific values.

While most surveys rely on direct or indirect counts of fish or wildlife, some may require their capture for more complete identification or examination for age, condition, productivity, health, and general fitness. Population estimates may require the tagging of some animals. Where fish or wildlife are taken into possession for the purposes stated above, and either released into the wild or killed, individual animals are affected. The numbers affected are so small that there is no effect on the population or species, either in the contiguous area or broader areas of the range; therefore, the effect is not major or significant in terms of NEPA.

Habitat surveys may require sampling plots of vegetation, browse plants, soils, minerals, or the ground surface for animal signs. In streams or lakes, the physical or chemical constituents of the water are measures. The identification of detrimental conditions in habitats is often a vital element in habitat surveys. For economic reasons, sample sizes and numbers are kept small and to a minimum by statistical means and have no major or significant effects on the environment.

The data acquired from surveys and inventories generally form the basis for management recommendations. Depending on the purpose and nature of the surveys, recommendations may pertain to programs which provide public recreation or other benefits, or they may specify measures to provide needed stimulation or restraint of population growth for the benefit of the habitat or of other species. Deteriorating or adverse habitat conditions may be alleviated or corrected, and lethal conditions may be eliminated. User surveys may suggest that a redirection of efforts between species or habitats would be helpful.

2. ROUTINE MAINTENANCE

Routine maintenance is the replacement or renovation of facilities and improvements at the same location without significantly altering purpose or use of the area. It includes the repair and upkeep of buildings, target ranges, fences, signs, and other structures, as well as roads, bridges, trails, boat ramps, dams, dikes and levees, and major equipment items. Routine maintenance and repair have no significant effect on the human environment. Maintenance also includes those farming and forestry operations that preserve the integrity and status of the farm and forest habitats.

However, expanding existing developments beyond their present capacity or creating significant changes in farm or forest habitats by major redirections of these activities is not routine maintenance. Such changes could substantially affect the quality of the human environment. For these activities, it will be necessary to review each project on a site specific basis.

3. HUNTER EDUCATION

The purpose of the hunter education program is to provide public instruction for the safe and ethical conduct of fish and wildlife recreation. This includes developing a respect for and understanding of property (both

public and private), wildlife management, legal and moral obligations in the harvest of wildlife, and training in the safe and proficient use of sporting firearms and archery equipment. Hunter education is performed either in the classroom or at indoor and outdoor target ranges.

As discussed in the Environmental Impact Statement for the Federal Aid Program (page III-44), target ranges are subject to Occupational Safety and Health Administration regulations to protect public health and safety. Neither classroom nor target range instruction affects the quality of the human environment.

Acquisition of land, target range construction, and construction of auxiliary structures are not covered by this exclusion.

4. COORDINATION

Coordination projects provide for administrative and clerical services over the States' Federal Aid projects. This administrative function involves the development of work plans and provisions for technical direction of program employees, correlating Federal Aid financed activitied with other State operations, and maintaining records essential to be program. Coordination activities do not affect the quality of the human environment since they are administrative projects.

5. RESEARCH STUDIES

With the exception of developmental technologies, animal sacrifice, environmental disruption, and public health or safety, research studies are not major Federal actions and will not significantly affect the quality of the human environment.

Research—the acquisition of facts needed for most effective conservation and management of fish and wildlife—covers a broad spectrum of activities. For example, one project may monitor the intercontinental migrations of birds while another may examine the intracellular effects of a virus on fish. Under the Federal Aid program, research and surveys are often treated together since they are so similar in many respects. A major distinction is that research seeks new knowledge concerning an objective which is generally obtainable in a single study. In contract, surveys apply established methodologies in a routine manner, often repeated at intervals, to fill a recurring need for information. Research provides data on fish or wildlife concerning ecological needs, nutritional problems, diseases and parasites, effects of land management practices, population dynamics, behavioral activities, movements, and information on a host of other subjects.

The research studies that may affect the quality of the human environment and which, therefore, will require an environmental assessment or statement are:

(a) Studies aimed at developing new technologies which, if applied, could significantly affect the environment. Examples of such studies would be the development of specific farm cultural practices for wide application to benefit wildlife. The development of water management practices for wide application in the conservation or augmentation of stream flows is another;

(b) Studies which involve significant mortality of animals or the introduction of nonindigenous animals on an experimental basis. Examples of such studies include investigations of animal diseases in which the pathological effects of the illness must be studied on a large number of wild specimens in order to understand the diseases and to develop treatments. The experimental introduction of African Nile perch into heated reservoirs to determine their ability to control overpopulations of carp and gizzard shad is another example;

(c) Studies that would require a significant disruption of the physical environment or the introduction of toxicants into the environment. Examples of such studies would include the experimental plantings of loblolly pines to determine the most desirable habitat for the red-cockaded woodpecker or the experimental treatment of portion of a reservoir with fish toxicant to obtain an estimate of the total fish population; and

(d) Studies which could affect public health or safety. The use of radioisotopes to mark animals or trace a certain food item could create a health problem if not carefully done, and the use of certain animal traps or snares would require special precautions to prevent human accidents. Such studies would require environmental assessments or statements.

The four exceptions to the exclusion do not include fish or wildlife taken into possession for banding, radio tagging, marking, aging, or other types of examination before releasing them into the wild. They also do not include minor sacrifice of animals essential to research. Minor as used here means that the sacrifice will have no measurable effect on any wild population from which the individual(s) is taken or on the population of any associated species.

6. TECHNICAL GUIDANCE

Some projects are for the purpose of providing consultation or guidance to other agencies, corporations, political entities, or to individuals for the purpose of improving fish or wildlife resources. Such consultations often involve assisting others in planning future developments in ways to minimize destruction of wildlife habitat or to benefit fish or wildlife. The consultations would not affect the human environment. In those cases where a substantial development is planned, the project itself would be the subject of an environmental assessment or statement.

7. MIGRATORY BIRD BANDING PROJECTS

Under their Federal Aid programs, many of the States cooperate with the Fish and Wildlife Service in obtaining vital information on waterfowl and other migratory birds. Some of this information is obtained by banding predetermined quotas of birds. Although occasional mortalities may occur during bird banding operations, these are not significant in that the mortalities will have no effect on overall populations.

8. PLANNING PROJECT

States may participate in the Federal Aid programs on the basis of an approved, comprehensive fish and wildlife management plan. The development of a comprehensive plan and planning system necessary for implementation, evaluation and updating comprehensive plans or the development of plans for a portion of a State's program will not affect the quality of the human environment; therefore, no environmental assessment or statement is needed to cover the planning process. As plans are submitted for adoption by state decisionmakers and for approval by Federal officials, the programs proposed by the plan must be examined in appropriate NEPA documents which accompany it.

Dated: March 16, 1979.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 79-8775 Filed 3-21-79; 8:45 am]

[4310-05-M]

Office of Surface Mining—Reclamation and Enforcement

[Federal Coal Lease No. M-069782]

NORTHERN ENERGY RESOURCES CO.—SPRING CREEK MINE

Availability of Proposed Decision To Approve, With Stipulations, Coal Mining and Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Availability of Proposed Decision to Approve, with Stipulations, a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to 211.5 of Title 30, Code of Federal Regulations,

notice is hereby given that the Office of Surface Mining has performed a technical review of a mining and reclamation plan and has recommended approval of the proposed plan contingent upon the applicant's acceptance of certain stipulations. The plan is described below.

Applicant	Mine Name	Location of Lands to be Affected by Planned Operations		
		State	County	Township, Range, Sections
Northern Energy Resources Co. (Spring Creek Mining Co.)	Spring Creek.	Montana	Big Horn	T8S, R39E: 22, 23, 24, 25, 26, 27 T8S, R40E: 30, 31

Office of Surface Mining Reference No.: MT-0012

The mine is located approximately 26 miles northwest of Sheridan, Wyoming. The permit area covers 3,074 acres; of which approximately 2,347 acres are proposed to be disturbed. The plan proposes an annual production rate of 7 million tons per year over a 25-year period. Mining will be by both dragline and truck-shovel operations. Coal will be shipped by rail. Two other coal mines in the immediate vicinity are the East and West Decker Mines.

The purpose of this notice is to inform the public that the Regional Director, Region V, Office of Surface Mining, has recommended, based on staff reviews and the reviews of the Montana Department of State Lands, the Bureau of Land Management, and the Geological Survey, approval of the coal mining and reclamation plan, subject to stipulations which must be accepted by the applicant in order for the approval to take effect. Any persons having an interest which is or may be adversely affected by the recommended approval may, in writing, request a public meeting to discuss their views regarding the plan.

The Spring Creek Mine was the subject of a site-specific analysis of impacts, mitigating measures, and alternatives in an environmental impact statement, titled, "Proposed Mining and Reclamation Plan, Spring Creek Mine, Big Horn County, Montana". The Final Environmental Statement was filed with the EPA on February 28, 1979 (FES-79). The availability of the mining and reclamation plan for Spring Creek was announced in the FEDERAL REGISTER on February 1, 1979.

DATES: All requests for a public meeting must be made on or before April 11, 1979. No decision on the plan will be made by the Assistant Secretary, Energy & Minerals, prior to the expiration of the 20-day period.

ADDRESSES: The mining and reclamation plan, the OSM staff analysis, and proposed stipulations are available for review in the Region V Office of Surface Mining.

Requests for a public meeting must be submitted in writting to the Regional Director, Region V, Office of Surface Mining, Room 219, 1823 Stout Street, Denver, Colorado 80202. Requests must include the name and address of the requestor.

FOR FURTHER INFORMATION CONTACT:

Maggie Koperski or John Hardaway, Office of Surface Mining, Region V, Room 207, 1823 Stout Street, Denver, Colorado 80202.

PAUL L. REEVES,
Deputy Director.

[FR Doc. 79-8810 Filed 3-21-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR EARTH SCIENCES

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences.
Date and time: April 23-24, 1979; 9 a.m. to 5 p.m. each day.
Place: The National Science Foundation, 1800 G Street, N.W., Rooms 628, 643 and 421, Washington, D.C. 20550.
Type of Meeting: Closed.
Contact person: Dr. Robin Brett, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550. Telephone (202) 632-4274.
Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8648 Filed 3-21-79; 8:45 am]

[7555-01-M]

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee.
Date and time: April 9, 1979—9 a.m.-6 p.m., April 10, 1979—9 a.m.-5 p.m.
Place: Room 2008, New Executive Office Building, Washington, D.C. 20503.
Type of meeting: April 9, 1979—closed: 9 a.m.-11 a.m., April 9, 1979—open: 11 a.m.-6 p.m., April 10, 1979—open: 9 a.m.-5 p.m.
Contact person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. Telephone 202/632-4318.
Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Washington, D.C. 20550.
Purpose of committee: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda:

APRIL 9, 1979

CLOSED SESSION (9 A.M.-11 A.M.)

Discussion of projects under consideration for funding.

OPEN SESSION (11 A.M.-6 P.M.)

11 a.m.-2 p.m.—Consideration of the 1979 Facilities Subcommittee Recommendations and of the covering letter of transmittal.
2 p.m.-4 p.m.—Consideration of Activities of the Working Group on Ongoing Programs and Laboratory Operations.
4 p.m.-6 p.m.—Discussion of the role of Universities in nuclear research.

APRIL 10, 1979

OPEN SESSION (9 A.M.–5 P.M.)

9 a.m.–11 a.m.—Discussion of Long Range Planning and Priorities.
11 a.m.–1 p.m.—Discussion of Activities of the 1979 Instrumentation Subcommittee.
1 p.m.–3 p.m.—Consideration of Activities of the 1979 Manpower Subcommittee.
3 p.m.–5 p.m.—Discussion of Long Range Planning and Priorities.

Reason for closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8649 Filed 3-21-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE FOR APPLIED SOCIAL AND BEHAVIORAL SCIENCES OF THE ADVISORY COMMITTEE FOR APPLIED SCIENCE AND RESEARCH APPLICATIONS POLICY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Applied Social and Behavioral Sciences of the Advisory Committee for Applied Science and Research Applications Policy.

Date and time: April 23-24, 1979—9 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Closed.

Contact person: Dr. L. Vaughn Blankenship, Director, Division of Applied Research, Room 1126, National Science Foundation, Washington, D.C. 20550. Telephone: (202) 634-6260.

Purpose of subcommittee: To provide advice and recommendations concerning support for applied research in the social and behavioral sciences.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8646 Filed 3-21-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON POPULATION BIOLOGY AND PHYSIOLOGICAL ECOLOGY OF THE ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Population Biology and Physiological Ecology of the Advisory Committee for Environmental Biology.

Date and time: April 23 and 24, 1979; 8:30 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Donald W. Kaufman, Associate Program Director, Population Biology and Physiological Ecology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-7317.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in population biology and physiological ecology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8647 Filed 3-21-79; 8:45 am]

[7555-01-M]

SUBCOMMITTEE ON SYSTEMATIC BIOLOGY OF THE ADVISORY COMMITTEE FOR ENVIRONMENTAL BIOLOGY

Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Systematic Biology of the Advisory Committee for Environmental Biology.

Date and time: April 26 and 27, 1979; 8:30 a.m. to 5 p.m. each day.

Place: Room 338, National Science Foundation, 1800 G St. NW, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. William Louis Stern, Program Director, Systematic Biology Program, Room 336, National Science Foundation, Washington, D.C. 20550, telephone (202) 632-5846.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in systematic biology.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8645 Filed 3-21-79; 8:45 am]

[7555-01-M]

TASK GROUP NO. 5 OF THE NSF ADVISORY COUNCIL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Task Group No. 5 of the NSF Advisory Council.

Place: Room 523, National Science Foundation, 1800 G Street NW, Washington, D.C. 20550.

Date: Monday, May 7, 1979.

Time: 9 a.m. until 5 p.m.

Type of meeting: Open.

Contact person: Ms. Margaret L. Windus, Executive Secretary, NSF Advisory Council, National Science Foundation, Room

518, 1800 G Street NW, Washington, D.C. 20550. Telephone: (202) 632-4368.

Purpose of task group: The purpose of the Task Group, composed of members of the NSF Advisory Council, is to provide the full Advisory Council with a mechanism to consider numerous issues of interest to the Council that have been assigned by the National Science Foundation.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, National Science Foundation, Room 248, 1800 G Street NW, Washington, D.C. 20550.

Agenda: To provide information and analysis of equipment needs and utilization.

M. REBECCA WINKLER,
Committee Management Coordinator.

MARCH 19, 1979.

[FR Doc. 79-8644 Filed 3-21-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER & LIGHT CO.

Granting of Relief from ASME Section XI Insurance Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to Arkansas Power & Light Company. The relief relates to the inservice inspection (testing) program for the Arkansas Nuclear One, Unit No. 1 (the facility) located in Pope County, Arkansas. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The specific relief granted is as follows: (1) Relief from measuring flow to the accuracy required by the ASME Code for Service Water System pumps until flow measuring devices are installed; and (2) Relief from the ASME Code requirement concerning volumetric examination of reactor coolant nozzle-to-vessel welds. The Commission determined that these requirements of the ASME Code are impractical within the limitations of design, geometry and materials of construction of components, because compliance would result in hardships or unusual difficulties without a compensating increase in the level of quality or safety.

The requests for relief 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 letter granting relief and the related Safety Evaluation. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the requests for relief dated May 10, 1978 and January 10, 1979, and (2) the Commission's letter to the licensee dated March 8, 1979, and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 8th day of March 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-8633 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-10, 50-237, and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. DPR-2, Amendment No. 42 to Provisional Operating License No. DPR-19, and Amendment No. 38 to Facility Operating License No. DPR-25 issued to the Commonwealth Edison Company (the licensee), which revised the licenses for operation of the Dresden nuclear Power Station, Units 1, 2, and 3, respectively (the facilities), located in Grundy County, Illinois. The amendments became effective on February 23, 1979.

The amendments add a license condition to include the Commission-approved physical security plan as part of the licenses.

The licensee's filing complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

The licensee's filing dated November 18, 1977, as revised May 19, 1978, May 27, 1978, July 28, 1978, and February 19, 1979, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR § 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR § 9.12.

For further details with respect to these actions, see (1) Amendment No. 29 to License No. DPR-2, Amendment No. 42 to DPR-19, and Amendment No. 38 to DPR-25, and (2) the Commission's related letter to the licensee dated March 9, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 9th day of March, 1979.

For The Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-8634 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket No. 50-366]

GEORGIA POWER COMPANY, ET AL.

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the

ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Georgia Power Company, Oglethorpe Electric Memberhip Corporation, Municipal Electric Association of Georgia, and the City of Dalton, Georgia. The relief relates to the inservice inspection (testing) program for the Edwin I. Hatch Nuclear Plant, Unit 2, located in Appling County, Georgia. The ASME Code requirements are incorporated by reference into the Commission's regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice inspection and testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the requests for relief contained in the E. I. Hatch Unit 2 FSAR through Amendment 46, September 1978 and (2) the Commission's letter to the license dated March 14, 1979.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-8635 Filed 3-21-79; 8:45 am]

[7590-01-M]

LOUISIANA POWER & LIGHT CO.

In the matter of Louisiana Power & Light Company (Waterford Steam Electric Station, Unit 3), (Docket No. 50-382 OL).

On April 26, 1979, beginning at 2 p.m. local time, pursuant to 10 CFR § 2.751a, a special prehearing conference will be held at the following location:

East Courtroom, Room 223, United States Court of Appeals, 600 Camp Street, New Orleans, Louisiana.

If necessary, said conference will continue on April 27th.

As stated in our Notice of Hearing On Issuance of Facility Operating License dated March 8, 1979, this special prehearing conference is being held in order to:

(1) Permit identification of the key issues in the proceeding;

(2) Take any steps necessary for further identification of the issues;

(3) Consider all intervention petitions to allow the presiding officer to make such preliminary or final determination as to the parties to the proceedding, as may be appropriate; and

(4) Establish a schedule for further actions in the proceeding.

Further, the attention of the petitioners for leave to intervene is directed to 10 CFR § 2.714(b) which provides that not later than fifteen (15) days prior to the holding of the special prehearing conference pursuant to § 2.751a, a petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which petitioner seeks to have litigated in the matter, and the bases for each contention set forth with reasonable specificity.

The public is invited to attend this special prehearing conference but members of the public may not participate therein.

It Is So Ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland, this 16th day of March, 1979.

SHELDON J. WOLFE,
Esquire Chairman.

[FR Doc. 79-8636 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Issuance of Amendment To Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-22, issued to Northern States Power Company (the licensee), which revised the license for operation of the Monticello Nuclear Generating Plant (the facility), located in Wright County, Minnesota. The amendment becomes effective on February 23, 1979.

The amendment adds a license condition to include the Commission-approved physical security plan as part of the license.

The licensee's filing 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 this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The licensee's filings dated March 28, 1978 and September 8, 1978, and the Commission's Security Plan Evaluation Report are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR Section 9.12.

For further details with respect to this action, see (1) Amendment No. to License No. DPR-22 and (2) the Commission's related letter to the licensee dated March 15, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 15th day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-8637 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., THE CITY OF EUGENE, OREG. AND PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. NPF-1 issued to Portland General Electric Company, The City of Eugene, Oregon, and Pacific Power and Light Company which revised Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oregon. The amendment is effective as of its date of issuance.

The amendment deletes meteorological instruments from the Technical Specifications that are not relied upon for the safety analysis of the facility, and makes an editorial correction to the action to be taken in the event meteorological instruments are inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 21, 1977, as supplemented August 4, 1978, (2) Amendment No. 40 to License No. NPF-1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oregon 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of march, 1979.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1. Division of Operating Reactors.

[FR Doc. 79-8638 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket Nos. STN 50-477 and STN 50-478]

PUBLIC SERVICE ELECTRIC & GAS CO., et al.

Withdrawal of Application for Construction Permits and Facility Licenses

On March 1, 1974, the Nuclear Regulatory Commission docketed an application submitted by Public Service Electric and Gas Company on behalf of itself and Atlantic City Electric Company and Jersey Central Power & Light Company. This application, filed pursuant to Section 103 of the Atomic Energy Act, requested authorization to construct all necessary site-related structures and to install two floating nuclear power plants, each of which was to incorporate a pressurized water reactor, designated as Atlantic Generating Station, Units 1 and 2.

Notice of receipt of this application was published in the FEDERAL REGISTER on March 20, 1974 (39 FR 10471). The related notice of hearing was also published on March 20, 1974 (39 FR 10473).

On December 19, 1978, Public Service Electric and Gas Company submitted to the Commission its Notice of Withdrawal of Application. On December 20, 1978, Public Service Electric and Gas Company submitted the Notice of Withdrawal of Application to the Atomic Safety and Licensing Board designated for this proceeding. By order dated February 15, 1979, the Atomic Safety and Licensing Board dismissed the proceeding.

Accordingly, the Commission considers the application submitted by Public Service Electric and Gas Company to be withdrawn. Correspondence concerning this application will continue to be maintained at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. In addition, correspondence concerning this application will continue to be maintained for at least the next six months at the Stockton State College Library, Pomona, New Jersey.

Dated at Bethesda, Maryland this 16th day of March, 1979.

For The Nuclear Regulatory Commission.

ROBERT L. BAER,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 79-8639 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket No. 50-296]

TENNESSEE VALLEY AUTHORITY

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-68 issued to the Tennessee Valley Authority (the licensee), which revised Technical Specifications for operation of the Browns Ferry Nuclear Plant, Unit No. 3, located in Limestone County, Alabama. The amendment is effective as of the date of issuance.

On November 18, 1978, the Commission issued Amendment No. 18 to Facility License No. DPR-68, which changed the Technical Specifications to permit operation of Browns Ferry Unit No. 3 for the initial 2000 megawatt days per tonne (MWd/T) of fuel exposure during the second fuel cycle. Amendment No. 21 changes the Technical Specifications to permit operation throughout fuel cycle number 2.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Priot public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 3, 1978, as

supplemented by letters dated October 20, 1978 and January 15, 1979, (2) Amendment No. 21 to License No. DPR-68, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of March 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-8640 Filed 3-21-79; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 7.9, "Standard Format and Content of Part 71 Applications for Approval of Packaging of Type B, Large Quantity, and Fissile Radioactive Materials," identifies the information to be provided in an application for the approval of packaging for shipping type B, large quantity, and fissile radioactive material and presents a uniform format for presenting the information.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 7.9 will, however, be particularly useful in evaluating the need for an early revision if received by May 21, 1979.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 14th day of March 1979.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 79-8643 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-327 and 50-328]

TENNESSEE VALLEY AUTHORITY

Availability of Safety Evaluation Report for Sequoyah Nuclear Plant, Units 1 and 2

Notice is hereby given that the Office of Nuclear Reactor Regulations has published its Safety Evaluation Report on the proposed operation of the Sequoyah Nuclear Plant, to be located in Hamilton County, Tennessee. Notice of receipt of Tennessee Valley Authority's application to operate the Sequoyah Nuclear Plant was published in the FEDERAL REGISTER on March 25, 1974 (39 FR 11131).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402, for inspection and copying. The report (Document No. NUREG-0011) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 14th day of March 1979.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch 4, Division of Project Management.

[FR Doc. 79-8641 Filed 3-21-79; 8:45 am]

[7590-01-M]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensees) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wisconsin. The amendment is effective as of the date of issuance.

The amendment permits an increase in the storage capacity of the spent fuel storage pool at the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65335).

A hearing was requested by the Lakeshore Citizens for Safe Energy and Safe Haven, Limited (the Intervenors) on April 24, 1978. However, the Licensees, the NRC staff, the Intervenors, and the State of Wisconsin moved the Atomic Safety and Licensing Board (ASLB) for an order approving the withdrawal of Intervenors from the proceeding and dismissing the proceeding in accordance with a settlement agreement entered into among Intervenors, Licensees, and the NRC staff dated February 5, 1979. The ASLB issued the order on February 14, 1979 dismissing the proceeding.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's

Final Environmental Statement for the facility dated December 1972.

For further details with respect to this action, see (1) the application for amendment dated November 14, 1977, as supplemented by letters dated March 13, 1978, July 10, 1978, August 18, 1978, September 5, 1978, and September 25, 1978, (2) Amendment No. 26 to License No. DPR-43, (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal dated December 1, 1978, and (4) the ASLB Order dated February 14, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 6th day of March, 1979

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-8642 Filed 3-21-79; 8:45 am]

[4910-58-M]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 79-12]

ACCIDENT REPORTS, SAFETY RECOMMENDATIONS AND RESPONSES

Availability

Aviation

Aircraft Accident Reports (Brief Format), U.S. Civil Aviation, 1978, Issue No. 2 (NTSB-BA-78-8).—The National Transportation Safety Board on March 7 made available the findings and probable cause(s) of 898 U.S. general aviation accidents which occurred in 1978. Issue No. 2 also provides statistical information tabulated by type of accident, phase of operation, kind of flying, injury index, aircraft damage, conditions of light, pilot certificate, injuries, and causal factors.

The Safety Board, in Press Release SB 79-21 accompanying the release of Issue No. 2, cites a fatal accident involving a twin-engine Aero Commander 500B aircraft owned by the University of Tennessee. The aircraft crashed shortly after takeoff from the Salisbury-Wicomico County (Md.) Airport last March 31. In determining the probable cause of this accident, the Board found that the aircraft was improperly serviced by the ground crew, which resulted in fuel contamination from use of improper fuel grade. In turn this caused partial loss of power in both engines that made the forced landing unavoidable. The Board noted that other factors involved inadequate supervision and training of ramp crews and cited the pilot for inadequate preflight preparation and planning and failure to follow approved procedures.

NOTE.—The brief reports in this publication contain essential information; more detailed data may be obtained from the original factual reports on file in the Washington Office of the Safety Board. Upon request, factual reports will be reproduced commercially at an average cost of 17 cents per page for printed matter, $5 per page for black-and-white photographs, and $4 per page for color photographs, plus postage. Requests concerning aircraft accident report briefs should include this information: (1) date and place of occurrence, (2) type of aircraft and registration number, and (3) name of pilot.

Copies of Issue No. 2 may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Aviation Safety Recommendations Nos. A-79-7 and 8.—Last August 30 a Piper Model 31-350 aircraft crashed shortly after takeoff from Las Vegas, Nev.; the 10 persons on board were killed. Witnesses saw the aircraft reach a steep nose-high attitude after takeoff before it fell off on the right wing, reversed direction, and dove toward the ground. The aircraft had achieved a nearly flat attitude in an apparent attempt to recover when it struck the ground with high vertical forces.

An inspection of the aircraft's flight control system disclosed that an elevator surface control stop bolt had become loosened and was extended to a position where it restricted the travel of the elevator surface in the trailing-edge-down direction. Flight tests conducted after the accident showed that an aircraft with the same load and center of gravity location as this Piper would pitch up at an increasing rate after takeoff if the elevator was held in neutral position. Trailing-edge-down elevator was required to recover from this maneuver.

Since the potential is great for a catastrophic accident, the Safety Board on March 12 recommended that the Federal Aviation Administration:

Issue an Airworthiness Directive to require the immediate inspection of all Piper aircraft equipped with control stop bolt installations where extension of the stop bolt can limit control surface travel to determine if stop bolt position or jam nut torque has changed. Require readjustment of the stop bolt and retorquing of the jam nut as necessary. Require that the stop bolt installation be modified to include safety wire or some other positive nonfriction means of preventing rotation of the stop bolt during the application of vibratory loads. (Class I—Urgent Action) (A-79-7)

Issue a Maintenance Bulletin to alert general aviation inspectors of the possibility of loosened or misadjusted control stop bolts on general aviation aircraft. Stops on various models of aircraft should be spot checked to ensure that control stop bolts are positively secured and that there is no possibility that vibratory loads can result in a change in the range of travel of any control surface. (Class I—Urgent Action) (A-79-8)

Aviation Safety Recommendations Nos. A-79-9 and 10.—Last May 8 a National Airlines B-727 crashed into Escambia Bay while executing an airport surveillance radar (ASR) approach to runway 25 at Pensacola Regional Airport, Fla. The Safety Board determined that the probable cause of this accident was the flightcrew's unprofessionally conducted nonprecision instrument approach, in that the captain and the crew failed to monitor the descent rate and altitude, and the first officer failed to provide the captain with the required altitude and approach performance callouts. The Board believes that this accident illustrates a lack of redundancy between flightcrews and air traffic controllers with respect to altitude management. Comparisons would allow the flightcrew to assess the need to correct rate of descent and airspeed, and most importantly, the flightcrew would be made aware of gross excursions from minimum safe altitudes by the controller's distance and recommended altitude advisories.

Accordingly, on March 16 the Safety Board recommended that the Federal Aviation Administration:

Revise Air Traffic Control Handbood 7110.65, paragraph 1190, to require controllers to provide recommended altitudues to pilots on ASR approaches without pilot request. Revise the Airman's Information Manual, Pilot/Controller Glossary, and other operating and training documents that describe ASR approaches to reflect the revised controller procedures. (Class II—Priority Action) (A-79-9)

Develop, with industry, requirements for depicting final approach fixes and minimum altitudes for each mile on final approaches on ASR instrument approach procedures. (Class II—Priority Action) (A-79-10)

Marine

Marine Accident Report, Collision of Argentine Freighter M/V SANTA CRUZ II and U. S. Coast Guard Cutter CUYAHOGA in Chesapeake Bay at the Mouth of the Potomac River, Md., October 20, 1978 (Report No. NTSB-MAR-79-3).—This accident was investigated jointly by the Safety Board and the U.S. Coast Guard. A Coast Guard Marine Board of Investigation was convened in Baltimore, Md., last October 24, reconvened in Yorktown, Va.,

on November 6, and reconvened in Norfolk, Va., on November 13. A Safety Board Deposition Hearing was held on February 9. The formal report, released by the Safety Board on March 12, is based on the factual information developed during the investigation. The Safety Board has considered all facts pertinent to the Safety Board's statutory responsibility to determine the cause or probable cause of the accident and to make recommendations.

The Safety Board has determined that the probable cause of this collision, which resulted in the death of 11 Coast Guardsmen as the CUYAHOGA sank, was the left turn executed by the CUYAHOGA, while in proximity to the SANTA CRUZ II, contrary to the Rules of the Road as the vessels were meeting head and head, the failure of the Commanding Officer of the CUYAHOGA to determine the relative motion, course, speed, or closest point of approach of the SANTA CRUZ II, and the failure of the CUYAHOGA to initiate bridge-to-bridge communications by radiotelephone to exchange navigational information. Contributing to the loss of life was the lack of emergency lighting aboard the CUYAHOGA. the collision occurred at 9:07 p.m., e.d.t.

In a separate concurring and dissenting opinion, Safety Board Member Francis H. McAdams stated that he agreed the cause of the accident was the left turn by the CUYAHOGA while in proximity to the SANTA CRUZ II, but he did not agree that the two vessels were meeting head and head either at the time of the collision or when the left turn was initiated at 9:04 p.m. by the CUYAHOGA. According to Member McAdams, the two vessels, prior to the left turn, were in a routine port-to-port meeting situation since, if both had maintained heading, they would have passed at a minimum distance of 600 yards port-to-port. However, the CUYAHOGA's left turn converted this situation into a crossing situation. Further, Member McAdams believes that the Rules of the Road did not require the SANTA CRUZ II to immediately sound the danger signal, as stated by the majority, when the left turn was initiated.

The Safety Board further found that the experience and training level of the Commanding Officer and the crew of the CUYAHOGA was less than adequate for the safety of a training vessel in the congested waters of Chesapeake Bay; the crew complement was inadequate for safe navigation; and the crew was overtaxed by the requirement to give training while operating the cutter. These findings prompted four of 14 safety recommendations which the Safety Board issued to the Coast Guard on March 2. The four recommendations seek review of Coast Guard personnel assignment policy and vessel manning levels, requirements for sufficient instructor personnel aboard training ships, and guidance to Coast Guard commanding officers in determining qualifications for such key posts as officer-of-the-deck, lookout, helmsman and quartermaster. The Board also issued a recommendation to the Assoication of Maryland Pilots on whistle-signalling in close passages of their vessels with others. (For complete text or recommendations M-79-17 through 30 issued to the Coast Guard on March 2 and M-79-31 issued to the Association of Maryland Pilots, see 44 FR 15815, March 15, 1979.)

Responses to Safety Recommendations

Aviation

CY 70-47 and A-72-66.—On January 31 the Federal Aviation Administration advised the Safety Board that actions with respect to these recommendations have been completed. The recommendations were made as a result of an Overseas National Airways DC-9 accident of St. Croix. V.I., May 2, 1970, and a Safety Board special study, "Passenger Survival in Turbojet Ditchings," respectively.

FAA advised that Operations Review Program Amendment No. 6 was issued last September 28, with an effective date of December 4, 1978. Sections 23.1413(c), 25.1413(d), 27.1413(c), and 29.1413(b) of the Federal Aviations Regulations were amended to require that each safety belt be equipped with a metal-to-metal latching device. Further, § 91.33(b)(12) was amended to require, after December 4, 1980, seat belts with metal-to-metal latching devices for all occupants.

On March 12 the Safety Board acknowledged FAA's January 31 letter and advised that the status of both recommendations is now classified as "Closed—Acceptable Action."

A-72-84.—FAA on February 7 advised the Safety Board that action with respect to this recommendation has been completed. The recommendation pertained to passenger evacuation under emergency conditions and called upon FAA to require self-illuminating handles for all Type I and Type A exits.

FAA reports that Airworthiness Review Program Amendment No. 7, effective December 1, 1978, was issued on October 20, 1978, and that Federal Aviation Regulations §§ 25.811(e)(2)(i) and (ii) require that the operating handles on Type I and Type A emergency exits "(i) Be self-illuminated with an initial brightness of at least 160 microlamberts; or (ii) Be conspicuously located and well illuminated by the emergency lighting even in conditions of occupant crowding at the exit."

In reply, the Safety Board on March 12 advised FAA that the status of this recommendation is now classified as "Closed—Acceptable Action."

A-76-58.—FAA's letter of January 31 is in response to the Safety Board's November 9, 1978, request that action on this recommendation be expedited. The recommendation was issued on March 31, 1976, as a result of several air traffic related accidents and incidents, and called for a comprehensive study of the human failure aspects of air traffic control system errors that have occurred since the introduction of terminal and enroute automation. The object of the recommendation was to make the National Airspace System less vulnerable to the human failure element, either by changes in procedures, training, supervision, performance monitoring, and selection standards, or by providing increased redundancy in the man-machine relationship.

On April 9, 1976, FAA advised the Safety Board that the study was underway and the results were expected to be available by midyear 1976. The Board was subsequently advised through staff sources that a MITRE Corporation final report was due by February 1, 1978. However, as of last November 9 the Board had received no information about the report.

FAA's January 31 response provides a copy of the MITRE Corporation study, begun July 1, 1976, to analyze the performance of the human element in air traffic control. FAA notes that before the final report was published, FAA had begun to respond to recommendations that would make the National Airspace System less vulnerable to the human failure element. Enclosure 1 of FAA's January 31 letter contains actions taken in regard to procedures, training, supervision, performance, monitoring and selection criteria.

On March 15 the Safety Board acknowledged receipt of the FAA's response and advised that the recommendation is now classified as "Closed—Acceptable Action."

A-77-70 and 71.—In response to Safety Board inquiry of November 9 (43 FR 59559, December 12, 1978), FAA on February 15 reported that its June 16, 1977, amendments to 14 CFR Parts 23 and 91 were the most recent actions taken in regard to installation of shoulder harnesses in general aviation aircraft. Based on information available at the time of deciding on those amendments, FAA states that it determined that a shoulder harness retrofit requirement was not appropriate. Further, FAA believed that delethalization of light aircraft cabins

would be preferable to a requirement that all seats be equipped with shoulder harnesses. FAA followed that course of action.

In the last few months, FAA reports concluding, however, that its earlier decisions regarding these issues should be reconsidered, and FAA's Acting Associate Administrator for Aviation Standards has been directed to analyze these issues and provide recommended options. FAA notes that the Board's November 16 letter indicates that the Board may have information which could have a bearing on FAA's reanalysis; if so, FAA asks that such information be provided so that all relevant data may be fully considered before responding further.

Highway

H-77-21.—Letter of March 8 from the Federal Highway Administration is a followup to FHWA's response of last September 20 (43 FR 47018, October 12, 1978) concerning the use of guidelines for installation of barriers at bridge approaches; the response referred to a "Highway Safety Review" report by the Safety Review Task Force and a proposed bulletin concerning barrier design practices. A copy of the report is attached to FHWA's March 8 letter, as is copy of the bulletin which has been sent to all FHWA field offices, States, metropolitan planning organizations, and Governors' Highway Safety Representatives to alert those involved in barrier design, construction, and maintenance of the need to follow current guidelines. Copies of the training announcements which were also described in FHWA's September 20 response will be furnished when available.

H-78 through 50.—Letter of February 27 from the National Highway Traffic Safety Administration is in response to the Safety Board's comments of January 11, based on a review of NHTSA's initial response of October 16 (43 FR 52308, November 9, 1978).

The Safety Board indicated on January 11 that it was gratified that NHTSA was proposing to research, analyze, and investigate the various aspects of the rulemaking actions recommended by the Board. However, the Board submitted that recommendations H-78-49 and H-78-50 do not require an accumulation of accident data before action is taken; the need for drivers of large vehicles to be provided with information concerning the operational characteristics of their vehicles far outweighs the need for the government to accumulate information before deciding to give the driver this information. Regarding H-78-48, the Board noted the need for a careful justification of automatic brake adjustment devices, both mechanically and economically and urged NHTSA to move forward with these studies and to make use of all previous work in the area in order to make its decision as soon as practicable. The Board said it would keep the files on these three recommendations in an open status and will consider the issues raised by these recommendations in future highway accident investigations.

In its February 27 letter, NHTSA reports that it has begun preparation of a Notice of Request for Comments to be published in the FEDERAL REGISTER, which will allow the public and industry to comment on the discerned safety problem, potential benefits, and the most effective means of providing the drivers of large vehicles with information on the operational characteristics of two-speed rear axles and manual transmissions. NHTSA says that this action should speed the accumulation of information needed to take appropriate rulemaking action in these areas.

Pipeline

P-78-58 through 63.—On February 1 the Research and Special Programs Administration (RSPA), U.S. Department of Transportation, responded to recommendations issued last October 25 to the Office of Pipeline Safety (OPSO) of DOT's Materials Transportation Bureau (MTB). The recommendations were made as a result of the Safety Board's special study, "Safe Service Life for Liquid Petroleum Pipelines." (See 44 FR 1228, January 4, 1979.)

In answer to P-78-58, which asked for publication of a plan describing how OPSO will use accident report data to formulate safety regulations and to develop a safe service life model for pipelines, RSPA reports that full computerization of liquid pipeline data was completed in November 1978. Plans for usage of data include preparation of reports showing (1) number of leaks, (2) geographic location of leaks, (3) property damage in dollars, (4) injuries and fatalities, and (5) rates of increase or decrease of each element. Discussion of plans for relating accident data to regulatory action will be in future issues of the "Pipeline Safety Advisory Bulletin." MTB is not prepared to speculate on how data might help to develop a service life model. For the present, all efforts will be toward expanding the data base.

With respect to P-78-59, which recommended redesign of the Liquid Pipeline Accident Report System to include data similar to that collected in the Natural Gas Accident Reporting System, RSPA says that MTB is in favor of making warranted changes in the liquid pipeline accident report form but does not want to make any changes in the form or the computer system until it has been in operation for at least one year. Safety Board and MTB staff have already begun to explore the redesign of the liquid pipeline accident reporting system.

In response to P-78-60, calling for clear instructions and definitions to insure the accuracy and consistancy of the data recorded on the liquid pipeline accident report form, RSPA states that the instructions and definitions provided in 49 CFR Part 195 are adequate. There are valid explanations for the observed incompleteness in some carriers' accident reports; reasons listed: (1) Hydrostatic testing of liquid pipelines was mandatory only after 1970 and was not retroactive, therefore many liquid lines have not been so tested and the pressure test data in section H of the report form is not available; and (2) instructions for sections I and J state that these are to be filled in only if accident was caused by corrosion or equipment rupture. RSPA states, "Out of a random sample of 190 consecutively numbered reports, in only four reports were sections I and J found to have reporting deficiencies." MTB does not consider this 2 percent error to be significant. This error is expected to be even lower as new auditing procedures discussed below under P-78-62 are implemented.

Recommendation P-78-61 called for computerizing the redesigned Liquid Pipeline Accident Report System, including the capability to: (a) Compute accident/leak rate-per-mile of pipe for each carrier as well as the nationwide rate; (b) make periodic comparisons of each carrier's accident/leak rate against the nationwide rate; (c) compute and plot selective accident/leak rates based on pipeline parameters such as age, specified yield strength, depth of cover, product transported, etc.; (d) selectively retrieve and summarize accident/leak data pertaining to any given accident or classification of accidents; and (e) produce summarized reports reflecting the above listed information. MTB in reply said that it already can accomplish (d) and (e). In exploring the redesign of the system, additional capabilities to provide (a), (b), and (c) will be pursued.

In response to P-78-62, which called for audits of the completed liquid pipeline accident reports to insure that mandatory data is provided, RSPA states that under processing procedures implemented immediately after completing the full computerization of the accident data base in November 1978, each incoming report is now being validated before being entered in the computerized data base. Marked improvement in retrievable data completeness is seen.

With respect to P-78-63, which called for expediting completion of

rulemaking to strengthen Federal regulations concerning LPG pipelines, RSPA reports that three rulemaking actions initiated in August and November 1978 will in various ways strengthen the liquid pipeline regulations as they apply to LPG pipelines. A description of each rulemaking action is included. Final rules for each action are scheduled for this year.

Railroad

R-74-28.—The Federal Railroad Administration on January 25 replied to the Safety Board's comments of last August 18 to FRA's July 14 response (43 FR 38962, August 31, 1978) concerning this recommendation. The recommendation asked FRA to sponsor a program to develop and test devices for the securement of manually operated switch stands so that they would be more resistant to operation by unauthorized persons.

Noting that the planned testing program to secure manually operated switch stands has not been instituted, the Board's August 18 letter asked to be advised of the probability of initiating the switch stand testing program in the near future.

FRA's January 31 response indicates that consideration had been given to sponsoring such a test program, but, in view of the fact that there are now tamper proof locks available and in use by many of the larger rail carriers, FRA does not intend to initiate the program originally thought necessary. FRA states, "The magnitude of the switch tampering problem does not jusitify Federal regulations to require carriers to use these locks. Rather than regulate the complete use of such devices on all manually operated switches, we feel it makes more sense to allow the carrier to use his own judgment on where such devices should be used."

On February 22, the Safety Board replied to FRA's latest response and stated that the reasoning that the switch tampering problem is of a minor magnitude cannot be accepted. Accidents have been investigated in recent years wherein a vandalized switch resulted in trains being unexpectedly diverted to a collision route, resulting in fatalities to head-end crewmembers. The subject is worthy of further study. The Board noted that as recently as July 2, 1978, an Atchison, Topeka, and Santa Fe freight train collided with a standing cut of cars at Pinole, Calif., because vandals broke the locks on a switch stand and switch signal mechanism, resulting in injuries and the derailment of hazardous materials. Since the Safety Board concludes that FRA will not engage in further activities relating to R-74-28, the recommendation has been closed—unacceptable action.

R-78-38 and 39.—FRA on February 8 provided a followup to its response of last July 21 (43 FR 36536, August 17, 1978), noting that the Grade Crossing Hazard Analysis Study (a copy is attached to the February 8 letter) has now been completed. FRA has also forwarded a copy of the study to the Federal Highway Administration, which plans to use it as an aid in selecting and prioritizing grade crossing projects for funding. FRA states that this study was performed by the Transportation Systems Center to determine a strategy for selecting potentially hazardous crossings for inspection by the States, and a procedure for acquiring needed inspection data from the States to permit a positive determination of hazard existence.

In acknowledging receipt of FRA's additional response, the Safety Board on March 12 stated that it understands that FHWA and the States will now assign priorities to grade crossings, utilizing the data developed in the FRA study and that following the prioritization of the crossings, FRA, FHWA, and the States will then determine the appropriate warning devices and train operational speeds for all crossings, based on "worst possible case" limitations. Unitl such time that these projects have been accomplished, the Safety Board will continue to classify both R-77-38 and R-77-39 in an open status.

NOTE.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of the Board's recommendation letters and response letters are also available free of charge. All requests for copies must be in writing, identified by report for recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

MARCH 19, 1979.

[FR Doc. 79-8740 Filed 3-21-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

AGENCY FORMS UNDER REVIEW

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of

Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

AGENCY CLEARANCE OFFICER—DONALD W. BARROWMAN—447-6202

NEW FORMS

Economics, Statistics, and Cooperative Service
Case study—member involvement and control of
Dairy cooperatives
Single time
Members of dairy cooperatives, 1,000 responses; 375 hours
Office of Federal Statistical Policy and Standard, 673-7974.

EXTENSIONS

Soil Conservation Service
Livestock production from properly used forage resurces under conservation treatment
SCS-CONS-2 on occasion
Commercial farmer, 1,000 responses; 2,000 hours
Ellett, C.A., 395-5080

DEPARTMENT OF COMMERCE

AGENCY CLEARANCE OFFICER—EDWARD MICHAELS—377-4217.

NEW FORMS

Bureau of the Census
Supplies used during 1977
MA-131, 1300
Single time
Selected mineral establishments, 250 responses; 1,000 hours
Office of Federal Statistical Policy and Standard, 673-7974.

BUREAU OF THE CENSUS

Consumption of materials, parts, containers, and supplies during 1977
MA-131
Single time
Selected manfact. Establishments, 2,000 responses; 8,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
1978 Census of Agriculture
78-a-46
Single time
Farm operators and Farm Association persons, 5,000 responses; 833 hours
Office of Federal Statistical Policy and Standard, 673-7974

Bureau of the Census
Post enumeration survey; mover followup questionnaire;
1980 census
D-864 (X)
Single time
Households in VA dress rehearsal area, 600 responses; 120 hours
David P. Caywood, 395-6140

Bureau of the Census,
May 1979 Multiple job holding, premium pay, and usual number of days and hours worked supplements
CPS-1
Single time
Interviewed households in May 1979 CPS, 61,000 responses; 4,067 hours
Office of Federal Statistical Policy and Standard, 673-7974.

EXTENSIONS

Bureau of the Census
*Complete aircraft—plant report
M-37G
Monthly
Civilian aircraft manufacturers, 180 responses; 78 hours
Caywood, D.P., 395-6140

DEPARTMENT OF DEFENSE

AGENCY CLEARANCE OFFICER—JOHN V. WENDEROTH—697-1195

EXTENSIONS

Departmental and Other
Weight and balance control system for missiles
MIL-W-3947B
On occasion
Navair aerospace contractors, 20 responses; 4,000 hours
Caywood, D.P., 395-5080

DEPARTMENT OF ENERGY

AGENCY CLEARANCE OFFICER—ALBERT H. LINDEN—566-9021

NEW FORMS

*Weekly Total Stocks of Crude Oil[1]
EIA-164
*Weekly
Crude oil refiners and producers, 9,152 responses; 2,288 hours
Hill, Jefferson B., 395-5867
*Weekly Bulk Terminal Stocks of Industrial Products[1]
EIA-162
Weekly
Bulk terminal operators, 4,316 responses; 1,079 hours
Hill, Jefferson B., 395-5867

Weekly Pipeline Stocks of Finished Products[1]
EIA-163
Weekly
Pipeline operators products, 4,004 responses; 1,001 hours
Hill, Jefferson B., 395-5867

Weekly Import Report[1]
EIA-165
Weekly
Petroleum importers, 2,860 responses; 2,145 hours
Hill, Jefferson B., 395-5867

Monthly Power Generating Plant Data for Electric Utilities
EIA-210
Monthly
Electric utility estab. Owning and Operating Generating Plants, 12,324 responses; 24,648 hours
Hill, Jefferson B., 395-5867

Weekly Refinery Report[1]
EIA-161
Weekly
Petroleum Refineries, 9,152 responsers; 2,288 hours
Hill, Jefferson B., 395-5867

Transfer Pricing Report
ERA-51
Monthly
Petroleum refiners, 480 responses; 19,440 hours
Hill, Jefferson B., 395-5867

EXTENSIONS

Data on Measures To Implement Conservation of Natural Resources, Appendix B
FPC-R0281
Annually
None, 3,500 responses; 7,000 hours
Hill, Jefferson B., 395-5867

Certification of Requirements for Use Under Allocation Levels
ERA-100
Annually
Wholesale purchasers resellers, 30,000 responses; 30,000 hours
Will, Jefferson B., 395-5867

Inventory of Property Other Than Land and Rights-of-Way
ICC-ACV-5
On occasion
Common carrier pipeline companies, 400 responses: 2,400 hours
Hill, Jefferson B., 395-5867

Inventory of Land and Rights-of-Way
ICC-ACV-6
On occasion
Common carrier pipeline companies, 24 responses; 72 hours
Hill, Jefferson B., 395-5867

Summary for National Electric Rate Book
FPC-13
Annually
Electric facilities, 1,500 responses; 2,625 hours
Hill, Jefferson B., 395-5867

Summary of Original Cost Inventory
ICC-ACV-7
On occasion
Common carrier pipelines companies, 12 responses; 30 hours
Hill, Jefferson B., 395-5867

Cost Data for Equipment and Tanks
ICC-ACV-8
Annually
Pipeline carriers subject to Interstate Commerce Act, 75 responses; 300 hours

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[1] "OMB has approved these forms. OMB acted quickly to permit DOE to obtain information needed to monitor the results of the international oil situation. Becuase OMB has continuing authority to disapprove all or part of a form in use, we are still requesting comments and suggestions from the public."

Hill, Jefferson B., 395-5867
Cost Data for Pipeline Construction
ICC-ACV-9
Annually
Pipeline carrier subject to Interstate Commerce Act; 75 responses; 1,600 hours
Hill, Jefferson B., 395-5867

Quarterly Report of Pipe Line Companies
QPS
Quarterly
Large pipeline companies; 416 responses; 416 hours
Hill, Jefferson B., 395-5867

Monthly Power Plant Report
FPC 4
Monthly
Elec. utilities and indus. gen. plants; 15,444 responses; 50,965 hours
Hill, Jefferson B., 395-5867

Supplemental Power Statement
FPC 12-E-2
Monthly
Electric utilities; 3,850 responses; 8,800 hours
Hill, Jefferson B., 395-5867

Annual Report for Importers and Exporters of Natural Gas
FPC 14
Annually
Natural gas companies; 25 responses; 100 hours
Hill, Jefferson B., 395-5867

Monthly Report of Natural Gas Pipeline Curtailments
FPC-17
Monthly
Natural gas pipeline companies; 384 responses 3,072 hours
Hill, Jefferson B., 395-5867

Electric Generating Station and Sub-Station Data and Location
FPC 38
Other (see SF-83)
Electric utilities; 1,000 responses; 4,000 hours
Hill, Jefferson B., 395-5867

Reporting of New Non-Jurisdictional Sales of Natural Gas by Natural Gas Cos. Subject to Jurisdiction of the FPC
FPC-45
Monthly
Natural gas companies; 4,200 responses; 25,200 hours
Hill, Jefferson B., 395-5867

Weekly Fuel Situation Report—Coal
FPC 237A
Weekly
Pub utilities who generate elec. power; 125 responses; 250 hours
Hill, Jefferson B., 395-5867

Weekly Fuel Emergency Report—Oil
FPC 237B
Weekly
Pub. utilities who generate elec. power; 125 responses; 250 hours
Hill, Jefferson B., 395-5867

Annual Statement to Support Small Producer Exemption
FPC 314B
Annually
Independent producers of natural gas; 2,500 responses; 7,500 hours
Hill, Jefferson B., 395-5867

*Reserve Dedication Report
FPC 334
On Occasion
Natural gas pipeline; 104 responses; 52 hours
Hill, Jefferson B., 395-5867

Monthly Report of Cost and Quality of Fuels for Electric Plants
FPC-423
Monthly
Electric utility companies; 10,800 responses; 21,600 hours
Hill, Jefferson B., 395-5867

Report on Service Interruptions on Pipeline Systems
FPC-R0016
On Occasion
Natural gas pipeline companies; 125 responses; 1,250 hours
Hill, Jefferson B., 395-5867

Summary of Cost of Reproduction New and Reproduction New Less Depreciation-Pipeline Carriers
ICC-ACV-4
Annually
Common carrier pipeline companies; 1,590 responses; 3,975 hours
Hill, Jefferson B., 395-5867

Summary of Changes in Original Cost and Total Original Cost at End of Period-Pipeline Carriers
ICC-ACV-3
Annually
Common carrier pipeline Companies; 318 responses; 795 hours
Hill, Jefferson B., 395-5867

Annual Reports of System Flow Diagrams
FPC-R0284
Annually
Natural gas pipeline; 47 responses; 8,508 hours
Hill, Jefferson B., 395-5867

Reliability of Electric and Gas Service: Policy Statement and Proposed Rulemaking
FPC-R0237
On occasion
Public utilities; 85 responses; 425 hours
Hill, Jefferson B., 395-5867

Response to Order No. 383-3, Appendix A-1, Reliability and Adequacy of Electric Service
FPC-RO309
Annually
Electric reliability councils; 340 responses; 8,500 hours
Hill, Jefferson B., 395-5867

Reporting of Temporary Emergency Sales and Deliveries of Natural Gas for Resale in Interstate Commerce by Persons with Exemptions Under the Natural Gas Act
FPC-RO326
On occasion
Co. exempt under the Natural Gas Act; 60 responses; 300 hours
Hill, Jefferson B., 395-5867

Summary of Land and Rights-of-Way Property Changes—Pipeline Carriers
ICC-ACV-2
Annually
Pipeline companies; 530 responses; 1,325 hours
Hill, Jefferson B., 395-5867

Statement of Property Changes Other Than Land and Rights-of-Way Pipeline Carriers
ICC-ACV-1
Annually
Pipeline companies; 5,300 responses; 13,250 hours
Hill, Jefferson B., 395-5867

Report of Events Affecting Bulk Power Supply
FPC-0211
On Occasion
Electric energy generation or transmission; 100 responses; 200 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

AGENCY CLEARANCE OFFICER—PETER GNESS, 245-7488

NEW FORMS

Health Care Financing Administration (Medicare)
*Hospital interim rate change report (PIP quarterly report)
HCFA-91
Quarterly
Hospitals; 8,000 responses; 4,000 hours
Richard Eisinger, 395-3214

REVISIONS

Center for Disease Control
Tuberculosis statistics and program evaluation activity
CDC 5.1393, 5.61, 5.62, 5.63, 5.4018-1,-5
Annually
State and local health departments; 3,116 responses; 2,718 hours
Richard Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

AGENCY CLEARANCE OFFICER—JOHN KALAGHER, 755-5184

EXTENSIONS

Administration (Office of Ass't Sec'y)
Application for coinsurance benefits
HUD-4035
On Occasion
FHA approved mortgagees; 200 responses; 200 hours
Strasser, A., 395-5080

Administration (Office of Ass't Sec'y)
*Coinsured mortgage record change

HUD-8084
On Occasion
Approved coinsurance mortgagees; 190 responses; 48 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
Credit application for property improvement loan
FH-1
On occasion
Homeowners; 300,000 responses; 60,000 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Credit application for mobile home loan
FH-1 (MH)
On occasion
Mobile home purchaser; 6,000 responses; 1,200 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Statistical data sheet for co-insurance claims
HUD-4035.4
On occasion
Approved co-insurance mortgages; 200 responses; 68 hours
Arnold Strasser, 395-5080

DEPARTMENT OF JUSTICE

AGENCY CLEARANCE OFFICER—DONALD E. LARUE, 376-8283

NEW FORMS

Law Enforcement Assistance Administration
Survey of inmates of State correctional facilities (inmate questionnaire, institutional sampling sheet)
NPS-25X and 26X
Single time
Inmate in State correctional facilities; 200 responses; 200 hours
Office of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

Offices, Boards, Division
Claim for damage, injury, or death
95
On occasion
People with claims against the United States 800,000 responses; 400,000 hours
Laverne V. Collins, 395-3214

DEPARTMENT OF LABOR

(AGENCY CLEARANCE OFFICER—PHILIP M. OLIVER, 523-6341

REVISIONS

Employment and Training Administration
Trade Readjustment Determinations and Allowance Activities and Employment Services
ETA 5-63 Telegraphic Report
Other (See SF-83)
SESAS for petitions under Trade Act; 5,200 responses; 9,880 hours
Strasser, A., 395-5080

EXTENSIONS

Bureau of Labor Statistics
Survey of Individual Hours and Earning of Nonsupervisory Employees
BLS-1130-A-F
Single time
Nonfarm business establishments; 165,000 responses; 33,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF TRANSPORTATION

AGENCY CLEARANCE OFFICER—BRUCE H. ALLEN, 426-1887

NEW FORMS

Federal Aviation Administration
Survey of Airport Services
S-431A and 431B
Single time
Airport, managers and fixed base operators; 3,822 responses; 3,087 hours
Office of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

Coast Guard
Application for registration—United States Registered Pilot
CG-4509
On occasion
Great Lakes registered pilots and/or applicants; 60 responses; 60 hours
Susan B. Geiger, 395-5867

Federal Aviation Administration
*Medical exemption petition (operational questionnaire)
FAA 8500-20
On occasion
Airmen; 150 responses; 75 hours
Susan B. Geiger, 395-5867

Federal Aviation Administration
*Application for airworthiness certificate
FAA 8130
On occasion
Aircraft owners; 34,000 responses; 17,000 hours
Susan B. Geiger, 395-5867

DEPARTMENT OF THE TREASURY

AGENCY CLEARANCE OFFICER—HOWARD SMITH, 376-0436

EXTENSIONS

Bureau of Customs
*Entry for bonded manufacturing warehouse and permit
CF-7521
On Occasion
Importer/brokers; 7,700 responses; 1,540 hours
Susan B. Geiger, 395-5867

Bureau of Customs
*Record of vessel/aircraft foreign repair or equipment purchase
CF 226
On occasion
Vessels; 4,680 responses; 468 hours
Geiger, Susan B., 395-5867

ENVIRONMENTAL PROTECTION AGENCY

AGENCY CLEARANCE OFFICER—JOHN J. STANTON, 245-3064

EXTENSIONS

St. Louis Human Morbidity Study
Other (see SF-83)
Family units; 3,120 responses; 2,340 hours
Clarke, Edward H., 395-5867

RAILROAD RETIREMENT BOARD

AGENCY CLEARANCE OFFICER—W. V. RADESK, 312-751-4690

REVISIONS

*Employer's Supplemental Report of Service and Compensation and Employee's Termination of Service
Relinquishment of rights
G-88, G-88A, and G-88A.1
On occasion
Applicants for RRA annuity; railroad employers; 30,000 responses; 3,000 hours
Barbara F. Reese, 395-6132

SMALL BUSINESS ADMINISTRATION

AGENCY CLEARANCE OFFICER—JOHN REIDY, 653-6081

EXTENSIONS

Application for Surety Bond Guarantee Assistance
SBA 994
On occasion
Small contractors requesting assistance; 12,000 responses; 12,000 hours
David P. Caywood, 395-6140

UNITED STATES INTERNATIONAL TRADE COMMISSION

AGENCY CLEARANCE OFFICER—ROBERT CORNELL, 523-0301

NEW FORMS

Market Questionnaire-Coke From West Germany
Single time
Steel companies, coke producers, coal producers; 63 responses; 1,260 hours
Geiger, Susan B., 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management

[FR Doc. 79-8789 Filed 3-21-79; 8:45 am]

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on April 18 and 19, 1979, from 9:30 a.m. to 5:00 p.m., in the Hotel Lemington, Third Avenue at 10th Street, Minneapolis, Minnesota 55404.

The Committee will be examining Food/Agriculture/Nutrition programs and issues, particularly as they affect, or can be affected by voluntary agencies. The agenda will emphasize agricultural production, trade, and the economic aspects of food programs. It will also consider such other matters related to voluntarism in foreign assistance as may be appropriate.

The meeting will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements may be filed before or after the meeting.

Mr. John A. Ulinski will be the A.I.D. representative at the meeting. It is suggested that those desiring further information contact Mr. Ulinski at 202-632-9421 or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: March 8, 1979.

CALVIN H. RAULLERSON,
Assistant Administrator, Bureau for Private and Development Cooperation.

[FR Doc. 79-8723 Filed 3-21-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. IP77-14; Notice 2]

MOTOR COACH INDUSTRIES, INC.

Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by Motor Coach Industries, Inc. of Pembina, N. Dak., to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for two apparent noncompliances with 49 CFR 571.121 Motor Vehicle Safety Standard No. 121, *Air Brake Systems*. The basis of the petition was that the noncompliances were inconsequential as they related to motor vehicle safety.

Notice of the petition was published on November 21, 1977, and an opportunity afforded for comment (42 FR 59799).

Paragraph S5.1.5, *Warning Signal*, of Standard No. 121 requires an audible or visible signal to be given when the ignition is in the "on" or "run" position, and the air pressure in the service brake reservoir system is below 60 lb/in^2. Tests performed by NHTSA on an MC-8 coach (NHTSA file CIR 1768) disclosed that the signal did not operate until air pressure was at 56.5 lb/in^2 and below. MCI argued that this is inconsequential since "it is usual for an air pressure gauge to have a setting tolerance of + or −5 lb/in^2", and that "the lacking 3.5 lb/in^2 would not affect the function of the brakes or it would affect them insignificantly."

Paragraph S5.3.4, *Brake Release Time*, of Standard No. 121 requires that with an initial service brake chamber pressure of 95 lb/in^2, in the air pressure in each brake chamber should, when measured from the front movement of the service brake control, fall to 5 lb/in^2 in not more than 0.55 second. NHTSA testing found that the actual time on an MCI bus was 0.64 second. MCI argued that this was inconsequential because, on buses which are not subject to lockup requirements, "the difference in response, driver to driver, will vary to a far greater time sequence than is indicated in our extended release times of 0.09 second, nor will this 'extended' release time be affecting safety in any manner that we can foresee in our experience". Approximately 922 buses are involved.

Two comments were received on the failure to comply with S5.1.5, the warning signal requirement. The California Highway Patrol supported the petition as State regulations allow a warning to be given at a pressure as low as 55 pounds. The petition was opposed by the Illinois Vehicle Safety Commission which considered that a grant would establish "a tolerance on a tolerance—an unreasonable act".

The agency has decided to deny this portion of MCI's petition. MCI's argument with respect to the air pressure gauge is considered irrelevant. The function of the warning system is different from that of an air pressure gauge and should actuate whenever the system pressure is below 60 psi, regardless of what the gauge indicates. California's allowance would appear to be preempted by Federal requirements, and, in any event, is regarded as a lower level of performance than is deemed desirable for motor vehicle safety.

No comments were received on the failure to comply with S5.3.4 the brake release time requirements.

The agency has also decided to deny this aspect of this petition. Originally, the value proposed for this requirement was 0.40 second. (See Figure 2, Docket No. 70.17; Notice 1, 35 FR 10368, June 25, 1970). Because of industry comments that this was too severe to compensate for production tolerances, a value of 0.55 second was finally adopted. This explains the comment by Illinois that to grant the petition would place a tolerance on a tolerance. While a deviation of 0.09 second may appear unimportant, the regulatory scheme of the National Traffic and Motor Vehicle Safety Act requires the establishment of "minimum standards for motor vehicle performance". A manufacturer who establishes his tolerances at or near the minimum level risks, in the event of failure, a determination of noncompliance, the obligation to notify and remedy, the threat of civil penalties and injunctive relief and the probability that he will be unable to establish that he exercised due care in designing and manufacturing his product to conform. The use of a precise figure like 0.55 second—or any other time period for that matter—is necessary to meet the objectivity requirement of the Act and to make the standard enforceable. Such values are necessary and desirable in a regulatory context for both the regulated party and the regulator. MCI, for example, would find it difficult to establish compliance with a brake release time specification which stated only a subjective requirement that "the pressure shall fall quickly". Finally, to decide that a deviation of 0.09 second is "inconsequential" could encourage manufacturers to be less careful in design and production, and possibly lead to further deviations and erosion of the standard. The agency has concluded that, generally, values once established must be retained until modified by public rulemaking procedures. The agency believes that Congress did not intend that an inconsequentiality grant be made simply because a manufacturer came close to meeting a minimum performance level but did not reach it for one reason or another. The agency notes, but does not rely on the fact in its decision, that no explanation or excuse has been given by the petitioner for either noncompliance.

MCI has failed to meet its burden of persuasion, and its petition that its failures to comply with Standard No. 121 be deemed inconsequential as they relate to motor vehicle safety is hereby denied.

(Sec. 102, Pub. L. 93-492, 89 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on March 12, 1979.

MICHAEL M. FINKELSTEIN,
Associate Administrator for Rulemaking.

[FR Doc. 79-8275 Filed 3-21-79; 8:45 am]

[4910-59-M]

FIAT MOTORS CORPORATION OF NORTH AMERICA

Public Proceeding Canceled

A public proceeding scheduled for 10:00 a.m., March 21, 1979, in Room 6332, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590, with respect to undercarriage corrosion in the 850 and 124 models of the Fiat automobile for model years 1970 through 1974 is canceled.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8).

Issued on March 19, 1979.

LYNN BRADFORD,
Acting Associate Administrator.

[FR Doc. 79-8653 Filed 3-21-79; 8:45 am]

[4910-59-M]

[Docket 79-07, Notice 1]

MOTORCYCLE HELMET STUDY

Request for Comments

AGENCY: U.S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice.

SUMMARY: The Surface Transportation Assistance Act of 1978 requires the Secretary of Transportation to study and report to Congress on the effect that repeal of motorcycle helmet laws has had on motorcycle accident fatalities and injuries. This notice announces the establishment of a docket to receive information relevant to the study and to receive comments on how the study should be concluded.

CLOSING DATE FOR COMMENTS: May 8, 1979.

ADDRESS: Comments should refer to the docket number and be submitted to: NHTSA, Docket No. 79-07, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis S. Buchanan, Office of Driver and Pedestrian Programs, Traffic Safety Administration, Washington, D.C. 20590, (202) 426-2180.

SUPPLEMENTARY INFORMATION: Section 208 of the Highway Safety Act of 1976 contained language prohibiting the Secretary of Transportation from requiring States to enact motorcycle helmet use laws for any rider 18 years of age or older. Since passage of the 1976 Act, 26 States have either repealed or weakened their helmet use laws. During 1977 there was a 24 percent increase in motorcycle fatalities. Motorcycle deaths reached 4,103, a record high. Motorcycle fatalities increased an estimated ten percent during 1978. As a result of concern about the increase in fatalities, section 210 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) required the Secretary to conduct a motorcycle helmet study and to report the findings to the Congress.

The NHTSA has compliled substantial data on the effect of helmet law repeal on helmet use, head injuries and fatalities. Additional data are now being collected for use in the report to Congress. To assure that all appropriate data are reviewed and considered in the preparation of the report, the agency has decided to solicit suggestions, recommendations and data from the public, motorcycle manufacturers, organizations representing motorcyclists and individuals.

The agency is also making available for public review and comment a package of data and information concerning the effect of motorcycle helmet usage on head injuries and the effect of the repeal of helmet usage laws on the frequency and severity of head injuries. The package is composed of the following specific items:

1. Executive summaries of four State studies (Kansas, Oklahoma, South Dakota, and Colorado) which contain highlights of helmet usage surveys conducted in pre-repeal periods, findings of accident investigations, and data on the frequency and severity of head injuries of helmeted and non-helmeted riders.

2. An executive summary of motorcycle accident causation factors and identification of countermeasures study conducted by the University of Southern California. It contains highlights of in depth accident investigations of 900 motorcycle accidents.

3. A preliminary report on the effect of motorcycle helmet usage on head injuries and helmet usage rates, derived from the four-State observational surveys and accident investigations. In addition, some of the USC data is contained in this report.

4. A bibliography of the most recent reports and studies on the subject of motorcycle helmet usage.

Copies of the package may be obtained by writing to NHTSA, General Services Division (NAD-42), 400 Seventh Street, S.W., Washington, D.C. 20590.

Copies of the completed final reports for the studies cited above are available for public review in the NHTSA Docket Room, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Pub. L. 89-564, 80 Stat. 731; (23 U.S.C. 401, et seq.) delegations at 49 CFR 1.50 and 49 CFR 501.8 (d)).

Issued: on March 19, 1979.

K. W. HEATHINGTON,
Associate Administrator, Traffic Safety Programs.

[FR Doc. 79-8724 Filed 3-21-79; 8:45 am]

[4910-57-M]

Urban Mass Transportation Administration

INTENT TO PREPARE ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the National Environmental Policy Act (83 Stat. 852) and the Council on Environmental Quality's implementing regulations, (40 CFR Parts 1500-1508) the Urban Mass Transportation Administration gives notice that environmental impact statements are being prepared for the proposed projects listed below. The Urban Mass Transportation Administration invites participation of agencies and individuals with expertise or interest to comment on the scope of these environmental impact statements.

NEW YORK CITY, N.Y.

The New York City Department of Transportation proposes to construct with Federal capital grant assistance a combined transitway, transit information center and pedestrian mall known as Broadway Plaza. The proposed project includes the closing of Broadway between 45th Street and 48th Street to all but emergency traffic, sidewalk widenings, passenger boarding area for transit and paratransit patrons, and preferential treatment for transit vehicles along Broadway between 45th and 59th Streets. Alternatives to the proposed project include the no build alternative and improved bus service.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Joel Widder, Environmental Protection Specialist, Planning and Analysis Division, Urban Mass Transportation Administration, Washing-

ton, D.C. 20590, telephone number 202-472-7100.

OAKLAND, CALIF.

The Port Authority of Oakland, California proposes to construct with Federal capital grant assistance an automated guideway transit system to link the Bay Area Rapid Transit (BART) Coliseum/Airport Station and the Oakland Airport. The distance between these two points is 3.5 miles. Alternatives to the proposed action include an improved bus connection and the no build alternative.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Maureen Craig, Environmental Protection Specialist, Planning and Analysis Division, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number 202-472-7100.

LOS ANGELES, CALIF.

The Los Angeles Community Redevelopment Agency proposes to construct with Federal capital grant assistance a downtown people mover (DPM). The Los Angeles DPM is proposed as a grade-separated automated circulation/distribution transit system for the central business district. An elevated guideway and short subway section will run approximately three miles through the north and west sides of the central business district with automated vehicles providing service to 13 stations along the proposed route. Parking facilities and bus intercept points will be provided at the termini of the system. Alternatives to the proposed action include the no build alternative, improved bus service, and a rail transit connection.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Abbe Marner, Environmental Protection Specialist, Planning and Analysis Division, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number 202-472-7100.

MIAMI, FLA.

Metropolitan Dade County proposes to construct with Federal capital grant assistance a downtown people mover (DPM). The DPM is planned as an elevated grade-separated automated transit system. The proposed project will integrate the downtown area with the rapid transit system. Alternatives to the proposed action are the no build alternative, improved bus service, and a rail transit connection.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Lilla Hoefer, Environmental Protection Specialist, Planning and Analysis Division, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number 202-472-7100.

DETROIT, MICH.

The Southeastern Michigan Transportation Authority proposes to construct with Federal capital grant assistance a downtown people mover (DPM). The DPM is proposed as an elevated grade-separated automated transit system, serving residential, government, business, and retail districts in the central business district. It will interface with existing and proposed transit modes. The alternatives to the proposed action include the no build alternative, improved bus service and a rail transit connection.

Comments and questions regarding the proposed action and the environmental impact statement should be referred to: Lilla Hoefer, Environmental Protection Specialist, Planning and Analysis Division, Urban Mass Transportation Administration, Washington, D.C. 20590, telephone number 202-472-7100.

Dated: March 16, 1979.

CHARLES F. BINGMAN,
Deputy Administrator.

[FR Doc. 79-8626 Filed 3-21-79; 8:45 am]

[4910-57-M]

UMTA PROCUREMENT STUDY TASK FORCE, EVALUATION OF ROLLING STOCK AND EQUIPMENT PROCUREMENT PROCEDURES

Extension of Deadline for Receipt of Public Comment

In the FEDERAL REGISTER of February 2, 1979, (44 FR 6819), the Urban Mass Transportation Administration requested public comment on the strengths and weaknesses of the existing governmental procurement process, formally advertised (low-bid), used to purchase rolling stock and technical equipment with Federal assistance.

The deadline for receipt of comment is extended from March 15, 1979 to April 16, 1979.

Comments should be mailed to:

W. H. Lytle, director, Office of Procurement and Third Party Contract Review, UMTA/UAD-70, 2100 2nd Street SW., Washington, D.C. 20590.

Dated: March 16, 1979.

CHARLES F. BINGMAN,
Deputy Administrator.

[FR Doc. 79-8627 Filed 3-21-79; 8:45 am]

[4910-06-M]

Federal Railroad Administration

[Docket No. RFA 511-78-1]

COAL LINE PROJECT

Extension of Public Comment Period

The Federal Railroad Administration ("FRA"), Department of Transportation, to afford a fair opportunity for public comments on the revised coal line application filed by the Chicago and North Western Transportation Company and its wholly-owned subsidiary, Western Railroad Properties, Inc. for $230,511,000 in loan guarantees under section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, hereby extends the public comment period from April 12, 1979 to May 11, 1979. A detailed description of the original project was presented in the notice of receipt of the application, 43 FR 41126 (September 14, 1978), and a description of the revised project was published in a notice of application amendment, 44 FR 5041 (January 24, 1979).

Written comments may be submitted to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date of May 11, 1979. Submissions should indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor. The comments will be taken into consideration by the FRA in evaluating the application, however, formal acknowledgement of the comments will not be provided.

To the extent permitted by law, the application will be made available for inspection during normal business hours in room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations. The FRA has neither approved nor disapproved this application nor has it passed upon the accuracy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Issued in Washington, D.C. on March 19, 1979.

Comment closing date: May 11, 1979.

CHARLES SWINBURN,
Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 79-8652 Filed 3-21-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Veterans Administration Wage Committee has been renewed by the Administrator of Veterans Affairs for a two year period beginning March 7, 1979 through March 7, 1981.

Dated: March 15, 1979.

MAX CLELAND,
Administrator.

[FR Doc. 79-8610 Filed 3-21-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Decisions Volume No. 21]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

Decided: March 6, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant whould use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. It the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal Action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed on or before April 23, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

H. G. HOMME, Jr.,
Secretary.

MC 2052 (Sub-17F), filed February 5, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agricultural implements, agricultural machinery, agricultural equipment, agricultural parts, road construction machinery, road construction equipment, road construction attachments, and tires;* and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, between Blair, NE, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Omaha, NE.)

MC 2202 (Sub-582F), filed January 15, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Meridian, MS, and St. Louis, MO: From Meridian, MS, over MS Hwy 19 to junction MS Hwy 16, then over MS Hwy 16 to junction MS Hwy 35, then over MS Hwy 35 to junction Interstate Hwy 55, then over Interstate Hwy 55 to St. Louis, MO, and return over the same route, serving Memphis, TN for joinder only. (Hear-

ing site: Meridian, MS, or Memphis, TN.)

MC 2202 (Sub-583F), filed January 29, 1979. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, OH 44309. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the terminal site of Consolidated Motor Express, at or near Bluefield, WV, as an off-route point in connection with carrier's otherwise-authorized regular-route operations. (Hearing site: Washington, DC.)

MC 2392 (Sub-119F), filed January 31, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, P.O. Box 14248, West Omaha Station, Omaha, NE 68124. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *propane,* in bulk, in tank vehicles, from the Mid-American Pipeline Terminal at or near Greenwood, NE, to points in SD. CONDITION: Any certificate issued in this proceeding will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate. (Hearing site: Omaha, NE.)

MC 11207 (Sub-465F), filed December 27, 1978. Applicant: DEATON, INC., A Delaware Corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *overhead cranes,* and *parts and accessories* for overhead cranes, (except commodities the transportation of which because of size or weight requires the use of special equipment), from Houston, TX, to points in AL, AR, FL, GA, IN, KY, LA, MS, NC, OH, SC, TN, VA, and WV. (Hearing site: Houston, TX, or Washington, DC.)

MC 11207 (Sub-466F), filed December 27, 1978. Applicant: DEATON, INC., A Delaware Corporation, 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing and roofing materials,* (except commodities in bulk), from Green Cove Springs, FL, to points in KY, LA, MS, and TN. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 11592 (Sub-23F), filed December 28, 1978. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: Frank E. Myers (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from Omaha, NE, and Council Bluffs and Oakland, IA, to points in NC, SC, GA, FL, TN, AL, MS, and LA. (Hearing site: Omaha or Lincoln, NE.)

MC 14215 (Sub-24F), filed February 6, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, OH 43212. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles* (1) between the facilities of Wheeling-Pittsburgh Steel Corporation, at Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and Allenport and Monessen, PA, and (2) from the facilities of Wheeling-Pittsburgh Steel Corporation at Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, Beech Bottom, Benwood, Follansbee, and Wheeling, WV, and Allenport and Monessen, PA, to points in IN, IL, NY, OH, PA, WI, and the Lower Peninsula of MI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 14252 (Sub-42F), filed January 18, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cincinnati, OH, and Bettendorf and Davenport, IA, and Rock Island and Moline, IL: From Cincinnati, OH, over Interstate Hwy 74 to Bettendorf and Davenport, IA, and Rock Island and Moline, IL, serving all intermediate points, and the off-route points of Albion, Bridgeport, Canton, Fairfield, Lawrenceville, Lawrenceville-Vincennes Air Base, Macomb, Monmouth, Vermont, and West Salem, IL, Bruceville, Carthage, Colfax, Frankfort, Kokomo, Linton, Marion, Lafayette, Napoleon, Rushville, Washington, and West Lafayette, IN, Clinton, Camanche, Fairport, Montpelier, and Muscatine, IA, and all off-route points in Champaign, Henry, Knox, McLean, Peoria, Rock Island, Tazewell, Vermilion, and Woodford Counties, IL, points in Boone, Fountain, Hamilton, Hendricks, Montgomery, and Shelby Counties, IN, and points in Scott County, IA. (Hearing site: Columbus, OH.)

MC 22182 (Sub-35F), filed January 19, 1979. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, Bryn Mawr, PA 19010. Representative: Gerald K. Gimmel, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *automobiles and trucks,* in truckaway service, in initial movements, (1) from the facilities of Ford Motor Company, at Chicago, IL, to points in MD, DE, NJ, NY, VT, NH, ME, MA, CT, RI, GA, and FL, and (2) from the facilities of Ford Motor Company, at Atlanta, GA, to those points in IL and IN on and north of U.S. Hwy 40, and points in PA, NJ, NY, CT, RI, MA, VT, NH, and ME. (Hearing site: Washington, DC.)

MC 28142 (Sub-5F), filed December 11, 1978. Applicant: SHANAHAN'S EXPRESS, INC., 2201 Garry Road, Cinnaminson, NJ 08077. Representative: James W. Patterson, 1200 Western Savings Bank Building, Philadelphia, PA 19107. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper, paper products, plastic, plastic products, and commodities* manufactured and distributed by manufacturers and converters of paper, paper products, plastic, and plastic products; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Continental Group, Inc., at Millville, NJ, on the one hand, and, on the other, those points in NY east of the Hudson River and in and south of Westchester County, those points in PA in and east of York, Dauphin, Northumberland, Lycoming, and Tioga Counties, Baltimore, MD, and points in Baltimore and Howard Counties, MD. (Hearing site: Philadelphia, PA.)

MC 29642 (Sub-12F), filed January 4, 1979. Applicant: FIVE TRANSPORTATION COMPANY, a Corporation, Post Office Box 1635, Brunswick, GA 31520. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree St. NE, Atlanta, GA 30303. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Lyons, GA, and Bellville, GA, over GA Hwy 292 serving all intermediate points, (2) between Lyons, GA, and Richmond Hill, GA: from Lyons, GA over GA Hwy 147 to Reidsville, GA, then over GA Hwy 23 to Glennville, GA, then over GA Hwy 144 to Richmond Hill, GA, and return over the same route, serving all intermediate points, (3) between Uvalda, GA, and junctions GA Hwy 29 and U.S. Hwy 80: from Uvalda, GA over GA Hwy 135 to junction GA Hwy 29, then over GA Hwy 29 to junction U.S. Hwy 80, and return over the same route serving all intermediate points, (4) Between Lyons, GA, and Metter, GA: from Lyons, GA over GA Hwy 152 to junction GA Hwy 23, then over GA Hwy 23 to Metter, GA, and return over the same route, serving all intermediate points, (5) between Hinesville, GA, and junctions GA Hwy 119 and U.S. Hwy 80: from Hinesville, GA over GA Hwy 119 to junction U.S. Hwy 80 and GA Hwy 119, and return over the same route, serving all intermediate points, (6) Between Lyons, GA, and Swainsboro, GA, U.S. Hwy 1, serving all intermediate points, (7) between Vidalia, GA, and junctions U.S. Hwy 1 and GA Hwy 297: from Vidalia, GA and over GA Hwy 297 to junction U.S. Hwy 1, and return over the same route, serving all intermediate points, (8) between Macon, GA, and junction U.S. Hwy 80 and U.S. Hwy 280: from Macon, GA over U.S. Hwy 80 to junction U.S. Hwy 80 and U.S. Hwy 280, and return over the same route, serving all intermediate points, (9) between Dublin, GA, and junction U.S. Hwy 441 and U.S. Hwy 280: from Dublin, GA over U.S. Hwy 441 to junction U.S. Hwy 280, and return over the same route, serving all intermediate points, (10) between Savannah, GA, and junction Interstate Hwy 16 and Interstate Hwy 75: from Savannah, GA over Interstate Hwy 16 to junction Interstate Hwy 75, and return over the same route, (11) between Eastman, GA, and junction U.S. Hwy 23 and Interstate Hwy 16: from Eastman, GA over U.S. Hwy 23 to junction Interstate Hwy 16, and return over the same route, serving all intermediate points, (12) between Eastman, GA, and junction U.S. Hwy 80 and GA Hwy 119: from Eastman, GA, over GA Hwy 46 to junction GA Hwy 119, then over GA Hwy 119 to junction U.S. Hwy 80 and GA Hwy 119, and return over the same route, serving all intermediate points, (13) between Macon, GA, and junction U.S. Hwy 341 and GA Hwy 247: from Macon, GA over U.S. Hwy 41 to junction GA Hwy 247, then over GA Hwy 247 to junction U.S. Hwy 341, and return over the same route, serving all intermediate points, (14) between McRae, GA, and Atlanta, GA: from McRae, GA over U.S. Hwy 341 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, GA, and return over the same route, serving all intermediate points, (15) between Hawkinsville, GA, and junction GA Hwy 26 and U.S. Hwy 80: from Hawkinsville, GA over U.S. Hwy 129 to Cochran, GA, then over GA Hwy 26 to junction U.S. Hwy 80, and return over the same route, serving all intermediate points, (16) between Statesboro, GA, and Pembroke, GA: from Statesboro, GA over U.S. Hwy 301 to junction GA Hwy 67, then over GA Hwy 67 to Pembroke, GA, and return over the same route, serving all intermediate points, (17) between Claxton, GA, and junction U.S. Hwy 301 and GA Hwy 67: from Claxton, GA over U.S. Hwy 301 to junction GA Hwy 67, and return over the same route, serving all intermediate points, (18) between Alamo, GA, and junction GA Hwy 126 and GA Hwy 46: from Alamo, GA over GA Hwy 126 to junction GA Hwy 46, and return over the same route, serving all intermediate points, and (19) between Claxton, GA, and Metter, GA: from Claxton, GA over GA Hwy 129 to Metter, GA, and return over the same route, serving all intermediate points. (Hearing Site: Savannah, GA.)

MC 42487 (Sub-891F), filed November 27, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION, OF DELAWARE a Delaware Corporation, 175 Linfield Drive, Menlo Park, CA 94025 Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, cement in packages, and those requiring special equipment), between Fort Worth, TX and Flagstaff, AZ: from Fort Worth over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 66 (Interstate Hwy 40) to Flagstaff, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Washington, DC.)

MC 44302 (Sub-10F), filed February 1, 1979. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, from the facilities of the Ralston Purina Company, at or near Hamptden Township, Cumberland County, PA, to those points in NY on and south of Interstate Hwy 84, and points in NJ. (Hearing Site: New York, NY.)

MC 59135 (Sub-40F), filed February 1, 1978. Applicant: RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, d.b.a. RED STAR EXPRESS LINES, 24-50 Wright Avenue, Auburn, NY 13021. Representative: Donald G. Hichman (Same address as applicant). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Buffalo, NY, and Philadelphia, PA, from Buffalo over NY Hwy 130 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction NY Hwy 63, then over NY Hwy 63 to Dansville, then over NY Hwy 36 to junction Interstate Hwy 390, then over Interstate Hwy 390 to junction NY 17, then over NY Hwy 17 to junction U.S. Hwy 15, then over U.S. Hwy 15 to junction U.S. Hwy 11, near Harrisburg, PA, then over U.S. Hwy 11 to junction Interstate Hwy 83, then over Interstate Hwy 83 to junction Interstate Hwy 283, then over Interstate Hwy 283 to junction U.S. Hwy 30 near Lancaster, then over U.S. Hwy 30 to Philadelphia, and return over the same route, (2) between Harrisburg, PA, and Baltimore, MD, from Harrisburg over Interstate Hwy 83, to junction Interstate Hwy 695, then over Interstate Hwy 695 to Baltimore, and return over the same route, (3) between Rochester, NY, and Harrisburg, PA, over U.S. Hwy 15, (4) between Auburn, NY, and Philadelphia, PA, from Auburn over U.S. Hwy 20 to Skaneateles, then over NY Hwy 41 to junction NY Hwy 281, near Homer, NY, then over NY Hwy 281 to junction Interstate Hwy 81, then over Interstate Hwy 81 to junction Interstate Hwy 380, near Scranton, PA, then over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to Columbia, NJ, then

across the Delaware River to PA Hwy 611, then over PA Hwy 611 to Philadelphia, and return over the same route, (4) between Scranton and Harrisburg, Pa, over Interstate Hwy 81, (5) between Syracuse and Cortland, NY, over Interstate Hwy 81, (6) between Utica and Binghamton, NY, over NY Hwy 12, (7) between Jamestown, NY, and Amity Hall, PA, from Jamestown over NY Hwy 60 to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction U.S. Hwy 6, near Warren, PA, then over U.S. Hwy 6 to Kane, PA, then over PA Hwy 321 to junction U.S. Hwy 219 near Wilcox, PA, then over U.S. Hwy 219 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction PA Hwy 153, then over PA Hwy 153 to junction U.S. Hwy 322, then over U.S. Hwy 322 to Amity Hall, PA, and return over the same route, (8) between junction Interstate Hwy 80 and PA Hwy 153 and Columbia, NJ, over Interstate Hwy 80, in (1) through (8) above as alternate routes for operating convenience only, serving no intermediates points. (Hearing site: Syracuse, Rochester, Jamestown, NY, and Washington, DC.)

MC 59680 (Sub-221F), filed November 22, 1978. Applicant: STRICKLAND TRANSPORTATION CO., INC., a Texas Corporation, 11353 Reed Hartman Hwy, Cincinnati, OH 45241. Representative: Edward G. Bazelon, 39 South La Salle St., Chicago, IL 60603. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New Orleans, LA, and Monroe, LA, from New Orleans over US Hwy 61 to Natchez, MS, then over US Hwy 84 to Ferriday, LA, then over US Hwy 65 to Clayton, LA, then over LA Hwy 15 to Monroe, and return over the same route, serving those intermediate points in LA between Baton Rouge and Monroe, including Baton Rouge; and (2) between Baton Rouge, LA, and junction US Hwys 71 and 190, over US Hwy 190, serving no intermediate points, and serving junction US Hwys 71 and 190 for purposes of joinder only. (Hearing site: New Orleans, LA, or Cincinnati, OH.)

NOTE.—Applicant intends to tack this authority with others.

MC 61592 (Sub-432F), filed January 29, 1979. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, P.O. Box 737 Moline, IL 61265. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irrregular routes, transporting (1) *wrapping paper,* from Birmingham, AL, to points in GA, FL, NJ, MS, TX, OK, KS, AR, TN, KY, SC, NC, VA, NY, and IL; and (2) *scrap paper and waste paper* for recycling, from points in GA, NJ, FL, MS, TX, OK, KS, AR, TN, KY, SC, NC, VA, NY, and IL, to Birmingham, AL. (Hearing site: Birmingham or Montgomery, AL.)

MC 66512 (Sub-10F), filed January 5, 1979. Applicant: P & G MOTOR FREIGHT INCORPORATED, 450 Burnham Street, South Windsor, CT 06074. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Hartford, CT, and Springfield, MA; From Hartford, CT over U.S. Hwy 5 to junction Interstate Hwy 91, then over Interstate Hwy 91 to Springfield, MA, and return over the same route, (2) Between Springfield, MA, and return over the same route, (2) Between Springfield, MA, and Boston, MA, over Interstate Hwy 90, (3) Between Boston, MA, and Haverhill, MA: (a) From Boston, MA, over U.S. Hwy 3 to junction MA Hwy 110, then over MA Hwy 110 to Haverhill, MA, and return over the same route, (b) From Boston, MA, over Interstate Hwy 93 to junction MA Hwy 110, then over MA Hwy 110 to Haverhill, MA, and return over the same route, and (c) From Boston, MA, over U.S. Hwy 1 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction MA Hwy 97, then over MA Hwy 97 to Haverhill, MA, and return over the same route, (4) Between New Bedford, MA, and Boston, MA: (a) From New Bedford, MA over Interstate Hwy 195 to junction MA Hwy 24, then over MA Hwy 24 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, MA, and return over the same route, and (b) From New Bedford, MA, over MA Hwy 140 to junction MA Hwy 24, then over MA Hwy 24 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, MA, and return over the same route, (5) Between Worcester, MA, and Gardner, MA: (a) From Worcester, MA over MA Hwy 12 to junction MA Hwy 2A, then over MA Hwy 2A to junction MA Hwy 2, then over MA Hwy 2 to Gardner, MA, and return over the same route, and (b) From Worcester, MA over MA Hwy 12 to junction MA Hwy 2, then over MA Hwy 2 to Gardner, MA, and return over the same route, (6) Between Boston, MA, and Fitchburg, MA: From Boston, MA over MA Hwy 2 to junction MA Hwy 12, then over MA Hwy 12 to Fitchburg, MA, and return over the same route, (7) Between Worcester, MA, and Lowell, MA: From Worcester, MA over Interstate Hwy 290 to junction Interstate Hwy 495, then over Interstate Hwy 495 to junction MA Hwy 110, then over MA Hwy 110 to Lowell, MA, and return over the same route, (8) Between Worcester, MA, and New Bedford, MA: From Worcester, MA over MA Hwy 122A to junction MA Hwy 146, then over MA Hwy 146 to junction RI Hwy 146, then over RI Hwy 146 to junction Interstate Hwy 195, then over Interstate Hwy 195 to New Bedford, MA, and return over the same route, (9) Between Hartford, CT, and New Bedford, MA, (a) from Hartford, CT over U.S. Hwy 6, to New Bedford, MA, and return over the same route, (b) From Hartford, CT, over U.S. Hwy 6 to junction Interstate Hwy 195, then over Interstate Hwy 195 to New Bedford, MA, and return over the same route, and (c) From Hartford, CT, over Interstate Hwy 86 to junction U.S. Hwy 44A, then over U.S. Hwy 44 to junction CT Hwy 101, then over CT Hwy 101 to junction RI Hwy 101, then over RI Hwy 101 to junction U.S. Hwy 6, then over U.S. Hwy 6 to New Bedford, MA, and return over the same route, (10) Between Hartford, CT, and Boston, MA: (a) From Hartford, CT, over Interstate Hwy 86 to junction MA Hwy 15, then over MA Hwy 15 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Boston, MA, and return over the same route, and (b) From Hartford, CT over U.S. Hwy 6 to junction Interstate Hwy 95, then over Interstate Hwy 95 to junction Interstate Hwy 93, then over Interstate Hwy 93 to Boston, MA, and return over the same route, (11) Between Springfield, MA, and Pittsfield, MA: (a) From Springfield, MA over Interstate Hwy 90 to junction U.S. Hwy 7, then over U.S. Hwy 7 to Pittsfield, MA, and return over the same route, and (b) From Springfield, MA, over Interstate Hwy 91 to junction MA Hwy 9, then over MA Hwy 9 to Pittsfield, MA, and return over the same route, (12) Between Springfield, MA, and Fitchburg, MA: (a) From Springfield, MA over Interstate Hwy 91 to junction MA Hwy 2, then over MA Hwy 2 to Fitchburg, MA, and return over the same route, (b) From Springfield, MA, over U.S. Hwy 5 to junction MA Hwy 2, then over MA Hwy 2 to Fitchburg, MA, and return over the same route, and (c) From Springfield, MA, over Interstate Hwy 91 to junction U.S. Hwy 202, then over U.S. Hwy 202 to junction MA Hwy 2, then over MA Hwy 2 to Fitchburg, MA, and return over the same route, serving all intermediate points in (1) through (12) above, and all points in MA as off-route points in

(1) through (12) above. (Hearing site: Boston, MA, or Hartford, CT.)

MC 71652 (Sub-26F), filed February 6, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe*, between NcNary, OR, and points in CA. (Hearing site: Portland, OR, or San Francisco, CA.)

MC 71652 (Sub-28F), filed February 5, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *structural building components, and parts and accessories* used in the installation of structural building components, from the facilities of Peninsula Steel Products and Equipment Company at or near San Jose, CA, to points in ID, MT, OR, and WA. (Hearing site: San Francisco, CA, Portland, OR.)

MC 71652 (Sub-29F), filed February 7, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials*, from the facilities of Consolidated Fiber Glass Products Company, at or near Bakersfield, CA, to points in Or and WA. (Hearing site: Portland, OR, San Francisco, CA.)

MC 72423 (Sub-7F), filed November 28, 1979. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., Representative: John Thompson, 450 Capitol Life Center, Denver, CO 80203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Denver, CO, and North Platte, NE; from Denver over U.S. Hwy 6 and Interstate Hwy 76 to Sterling CO, then over (a) U.S. Hwy 138 to Junction U.S. Hwy 30 to North Platte, and (b) Interstate Hwy 76 to junction Interstate Hwy 80 to North Platte, and return over the same route, serving all intermediate points. (Hearing site: Denver, CO.)

MC 80443 (Sub-15F), filed January 8, 1979. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *refrigerators, freezers, and cooling units and parts* for the foregoing commodities, from the facilities of Franklin Manufacturing Company, at St. Cloud, MN, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of refrigerators, freezers, and cooling units (except commodities in bulk), in the reverse direction. (Hearing site: Minneapolis or St. Paul, MN.)

MC 88161 (Sub-94F), filed January 4, 1979. Applicant: INLAND TRANSPORTATION CO., INC., 6737 Corson Ave., South, Seattle, WA 98108. Representative: Stephen A. Cole (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *sulphur dioxide*, in bulk, in tank vehicles, from ports of entry on the International Boundary line between the United States and Canada near Northport, WA, to points in CO and CA, and (2) *dry fertilizers* and *urea*, in bulk, from points in Morrow County, OR, to points in Walla Walla, Benton, Klickitat, Franklin, and Yakima Counties, WA. (Hearing site: Seattle or Spokane, WA.)

MC 95876 (Sub-261F), filed January 5, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave., North, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wallboard*, from Grand Rapids, MI, to points in MN and WI, and (2) *materials, equipment, and supplies* used in the installation of wallboard, from Cleveland, OH, to points in IN and IL. (Hearing site: Chicago, IL, or St. Paul, MN.)

MC 100666 (Sub-418F), filed December 18, 1978. Applicant: MELTON TRUCK LINES, INC., an Arkansas corporation, P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paperboard and paper products*, from Charlotte, NC, to Chicago, IL, Kansas City, MO, Kalamazoo, MI, and Memphis, TN. (Hearing site: Memphis, TN.)

MC 105984 (Sub-F), filed November 20, 1978. Applicant: JOHN B. BARBOUR TRUCKING COMPANY, a corporation, P.O. Box 577, Iowa Park, TX 76367. Representative: Bernard H. English, 6270 Firth Rd., Ft. Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic articles and materials, equipment, and supplies* used in the manufacture and installation of plastic articles (except commodities in bulk, in tank vehicles), between the facilities of Robintech Incorporated, at or near Wichita Falls, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas or Ft. Worth, TX.)

MC 106603 (Sub-192F), filed January 12, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids, MI 49508. Representative: Martin J. Leavit, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, from the facilities of American Pressforge, Inc., at points in Chippewa County, MI, to points in IL, IN, OH, MD, NC, NY, and PA, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106603 (Sub-193F), filed January 12, 1979. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW, Grand Rapids, MI 49508. Representative: Martin J. Leavit, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *construction materials and composition board*, from Deposit, NY, to points in IL, IN, KY, MI, OH, PA, WV, and WI, and (b) *equipment, materials, and supplies* used in the manufacture, installation, and distribution of the commodities named in (1)(a) above, in the reverse direction, and (2)(a) *insulation and sound deadening material*, from Lackland, OH, to points in DE, GA, IL, IN, KS, MD, MA, MI, MO, NJ, NY, PA, TX, and WI, and (2)(b) *equipment, materials, and supplies* used in the manufacture, installation, and distribution of the commodities named in (2)(a) above, in the reverse direction. (Hearing site: Washington, DC, or Chicago, IL.)

MC 106644 (Sub-270F), filed December 13, 1978. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis Parker (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate

or foreign commerce, over irregular routes, transporting (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes, and highway freight trailers, and (2) parts, attachments, and accessories* for the commodities in (1) above (except commodities in bulk), between the facilities of Hyster Company, at or near Danville, and Kewanee, IL, Crawfordsville, IN, and KY, on the one hand, and, on the other, points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 106887 (Sub-10F), filed December 21, 1978. Applicant: A. D. RAY TRUCKING, INC., 1948 Edgar, Rock Springs, WY 82091. Representative: Eric A. Distad, P.O. Box 2314, Casper, WY 82602. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, equipment, 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 (2) *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in CO, ID, MT, ND, NE, SD, UT, and WY. (Hearing site: Casper, WY, or Denver, CO.)

MC 107012 (Sub-337F), filed January 29, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet, carpet padding, and commodities* used in the manufacture and installation of carpet and carpet padding, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of General Felt Industries, Inc. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 107012 (Sub-338F), filed February 1, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *athletic and sporting goods and equipment, games, toys, recreational equipment, clothing, accessories, and supplies* (except commodities in bulk); and (2) *commodities* used in the manufacture, distribution, sale, and installation of the commodities named in (1) above (except commodities in bulk, and commodities which, because of their size or weight require the use of special equipment), between points in Maricopa County, AZ, Craighead County, AR, Los Angeles and Orange Counties, CA, Dade County, FL, Troup County, GA, Cook, DuPage, and Lake Counties, IL, Cumberland County, ME, Harford County, MD, Kent County, MI, Middlesex and Passaic Counties, NJ, Bronx, Cortland, Kings, New York, and Onondaga Counties, NY, Ashland, Hardin, and lawrence Counties, OH, Multnomah and Washington Counties, OR, Coffee, Davidson, Gibson, Putnam, Robertson, and Shelby Counties, TN, Davis County, UT, Greenville County, SC, and New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Wilson Sporting Goods Company, and further restricted against the transportation of traffic from points in Kent County, MI, to points in Cook County, IL. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107012 (Sub-339F), filed February 2, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail department stores and catalogue sales outlets and service centers (except commodities in bulk, in tank vehicles, and commodities which, because of size and weight, require the use of special equipment), between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Sears, Roebuck and Co. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107012 (Sub-340F), filed February 2, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bicycles, tricycles, parts and accessories* for bicycles and tricycles, from the facilities of The Huffy Corporation, at or near Ponca City, OK, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture of bicycles and tricycles (except commodities in bulk and commodities which, because of size or weight, require the use of special equipment), from points in the United States (except AK and HI), to the facilities of the The Huffy Corporation, at or near Ponca City, OK. (Hearing site: Chicago, IL, or Washington, DC.)

MC 107012 (Sub-341F), filed February 5, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furniture, fixtures, and appliances,* from points in NJ and NY to points in AL, CT, DE, FL, GA, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VT, VA, WV, and DC, restricted against the transportation of furniture and fixtures from points in NJ and NY to points in AL and FL, and further restricted against the transportation of furniture and fixtures from points in NY to points in GA. (Hearing site: New York, NY, or Philadelphia, PA.)

MC 107012 (Sub-344F), filed February 5, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *games and game tables,* from Marion and Abingdon, VA, to points in WA, OR, ID, MT, NV, CA, AZ, and UT. (Hearing site: Washington, DC, or Chicago, IL.)

MC 107012 (Sub-345F), filed February 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture,* from points in WA and OR to points in CA, ID, IA, MN, ND, SD, and WY. (Hearing site: Seattle, WA, or Portland, OR.)

MC 107496 (Sub-1179F), filed January 5, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Ave. Des Moines, IA 50309. Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas,* in bulk, from E. Chicago, IN, to points IA, IL, MI, MN, MO, OH, TN, and WI. Condition: To the extent the certificate granted in this

proceeding authorized the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance. (Hearing site: Chicago, IL, or Milwaukee, WI.)

MC 108382 (Sub-32F), filed January 2, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706. Representative: Rex Eames, 900 Guardian Building Detroit, MI 48226. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defiend by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Menominee, MI, and Fond du Lac, WI: From Menominee, MI, over U.S. Hwy 41 to junction WI Hwy 64, then over WI Hwy 64 to junction U.S. Hwy 141, then over U.S. Hwy 141 to junction WI Hwy 22, then over WI Hwy 22 to junction U.S. Hwy 45, then over U.S. Hwy 45 to junction WI Hwy 76, then over WI Hwy 76 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Fond du Lac, WI, and return over the same route, serving all intermediate points, (2) Between Menominee, MI, and Sheyboygan, WI: From Menominee, MI, over U.S. Hwy 41 to junction U.S. Hwy 141, then over U.S. Hwy 141 to Sheboygan, WI, and return over the same route, serving all intermediate points, (3) Between Menominee, MI, and Sturgeon Bay, WI: From Menominee, MI, over U.S. Hwy 44 to junction WI Hwy 64, then over WI Hwy 64 to junction U.S. Hwy 141, then over U.S. Hwy 141 to juction WI Hwy 57, then over WI Hwy 57 to Sturgeon Bay, WI, and return over the same route, serving all intermediate points, and (4) serving all points within the area beginning at Menominee, MI, then over U.S. Hwy 41 to junction with WI Hwy 64, then over WI Hwy 64 to U.S. Hwy 141, then over U.S. Hwy 141 to WI Hwy 22, then over WI Hwy 22 to WI Hwy 49, then over WI Hwy 49 to WI Hwy 23, then over WI Hwy 23 to Sheboygan, WI, then along the shoreline of Lake Michigan to Algoma, WI, then over WI Hwy 42 to junction with WI Hwy 57, then over WI Hwy 57 to Green Bay, WI, then along the shoreline of Green Bay of Lake Michigan to the point of beginning at Menominee, WI, serving points on all of the designated highways and the off route points of Kohler and Sheboygan Falls, WI.

MC 109124 (Sub-56F), filed December 4, 1978. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 East Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum ingots, aluminum shot, aluminum scrap, aluminum dross, aluminum residues, zinc ingots, and silicon metal*, from the facilities of U.S. Reduction Co., at Alton, IL, East Chicago, IN, and Toledo, OH, to points in OH, MI, IN, IL, PA, NY, KY, TN, and WV, and (2) from the facilities of U.S. Reduction Co., at Hammond and Gary, IN, and Madison, IL, to points in OH, MI, PA, NY, KY, TN, and WV. (Hearing site: Columbus, OH.)

MC 109564 (Sub-17F), filed August 24, 1978. Applicant: LYONS TRANSPORTATION LINES, INC., 138 East 26th Street, Erie, PA 16512. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Dayton, OH, and Indianapolis, IN, over Interstate Hwy 70, (2) between Toledo, OH, and Indianapolis, IN, from Toledo over Interstate Hwy 90 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction U.S. Hwy 24, then over U.S. Hwy 24 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, and return over the same route, (3) between Toledo, OH, and Indianapolis, IN, from Toledo over Interstate Hwy 90 to junction Interstate Hwy 69, then over Interstate Hwy 69 to Indianapolis, and return over the same route, (4) between Toledo, OH, and South Bend, IN, from Toledo Interstate Hwy 90 to junction U.S. Hwy 31, then over U.S. Hwy 31 to South Bend, and return over the same route, (5) between Toledo, OH, and Saginaw, MI, from Toledo, over Interstate Hwy 90 to junction Interstate Hwy 475, then over Interstate Hwy 475 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 75, then over the same route, (6) Toledo, OH, and Battle Creek, MI, from Toledo over Interstate Hwy 90 to junction Interstate Hwy 69, then over Interstate Hwy 69 to junction Interstate Hwy 194, then over Interstate Hwy 194 to Battle Creek, and return over the same route, (7) between Toledo, OH, and Muskegon, MI, from Toledo over Interstate Hwy 90 to junction Interstate Hwy 475, then over Interstate Hwy 475 to junction U.S. Hwy 23, then over U.S. Hwy 23 to junction Interstate Hwy 96, then over Interstate Hwy 96 to Muskegon, and return over the same route, serving all intermediate points, and serving all off-route points in IN and MI within a 200-mile radius of Ottawa, OH, restricted against the transportation of traffic moving from, to, or through Cleveland, OH. NOTE: Applicant seeks to convert a portion of its irregular route authority to regular route authority. (Hearing site: Columbus, OH.)

MC 109584 (Sub-183F), filed December 7, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, an Arizona corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodsugar mollasses*, in bulk, in tank vehicles, from Ukiah, CA, to Ogden, UT. (Hearing site: San Francisco or Los Angeles, CA.)

MC 110192 (Sub-3F), filed December 26, 1978. Applicant: HIRAM LEIGH, d.b.a. SANDERS & LEIGH, Liberty, KY 42539. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Lexington, KY, and Columbia, KY: From Lexington, KY over U.S. Hwy 68 to Harrodsburg, KY, then over U.S. Hwy 127 to Russell Springs, KY, then over KY Hwy 80 or Cumberland Parkway to Columbia, KY, and return over the same route, serving the intermediate points from the Lincoln-Casey County line to Columbia, KY. (Hearing Site: Frankfort or Lexington, KY.)

MC 112713 (Sub-239F), filed December 18, 1978. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Wag-Aero, Inc., at Lyons, WI, as an off-route point in connection with carrier's authorized regular-route operations. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 113666 (Sub-147F), filed January 5, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick (same address as

applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ammonium nitrate fertilizer, fertilizer, and fertilizer compounds,* in bulk, from Donora, PA, to points in KY, MD, OH, TN, and WV. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 113855 (Sub-464F), filed January 26, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., a North Dakota corporation, 2450 Marion Road SE, Rochester, MN 55901. Representive: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *commodities* the transportation of which because of size or weight requires the use of special equipment, and (b) *related machinery, parts, and related contractors' materials and supplies,* (2) *self-propelled articles, and related machinery, tools, parts, and supplies* moving in connection with self-propelled articles, and (3) *metal and metal articles,* between points in MT, ND, SD, WY, ID, UT, CO, NE, MN, and IA. (Hearing site: Denver, CO, or Billings, MT.)

MC 114273 (Sub-517F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representive: Kenneth L. Core (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by home product distributors (except commodities in bulk, in tank vehicles), from the facilities of Stanley Home Products, at Easthampton, MA, to Dubuque, IA, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. CONDITION: The certificate to be issued shall be limited to 3 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114457 (Sub-463F), filed December 13, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, plastic articles, and such commodities* as are dealt in by office furniture and supply houses, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Liberty Shamrock, Inc., at (a) Woodbridge, NJ, (b) Chicago, IL, (c) Minneapolis, MN, and (d) Gardena, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN, or Chicago, IL.)

MC 114457 (Sub-467F), filed December 26, 1978. Applicant: DART TRANSIT COMPANY, a Corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrapping paper, woodpulp board, and scrap* paper, from West Point, VA, to points in CT, DE, IL, IN, MD, MA, MI, MN, NJ, NY, OH, PA, WV, and WI. (Hearing site: Richmond, VA, or St. Paul, MN.)

MC 114632 (Sub-196F), filed January 31, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *zinc, zinc oxide, zinc dust, cadmium, and materials* used in the manufacture of zinc (except commodities in bulk), between the facilities of St. Joe Zinc Company, at Josephtown, Beaver County, Potter Township, PA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Pittsburgh, PA, or Cleveland, OH.)

NOTE.—Dual operations are at issue in this proceeding.

MC 114632 (Sub-201F), filed January 18, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter, materials, equipment, and supplies* used in the manufacture, sale, and distribution of printed matter (except commodities in bulk), between the facilities of Rand McNally and Company, at Chicago, Downers Grove, Naperville, and Skokie, IL, Hammond and Indianapolis, IN, Versailles and Lexington, KY, Taunton, MA, Ossinina, NY, and Nashville, TN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Chicago, IL, or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 114632 (Sub-202F), filed February 6, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, cheese products, equipment, materials, and supplies* used in the manufacture of cheese, from points in WI and MN, to the facilities of L. D. Schreiber Cheese Co., at Logan, UT. (Hearing Site: Chicago, IL, or Minneapolis, MN.)

NOTE.—Dual operations are at issue in this proceeding.

MC 115162 (Sub-451F), filed January 26, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles* (except commodities in bulk, in tank vehicles); and (2) *equipment, materials, and supplies* used in the manufacture of iron and steel articles (except commodities in bulk, in tank vehicles), from the facilities of United States Steel Corporation, at McKeesport, McKees Rock, Clairton, Duquesne, Johnstown, Vandergrift, Homestead, Dravosburg, and Fairless, PA, and Lorain, Cleveland, and Youngstown, OH, to points in AL, AR, FL, GA, LA, MS, SC, and TX. (Hearing Site: Pittsburh, PA, or Washington, DC.)

MC 115162 (Sub-456F), filed January 30, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds,* (except commodities in bulk, in tank vehicles), and *filters,* from the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, to points in the United States (except AK and HI); and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener, compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, restricted in (1) and (2) to the transportation of traffic originating at or destined to the named facilities. (Hearing Site: Washington, DC.)

MC 115213 (Sub-6F), filed December 20, 1978. Applicant: ELLIOTT AND FIKES TRUCK LINE, INC., P.O. Box

8827, Pine Bluff, AR 71611. Representative: Horrace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *roofing, roofing supplies, and roofing materials, and materials, equipment, and supplies* used in the manufacture of roofing (except commodities in bulk, in tank vehicles), (1) (a) from the facilities of Masonite Corporation, at Meridian, MS, to points in AL, AR, FL, GA, KY, LA, MS, MO, NC, SC, TN, and VA, and (b) in the reverse direction, and (2) (a) from the facilities of Masonite Corporation, at Little Rock, AR, to points in AL, FL, GA, IL, IN, KY, IA, KS, LA, MS, MO, OK, TN, and TX, and (b) in the reverse direction. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 115762 (Sub-13F), filed January 11, 1979. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., Post Office Box 623, Hopkinsville, KY 42240. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *milk cartons and ice cream cartons*, from Sikeston, MO, to Oklahoma City, OK. (Hearing site: Oklahoma City, OK, or Hopkinsville, KY.)

NOTE.—Dual operations are at issue in this proceeding.

MC 116763 (Sub-464F), filed January 4, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds and filters* (except commodities in bulk, in tank vehicles), from points in Warren County, MS, to those points in the United States in and east of MN, IA, MO, OK, and TX, and (2) *petroleum, petroleum products, vehicle body sealer and sound deadener compounds, filters, and materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation at points in Warren County, MS. (Hearing site: Memphis, TN.)

MC 116915 (Sub-75F), filed January 15, 1979. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 S. Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic pipe, plastic pipe fittings, and plastic building materials*, from the facilities of CertainTeed Corporation, at or near Eads, TN, to points in DE, IL, IN, IA, KS, KY, MD, MI, MO, NJ, NY, OH, PA, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the facilities named. (Hearing site: Pittsburgh, PA.)

MC 117574 (Sub-321F), filed November 15, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *agricultural, forestry, and nursery machinery, agricultural, forestry*, and *nursery equipment, and agricultrual, forestry and nursery implements* (except machinery, hand equipment, and hand implements), from the facilities of R. A. Whitfield Manufacturing Co., at or near Mableton, GA, to points in the United States (except AK and HI). Common control may be involved. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 117574 (Sub-325F), filed December 6, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* the transportation of which because of size or weight require the use of special equipment or handling, and (2) *iron and steel articles*, from the facilities of Rockcastle Steel Corporation, in Rockcastle County, KY, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Rockcastle Steel Corporation. Common control may be involved. (Hearing site: Louisville, KY, or Washington, DC.)

MC 117574 (Sub-326F), filed December 7, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cranes, excavators, and self-propelled industrial and construction equipment*, between points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Markim Equipment Co. Common control may be involved. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 117574 (Sub-327F), filed December 7, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, paneling, particle board, hardboard, gypsum board, composition board, and molding* from the facilities of Pan American Gyro-Tex Co., at Jacksonville and Jasper, FL, to those points in the United States in and east of KS, NE, ND, OK, SD, and TX, restricted to the transportation of traffic originating at the named origin facilities. Common control may be involved. (Hearing site: Jacksonville, FL, or Washington, DC.)

MC 117686 (Sub-232F), filed January 2, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of The Pillsbury Company and Fox DeLuxe Pizza Company, at or near Joplin, and Carthage, MO, to points in AZ, CA, CO, IA, MN, NE, NM, SD, TX, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 117686 (Sub-234F), filed January 5, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *toilet preparations*, and (2) *materials and supplies* used in the sale of toilet preparations, from the facilities of LaMaur, Inc., at Minneapolis, MN, to points in AZ, CA, ID, MT, NV, OR, UT, and WA. (Hearing site: Minneapolis, MN, or Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 117686 (Sub-236F), filed January 9, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: Robert A. Wichser (same address as applicant). To operate as a *common*

carrier, by motor vehicle, in interstate or foreign commerce, over *irregular* routes, transporting *meat, meat products, and meat byproducts and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), (1) from the facilities of Swift & Company, at or near Des Moines and Marshalltown, IA, to points in TX, (2) from the facilities of Hygrade Packing Company, at or near Storm Lake and Cherokee, IA, to points in TX, (3) from the facilities of Wilson Foods Corporation, at or near Des Moines and Cedar Rapids, IA, to points in TX, (4) from the facilities of John Morrell & Co., at or near Estherville, IA, and Sioux Falls, SD, to points in TX, (5) from the facilities of Farmland Foods, Inc., at or near Carroll, Denison and Iowa Falls, IA, to points in TX, (6) from the facilities of Armour & Company, at or near Mason City, IA, and Omaha, NE, to points in TX, and (7) from the facilities of Dubuque Packing Company, at or near Denison, IA, to points in TX. (Hearing site: Omaha, NE, or Minneapolis, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC-118202 (Sub-103F), filed January 22, 1979. Applicant: SCHULTZ TRANSIT, INC., P. O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Eugene Schultz (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and *filters*, from the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX; and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to the facilities of Quaker State Oil Refining Corporation, at points in Warren County, MS, restricted in (1) and (2) to the transportation of traffic originating at or destined to the named facilities. (Hearing Site: Washington, D.C.)

MC 118202 (Sub-104F), filed January 22, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, Winona, MN 55987. Representative: Robert S. Lee 1000 First National Bank Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese*, from points in WI, to points in TX; and (2) *canned goods*, from Cokato, Faribault, and Plainview, MN, to points in TX. (Hearing Site: Chicago, IL.)

MC 118537 (Sub-8F), filed December 28, 1978. Applicant: MARX TRUCK LINE, INC., 220 Lewis Blvd., Sioux City, IA 51101. Representative: Robert A. Wichser P. O. Box 417 Sioux City, IA 51102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *malt beverages*, from St. Louis, MO, to Sioux City, IA. (Hearing site: Omaha, NE, or Washington, D.C.)

NOTE.—Duel operations, are involved in this proceeding.

MC 119493 (Sub-256F), Filed January 11, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal and poultry feed, fish feed, and corn products*, (except commodities in bulk), from Birmingham and Decatur, AL, to points in AR, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NE, NC, OH, OK, SC, SD, TN, TX, VA, WV, and WI, and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Birmingham, AL, or Little Rock, AR.)

MC 119741 (Sub-134F), filed January 10, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., 1515 Third Ave. NW., P.O. Box 1235, Fort Dodge, IA 50501. Representive: D. L. Robson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from St. James, MN, to points in CT, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the above-named origin and destined to the above-indicated destinations. (Hearing site: Minneapolis. MN.)

MC 119837 (Sub-14F), filed December 8, 1978. Applicant: OZARK MOTOR LINES, INC., 27 West Illinois, Memphis, TN 38106. Representive: Thomas A. Stroud 2008 Clark Tower, 5100 Poplar Ave. Memphis, TN 38137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Memphis, TN and Portia, AR: from Memphis over Interstate Hwy 55 to junction U.S. Hwy 63, at or near Turrell, AR, then over U.S. Hwy 63 to Portia, and return over the same route, serving all intermediate points between Hoxie and Portia, AR, including Hoxie, (b) between Hoxie and Pocohontas, AR, over U.S. Hwy 67, serving all intermediate points, and (c) serving Myrtle, MO, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Walnut Ridge, AR.)

MC 120364 (Sub-16F), filed December 12, 1978. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109., Representative: Robert M. Kaske (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles or of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Monroe and Brodhead, WI, on the one hand, and, on the other, Chicago, Des Plaines, Mt. Prospect, Arlington Heights, Elizabeth, Savanna, Mundelein, Round Lake, Woodbine, Apple River, Waukegan, Hanover, North Chicago, Galena, and Scales Mound, IL, and those points in that part of IL bounded by a line beginning at the WI-IL State line and extending along IL Hwy 78 to junction IL Hwy 88, then along IL Hwy 88 to junction IL Hwy 92, then along IL Hwy 92 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 83, then along IL Hwy 83 to the IL-WI State line. (Hearing site: Washington, DC, or Chicago, IL.)

MC 121664 (Sub-49F), filed December 6, 1978. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant 1702 First Avenue South, Birmingham, AL 35201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pallets and pallet components*, from Talladega, AL, to points in MS, TN, GA, OH, IN, IL, IA, MI, and KY. (Hearing site: Birmingham or Montgomery, AL.)

MC 123407 (Sub-514F), filed December 29, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso,

IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum board,* from Grand Rapids, MI, to points in IL, IN, and OH. (Hearing site: Grand Rapids, MI, or Chicago, IL.)

MC 123407 (Sub-515F), filed December 29, 1978. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, IN 46383. Representative: H. E. Miller, Jr. (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wrought iron pipe,* from the facilities of Unarco-Leavitt, at Chicago, IL, to points in IA, KS, NE, OK, and TX. (Hearing site: Chicago, IL.)

MC 123872 (Sub-96F), filed January 9, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furniture parts,* from the facilities of Burlington Fruniture, Division of Burlington Industries, Inc., at points in Davidson and Guilford Counties, NC, to points in CA, CO, NM, OK, and TX. (Hearing site: Charlotte, NC, or Washington, DC.)

NOTE.—Dual operations are at issue in this proceeding.

MC 123987 (Sub-13F), filed December 27, 1978. Applicant: JEWETT SCOTT TRUCK LINE, INC., Box 267, Mangum, OK 73554. Representative: John C. Sims, P.O. Box 10236, Lubbock, TX 79408. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bentonite clay and lignite coal,* (except commodities in bulk), from the facilities of American Colloid Co., in Big Horn, Weston, and Crook Counties, WY, Butte County, SD, and Phillips County, MT, to points in OK and TX; (2) *Lignite coal* (except in bulk), from points in Bowman County, ND, to points in OK and TX; and (3) *bentonite clay* (except in bulk), from the facilities of Southern Clay Products, at Gonzales, TX, to points in OK. (Hearing site: Oklahoma City, OK, or Dallas, TX.)

MC 124062 (Sub-16F), filed January 10, 1979 Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid caustic soda,* in bulk, in tank vehicles, (1) from Burns Harbor, IN, to points in MI, IL, and OH, and (2) from Lemont, IL, to points in MI, OH, and IN. (Hearing site: Chicago, IL.)

MC 124062 (Sub-17F), filed February 1, 1979. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer mix,* in bulk, in tank vehicles, (1) from Yoder, IN, to points in MI and Oh, and (2) from Lima, OH, to points in IN and MI. (Hearing site: Chicago, IL, or Washington, DC.).

MC 124141 (Sub-10F), filed January 10, 1979. Applicant: JULIAN MARTIN, INC., P.O. BOX 3348, Batesville, AR 72501. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electric lamps, lighting fixtures, Christmas tree lamp outfits, electric cord sets, dry cell batteries, portable battery chargers, and lamp ballasts,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities named in (1) above, from the facilities of General Electric Company, at or near Bellevue, Bucyrus, Circleville, Cleveland, Ravenna, Warren, and Youngstown, OH, Lexington, KY, Matoon and Danville, IL, and St. Louis and Fenton, MO, to points in AZ, CA, CO, ID, LA, MT, NM, NV, OK, OR, UT, TX, WA, and WY. (Hearing site: Cleveland, OH, or Little Rock, AR).

NOTE.—Dual operations are involved.

MC 124236 (Sub-92F), filed January 8, 1979. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Bldg., Dallas, TX 75201. Representative: Sam Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement,* from Pryor, OK, to points in Carter, Clay, Cole, Cooper, Dent, Maries, Moniteau, Osage, Phelps, Platte, Ray, Reynolds, Ripley, and Saline Counties, MO. (Hearing site: Dallas, TX, or Tulsa, OK.)

MC 124692 (Sub-267F), filed January 25, 1979. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas (same address as applicant). To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and wood products,* from Kamas, UT, to points in AZ, AR, CO, ID, IL, IN, IA, KS, KY, MI, MN, MO, NE, NM, OH, OK, TN, TX, WV, and WI. (Hearing site: Salt Lake City, UT, or Albuquerque, NM.)

MC 126244 (Sub-5F), filed December 7, 1978. Applicant: ADAMS CARTAGE COMPANY, INC., P.O. Box 3043 Macon, GA 31205. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 To operate as a *contract carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building board, wall board, insulating board, iron furring, and steel furring and* (b) *plastic panels* when moving in mixed loads with the commodities in (1)(a) above, (2) *materials and supplies* used in the installation of building board, wall board, and insulating board, and *lighting fixtures,* when moving in mixed loads with building board, wall board and insulating board, and (3) *new furniture and materials and supplies* used in the manufacture and furnishing of (a) buildings, (b) trailers designed to be drawn by passengers vehicles, and (c) campers, from points in Bibb County, GA, to points in NC and SC, under contract(s) with Armstrong Cork Company, of Lancaster, PA. (Hearing site: Atlanta, GA.)

MC 126582 (Sub-5F), filed January 22, 1979. Applicant: CANOVA MOVING & STORAGE, 1336 Woolner Ave., Fairfield, CA 94533. Representative: Jonathan M. Lindeke 100 Bush Street, 21st Floor, San Francisco, CA 94104. To operate as a *common carrier* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods,* restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, between points in Alameda, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Stanislaus, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo, Yuba, and Trinity Counties, CA. (Hearing site: San Francisco, CA.)

MC 126736 (Sub-109F), filed January 8, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. To operate as a *common carrier* by motor

vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum*, in bulk, from Brunswick, GA, and Jacksonville, FL, to points in AL, FL, GA, NC, and SC. (Hearing site: Jacksonville, FL.)

MC 126822 (Sub-54F), filed January 5, 1979. Applicant: WESTPORT TRUCKING COMPANY, a Corporation, 812 South Silver, Paola, KS 66071. Representative: Kenneth E. Smith, 15580 South 169 Highway, Olathe, KS 66061. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Malt beverages*, from Ft. Worth, TX, to Osawatomie, KS. (Hearing site: Kansas City, MO.)

MC 127042 (Sub-241F), filed January 23, 1979. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Representative: Robert G. Tessar (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cleaning compounds, scouring compounds, washing compounds, buffing compounds, toilet preparations, drugs and sodium hypochlorite solutions* (except commodities in bulk), from Kankakee, IL, to points in CA, CO, IA, KS, MN, MO, MT, NE, UT, and WA. (Hearing site: Chicago, IL.)

MC 128951 (Sub-23F), filed January 11, 1979. Applicant: ROBERT H. DITTRICH, d.b.a. BOB DITTRICH TRUCKING, 100 North Front St. New Ulm, MN 56073. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed, feed ingredients, grain, soybean products, seed by-products, soybean by-products, and seed products*, (except commodities in bulk, in tank vehicles), from the facilities of Archer Daniels Midland Company, at or near Red Wing, MN, to points in CO, KS, NE, MO, SD, ND, IA, WI, and IL. (Hearing site: Chicago, IL, or Minneapolis, MN.)

NOTE.—Dual operations are involved.

MC 129702 (Sub-5F), filed January 22, 1979. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Road, Calhoun, GA 30701. Representative: Archie B. Culbreth Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *carpet, carpeting, and rugs*, (1) between points in Murray, Gilmer and Gwinnett Counties, GA, on the one hand, and, on the other, points in Brevard, Broward, Dade, Orange, Palm Beach, and Polk Counties, FL, and (2) from points in Brevard, Broward, Dade, Orange, Palm Beach, and Polk Counties, FL, to points in Troup, Muscogee, Fulton, Dekalb, Bartow, Floyd, Gordon, Whitfield, Catoosa, Carroll, and Walker Counties, GA, and Hamilton County, TN. (Hearing site: Atlanta, GA.)

MC 129702 (Sub-6F), filed January 26, 1979. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Road, Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 202, 220 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), in insulated or mechanical refrigerated equipment, from the facilities of Kraft, Inc., at or near Lakeland, FL to points in AL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Atlanta, GA.)

MC 129809 (Sub-13F), filed October 2, 1978, previously published in the FR issues of November 2, 1978 and January 16, 1979. Applicant: A & H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas J. Beener, One World Trade Center—Suite 4959, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Universal Foods Corporation, (1) at or near Franklin Park, IL and Peru, IN, to points in CT, MD, MA, NJ, NY, PA, RI, and DC, and (2) in WI, to points in MD and DC, under contract in (1) and (2) above, with Universal Foods Corporation, of Milwaukee, WI. (Hearing site: Milwaukee, WI, or New York, NY.)

NOTE.—Dual operations are at issue in this proceeding. This republication shows the origin in part (2) above.

MC 129994 (Sub-32F), filed December 13, 1978. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Avenue, Murray, UT 84107. Representative: Lon Rodney Kump, 333 East Fourth South, Salt Lake City, UT 841111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from points in CO, to points in AZ, CA, ID, NV, NM, and UT. (Hearing site: Salt Lake City, or Denver, CO.)

MC 135043 (Sub-1F), filed January 12, 1979. Applicant: WARNER TRANSPORTATION COMPANY, a corporation, Suite 132, 111 Presidential Blvd., Bala Cynwyd, PA 19004. Representative: Theodore Polydoroff, Suite 301, 1307 Dolly Madision Blvd., McLean, VA 22101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *slag, sand, and gravel*, from the facilities of Warner Company, at Falls Township, PA, to points in DE, MD, NJ, and NY, (2) *stone and stone products*, from the facilities of The John T. Dyer Quarry Co., a subsidiary of Warner Company, at or near Birdsboro, PA, to points in DE, MD, and NJ, and (3) *sand and gravel*, from the facilities of New Jersey Silica Sand Company, a subsidiary of Warner Company, at Millville, NJ, to points in MD, DE, and PA. (Hearing site: Washington, DC.)

MC 135052 (Sub-15F), filed January 15, 1979. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, IN 46176. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *kitchen cabinets, vanities and accessories* for kitchen cabinets and vanities, from Shelbyville, IN, to points in AR, CT, DE, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, ND, NE, NJ, OH, OK, PA, SD, TN, VA, WI, WV, and DC. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 135152 (Sub-31F), filed February 2, 1979. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, P.O. Box No. 327, West Harrison, IN 45030. Representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, OH 45202. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dried apples*, in boxes, from Wenatchee, WA, to points in IL, OH, PA, NJ, and RI. (Hearing site: Washington, DC.)

Dual operations may be involved.

MC 135797 (Sub-171F), filed December 26, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, AR 72745. Representative: Paul R. Bergant (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Company, at or near Pittsburgh, PA, to points in AR, NM, OK, and TX, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 136343 (Sub-156F), filed January 2, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative:

George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail and department stores (except foodstuffs and commodities in bulk), from those points in NJ on and north of NJ Hwy 33, points in NY on and south of Interstate Hwy 84, and Wilton, CT, to Cleveland and Columbus, OH, and Wauwatosa, WI, restricted to the transportation of traffic originating at the above origins and destined to the named points. (Hearing site: New York, NY, or Washington, DC.)

MC 136774 (Sub-11F), filed November 28, 1978. Applicant: Mc-Mor-Han Trucking Co., Inc., Shullsburg, WI 53586. Representative: Carl L. Steiner, 39 S. La Salle St., Chicago, Il 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Liqwuid corn products*, in bulk, in tank vehicles, from Clinton, IA, to points in the United States, restricted to the transportation of traffic originating at the facilities of Clinton Corn Processing Company, at Clinton, IA. (Hearing site: Chicago, IL, or Des Moines, IA.)

NOTE.—Dual operations are involved in this proceeding.

MC 138076 (Sub-10F), filed January 5, 1979. Applicant HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg. 1010 Tyler, Suite 110L, Topeka, KS 66612. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salvage electrical substations, salvage distribution transformers and salvage electrical wire*, from points in AZ, AR, CO, IL, IN, IA, LA, MO, NE, ND, NM, OK, SD, TX, and WY, to points in Dickinson and Saline Counties, KS. (Hearing site: Kansas City, MO.)

MC 138627 (Sub-50F), filed December 29, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Gerald, MO, to points in AR, IL, IN, IA, KS, KY, MN, NE, ND, OK, SD, TN, and WI. (Hearing site: Omaha, NE.)

MC 138777 (Sub-8F), filed December 27, 1978. Applicant: FETZ INCORPORATED, P.O. Box 47685, Doraville, GA 30340. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Road, NE Atlanta, Ga 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *resin solutions*, in bulk, in tank vehicles, between the facilities of Cargill, Inc., at or near Forest Park, GA, on the one hand, and, on the other, points in AL, FL, LA, MD, MS, NJ, NC, PA, SC, TN, TX, and VA. (Hearing site: Atlanta, GA.)

MC 138826 (Sub-4F), filed November 9, 1978. Applicant: JERALD HEDRICK, d.b.a., HEDRICK & SON TRUCKING, RR #1, Warren, IN 46792. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over, irregular routes, transporting (1) *animal and poultry feeds, animal and poultry mineral mixtures, animal and poultry tonics and medicines, insecticides, pesticides, livestock and poultry feeders and equipment, and advertising materials* for such commodities, (except liquid commodities in bulk), from the facilities of Moorman Manufacturing Co., at or near Bluffton, IN, to points in AL, DE, FL, GA, IL, KY, MD, MI, MS, NC, NY, OH, PA, SC, TN, VA, WI, and WV, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except liquid commodities in bulk), in the reverse direction, under contract with Mooreman Manufacturing Co., of Quincy, IL. (Hearing site: None specified.)

MC 138882 (Sub-204F), filed January 19, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *coke*, in dump vehicles, from Tuscaloosa and Birmingham, AL, to the facilities of Refined Metals, Inc. and Ross Metals, Inc., at or near Memphis and Rossville, TN, and Jacksonville, FL; and (2) *lead slag*, in bulk, from the facilities of Refined Metals, Inc. and Ross Metals, Inc., at or near Memphis, TN, to Jacksonville, FL, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Memphis, TN, or Jacksonville, FL.)

MC 138882 (Sub-205F), filed January 19, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *charcoal, charcoal briquets, hickory chips, vermiculite, charcoal lighter fluid, saw-dust fireplace logs, and barbecue items;* and (2) *materials, equipment, and supplies* used in the distribution of the commodities named in (1) above, (except commodities in bulk), (a) from the facilities of Husky Industries, Inc, at Branson, MO, to points in AL, AZ, AR, CA, CT, DE, GA, ID, IL, IN, IA, KS, KY, FL, LA, ME, MO, MA, MI, MN, MS, MT, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, UT, VA, WA, WV, WI, and WY, (b) from the facilities of Husky Industries, Inc., at Pachuta, MS, to points in AL, FL, GA, LA, NC, SC, and TN, (c) from the facilities of Husky Industries, Inc., at Dickinson, ND, to points in AZ, CA, CO, ID, MT, NE, NM, NV, OK, OR, TX, UT, WA, and WY, (d) from the facilities of Husky Indistries, Inc., at Scotia, NY, to points, in CT, ME, MA, MD, NH, NY, PA, RI, VT, and WV, and (e) from the facilities of Husky Industries, Inc., at White City, OR, to points in AZ, CA, CO, ID, MT, NV, UT, WA, and WY. (Hearing site: Atlanta, GA, or Birminigham, AL.)

MC 138882 (Sub-212F), filed January 26, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *unfrozen foodstuffs* (1) from the facilities of Ragu Foods, Inc., at Los Angeles and Merced, CA, to points in CO, AZ, WY, WA, TX, NM, OR, UT, NV, and MT, and (2) between the facilities of Ragu Foods, Inc., at Los Angeles and Merced, CA, Owensboro and Henderson, KY, and Rochester, NY. (Hearing site: Greenwich, CT, or Washington, DC.)

MC 138882 (Sub-218F), filed January 26, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representive: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper, paper products, materials, equipment,* and *supplies* used in the manufacture and distribution of paper and paper products, between the facilities of Union Camp Corporation, at or near Tifton and Savannah, GA, points in the United States (except AK and HI). (Hearing site: Atlanta, GA, or Montgomery, AL.)

MC 138882 (Sub-219F), filed January 29, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36081. Representive: James W. Segrest (same address

as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ammunition, moulding, stampings, machinery, and materials, equipment, and supplies* used in the manufacture and sale of ammunition, moulding, stampings, and machinery, (except commodities in bulk), between Cullman, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 139023 (Sub-8F), filed January 5, 1979. Applicant: 2-G TRANSPORTATION, INC. 12589 Rhode Island Avenue South, Savage, MN 55378. Representative: Wayne W. Wilson 150 E. Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, and container ends,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of containers and container ends, (except commodities in bulk, in tank vehicles), between the facilities of Midland Glass Company, Inc., at points in AR, CO, GA, IL, IN, IA, KS, KY, MI, MN, MO, NE, ND, OH, OK, and SD, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Madison, WI, or St. Paul, MN.)

MC 139206 (Sub-55F), filed January 5, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Richard C. Mitchell (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy substitutes,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of dairy substitutes, between the facilities of Dairy Substitutes, Inc., at St. Louis, MO, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Dairy Substitutes, Inc., of St. Louis, MO. (Hearing site: St. Louis or Jefferson City, MO).

NOTE.—Dual operations are involved in this proceeding.

MC 139482 (Sub-84F), filed December 21, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* in vehicles equipped with mechanical refrigeration, from the facilities of Hershey Chocolate Co., and H. B. Reese Co., in Derry Township, Dauphin County, PA, and Y & S Candies, Inc., in East Hempfield Township, Lancaster County, PA, to points in MI. (Hearing site: St. Paul, MN).

MC 139482 (Sub-85F), filed December 21, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter and advertising materials,* from the facilities of Haas Corporation, at or near Sleepy Eye, MN, to points in the United States (except AK and HI). (Hearing site: St. Paul, MN.)

MC 139482 (Sub-86F), filed January 17, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and commodities in bulk), from New York, NY, and North Bergen, NJ, to the facilities of Allied Stores Marketing Corporation, at Dallas, Houston, and San Antonio, TX, Miami and Tampa, FL, Memphis and Nashville, TN, Minneapolis, MN, and Indianapolis, IN. (Hearing site: New York, NY.)

MC 140033 (Sub-79F), filed January 12, 1979. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs,* in vehicles equipped with mechanical refrigeration, (except in bulk), and (2) *restaurant furniture, restaurant fixtures, and restaurant supplies* moving in mixed loads with the commodities named in (1) above, from Dallas, TX, to Atlanta, GA. (Hearing site: Dallas, TX.)

NOTE.—Dual Operations may be involved.

MC 140273 (Sub-12F), filed January 12, 1979. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Val M. Higgins, 100 First National Bank Building, Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica sand,* from points in LeSueur County, MN, to points in ND, SD, NE, IA, and WI. (Hearing site; Minneapolis, MN.)

MC 140587 (Sub-9F), filed December 28, 1978. Applicant: CECIL CLAXTON, Box 7, Route 3, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 1055 Thomas Jefferson Street, NW., Washington, DC 20007. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *newsprint paper,* from points in Laurens County, GA, to points in AL, AR, FL, GA, IL, IN, KS, KY, LA, MD, MS, MO, NC, OH, OK, PA, SC, TN, TX, VA, and WV; and (2) *waste newspaper, cores,* and *materials, equipment, and supplies* used in the manufacture of newsprint paper, in the reverse direction. (Hearing site: Atlanta, GA.)

NOTE.—Dual operations are involved in this proceeding.

MC 141252 (Sub-4F), filed January 22, 1979. Applicant: PAN WESTERN CORPORATION, 4105 Las Lomas Avenue, Las Vegas, NV 89102. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rolled steel,* in coils, (a) from the facilities of Kaiser Steel, at Montebello and Fontana, CA, to Henderson, NV, and (b) from Los Angeles and Long Beach Harbor, CA, to Henderson, NV, (2) *precut steel plates,* from the facilities of Kaiser Steel, at Montebello, CA, and the facilities of National Steel, at Torrence, CA, to Henderson, NV, and (3) *frit,* from the facilities of Ferro Corp., at Los Angeles, CA, to Henderson, NV. (Hearing site: Las Vegas, NV.)

MC 141362 (Sub-12F), filed January 22, 1979. Applicant: SOUTHWEST BULK TRANSPORT, 1046-C Commerce Street, San Marcos, CA 92069. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dry feed supplements,* when moving in mixed loads with dry feed supplements, in bulk, from points in Orange County, CA, to points in Pima County, AZ; and (2) *dry feed supplements,* from points in Orange County, CA, to points in Cochise County, AZ. (Hearing site: Los Angeles, CA.)

MC 141402 (Sub-24F), filed February 5, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic bottles,* from the facilities of Aim Packaging, Inc., at or near Port Clinton, OH, to points in

TN, PA, NY, WV, IA, and MI; and (2) *material, equipment, and supplies* used in the manufacture, sale and distribution of plastic bottles, (except commodities in bulk), from points in TN, PA, NY, WV, IA, and MI, to the facilities of Aim Packaging, Inc., at or near Port Clinton, OH, under contract with Aim Packaging, Inc., of Port Clinton, OH. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 141622 (Sub-5F), filed January 12, 1979. Applicant: H&W CARRIERS, INC., Box 73 Camargo, IL 61919. Representative: Robert T. Lawley, 300 Reisch Bldg. Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between points in IA, IL, IN, KY, MD, MI, MN, MT, MO, NJ, NY, ND, OH, PA, SD, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., under contract with Kraft, Inc., of Chicago, IL. (Hearing site: St. Louis, MO.)

Note.—Dual operations are at issue in this proceeding.

MC 141652 (Sub-30F), filed February 1, 1979. Applicant: ZIP TRUCKING, INC., Post Office Box 5717, Jackson, MS 29208. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) from the facilities of Automotive Service Consolidating Association, at or near Paterson, NJ, to Atlanta, GA, Nashville, TN, Los Angeles and San Francisco, CA, Montgomery, Al, and Houston, TX, (2) from the facilities of Automotive Service Consolidating Association, at or near Houston, TX, to Nashville, TN, Atlanta GA, and Paterson, NJ, (3) from the facilities of Automotive Service Consolidating Association, at or near Nashville, TN, to Chicago, IL, (4) from the facilities of Automotive Service Consolidating Association, at or near Chicago, IL to Paterson, NJ, and (5) from the facilities of Automotive Service Consolidating Association, at or near Los Angeles and San Francisco, CA, to New Orleans, LA, Birmingham, AL, Jacksonville, Miami, and Tampa, FL, Atlanta, GA, and Jackson, MS. (Hearing site: New York, NY, or Washington, DC.)

MC 142082 (Sub-4F), filed January 26, 1979. Applicant: OLIVER BROWN TRUCKING CO., INC., 700 South Avenue, Middlesex, NJ 08846. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic materials, expanded foam, sheeting, plasticizers, resins, stereates, lubricants, paints, solvents, drying agents, acids, and chemicals* (except commodities in bulk), from the facilities of Tenneco Chemicals, Inc., at or near Bound Brook, Nixon, East Rutherford, Carlstadt, Piscataway, Burlington, Flemington, Fords, Garfield, Elizabeth, and Rockaway, NJ, Newton Upper Falls, MA, Chestertown, MD, and Hazleton, PA, to points in AL, AR, DE, FL, GA, LA, MD, MS, NC, SC, TN, TX, VA, and WV; (2) *equipment, materials, and supplies* used in the manufacture, packaging, and distribution of the commodities named in (1) above (except commodities in bulk), from points in AL, AR, DE, FL, GA, LA, MD, MS, NC, SC, TN, TX, VA, and WV, to the facilities of Tenneco Chemicals, Inc., at or near Bound Brook, Nixon, East Rutherford, Carlstadt, Piscataway, Burlington, Flemington, Fords, Garfield, Elizabeth, and Rockaway, NJ, Newton Upper Falls, MA, Chestertown, MD, and Hazleton, PA; (3) *lubricants and plasticizers* (except commodities in bulk), from the facilities of Tenneco Chemicals, Inc., at or near Chestertown, MD, to points in CT, DE, MA, MD, NJ, NY, PA, and WV; (4) *plastic materials, chemicals, and resins*, (except commodities in bulk), from the facilities of Tenneco Chemicals, Inc., at or near Houston, TX, to points in AL, CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, SC, TN, VA, and WV; and (5) *equipment, material, and supplies* used in the manufacture, packaging, and distribution of the commodities named in (4) above (except commodities in bulk), from points in AL, CT, DE, FL, GA, MA, MD, NC, NJ, NY, PA, SC, TN, VA, and WV, to the facilities of Tenneco Chemicals, Inc., at or near Houston, TX, under contract with Tenneco Chemicals, Inc., of Piscataway, NJ. (Hearing site: New York, NY.)

MC 142207 (Sub-23F), filed December 28, 1978. Applicant: BRANNAN SYSTEMS, INC., An Alabama Corporation, P.O. Box 29287, New Orleans, LA 70189. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers South, 3390 Peachtree Road NE, Atlanta, GA 30326. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *composition boards*, from the facilities of United States Gypsum Company, at Greenville, MS, to points in AR, LA, KS, OK, and TX. (Hearing site: New Orleans, LA.)

MC 142484 (Sub-4F), filed November 22, 1978. Applicant: STRINGFELLOW TRANSPORTATION COMPANY, INC., 724 3rd Avenue North, Birmingham, AL 35203. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fittings* and *plastic pipe*, from Henderson, KY, to points in IL, IN, MI, and OH, under contract with Cresline Plastic Pipe Co. of Henderson, KY. (Hearing site: Evansville, IN, or Louisville, KY.)

MC 142672 (Sub-47F), filed January 26, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are manufactured, processed, or dealt in by manufacturers of glass and glass products, between the facilities of Anchor Hocking Corporation, at points in IN, OH, PA, and WV, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, KS, MT, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: Columbus, OH, or Tulsa, OK.)

NOTE: Dual operations are at issue in this proceeding.

MC 142672 (Sub-48F), filed January 23, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., Post Office Drawer F, Mulberry, AR 72947. Representative: Don Garrison, 324 North Second Street Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances, equipment, and parts*, as defined by the Commission in Appendix VII to the report in *Descriptions: Motor Carrier Certificates*, 61 M.C.C. 209, 283, and (2) *materials* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), from the facilities of Gibson-Metalux Corporation, at or near Americus, GA, to points in AL, AR, CO, CT, DE, IA, IL, IN, KS, KY, MA, MD, MI, MN, MS, MO, MT, NC, NE, ND, NH, NJ, NY, OH, OK, PA, RI, SC, SD, TN, VA, VT, WI, WV, WY, and DC. (Hearing site: Atlanta, GA, or Little Rock, AR.)

NOTE: Dual operations are at issue in this proceeding.

MC 142743 (Sub-7F), filed January 5, 1979. Applicant: FAST FREIGHT SYSTEMS, INC., P.O. Box 132C,

Tupelo, MS 38801. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *(1)(a) construction materials*, from Camden, AR, Charleston, IL, Elizabethtown, KY, Lagro, IN, Lockland, OH, Marrero, LA, and Paris, TN, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and *(1)(b) equipment, materials, and supplies* used in the manufacture, installation, and distribution of construction materials, in the reverse direction; *(2)(a) construction materials and composition board*, from Marion, SC, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and *(2)(b) equipment, materials, and supplies* used in the manufacture, installation, and distribution, of construction materials, and composition board, from points in the United States in and east of ND, SD, NE, KS, OK, and TX, to Marion, SC. *(3)(a) construction materials*, from Fairfield, AL, to points in FL, GA, KY, NC, SC, and TN, and *(3)(b) equipment, materials, and supplies* used in the manufacture, distribution, and installation of construction materials, in the reverse direction, and *(4) perlite board*, from the facilities of Johns-Manville Corp., at Natchez, MS, to the facilities of The Celotex Corp., at Elizabethtown, KY. (Hearing site: Washington, DC or Atlanta, GA.)

MC 143276 (Sub-9F), filed December 4, 1978. Applicant: WEAVER TRANSPORTATION COMPANY, a Corporation, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., P.O. Box 32309, Decatur, GA 30032. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mortar mixes, cement mixes, dry concrete mix, cement mortar mix, asphalt cold mix, sand, rock, stone, tile grout, concrete patcher, lime adhesive, liquid asphalt sealer, and paper bags*, in containers, from the facilities of W. R. Bonsal Company, at Conley, GA, and from the facilities of The Quikrete Companies, at Lithonia, GA, to points in AL, TN, and SC. (Hearing site: Atlanta, GA.)

NOTE: Dual operations are involved in this proceeding.

MC 143277 (Sub-3F), filed December 11, 1978. Applicant: PRINTERS EXPRESS, INC., One Hackensack Ave., South Kearny, NJ 07032. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter, magazines, periodicals, records, advertising media, educational materials, and educational film strips*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (a) from Chicago, IL, Versailles, KY, Cambridge, MD, Plympton, Lowell, and Boston, MA, St. Cloud, MN, Concord, NH, Buffalo, NY, Dayton and Canton, OH, Dresden, TN, Brattleboro, VT, Menasha, Madison, Milwaukee, Berlin, and Wisconsin Rapids, WI, points in NJ, and those in Nassau and Suffolk Counties, NY, to Pleasanton, CA, St. Louis and Jefferson City, MO, and New York, NY, (b) between St. Louis and Jefferson City, MO, Pleasanton, CA, and New York, NY, and (c) from New York, to Versailles, KY, under contract in (1) and (2) above with Scholastic Magazine, Inc., of New York, NY. (Hearing site: Newark, NJ.)

MC 143552 (Sub-9F), filed February 1, 1979. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield St., Caldwell, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products*, from Marseilles, IL, to Beacon, NY, under contract with Nabisco, Inc., of East Hanover, NJ. (Hearing site: New York, NY, or Washington, DC.)

MC 144122 (Sub-39F), filed January 30, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hospital supplies and drugs*, from North Chicago, IL, to points in MD, DE, PA, NJ, NY, CT, MA, RI, OH, TX, CA, WA, OR, ID, NV, and AZ; and (2) *materials, supplies, and equipment* used in the manufacture and sale of the commodities named in (1) above, from Points in AZ, NV, ID, OR, WA, CA, TX, OH, RI, MA, CT, NY, NJ, PA, DE, and MD, to North Chicago, IL. (Hearing site: Chicago, IL.)

NOTE: Dual operations are at issue in this proceeding.

MC 144645 (Sub-3F), filed February 6, 1979. Applicant: ROBERT C. HANSEN, d.b.a. ROBERT HANSEN TRUCKING, Route 2, Box 125, Delavan, WI 53115. Representative: Daniel R. Dineen, Suite 412, Empire Bldg., 710 North Plankinton Avenue, Milwaukee, WI 53203. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paint and varinish*, (except in bulk), from the facilities of Premier Paint & Varnish Co., Inc., at Elk Grove Village, IL, to points in IN, IA, MI, MN, MO, NE, OH, and WI, under contract with Premier Paint & Varnish Co., Inc., of Elk Grove Village, IL. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 144672 (Sub-7F), filed January 29, 1979. Applicant: VICTORY EXPRESS, INC., Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ground clay and absorbents*, from the facilities of Waverly Mineral Products Company, at points in Thomas County, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Dayton, OH.)

NOTE: Dual operations are at issue in this proceeding.

MC 144864 (Sub-1F), filed December 4, 1978. Applicant: PERRY STEEL TRANSPORT, INC., 3687 Shepherd Road, Perry, OH 44081. Representative: Frank Colb, 1234 Standard Building, Cleveland, OH 44113. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between points in Monroe, Lenawee, Hillsdale, Wayne, Washtenaw, Jackson, Calhoun, Kalamazoo, Macomb, Oakland, Livingston, Ingham, Eaton, Barry, Allegan, St. Clair, Lapeer, Genesee, Shiaswasse, Clinton, Ionia, Kent, Saginaw, Gratiot, Bay Midland, Lycoming, Isabella, Arenac, Gladwin, and Clare Counties, MI, Oswego, Niagara, Orleans, Monroe, Wayne, Cayuga, Onondaga, Erie, Genesee, Wyoming, Livingston, Ontario, Seneca, Cortland, Allegany, Steuben, Chemung, Tioga, and Broome Counties, NY, Erie, Crawford, Mercer, Venango, Clairon, Jefferson, Clearfield, Clinton, Centre, Union, Lawrence, Butler, Armstrong, Indiana, Cambria, Blair, Huntingdon, Mifflin, Snyder, Northumberland, Juniata, Perry, Dauphin, York, Lebanon, Berks, Beaver, Washington, Allegheny, Westmoreland, Somerset, Bedford, Fulton, Franklin, Cumberland, Adams, and Lancaster Counties, PA, and OH. (Hearing site: Cleveland, OH.)

MC 145132 (Sub-2F), filed January 22, 1979. Applicant: K. C. SALLEY VAN & STORAGE COMPANY, a Corporation, 1301 Falfurrias Hwy, Alice, TX 78332. Representative: Stanley Laskowski, Sr., 1104 Madison Drive, Alice, TX 78332. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *used household goods*, between points in

Kleberg and Brooks Counties, TX. (Hearing site: Corpus Christi or San Antonio, TX.)

MC 145152 (Sub-31F), filed January 22, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrical appliances, equipment, and parts*, as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 283, Appendix VII, and *materials* used in the manufacture of electrical appliances, equipment, and parts, (except commodities in bulk), from the facilities of Gibson-Metalux Corporation, at or near Americus, GA, to points in AL, AR, AZ, CA, CO, FL, ID, NM, NV, OR, UT, and WA; and (2) *materials, equipment, and supplies* used in the manufacture of the commodities named in (1) above, from points in CA, IL, MI, MS, NC, NY, OH, OR, TX, and WA, to the facilities of Gibson-Metalux Corporation, at or near Americus, GA. (Hearing site: Atlanta, GA, or Fayetteville, AR.)

MC 145152 (Sub-35F), filed January 29, 1979. Applicant: BIG THREE TRANSPORTATION, INC., Post Office Box 706, Springdale, AR 72764. Representative: Don Garrison, Post Office Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *rubber and plastic articles;* and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), between the facilities of Entek Corporation, at or near Irving, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing Site: Dallas, TX, or Fayetteville, AR.)

MC 145242 (Sub-6F), filed January 22, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Michael Spurlock, 275 East State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *pipe, fittings, valves, hydrants,* and *castings;* and (2) *materials and supplies* used in the installation of the commodities named in (1) above, from the facilities of Clow Corporation, at or near Birmingham, AL, and points in Talladega County, AL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing Site: Columbus, OH.)

MC 145246 (Sub-1F), filed January 8, 1979. Applicant: A. E. SCHULTZ CORPORATION, 901 Lyndale Ave., Neenah, WI 54956. Representative: Frank M. Coyne, 25 West Main St., Madison, WI 53703. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting *rough castings*, from Waupaca, WI, to points in MI, IA, IL, IN, and MN. NOTE: The person or persons who appear to be engaged in common control must either file an application under 49 U.S.C. § 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Madison, WI, or Chicago, IL.)

MC 145372 (Sub-2F), filed December 15, 1978. Applicant: E. Z. TRAIL, INC., Route 133, East, Arthur, IL 61911. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *brooms*, from Arcola, IL, to points in AR, CA, GA, IN, KY, KS, MD, MO, MA, MI, MN, NJ, NY, NV, NC, OH, OR, OK, PA, SC, TX, VA, WV, and WI; and (2) *supplies* used in the manufacture of brooms, from points in KS, LA, NY, OR, TX, and VT, to Arcola, IL, under contract with Libman Broom Company, Inc., of Arcola, IL. (Hearing site: St. Louis, MO.)

MC 145454 (Sub-1F), filed December 7, 1978. Applicant: SOUTHERN REFRIGERATED TRANSPORTATION COMPANY, INC., 2154 Green Valley Drive, Crown Point, IN 46307. Representative: Anthony E. Young, 29 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by mail order houses and retail department stores, from points in GA, NC, SC, TN, and VA, to Chicago, IL, restricted to the transportation of traffic destined to the facilities of Aldens, Inc. (Hearing site: Chicago, IL.)

MC 145516 (Sub-3F), filed January 7, 1979. Applicant: T. G. STEGALL TRUCKING CO., INC., 6333 Idlewild Road, Charlotte, NC 28212. Representative: Triston G. Stegall, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, in vehicles equipped with mechanical refrigeration, from the facilities of M & M/Mars, Division of Mars, Inc., at Elizabethtown, PA, Hackettstown and Elizabeth, NJ, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, TX, and VA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 145641 (Sub-1F), filed January 12, 1979. Applicant: DILIDO TRANSPORTATION CO., INC., 501-551 West 30th Street, New York, NY 10001. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles; and aluminum articles;* and (2) *materials, equipment and supplies* used in the manufacture, sale, distribution, or transportation of the commodities in (1) above (except commodities in bulk), between Buffalo, NY and Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Metal Purchasing Co., Inc., of New York, NY. (Hearing site: New York, NY.)

MC 145723 (Sub-1F), filed January 12, 1979. Applicant: H & M TRUCKING, INC., Box 173, Clinton, IL 61727. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *soybean meal and soybean flakes*, in bulk, from Bloomington, IL, to Montgomery, AL, Gainesville, Macon and Union City, GA, Evansville, LaFayette, Milford, and Richmond, IN, Louisville, KY, Lansing, MI, Jackson, MS, Charlotte, NC, Cincinnati and Circleville, OH, and Memphis and Nashville, TN, under contract with Ralston Purina Company, of St. Louis, MO, and (2) *meat, bone meal, meat scraps, and blood meal*, from points in CO, IL, IA, IN, KY, KS, MI, MO, MN, NE, ND, OK, SD, TX, and WI, to points in AR, IL, IN, IA, LA, MO, MS, and OK, under contract with Agri-Trading Corporation, of Hutchinson, MN. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145737 (Sub-2F), filed December 26, 1978. Applicant: HEUERTZ TRUCKING, INC., 425 1st St. NW., LeMars, IA 51031. Representative: D. Douglas Titus, Suite 510 Benson Bldg., Sioux City, IA 51101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat byproducts and meat products and articles distribtuted by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and (2) materials, equipment and supplies used in the conduct of business

by meat packinghouses and hide companies, between LeMars, IA, on the one hand, and, on the other, points in CO, CT, IA, IL, IN, KS, MA, MI, MN, MO, NE, ND, NJ, NY, OH, OK, PA, SD, TX, and WI, under contract with Dubuque Packing Company, of LeMars, IA. (Hearing site: Sioux City, IA, or Omaha, NE.)

MC 145906 (Sub-1F), filed January 7, 1979. Applicant: GENERAL TRUCKING CO., INC., P.O. Box 269, Santa Fe Pike, Columbia, TN 38401. Representative: Edward C. Blank, II, Middle Tennessee Bank Bldg., P.O. Box 1004, Columbia, TN 38401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum, aluminum scrap, aluminum dross, aluminum oxide fines, and aluminum secondary ingots*, between points in AL, AR, FL, GA, IL, IN, KY, LA, MO, MS, NC, NJ, OH, OK, PA, SC, TN, TX, VA, and WV. (Hearing site: Nashville or Columbia, TN.)

NOTE: Dual operations are involved in this proceeding.

MC 146232, filed January 17, 1979. Applicant: NOLL TRANSPORTATION, INC., 4259 East 49th Street, Cleveland, OH 44125. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* except those articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Cleveland and Wadsworth, OH, Linesville, PA, and Butler, KY, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Cardinal American Corporation, of Cleveland, OH, Butler Products, Inc., of Butler, KY, The National Metal Abrasive Company, of Wadsworth, OH, and Production Experts, Inc., of Cleveland, OH, restricted to the transportation of traffic originating at or destined to the facilities of Cardinal American Corporation. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146242F, filed January 23, 1979. Applicant: D. J. MOTOR EXPRESS, INC., P.O. Box 566, Jeffersonville, IN 47130. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *conveying and feeding equipment, machinery, framework, and parts* for conveying and feeding equipment; and (2) *materials and equipment* used in the manufacture and distribution of the commodities named in (1) above, between the facilities of Litton Unit Handling Systems, Division of Litton Industries, Inc., at Florence, KY, and the facilities of Kershner's Inc., at Jeffersonville, IN, on the one hand, and, on the other, points in the United States (except AK and HI), under contract with Litton Unit Handling Systems, Divsion of Litton Industries, Inc., of Florence, KY, and Kershner's Inc., of Jeffersonville, IN. (Hearing site: Indianapolis, IN, or Louisville, KY.)

MC 12856 (Sub-1F), filed January 3, 1979. Applicant: COLONY TOURS, INC., 202 E. Center St., Manchester, CT 06040. Representative: Hugh M. Joseloff, 80 State St., Hartford, CT 06103. To enage in operations, in interstate or foreign commerce, as a *broker*, at West Hartford and Manchester, CT, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in CT and extending to points in the United States (including AK and HI). Condition: Prior or coincidental cancellation, at applicant's written request of its license in MC 12856, issued February 26, 1971. (Hearing site: Hartford, CT.)

MC 13055 2F,filed January 31, 1979. Applicant: J. L. BRANDEIS & SONS, INC., 200 South 16th Street, Omaha, NE 68102. Representative: Frank M. Schepers, The Omaha Building, 1650 Farnam Street, Omaha, NE 68102. To enage in operations, in interstate or foreign commerce, as a *broker*, at points in IA and NE, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in IA and NE, and extending to points in the United States (except AK and HI). (Hearing site: Omaha, NE, or Des Moines, IA.)

MC 14625 2F,filed January 25, 1979. Applicant: MUSKINGUM MOTOR CLUB SERVICES CORPORATION, 1120 Maple Avenue, Zanesville, OH 43701. Representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Muskingum County, OH, and extending to points in the United States (including AK, excluding HI), under contract with the Muskingum Motor Club Company, doing business as, The AAA Muskingum Motor Club, of Zanesville, OH. (Hearing site: Columbus, OH.)

[FR Doc. 79-8552 Filed 3-21-79; 8:45 am]

[1505-01-M]

[Notice No. 25]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 79-5535 appearing at page 10808 in the issue for Friday, February 23, 1979, on page 10816 in the third column in the paragraph beginning "MC 146152 (Sub-1TA)" in the ninth line the State abbreviation "MN" should read "NM".

[1505-01-M]

[Notice No. 20]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 79-4638 appearing at page 8957 in the issue for Monday, February 12, 1979, on page 8964 the paragraph beginning "MC14596TA" should read "MC 145965TA".

[7035-01-M]

[Notice No. 50]

ASSISGNMENT OF HEARINGS

MARCH 19, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of concellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of concellation or postponements of hearings in which they are interested.

MC 107515 (Sub-1174F), Refrigerated Transport Co., Inc., now assigned for hearing on April 18, 1979, at Atlanta, Georgia and will be held in Room 305, 1252 Peachtree St., N.W.

MC 118159 (Sub-282F), National Refrigerate Transport, Inc., now assigned for hearing on April 23, 1979, at Atlanta, Georgia and will be held in Room 305, 1252 Peachtree St., N.W.

MC 124211 (Sub-336F), Hilt Truck Line, Inc., now assigned for hearing on April 17, 1979, at Atlanta, Georgia and will be held

in Room 305, 1252 West Peachtree Street, N.W.

MC 114533 (Sub-371), Bankers Dispatch Corporation, now assigned for hearing on April 2, 1979, (5 days), at Topela, Kansas is canceled and transfered to Modified Procedure.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-8764 Filed 3-21-79; 8:45 am]

[7035-01-M]

[Docket No. AB-167 (Sub-No. 3F)]

CONSOLIDATED RAIL CORP.

Abandonment Near Lawrenceburg and Aurora in Dearborn County, Ind., Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (49 U.S.C. 10903) that by a Certificate and Decision decided February 26, 1979, a finding, which is administratively final, was made by the Commission. Review Board Number 5, stating that, subject to the conditions for the protection of 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 Consolidated Rail Corporation of a line of railroad known as the L&A Running Tract. The line extends from railroad milepost 26.0 near Lawrenceburg, to milepose 28.8 at the end of the track in Aurora, a distance of 2.8 miles, in Dearborn County, IN. A certificate of public convenience and necessity permitting abandonment was issued to the Consolidated Rail Corporation. 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 (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 April 6, 1979. 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 May 7, 1979.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-8730 Filed 3-21-79; 8:45 am]

[7035-01-M]

[Docket No. AB-3 (Sub-No. 17F)

MISSOURI PACIFIC RAILROAD CO.

Abandonment Near Barton and Marvell in Phillips County, AR; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (49 U.S.C. 10903) that by a Certificate and Decision decided February 13, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of 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 Missouri Pacific Railroad Company of a line of railroad known as the Marvell Industrial Lead, extending from railroad milepost 12.4 near Barton, AR, to the end of the line a milepost 21.9 near Marvell, AR, a distance of 9.5 miles, in Phillips County, AR. A certificate of public convenience and necessity permitting abandonment was issued to the Missouri Pacific Railroad Company. Since the proceeding is now unopposed, the requirements 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 April 6, 1979. 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 May 7, 1979.

H. G. HOMME, JR.,
Secretary.

[FR Doc. 79-8727 Filed 3-21-79; 8:45 am]

[7035-01-M]

OFFICE OF PROCEEDINGS SUPPORT UNITS

Reorganization

AGENCY: Interstate Commerce Commission.

ACTION: Notice of the reorganization of the administrative and paralegal support units within the Office of Proceedings.

SUMMARY: The Commission is consolidating the Section of Case Control and Information and the Motor Carrier Board Support Units, which are currently located in the Office of Proceedings, into the new Section of Applications Evaluation and Authorities, which will also be located in that Office. This action is necessary due to the Commission's increasing case load and reductions in staff. The consolidation of these support units will result in improved and expedited case processing which will help insure that the Commission can keep abreast of its work load.

EFFECTIVE DATE: March 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Noreta R. McGee, Tel. (202) 275-7020.

SUPPLEMENTARY INFORMATION: The Commission is creating the Section of Applications Evaluation and Authorities to improve and expedite case processing. The new Section will be located in the Commission's Office of Proceedings and is the result of the reorganization of that Office's administrative and paralegal support units. The new Section will consist of a consolidation of the Section of Case Control and Information and Motor Carrier Board Support Units which are currently part of the Office of Proceedings. This action is necessary to insure that the Commission can keep abreast of its work load in light of its increasing case load and reductions in staff.

The new Section of Applications Evaluation and Authorities will be divided into seven teams, plus the Reference Services Branch. Each support team will be a homogeneous unit handling the necessary clerical and administrative functions from the time the case is filed until the final administrative action is taken. In addition, the Operating Rights Support Teams will handle both temporary authority and unopposed permanent authority applications.

There will be five Operating Rights Support Teams. All applications for permanent and temporary motor and water carrier, freight forwarder, and broker authority will be assigned to a team for processing. The case assignment will be determined by the last digit of applicant's docket number. As-

signments will be as follows: docket numbers ending in 0-1, Team 1, room 2160, telephone 275-7326; docket numbers ending in 2-3, Team 2, room 2379, telephone 275-7271; docket numbers ending in 4-5, Team 3, room 2158, telephone 275-7465; docket numbers ending in 6-7, Team 4, room 5331, telephone 275-7258; and docket numbers ending in 8-9, Team 5, room 2367, telephone 275-7249. Any inquiries concerning the procedural processing of the application, such as the date verified statements are due, the date a certificate is issued, the date petitions are due, the date a certificate is issued, the date temporary authority operations may commence, etc., should be directed to the appropriate Operating Rights Support Team.

If applicant's docket number is unknown, telephone 275-7020 for assistance. This number should also be used to determine the status to operating rights rulemakings and investigation or complaint proceedings (MCC's).

The Finance Support Team will be located in room 5349, telephone 275-7109 for rail and 275-7643 for motor. Status inquiries concerning motor and rail mergers, consolidations or control, rail abandonments, securities, train discontinuances, railroad reorganizations, trackage rights, interlocking directorates transfers of rights, and rulemakings on finance matters should be directed to that office.

The Rates Support Team will be located in room 5356, telephone 275-7049. Status inquiries concerning investigation and suspension of rates, formal complaints on rate matters, general rate increases, and rulemakings on rate matters should be directed to that office.

There will be no change in the services presently provided by the Reference Services Branch, room 3376, telephone 275-7221.

Continued assistance to the public will also be available from the Special Assistant to the Director (ombudsman), room 2411, 275-7792, on both procedural and substantive questions up to the time the record is complete. After the record is complete, on permanent authority applications *only*, and the case is awaiting a decision, assistance may be obtained from the Office of the Section Chief, Section of Operating Rights, room 5310, 275-7108. On proceedings set for oral hearing, inquiries should be directed to the Office of Hearings, room 2115, telephone 275-7408.

Dated: March 19, 1979.

By the Commission.

H. G. HOMME, Jr.,

Secretary.

[FR Doc. 79-8729 Filed 3-21-79; 8:45 am]

[7035-01-M]

[Docket No. AB-122]

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS

Abandonment of St. Louis Union Station, St. Louis, Mo; Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (49 U.S.C. 10903) that by a Certificate and Decision decided January 31, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of 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 Terminal Railroad Association of St. Louis of the St. Louis Union Station, including four stub-end tracks in the station, and the operations of the station itself. A certificate of public convenience and necessity permitting abandonment was issued to the Terminal Railroad Association of St. Louis. After an investigation, the requirements 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 as 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 April 6, 1979. 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 May 7, 1979.

H. G. HOMME, Jr.,

Secretary.

[FR Doc. 79-8728 Filed 3-21-79; 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. 552b(e)(3).

CONTENTS

[6320-01-M]

1

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the March 21, 1979, meeting agenda.

TIME AND DATE: 10 a.m., March 21, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

13a. Interim rule governing terminations, suspensions, and reductions of service under section 401(j) and 419 of the Act, with request for comments. (OGC)

23a. Dockets 32635, 32674, 33634, 34274, and 34425; Applications of World, Aeroamerica, and Continental for exemption. (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board finds that, to allow the public the earliest possible benefit of these procedures, agency business requires consideration of Item 13a at the March 21, 1979 Board meeting. Item 23a should be considered simultaneously with Item 23, *Hawaii Common Fares Investigation*, which is scheduled to be on the calendar for the meeting for March 21. It should also be decided early enough for Aeroamerica to file tariffs on short notice for April 1 effectiveness. Accordingly, the following Members have voted that agency business requires the addition of Items 13a and 23a to the March 21, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-568-79 Filed 3-20-79; 3:49 pm]

[6320-01-M]

2

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the March 21, 1979, meeting agenda.

TIME AND DATE: 10 a.m., March 21, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 3a. Docket 34226, Petitions for Reconsideration of Order 79-1-117. That order, in part, directed certification of the Eastern/National merger record directly to the Board. (Memo No. 8242-F, OGC)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: This matter needs to go before the Board as quickly as possible in order to minimize the gap between the decision in two "Acquisition of National Airlines Cases." Granting this request will allow the Judge to prepare his initial decision expeditiously. Accordingly, the following Members have voted that agency business requires the addition of Item 3a to the March 21, 1979 agenda and that no earlier announcement of this addition was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-569-79 Filed 3-20-79; 3:49 pm]

[6320-01-M]

3

CIVIL AERONAUTICS BOARD.

Notice of addition of items to the March 21, 1979, meeting agenda.

TIME AND DATE: 10 a.m., March 21, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1a. Dockets 34849 and 34958; Applications for exemptions filed by El Al and KLM, respectively. (BIA, OGC, BLJ)

27a. Docket 18694, Federal Aviation Administration Notice of Proposed Rulemaking N. 79-3. (BPDA)

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff originally expected to have this item prepared for Board action at the open meeting to be held March 29. With the cancellation of that meeting, consideration on March 21 becomes necessary to enable service to begin as proposed, while still considering item 1a at a public meeting. Comments on the FAA Loan Guarantee rulemaking Item 27a are due March 25, 1979. The attached comments may be helpful to the FAA in its deliberations. Accordingly, the following Members have voted that agency business requires the addition of Items 1a and 27a to the March 21, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-S70-79 Filed 3-20-79; 3:49 pm]

[6351-01-M]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m. March 21, 1979.

PLACE: 2033 K Street NW., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Adjudicative proceedings.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-564-79 Filed 3-20-79; 10:37 pm]

[6570-06-M]

5

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-517-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, March 20, 1979.

CHANGE IN THE MEETING:

The following matter is added to the agenda for the open portion of the meeting:

Ratification of Notation Vote Approving Contract for Computer Analysis and Expert Witness Services from Charles R. Mann Associates. A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

IN FAVOR OF CHANGE:

Eleanor Holmes Norton, Chair
Daniel E. Leach, Vice Chair
Ethel Bent Walsh, Commissioner
Armando M. Rodriguez, Commissioner
J. Clay Smith, Jr., Commissioner

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at: 202-634-6748.

This Notice Issued March 19, 1979.

[S-566-79 Filed 3-20-79; 3:11 pm]

[7600-01-M]

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on March 29, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Date: March 20, 1979.

[S—565-79 Filed 3-12-79; 12:45 pm]

[8010-01-M]

7

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of March 26, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, March 27, 1979, at 10:00 a.m., on Wednesday, March 28, 1979, at 9:30 a.m. (previously noticed) and on Thursday, March 29, 1979, immediately following the 2:30 p.m., and 3:30 p.m. open meetings. Open meetings will be held on Thursday, March 29, 1979 at 10:00 a.m., 2:30 p.m. and 3:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, March 27, 1979, 10 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory Authorities.
Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Litigation matters.
Institution of injunctive actions.
Institution of administrative proceedings of an enforcement nature and issuance of interpretative release.
Settlement of administrative proceedings injunctive action.
Subpoena enforcement action.
Chapter XI proceeding.

The subject matter of the closed meeting scheduled for Thursday, March 29, 1979, immediately following the 2:30 p.m., and 3:30 p.m. open meeting, will be:

Post oral argument discussions.

The subject matter of the open meeting scheduled for Thursday, March 29, 1979, at 10 a.m., will be:

1. Consideration of whether to propose for comment amendments to Rule 17f-1 (17 CFR § 240.17f-1) and modifications to the Lost and Stolen Securities Program, established thereunder. For further information, please contact Gregory C. Yadley at (202) 376-8129.

2. Consideration of whether to approve proposed rules submitted by the Securities Investor Protection Corporation ("SIPC") setting forth requirements for the closeout or completion of open contractual commitments between an insolvent broker-dealer undergoing SIPC liquidation and other broker-dealers. For further information, please contact Linda Kurjan at (202) 376-8127.

3. Consideration of whether to adopt experimental Form S-18, a simplified form generally available to small domestic or Canadian corporate issuers provided such issuers are not subject to the Commission's continuous reporting requirements. The Form provides for the registration under the Securities Act of 1933 of securities to be sold to the public for cash not exceeding an aggregate offering price of $5 million. For further information, please contact Paul A. Belvin or Douglas S. Perry at (202) 755-1750.

4. Consideration of a letter of comment on the report of tentative conclusions and recommendations of the AICPA Reports by Management Special Advisory Committee. For further information, please contact James J. Doyle at (202) 472-3782.

5. Consideration of an application by American Federation of Labor and Congress of Industrial Organizations Mortgage Investment Trust which seeks an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting it from all provisions of the Act, or, alternatively, from certain provisions of the Act relating to the composition of the board of directors (Sections 10(a) and (b)(2), 15(c), and 32(a) and Rule 17g-1(d)), voting rights of shareholders (Sections 18(i), 16(a), 15(a) and (b), 13(a)(1) and 32(a)), and pricing and redemption procedures (Sections 22(c) and (e) and 17(a)(3) and Rule 22c-1). For further information, please contact Janice B. Liva at (202) 755-1737.

6. Consideration of requests by the law firm of Fried, Frank, Harris, Shriver and Kampelman, pursuant to 17 CFR 200.735-8(e), for a waiver of the imputation of disqualification rule. For further information, please contact Irving Picard at (202) 755-1238.

The open meeting scheduled for Thursday, March 29, 1979, at 2:30 p.m., will be:

1. Oral argument on an application by Lawrence F. Cianchetta for review of disciplinary action taken against him by the National Association of Securities Dealers. For further information, please contact William S. Stern at (202) 755-1538.

The open meeting scheduled for Thursday, March 29, 1979, at 3:30 p.m., will be:

1. Oral argument on an application by Charles H. Ross, Inc. for review of disciplinary action taken against him by the Options Clearing Corporation. For further information, please contact Moshe Simon at: 202-755-1530.

FOR FURTHER INFORMATION CONTACT:

Beverly Rubman at: 202-755-1103.

MARCH 20, 1979.

[S-567-79 Filed 3-20-79; 3:10 pm]

federal register

THURSDAY, MARCH 22, 1979

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

■

GUARANTY OF MORTGAGE-BACKED SECURITIES

Amendments to Establish a New Program for Graduated Payment

[4210-01-M]

Title 24—Department of Housing and Urban Development

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

[DOCKET NO. R-79-604]

PART 390—GUARANTY OF MORTGAGE-BACKED SECURITIES

Amendments To Establish a New Program for Graduated Payment Mortgage-Backed Securities

AGENCY: Government National Mortgage Association, HUD.

ACTION: Final Rule.

SUMMARY: These amendments establish a new mortgage-backed securities program that provides for the guaranty by GNMA of securities based on and backed by pools of Graduated Payment Mortgages (GPM's). GPM loans are single family mortgages whose monthly payments increase annually for a fixed number of years. Only GPM's that are insured by the Federal Housing Administration under section 245 of the National Housing Act and that are scheduled to have increasing payments for a maximum of five years are eligible for inclusion in GNMA pools. The program is intended to expand the secondary market in GPM's and thereby make available additional mortgage money at reasonable interest rates.

EFFECTIVE DATE: April 23, 1979.

FOR FURTHER INFORMATION CONTACT:

Warren Lasko, 202-755-8772.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of December 29, 1978, beginning on page 60957, the Secretary of Housing and Urban Development published a notice of proposed rulemaking which provided for establishment of a new Government National Mortgage Association (GNMA) program of Graduated Payment Mortgage-Backed Securities. All interested persons were given until January 29, 1979 to submit written comments, suggestions, or objections regarding the proposed regulations. A total of eight comments were received. Each comment was carefully considered.

In general, the commentators welcomed the development of a Graduated Payment Mortgage-Backed Securities Program and urged that it be implemented promptly. The following responses are provided to the comments received:

One commentator urged that the securities program include the two FHA-insured GPM plans that provide for annual increases in monthly payments over a ten-year period, as well as the three five-year plans. The proposed regulations provide only for the inclusion of the five-year plans in order to help assure the marketability of the securities and to make them as homogeneous as possible. Under this arrangement, after five years, the GPM securities will be interchangeable with single family level payment securities. Because only three percent of all FHA-insured GPM loans to date have been made under the ten-year plans, and because other commentators concurred in the limitation of the securities program to the five-year plans, no change has been made to the proposed regulations in this regard.

Another commentator suggested that the payment date for the new securities be the 25th of the month, rather than the 15th of each month as the case in each of the existing GNMA Mortgage-Backed Securities Programs. Such a change in the payment date would give the issuers a longer period of time to receive payments from mortgagors before having to make "pass-through" payments to the securities holders. However, the change would also have the effect of reducing the "price" at which the securities could be sold, and this cost might be transferred to homebuyers. Also, such a change in the payment date would make these securities different from all other GNMA guaranteed securities, and consequently could affect their marketability. For these reasons, it is planned that the payment date for the Graduated Payment Mortgage-Backed Securities will be the 15th of each month, as in the other programs.

One commentator pointed out the importance of making Graduated Payment Mortgage-Backed Securities clearly distinguishable from the existing level payment single family securities. This could be done, it is suggested, by having a different interest rate on the Graduated Payment Securities. The clear differentiation is needed in order to assure that the two different types of securities are not purposely or inadvertently substituted, one for the other, in the course of securities trading activity. GNMA recognizes the need for such differentiation and will take all steps deemed appropriate to see that it is accomplished.

A technical revision has been made to § 390.43(b) to make clear that the total face amount of any issue of securities shall not exceed the aggregate unpaid principal balances of the mortgages in the pool as of the issue date of the securities.

BACKGROUND

The following describes the authority for and the provisions contained in the new amendments. The amendments establish a new program of federally guaranteed mortgage-backed securities which will allow for the inclusion of so-called Graduated Payment Mortgages in the pools which back the securities.

Under section 306(g) of the National Housing Act, as amended, the Government National Mortgage Association (GNMA) guarantees the timely payment of principal and interest on securities issued by approved private lenders, which securities are backed by federally insured or guaranteed mortgage loans. At present, such guaranteed securities programs exist for level payment single family loans, mobile home loans, residential project loans, and project construction loans. The new program provides for the inclusion of single family mortgages insured under section 245 of the National Housing Act, and known as Graduated Payment Mortgages, in mortgage loan pools backing securities issuances. Graduated Payment Mortgages have amortization schedules that provide for annual increases in the monthly installments in the early years of the mortgage. The eligibility of such loans for the securities issuances will substantially enhance the marketability of such loans. This in turn will increase the availability of loan funds for these innovative mortgages and should help maintain interest rates on such loans at reasonable rates.

Part 390 is amended to redesignate existing Subpart C as Subpart D and to add a new Subpart C, which now provides the regulatory authority for the new program. The new program is essentially identical to the existing single family mortgage-backed securities program, except as modifications are required to accommodate the unique provisions of graduated payment loans. The specific provisions of the proposed amendments are as follows:

Section 390.40 provides that GNMA is authorized by section 306(g) of the National Housing Act to establish federally guaranteed mortgage-backed securities programs. If further provides that participants in the programs are subject to the provisions contained in the Mortgage-Backed Securities Guide (GNMA 5500.1), and to any contracts entered into by parties participating in the programs.

Section 390.41 provides that to be an eligible issuer of the new securities, an applicant must satisfy those same requirements which are presently applicable with respect to issuers of level payment single family type securities.

Section 390.42 provides that for a Graduated Payment Mortgage to be

eligible for inclusion in a pool as backing for the new security, it must be insured by the Federal Housing Administration pursuant to section 245 of the National Housing Act. The new rule limits the eligibility of such loans to those mortgages that have amortization schedules that provide for equal, or level, monthly installments beginning no later than the 61st scheduled monthly installment.

Section 390.43(a) provides that the securities to be issued are to be modified pass-through type securities. Such securities require the pass-through to securities holders, whether or not collected by the issuer from the mortgagors, of interest scheduled to be collected on the pooled mortgages, less appropriate amounts for guaranty fees and mortgage servicing, together with scheduled principal installments and any prepayments or other early recoveries of principal on the mortgages. For Graduated Payment Mortgages, the scheduled principal payments may be "negative," in which case the outstanding securities balance will increase.

Section 390.43(b) provides that the minimum amount of each issue of securities may be no less than $1 million, which amount is the same as in the present single family mortgage-backed securities program. This section also provides that, upon the mutual agreement of GNMA and issuers, arrangements may be made for the consolidation of securities issued under this program. This provision is intended to permit, upon the development of appropriate procedures, the consolidation of paid down pools. Such consolidation has the potential for increasing the efficiency of mortgage pool administration.

Section 390.43(c) provides that the original amount of any individual security may not be less than $25,000, as is the case under each of the other existing mortgage-backed securities programs.

Section 390.43(d) provides that the securities are freely transferable and assignable in registered form on the books of GNMA and the issuer, as is the case under each of the existing mortgage-backed securities programs.

Section 390.44 provides that the administration of the securities and the pooled mortgages shall be in accordance with the provisions applicable to existing mortgage-backed securities programs.

Section 390.45 provides for the guaranty of the securities by GNMA and provides that such guaranty is backed by the full faith and credit of the United States.

Section 390.46 provides that any failure of an issuer of securities to make required payments to securities holders in a timely manner may be deemed by GNMA to be an event of default under the guaranty agreements entered into between GNMA and the issuer. Such other failures or inabilities as GNMA may determine and may include in the guaranty agreements entered into with the issuer similarly may be deemed events of default. This section also provides that upon any declaration of default, GNMA may extinguish any right, title, or other interest of the issuer in the pooled mortgages.

Section 390.47 authorizes GNMA to impose application fees, guaranty fees, transfer fees, and such other fees as may be deemed appropriate.

A finding of inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures.

Therefore, 24 CFR Part 390 is amended by adding a new Subpart C, which provides for Graduated Payment Mortgage-Backed Securities, and by redesignating present Subpart C as Subpart D, as follows:

PART 390—GUARANTY OF MORTGAGE-BACKED SECURITIES

* * * * *

Subpart C—Graduated Payment Mortgage-Backed Securities

Subpart D—Miscellaneous Provisions

* * * * *

Subpart C—Graduated Payment Mortgage-Backed Securities

§ 390.40 General.

This Subpart provides for the guaranty by the Association of timely payment of principal and interest on modified pass-through securities based on and backed by eligible mortgages, which mortgages provide for non-level monthly installments. The Association is authorized by section 306(g) of the National Housing Act to make such guarantees. Issuance of securities under this Subpart is subject to the provisions that follow, to the further provisions contained in the Mortgage-Backed Securities Guide (GNMA 5500.1), as it shall exist and be amended or supplemented from time to time, and to the contracts entered into by the participating parties.

§ 390.41 Eligible Issuers of Securities.

To be eligible to issue Graduated Payment Mortgage-Backed Securities, an applicant shall satisfy those requirements applicable to the issuance of modified pass-through securities based on and backed by mortgages on one- to four-family residences as provided in § 390.3 (Eligible Issuers of Securities).

§ 390.42 Eligible Mortgages.

Each issue of guaranteed securities shall be based on and backed by a pool of Graduated Payment Mortgages which are insured by the Federal Housing Administration pursuant to section 245 of the National Housing Act: *Provided*, That all such pooled mortgages shall provide for equal (level) monthly installments beginning no later than the 61st scheduled monthly installment.

§ 390.43 Securities.

(a) *Instruments.* Securities to be issued under this Subpart shall be designated Graduated Payment Mortgage-Backed Securities. They shall be issued in the form of modified pass-through type securities, which shall provide that each monthly installment payable to the holders shall consist of: (A) The interest due monthly on the securities computed as one-twelfth ($\frac{1}{12}$) of the annual rate provided for multiplied by the unpaid principal balance of the securities at the end of the prior month (The amount of interest actually paid may be less than the amount accrued to the extent scheduled principal payments are negative.), and (B) the scheduled recoveries of principal (which may be negative) due monthly on the pooled mortgages and apportioned to the holders by reason of the base and backing of these securities, such amounts of principal and interest to be remitted to the holders whether or not funds sufficient to pay an installment are collected by the issuer, together with (C) any apportioned prepayments or other unscheduled recoveries of principal on the pooled mortgages. Unscheduled recoveries of principal shall include amounts which an issuer must pay from its own funds to provide the holders with any principal that remains unrecovered after receipt of a final insurance claim settlement or other liquidation proceeds. At any time 90 days or more after default of any pooled mortgage the issuer may, at its option, repurchase such mortgage from the pool for an amount equal to the unpaid principal balance of the mortgage. The securities shall provide for specific maturity dates and dates upon which payments are to be made to the holders.

(b) *Issue Amount.* Each issue of securities shall be in an amount no less

than $1 million. The total face amount of any issue of securities shall not exceed the aggregate scheduled unpaid principal balances of the mortgages in the pool as of the issue date of the securities. The Association and issuers reserve the right to consolidate pools of mortgages backing the securities with other pools backed by similar mortgages bearing the same interest rate and maturity dates.

(c) *Face Amount.* The original face amount of any security shall not be less than $25,000.

(d) *Transferability.* The securities are freely transferable and assignable, but only on the books and records of the Association and the issuer.

§ 390.44 Pool Administration.

Administration of the securities and the pooled mortgages shall be in accordance with the provisions of § 390.9 (Pool Administration).

§ 390.45 Guaranty.

With respect to Graduated Payment Mortgage-Backed Securities, the Association guarantees the timely monthly payment, whether or not collected, of the scheduled interest and principal installments, and any prepayments or other early recoveries of principal on the mortgages, as undertaken in the Association's guaranty appearing on the face of the instruments. The Association's guaranty is backed by the full faith and credit of the United States.

§ 390.46 Default.

Any failure or inability of an issuer to make fixed or other payments to securities holders when due shall be deemed an event of default under the guaranty agreement entered into between the Association and the issuer. Such other failures or inabilities of the issuer to perform any function or duty provided for in the guaranty agreement may also be deemed an event of default. Upon any default by an issuer, and payment by the Association under its guaranty, or any failure of the issuer to comply with the terms of the guaranty transaction, the Association may institute a claim against the issuer's fidelity bond, or may extinguish all right, title, or other interest of the issuer in the pooled mortgages, subject only to unsatisfied rights therein of the securities holders, by letter to the issuer making the mortgages the absolute property of the Association, or the Association may do both.

§ 390.47 Fees.

The Association may impose application fees, guaranty fees, securities transfer fees, and such other fees as it may deem appropriate.

Subpart D—Miscellaneous Provisions

§ 390.50 Audits and Reports.

The Association may at any reasonable time audit the books and examine the records of any issuer, mortgage servicer, trustee, or agent or other person bearing on its guaranty of mortgage-backed securities, and may require reasonable and necessary reports from such persons.

§ 390.51 Applications.

Applications for guaranty should be submitted to the Association's home office located at 451 Seventh Street, S.W., Washington, D.C. 20410.

Issued at Washington, D.C., March 13, 1979.

R. FREDERICK TAYLOR,
Acting Executive Vice President, Government National Mortgage Association.

[FR Doc. 79-8741 Filed 3-21-79; 8:45 am]

federal register

THURSDAY, MARCH 22, 1979

PART III

DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

TRANSPORTATION CERTIFICATES FOR NATURAL GAS

Displacement of Fuel Oil

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[18 CFR Part 157]

TRANSPORTATION CERTIFICATES FOR NATURAL GAS

Displacement of Fuel Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) is publishing this proposed rule for action by the Federal Energy Regulatory Commission (the Commission), pursuant to section 403 of the Department of Energy Organization Act (DOE Act). The proposed rule would encourage and facilitate the issuance by the Commission of one year certificates of public convenience and necessity, including temporary certificates, under section 7(c)(1) of the Natural Gas Act, authorizing the transportation of natural gas purchased by end-users in order to displace fuel oil.

Pursuant to section 403(b) of the DOE Act, ERA is requiring the Commission to take final action on this proposed rule by May 17, 1979. The Commission will shortly announce by notice in the FEDERAL REGISTER the comment and public hearing procedures to be followed in connection with this rulemaking. Shortly, ERA will publish its own proposed rule establishing the procedures to be followed by the ERA Administrator for certification to the Commission of the use of natural gas for fuel oil displacement.

DATES: Commission to take final action by May 17, 1979. Dates for comments and public hearings to be determined later.

FOR FURTHER INFORMATION CONTACT:

Lynne H. Church, Division of Natural Gas Regulations, Economic Regulatory Administration, 2000 M Street, N.W., Room 3308, Washington, D.C. 20461, (202) 632-4721.

James G. Beste, Office of the General Counsel, Department of Energy, Room 7140, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633-8788.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

There is an urgent and immediate need to reduce the Nation's reliance on oil imports. The adverse effects of that reliance on the Nation's security of energy supplies, balance of payments, and domestic inflation rate require strong action. The recent tightening of world oil supplies and increases in international oil prices require that we give near term import reduction the highest priority.

Increased use of present supplies of natural gas is one of the most effective means of reducing oil consumption in the near term. Expanded use of gas will help the United States meet its commitments to reduce the demand for imported oil together with the other member nations of the International Energy Agency. It will also cushion any oil shortages, as well as soften the impact of imported oil prices on the Nation's balance of payments and inflation rate. This proposed rule is designed to meet that need, by encouraging and facilitating the filing of applications to transport oil displacement gas.

The Commission has already taken steps providing for the transportation of direct purchase gas. For example, the Commission's regulation implementing section 311(a)(1) of the Natural Gas Policy Act of 1978 (NGPA) (18 CFR 284.101 *et seq.*) authorizes the transportation of natural gas by interstate pipeline companies on behalf of intrastate pipeline and local distribution companies without prior Commission approval. Under that regulation an intrastate pipeline or a local distribution company selling gas directly to an end-user, or transporting gas for a producer who has sold to an end-user, may arrange for an interstate pipeline company to transport the gas on its behalf. In addition, Federal Power Commission Orders No. 533 and 533A and Federal Energy Regulatory Commission Order No. 2 provide for the issuance of certificates for the transportation by interstate pipeline companies of gas purchased directly from producers by high priority commercial and industrial users. The Commission is currently considering a new direct purchase rule for certain high priority and essential agricultural users (Docket No. RM79-18).

None of those rules, however, provides a vehicle for lower curtailment priority industrial users or electric utilities to arrange for transportation by interstate pipeline companies of gas purchased directly from producers for fuel oil displacement. In addition, there may be circumstances where the tranportation by an interstate pipeline company of gas purchased directly by end-users from an intrastate pipeline or a local distribution company, or gas purchased from a producer who arranges for an intrastate pipeline or a local distribution company to distribute the gas, does not qualify under section 311(a)(1) of the NGPA. There may also be circumstances where the interstate pipeline company, although eligible, chooses not to use the section 311(a)(1) authority.

The rule we are proposing, therefore, fills a significant gap in existing natural gas regulations. By authorizing the issuance of transportation certificates by the Commission for oil displacement uses certified by the ERA Administrator, the proposed rule encourages and facilitates the movement of gas to users who are in a position to switch from fuel oil, but who otherwise would not have been able to take advantage of Commission regulations allowing transport of the gas. This proposal reflects a cooperative effort between the Commission and ERA to confront our national need to reduce reliance on oil imports. It follows the precedent set during the coal strike of 1978, where ERA issued guidelines for certifying electric utilities which were unable to obtain coal, but had the capacity to burn gas, or which could wheel power to coal shortage areas (43 F.R. 11748, March 21. 1978). The Commission issued a companion rule (18 CFR 157.42) allowing the issuance of limited transportation certificates for movement of natural gas to the ERA certified utilities.

This proposed rule, the text of which was sent to the Chairman of the Commission by Secretary of Energy Schlesinger (see attached letter) on March 13, 1979, would implement section 7(c)(1) of the Natural Gas Act (NGA). That section provides that natural gas companies must obtain a Commission certificate of public convenience and necessity for the interstate transportation of natural gas. Section 7(c)(1)(B) of the NGA establishes the procedural requirements for the Commission's consideration of certificate applications, and allows the Commission to issue temporary certificates without notice or hearing in certain circumstances, pending the final determination of the certificate application.

Section 403 of the DOE Act authorizes the Secretary of Energy to propose rules for Commission action regarding certain Commission functions, including it certificate functions under section 7 of the NGA, and to set a reasonable time limit for completion of Commission action. The Secretary's authority to propose rules under section 403 was delegated to the ERA Administrator by Department of Energy Delegation Order No. 0204-4 (42 FR 60726). This is the first time that DOE has exercised its authority under section 403.

II. DISCUSSION OF THE RULE

Under this proposed rule, any interstate pipeline company may file an application with the Commission for a certificate to transport natural gas purchased by an "eligible user" from an "eligible seller" (§ 157.200). An "eligible users" would be any user who consumes gas for fuel oil displacement as certified by the ERA Administrator (section 157.202(e)). An "eligible seller" would be any willing seller, except an interstate pipeline company—to the extent that it would be selling gas committed or dedicated to interstate commerce on November 8, 1978, within the meaning of section 2(18) of the NGPA. The exclusion of certain sales by interstate pipeline companies could be waived by the Commission upon a showing of public interest. An application could include a request for a temporary transportation certificate which the Commission may issue without notice or hearing (§ 157.201(b)).

Under the proposed rule, applications for transportation certificates, including temporary certificates, could not be granted by the Commission unless the ERA Administrator had certified that the gas to be transported would displace fuel oil (§ 157.204(a)). Transportation certificates could be issued for a period of up to one year (§ 157.204(b)) and renewed for an additional year upon reapplication (§ 157.204(c)). Transportation certificates would be effective only so long as consumption of the gas in question displaces fuel oil and the certificated interstate pipeline company operates in accordance with the order issuing the certificate, the NGA, and applicable Commission rules, regulations, and orders. For good cause shown, the Commission would be authorized to terminate a certificate at any time (§ 157.204(f)). Transportation rates shall be charged as provided in Part 284 of this chapter (§ 157.204(h)).

No participants in transactions contemplated by this rule, whether as buyers, sellers, or transporters of gas, should be penalized in any future curtailment proceeding as a result of such participation. Therefore, the natural gas transported under this proposed rule would not be considered as either a gas supply or market in the Commission's determination of an interstate pipeline company's requirements in any future curtailment proceeding (§ 157.205). In addition, in order to encourage maximum participation in this program, the Commission would not assert any jurisdiction over an intrastate pipeline or local distribution company participating in the sale or transportation of gas to an "eligible user," except as otherwise provided in this proposed rule (§ 157.206(a)).

This proposed rule should be read in conjunction with the proposed rule that ERA will issue shortly regarding its certification of the use of gas for fuel oil displacement Under the rule, any end-user that intends to purchase natural gas directly from an "eligible seller" to displace fuel oil could apply to the ERA Administrator for a certification of "eligible use." If the Administrator determined that a proposed purchase of gas is for an "eligible use," he would transmit his certification directly to the Commission with a copy to the applicant. This certification is a prerequisite to the granting by the Commission of a transportation certificate under this proposed rule.

III. PROCEDURES FOR COMPLETION OF FINAL ACTION

Pursuant to section 403(b) of the DOE Act, ERA is requiring the Commission to take final action on this proposed rule by May 17, 1979. However, given the urgent need to reduce our reliance on oil imports, we urge the Commission to issue the proposed rule as an interim final rule, effective immediately, with provision for later modifications after consideration of public comments. If the Commission issues an interim final rule, we will likewise issue our rule on certification of eligible uses in final form immediately. The Commission will shortly announce, by notice in the FEDERAL REGISTER, the comment procedures to be followed in connection with this rulemaking.

IV. ENVIRONMENTAL AND REGULATORY ANALYSES

Due to the urgent need to take immediate action to reduce the Nation's dependence on oil imports, this rule is being proposed prior to the completion by ERA and the Commission of an environmental analysis. Upon completion by ERA and the Commission of their review of this proposed rule pursuant to their responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), the two agencies will publish their findings in the FEDERAL REGISTER.

Because the Commission is the agency which will take final action on this proposed rulemaking, a regulatory analysis within the meaning of DOE Directive Order 2030, December 18, 1978, implementing Executive Order No. 12044 on improving government regulations, has not been prepared by ERA. Furthermore, we are currently evaluating whether a regulatory analysis is required for our own rule on certification of eligible uses, and, if so, it would encompass the scope of this proposed rule as well as that of our certification rule.

(Department of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 (42 U.S.C. 7101). Department of Energy Delegation Order No. 0204-4 (42 FR 60726).)

In consideration of the foregoing, it is proposed to amend Part 157 of Chapter I of Title 18, Code of Federal Regulations, by adding a new Subchapter F, as set forth below.

Issued in Washington, D.C., March 18, 1979.

DAVID J. BARDIN,
Administrator,
Economic Regulatory Administration.

SUBCHAPTER F—TRANSPORTATION CERTIFICATES FOR FUEL OIL DISPLACEMENT GAS UNDER SECTION 7(c) OF THE NATURAL GAS ACT

Sec.
157.200 Applicability.
157.201 General rule.
157.202 Definitions.
157.203 Application requirements.
157.204 General conditions.
157.205 Treatment of this gas in curtailment plans.
157.206 Special conditions.

AUTHORITY: Depatment of Energy Organization Act, Pub. L. No. 95-91, 91 Stat. 565 (42 U.S.C. 7101). Department of Energy Delegation Order No. 0204-4 (42 FR 60726).

SUBCHAPTER F—TRANSPORTATION CERTIFICATES FOR FUEL OIL DISPLACEMENT GAS UNDER SECTION 7(c) OF THE NATURAL GAS ACT

§ 157.200 Applicability.

This subpart implements section 7(c)(1) of the Natural Gas Act to provide for the issuance of certificates of public convenience and necessity authorizing the transportation of natural gas purchased directly from eligible sellers by eligible end-users in order to displace fuel oil.

§ 157.201 General rule.

(a) *Applications.* Any interstate pipeline company may file an applica-

tion as described in § 157.203 for a certificate to transport natural gas purchased by an eligible end-user from an eligible seller.

(b) *Temporary certificates.* An application may include a request for a temporary transportation certificate. Any request for a temporary certificate shall be processed pursuant to section 7(c)(1)(b) of the Natrual Gas Act. The Commission may issue the temporary certificate without notice or hearing.

(1) If the application for a temporary transportation certificate is sufficient on its face, a temporary certificate may be issued by the Director of the Office of Pipeline and Producer Regulation pursuant to his authority under § 3.5(f)(1)(iv) of this chapter.

(2) The interstate pipeline company may, within 15 days of the date of issuance, file in writing its acceptance or rejection of the temporary certificate. If no acceptance or rejection has been filed within the 15 days, the temporary certificate shall be deemed to have been accepted. Such temporary certificate shall be effective (a) on the date the Commission received acceptance, or (b) on the fifteenth day after issuance if no acceptance or rejection is filed within the 15 days, or (c) on such other date as may be prescribed by the Commission.

§ 157.202 Definitions.

For the purposes of this subpart, the terms:

(a) "Administrator" means the Administrator of the Economic Regulatory Administration;

(b) "Certificate" means any certificate of public convenience and necessary for tranportation issued under this subpart;

(c) "Eligible seller" means any willing seller of natural gas, except an interstate pipeline company to the extent that the natural gas sold by the interstate pipeline company was committed or dedicated, as defined in section 2(18) of the Natural Gas Policy Act of 1978, on November 8, 1978;

(d) "Eligible use" means any use of natural gas certified by the Administrator to be us for fuel oil displacement pursuant to the ERA special rule for certification of eligible use of natural gas to displace fuel oil;

(e) "Eligible user" means any person who consumes natural gas for an eligible use.

§ 157.203 Application requirements.

All applications for transportation certification pursuant to this subpart shall:

(a) Indicate the total volume of natural gas to be transported under the proposed certificate and estimated peak day and average day volumes;

(b) Include a statement by the interstate pipeline company that it is has capacity sufficient to perform the transportation service without detriment or disadvantage to any existing customers;

(c) Provide a copy of the proposed transportation agreement and the proposed transportation rate, together with a breakdown and justification of the proposed rate level to the extent indicated in § 284.106 of this chapter for interstate pipeline companies or § 284.126 of this chapter for intrastate pipeline companies;

(d) Include a statement by any local distribution company participating in the transportation of the gas to the end-use that it has capacity sufficient to perform the transportation service without detriment or disadvantage to its other customers;

(e) Provide a copy of the gas purchase contract with the eligible seller underlying the proposed transportation;

(f) Provide a certified copy, if one has been obtained, of any currently effective determination by a jurisdictional agency under section 503 of the Natural Gas Policy Act of 1978 and Part 274 of this chapter applicable to the natural gas to be transported;

(g) Describe any facilities that will be constructed in order to provide the services, as well as any other facilities that will be utilized, and specify their location. For purposes of this paragraph, there is no requirement that omission of other filing requirements be justified. For purposes of this paragraph, the following provisions are waived:

(1) 18 CFR 157.13—Form of exhibits to be attached to applications;

(2) 18 CFR 157.14—Exhibits

(3) 18 CFR Part 159—Fees and annual charges under the Natural Gas Act;

(4) 18 CFR Part 201—Uniform system of accounts for natural gas companies; and

(5) 18 CFR Part 260—Statements and reports (schedules);

(h) If an intermediary particpates in the transaction between the eligible end-user and the eligible seller and charges a fee, indicate the amount of the fee and terms of payment and the intermediary's affiliation, if any, with the eligible seller or the interstate pipeline company;

(i) If either the eligible seller or the eligible end-user assumes the cost of the construction of any gathering facilities in order to consummate the purchase, provide the cost, terms of payment, ownership, and date of construction of the facilities; and

(j) Provide, as soon as available, a copy of the certification of eligible use issued by the Administrator.

§ 157.204 General conditions.

(a) *Certification of eligible use by the Administrator.* Applications for transportation certificates, including temporary certificates, under this subpart shall not be granted by the Commission unless the Administrator pursuant to ERA's special rule for certification of eligible use of natural gas to displace fuel oil has certified that consumption of the natural gas proposed to be transported is an eligible use.

(b) *Term.* Transportation certificates under this subpart may be issued for a term of up to 1 year.

(c) *Renewal.* Transportation certificates issued under this subpart may be renewed for an additional year upon reapplication within 60 days of their expiration. The application for renewal shall include a recertification of eligible use by the Administrator.

(d) *Extension of term for take-or-pay users.* If an eligible end-user is unable to receive natural gas supplies for which it has paid under a take-or-pay provision in the underlying sales contract, the transporting interstate pipeline companies may file a request for a 90 day extension of the certificate authorization. The request shall include a statement of the undelivered volumes and the time necessary to complete delivery thereof. Upon receipt of a letter from the Secretary of the Commission acknowledging a filing for such purposes, the requested extension shall be deemed approved.

(e) *Acceptance of certificate.* The certificate shall be void and without force or effect unless accepted in writing by the interstate pipeline company within 15 days from the issue date of the order issuing such certificate.

(f) *Termination.* The transportation certificate issued to the interstate pipeline company is not transferrable in any manner and shall be effective only so long as the natural gas is consumed for elegible use and the interstate pipeline company continues the operations authorized by the order issuing such certificate and in accordance with the provisions of the Natural Gas Act, as well as the applicable rules, regulations, and orders of the Commission. The Commission may, for good cause shown, terminate the certificate at any time.

(g) *Supplemental filing.* The eligible end-user shall file a report with both the Commission and the Administrator withn 60 days of the termination or expiration of the certificate, containing:

(1) The total amount of natural gas consumed during the term of the certificate,

(2) The actual monthly volume in barrels of each type of fuel oil displaced during the term of the certificate,

(3) The average delivered cost per Mcf paid, itemized by amounts paid to:

(i) The producer,

(ii) Each pipeline company and distributor involved in transporting the natural gas, and

(iii) Any other parties, and

(4) The volumes of each type of fuel oil displaced which have been retained in the end-users inventory or otherwise remain at the end-user's disposal.

(h) *Rates and charges.* The rates for transportation by any interstate or intrastate pipeline companies will be charged in accordance with Part 284 of this chapter.

§ 157.205 Treatment of this gas in curtailment plans.

All volumes of natural gas purchased from an eligible seller for an eligible use and transported by an interstate pipeline company pursuant to a transportation certificate granted under this subpart shall not be considered as either a gas supply or market in a determination of an interstate pipeline company's customer's requirements for present or future allocations of natural gas during periods of natural gas curtailment.

§ 157.206 Special conditions.

(a) The Commission shall not assert any jurisdiction, except to the extent provided in this subpart, over any intrastate pipeline or local distribution company which participates in the sale or transportation to an eligible user of natural gas transported pursuant to this subpart; and

(b) The Commmission may waive the § 157.202(c) exclusion of sales of certain natural gas by interstate pipeline companies upon a showing the waiver is in the public interest.

Department of Energy

Washington, D.C.

MARCH 13, 1979.

DEAR MR. CURTIS: I am enclosing for the information of the Federal Energy Regulatory Commission, a rule which the Department of Energy will shortly propose pursuant to Section 403 of the Department of Energy Organization Act. The rule will facilitate and encourage the transportation by interstate pipeline companies of natural gas purchased directly by end-users for the displacement of fuel oil.

There is an urgent national need to reduce our demand for oil imports immediately. As I stated in my February 27, 1979, letters to you and the other commissioner, "[t]he detrimental effect of such imports on our security and balance of payments is reason enough to take firm action." The recent tightening of world oil supplies

and increases in international oil prices, partly flowing form the political development in Iran, make it essential that near-term import reduction be given the highest priority.

The increased use of present supplies of natural gas is potentially one of the most effective means of reducing oil consumption in the near term. Use of this gas will be important in helping the U.S. meet its commitment to reduce the demand for imported oil together with the other member nations of the International Energy Agency. An expanded use of gas will not only lessen the need for oil imports and cushion any oil shortages, but will also mitigate the impact of ever increasing foreign oil prices on the nationa's balance of payments and the domestic inflation rate. While we encourage increasing general system supply of interstate pipeline companies, we recognize that facilitating the transportation of direct purchase gas to end-users who are able to displace fuel oil would optimize the gas use.

The Commission already has in place regulations which provide for the transportation of direct purchase gas. For example, section 311(a) of the Natural Gas Policy Act of 1978, and the Commission's implementing regulation, permit the transportation of natural gas by interstate pipelines and local distribution companies, without prior Commission approval. This provides a vehicle whereby an intrastate pipeline company, including a so-called Hinshaw Pipeline, or a local distribution company selling gas directly to an end-user, or, transporting gas for a producer, may arrange to have an interstate pipeline company transport the gas on its behalf. Additionally, high priority industrial users may take advantage of the Federal Power Commission Orders No. 533, 533A and the Federal Energy Regulatory Commission Order No. 2, which allow the issuance of certificates for the transportation by interstate pipeline companies of gas purchased directly from producers. The Commission currently is considering a similar direct purchase rule for high priority and essential agricultural users, as defined in the NGPA.

None of these final or proposed rules, however, would provide a means for users, such as lower curtailment priority industrial companies or electric utilities who may now be in a position to displace large quantities of fuel oil, to arrange for transportation by interstate pipeling companies of gas purchased directly from producers. Moreover, there may be certain situations in which the transportation by an interstate pipeline company of gas purchased directly from an intrastate pipeline or a local distribution company or gas which a local distribution company is transporting for a producer may not qualify under section 311(a) of the NGPA, or the pipeline company elects not to used that authority. Hence, the rule we are proposing fills a gap in existing natural gas regulations.

Under this proposed rule, any interstate pipeline may file with the Commission, under section 7(c) of the Natural Gas Act, an application for a one-year certificate to transport gas purchased by an "eligible end-user" from an "eligible seller." An "eligible end-user" would be anyone who consumes gas for a use certified by the Economic Regulatory Administration to displace fuel oil. An "eligible seller" would be any willing seller, including, among others, producers and any local distribution companies and intrastate or interstate pipeline companies not using the section 311(a) vehicle. However, an interstate pipeling company would not quality as an "eligible seller" if the natural gas it proposed to resell to the end-user was committed or dedicated on November 8, 1978, within the meaning of section 2(18) of the NGPA.

Within the next several days, we intend to publish in the FEDERAL REGISTER the proposed rule and prescribe a date upon which the Commission must complete final action on the proposal, as provided in section 403(b) of the DOE Act.

However, given the urgent need described above to reduce our demand for imported oil, we urge the Commission to issue the proposed rule as an interim final rule, effective immediately, with provision for later modifications after consideration of public comments.

Concurrently, ERA will promulgate a special rule which establishes the procedures for ERA certification that the usage of natural gas will displace fuel oil and otherwise to be "eligible use." The ERA certification is intended to assist the Commission in expediting its review of certificate applications. If the Commission issues an interim final rule, ERA will likewise issue its special rule in final form immediately, since the current oil situation is one which is "likely to cause serious harm or injury to the public health, safety, or welfare" as that term is used in Section 501(e) of the DOE Act.

Sincerely,

JAMES R. SCHLESINGER,
Secretary.

Honorable Charles B. Curtis,
Chairman, Federal Energy Regulatory Commission,
825 North Capitol Street, N.E.,
Washington, D.C. 20426.

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