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Monday
April 9, 1979

Highlights

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21001 Critical Energy Facility Program Executive order establishing

20999 National Maritime Day, 1979 Presidential proclamation

21210 Securities SEC establishes requirements and procedures for completion or closeout of open contractual commitments between SIPC member undergoing liquidation and other broker-dealers (Part II of this issue) (3 documents)

21023 Member Banks FRS proposes rules creating new deposit categories, authorizing interest bonus payments on certain types of savings funds, and reducing minimum denomination requirements on certain time deposits; comments by 5-4-79

21027 Federal Home Loan Bank System FHLBB proposes rules creating new savings and certificate accounts, authorizing certain lump sum interest bonus payments on minimum balance deposit in regular accounts, and eliminating or reducing minimum amount requirements on certain certificate accounts; comments by 5-4-79

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21051 **Automobile Manufacturers** DOT/NHTSA proposes changes in required content and processing procedures of petitions for exemption from average fuel economy standards; comments by 5–24–79

21230 **Owners and Operators of Existing Powerplants** DOE/ERA issues regulations governing criteria and procedures for exemption from natural gas use prohibitions; effective 5–8–79 (Part V of this issue)

21008 **Natural Gas** DOE/FERC amends filing requirements for new, onshore production wells; effective 5–1–79

21216 **Federal Disaster Assistance** HUD/FDAA proposes rules on hazard identification, evaluation and mitigation; comments by 6–8–79 (Part III of this issue)

21058 **Local Public Works Grants** Commerce/EDA stipulates action to be taken if grantees fail to comply with minority business enterprise condition

21005 **Debt Collection Practices** FTC adopts interim role establishing criteria and procedures for State application for exemption; effective 4–9–79; comments by 5–9–79

21091 **Agency Forms** OMB publishes list of forms under review

21023 **Medical Institutions** NRC proposes changing license conditions for human use of radioactive byproduct material; comments by 6–8–79

21134 **Revenue Sharing** Treasury/Office of Revenue Sharing explains data used in calculating State and local government allocations for Entitlement Period Eleven

21177 **SUNSHINE ACT MEETINGS**

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Federal Register

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Presidential Documents

Title 3—
The President

Proclamation 4653 of April 5, 1979

National Maritime Day, 1979

By the President of the United States of America

A Proclamation

The influence and the importance of the American Merchant Marine extend well beyond our thriving ports. It affects all Americans. Our Merchant Marine carries the products of our farms and factories to consumers in our domestic trades, among our fifty States and possessions, and links the U.S. industrial and agricultural heartland with our overseas trading partners. Most of the gross tonnage carried in U.S. foreign trade is waterborne.

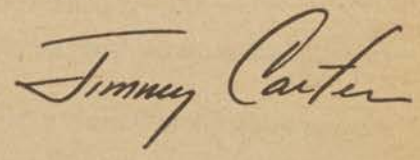
In addition to their vital role in commerce and trade, America's shipping and shipbuilding industries have distinguished themselves in providing logistic and combat support to our armed forces in times of war.

The men and women of our Merchant Marine can be justly proud of their contributions to our Nation's economy and national defense. In these dual roles, American seafarers have carried out their responsibilities with great dedication and ability.

In recognition of the importance of the American Merchant Marine, the Congress, by joint resolution of May 20, 1933 (48 Stat. 73, 36 U.S.C. 145), designated May 22 of each year as National Maritime Day in commemoration of the departure from Savannah, Georgia, on that date in 1819 of the SS SAVANNAH on the first transatlantic voyage by any steamship and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1979, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.



[FR Doc. 79-11067
Filed 4-5-79; 3:38 pm]
Billing code 3195-01-M

Executive Order 12129 of April 5, 1979

Critical Energy Facility Program

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to provide for timely coordinated Federal decisions on critical energy facility permit applications, it is hereby ordered as follows:

1–101. The Director of the Office of Management and Budget shall establish a Critical Energy Facility Program.

1–102. The Director of the Office of Management and Budget, after consulting with the Executive agencies listed in Section 1–103, shall make recommendations to the President as to which non-nuclear facilities should be included in the Program. The President shall identify non-nuclear energy facilities which he deems to be of critical national importance and which need Federal permits for siting, construction, or operation. Those facilities shall be included in the Program. The Director of the Office of Management and Budget shall establish a system through which deadlines will be established for final administrative decision-making by Executive agencies, consistent with statutory requirements.

1–103. The following Executive agencies shall participate in the Program and the Director of the Office of Management and Budget may invite others to participate where appropriate:

(a) Department of the Interior.

(b) Department of Agriculture.

(c) Department of Commerce.

(d) Department of Transportation.

(e) Department of Energy.

(f) Environmental Protection Agency.

(g) Council on Environmental Quality.

(h) Department of the Army.

1–104. Each Executive agency in the Program shall submit such data and information as the Director of the Office of Management and Budget may require with respect to a critical energy facility, including:

(a) Date a completed application is expected to be received from the sponsors of a critical energy facility project.

(b) Targeted final decision date for each significant permit or statutory review.

(c) Compilation of the actions required of other Executive agencies before a participating Executive agency may make a final decision.

(d) Compilation of the actions required of non-Federal authorities before a participating Executive agency may make a final decision.

(e) Compilation of significant actions required of the applicant before a final decision may be made.

(f) Progress reports, including reasons for any changes in any targeted final decision dates.

1–105. On the basis of information received pursuant to Section 1–104, the Director of the Office of Management and Budget will provide to the President, to the participating Executive agencies, to the Governor of any affected State, and to the applicant a schedule of deadlines for Federal actions concerning each critical energy facility.

1–106. The Director of the Office of Management and Budget shall provide for appropriate interagency mechanisms for the conduct of multiple agency reviews; but, only where such reviews are consistent with the statutory obligations of the agencies, and only when such reviews will assist in the expeditious processing of facility permits.

1–107. The Director of the Office of Management and Budget shall assist participating Executive agencies with the establishment of joint Federal and State and local agency reviews. Such assistance shall be limited to those circumstances which are consistent with the legal obligations of the reviewing Federal and State and local agencies, and which will result in the expeditious processing of facility permits.

1–108. The Director of the Office of Management and Budget shall keep the President informed on agency performance in meeting scheduled decision deadlines.

1–109. The Director of the Office of Management and Budget shall, where appropriate, coordinate the procedures established herein with those procedures adopted by the Council on Environmental Quality pursuant to Executive Order No. 11991 (40 CFR Parts 1500–1508).

1–110. Nothing in this Order is intended to modify in any way (a) the review and decision-making responsibilities imposed by Federal or State statutes, or (b) the opportunity for timely State and local government and public participation in agency decision-making.



THE WHITE HOUSE,
April 5, 1979.

[FR Doc. 79–11125
Filed 4–6–79; 11:21 am]
Billing Code 3195–01–M

Rules and Regulations

Federal Register

Vol. 44, No. 69

Monday, April 9, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1002

Milk in the New York-New Jersey Marketing Area; Tentative Amendments to Classification and Accounting Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action approves the tentative amendments to the classification and accounting rules and regulations issued by the Market Administrator of the New York-New Jersey marketing order on March 16, 1979, after consideration of proposed changes at a public meeting held February 23, 1979. Amendment of the classification and accounting rules and regulations is necessary to make such regulations conform to current order provisions and to clarify the administration of order amendments effective November 1, 1977, and March 1, 1979. Basically, the revision of the classification and accounting rules reflects order amendments that:

(1) Change the procedure for classifying unaccounted-for disappearances (shrinkage) of milk in a handler's operations; (2) provide that fluid milk products that are dumped may be classified as Class II if the market administrator is notified in advance and given the opportunity to verify such disposition; and (3) permit handlers to negotiate with producers or their cooperatives for deduction from milk payments a tank truck service charge of up to 15 cents per hundredweight with respect to any farm-to-first-plant hauling costs in excess of 15 cents.

EFFECTIVE DATE: May 1, 1979.

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: Pursuant to the provisions of § 1002.46 of the order, as amended, regulating the handling of milk in the New York-New Jersey marketing area (7 CFR Part 1002), the Market Administrator of said order on March 16, 1979, issued tentative amendments to the classification and accounting rules and regulations.

A copy of the stenographic record of the meeting called by the Market Administrator concerning such amendments to the rules and regulations and the tentative amendments to the rules and regulations were each forwarded by the Market Administrator to the Secretary. Upon consideration of such tentative amendments in the light of the stenographic record, said amendments to the classification and accounting rules and regulations are hereby approved.

It is hereby determined that it is unnecessary and impractical to defer the effective date of the amendments of the classification and accounting rules and regulations for 30 days after publication in the **Federal Register** in that:

(1) A copy of the tentative amendments was mailed on March 16, 1979, to all handlers operating pool plants and other interested parties, thus affording such persons a reasonable time to prepare for the effective date herein specified; (2) amendments to the marketing order, as amended, to which such amended rules and regulations apply, were effective November 1, 1977, and March 1, 1979; and (3) the said amended rules and regulations are required by provisions of the order, as amended, to be effective on the first day of the month following their approval.

Accordingly, the said amendments of the classification and accounting rules and regulations are to be effective on and after May 1, 1979.

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

Effective date: May 1, 1979.

Signed at Washington, D. C., on: April 4, 1979.

P. R. "Bobby" Smith,
Assistant Secretary for Marketing and Transportation Services.

Tentative Amendment to Rules and Regulations

Pursant to the provisions of § 1002.46 of the order, as amended (7 CFR Part 1002), regulating the handling of milk in the New York-New Jersey marketing area, and applicable law, a public meeting was held at New York, New York, on February 23, 1979 to consider proposals for the amendment of the classification and accounting rules and regulations heretofore issued (7 CFR § 1002.100 *et seq.*) pursuant to said order. Notice of said public meeting was issued on February 9, 1979.

After due consideration of the data, views and arguments presented by interested persons at such public meeting, the classification and accounting rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture, to read as follows:

1. Section 1002.101 is revised to read as follows:

§ 1002.101 The orders.

"The Orders" means Order No. 2, as amended, issued by the Secretary, and any concurrent and complementary orders issued by the Commissioner of Agriculture and Markets of the State of New York or the Director of the Division of Dairy Industry of the New Jersey Department of Agriculture.

2. Section 1002.140 is revised to read as follows:

§ 1002.140 Method.

Skim milk and butterfat shall be accounted for at the plant on a monthly basis and shall be classified separately pursuant to §§ 1002.40 through 1002.46 in the following manner:

(a) On the basis of the skim milk and butterfat in fluid milk products which are held at a plant, moved from a plant, dumped at a plant, destroyed or lost under extraordinary circumstances, or used at the plant to product products other than fluid milk products;

(b) On the basis of the fluid skim milk equivalent and butterfat content of all products, other than fluid milk products, which are reprocessed, converted, or

combined with another product during the month or for which the handler fails to establish a disposition.

3. Section 1002.143 is revised to read as follows:

§ 1002.143 Skim milk and butterfat accounted for at a pool plant.

(a) Tabulate, total, and classify the pounds of skim milk:

(1) In fluid milk products transferred to other plants, disposed of from the plant, dumped at the plant, or destroyed or lost under extraordinary circumstances;

(2) In fluid milk products in closing inventories at the plant;

(3) In fluid milk products in transit from other pool plants in accordance with § 1002.221 (b);

(4) In fluid milk products and in other source milk used in the plant in the manufacture of other than fluid milk products;

(5) In the skim milk equivalent of skim milk powder and condensed skim milk determined pursuant to § 1002.246 (b) and (c) to be in excess of the volume included in the fluid milk products accounted for in paragraph (a)(1) and (2) of this section.

In the event that the skim milk in fluid milk products is classified in more than one class, the tabulation should be subdivided to show the quantity of skim milk in each class. The total of all skim milk so tabulated shall be known as the skim milk accounted for.

(b) Butterfat shall be separately tabulated, totaled, and classified in accordance with the procedure outlined for skim milk in paragraph (a) of this section, except that paragraph (a)(5) shall not apply.

4. Section 1002.145 is revised to read as follows:

§ 1002.145 Shrinkage allowance.

Shrinkage shall be allocated to a handler's receipts and classified at each plant as follows:

Add to the skim milk and butterfat in Class II the skim milk and butterfat determined pursuant to paragraph (a) (1) and (2) of this section: *Provided,* That the skim milk and butterfat assigned to Class II pursuant to paragraph (a)(1) of this section may not exceed the skim milk and butterfat determined in paragraph (b) of this section.

Add to the skim milk and butterfat in Class I–A and Class I–B the amounts determined in paragraph (c) of this section.

(a) Shrinkage of skim milk and butterfat, respectively, shall be prorated between the respective quantities of skim milk and butterfat:

(1) In receipts described in paragraph (b) of this section; and

(2) In other source milk not specified in paragraph (b) of this section which was received in bulk fluid form.

(b) Determine and total as follows:

(1) Two percent of the skim milk and butterfat, respectively, in pool milk received from producers;

(2) Plus 2 percent of the skim milk and butterfat, respectively, in milk received from pool units;

(3) Plus 2 percent of the skim milk and butterfat, respectively, in milk received from units other than pool units, exclusive of the quantity for which Class II utilization was requested by the handler;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in receipts of fluid milk products in bulk from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in receipts of fluid milk products in bulk from plants other than those defined in § 1002.8 (b) or (d), exclusive of the quantity for which Class II utilization was requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1) through (6) of this section;

(c) Shrinkage in excess of the amounts assigned to Class II pursuant to this section shall be assigned pro rata to Class I–A and Class I–B in accordance with the respective volumes of skim milk and butterfat actually accounted for in each such class.

§§ 1002.146 through 1002.149 [Deleted]

5. Delete § 1002.146.

6. Delete § 1002.147.

7. Delete § 1002.148.

8. Delete § 1002.149.

9. Section 1002.160 is revised to read as follows:

§ 1002.160 Procedure for allocation of skim milk and butterfat classified.

This procedure is set forth in § 1002.45.

10. Add subparagraph (6) to § 1002.180(c) as follows:

§ 1002.180 Assignment at a plant which is not a pool plant, an other order plant nor a producer-handler plant under any other order.

* * * * *

(c) * * *

(6) Any remaining Class I–A route disposition in the marketing area shall be subject to the pricing specified in § 1002.70(d)(2).

11. Add new heading and § 1002.260 to read as follows:

Miscellaneous

§ 1002.260 Procedure for establishing fluid milk products dumped.

Fluid milk products that are dumped may be classified as Class II only to the extent that the following procedure is followed:

(a) The market administrator is given prior notice and the opportunity to verify the fluid milk products to be dumped.

(1) Prior notice is given during normal business hours by telephone to the office of the market administrator.

(2) Prior notice at other times is given by calling any of a list of special telephone numbers provided by the market administrator.

(b) Route returns are dumped between the hours of 9 a.m. and 4:45 p.m., Monday through Friday, except holidays. Notice is given by calling the office of the market administrator prior to 3 p.m. of the day dumpage takes place.

(c) On dumpage other than route returns, a representative sample of the dumped product taken by the handler is made available to the market administrator.

12. Add new § 1002.261 to read as follows:

§ 1002.261 Authorization for hauling deductions.

A properly signed authorization will be necessary for any hauling deductions to be allowed pursuant to the provisions of § 1002.80(a)(3). For producers who are members of a cooperative, the authorization must be obtained from the cooperative involved. For producers who are not members of a cooperative, the authorization must be signed by the individual producer. Each such authorization must contain the following:

(a) The handler's name.

(b) The amount of the deduction that is authorized (an amount no greater than the amount specified in § 1002.80(a)(3)).

(c) A statement that any deduction is limited by the orders to not more than the actual cost of farm-to-plant hauling.

(d) The date when the authorization becomes effective.

(e) An authorized signature and the date signed.

Signed at New York, New York this 16th day of March, 1979.

Thomas A. Wilson,

Market Administrator.

[Milk Order No. 2]

[FR Doc. 79-10933 Filed 4-6-79; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

10 CFR Part 450, 455

Energy Measures and Energy Audits; Grant Programs for Schools, Hospitals, and Buildings Owned by Units of Local Government and Public Care Institutions

Correction

In FR Doc. 79-9996 appearing at page 19339 in the issue for Monday, April 2, 1979, make the following correction: On page 19359, in the third column, in § 455.16(d), substitute the following paragraph for the introductory paragraph given:

"Of the financial assistance provided to a State under this subpart, not more than 25 percent shall be expended for—"

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 1

Trade Regulation Rulemaking Procedures ; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction to interim rule.

SUMMARY: This document corrects FR Doc. 79-8107 appearing at page 16366 in the **Federal Register** issue for March 19, 1979.

On page 16368, middle column, third line from top, insert "Transcribed non-complying oral communications will be placed promptly on the public record." following the sentence ending in the word "record."

FOR FURTHER INFORMATION CONTACT: Thomas A. Sheehan, Attorney, Office of the General Counsel, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580 (202) 523-3865.

Carol M. Thomas,

Secretary.

[FR Doc. 79-10825 Filed 4-6-79; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 901

Fair Debt Collection Practices; Procedures for State Application for Exemption

AGENCY: Federal Trade Commission.

ACTION: Interim rule.

SUMMARY: The Fair Debt Collection Practices Act provides that the Federal Trade Commission shall by regulation exempt any class of debt collection practices within any State if the Commission determines that the law of the applying State subjects such practices to substantially similar requirements as those imposed by the Act, and that there is adequate provision for State enforcement. Pursuant thereto, this rule provides criteria and establishes procedures whereby States may apply to the Commission for exemption. If exemption is granted, the State shall be responsible for active enforcement of the State law upon which exemption was granted. While the rule is effective immediately, the Commission invites comments. The Commission will review all comments received and take whatever action, if any, it deems appropriate.

DATES: This interim rule is effective April 9, 1979. Comments are invited and must be received on or before May 9, 1979.

ADDRESS: Send comments to Office of the Secretary, Federal Trade Commission, 6th and Pennsylvania Avenue, NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Alan D. Reffkin, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 (202) 724-1130.

SUPPLEMENTARY INFORMATION: In accordance with the mandate of Section 817 of the Fair Debt Collection Practices Act, 91 Stat. 874, 15 U.S.C. 1692o, the Commission hereby amends Chapter I of 16 CFR by adding new subchapter H and new Part 901 to read as follows:

SUBCHAPTER H—FAIR DEBT COLLECTION PRACTICES ACT

PART 901—PROCEDURES FOR STATE APPLICATION FOR EXEMPTION FROM THE PROVISIONS OF THE ACT

Sec.

901.1 Purpose.
901.2 Application.
901.3 Supporting Documents.
901.4 Criteria for Determination.
901.5 Public Notice of Filing.
901.6 Exemption from Requirements.
901.7 Adverse Determination.
901.8 Revocation of Exemption.

Authority: Pub. L. 95-109, 91 Stat. 874, 15 U.S.C. 1692o; 5 U.S.C. 552.

§ 901.1 Purpose.

This part establishes procedures and criteria whereby States may apply to the Federal Trade Commission for exemption of a class of debt collection practices within the applying State from the provisions of the Fair Debt Collection Practices Act as provided in Section 817 of the Act, 15 U.S.C. 1692o.

§ 901.2 Application.

Any State may apply to the Commission pursuant to the terms of this Rule for a determination that, under the laws of that State,[1] any class of debt collection practices [2] within that State is subject to requirements that are substantially similar to, or provide greater protection for consumers than, those imposed under Sections 803 through 812 of the Act, and that there is adequate provision for State enforcement of such requirements. The application shall be in writing, addressed to the Commission, signed by the Governor, Attorney General or State official having primary enforcement or responsibility under the State law which is applicable to the class of debt collection practices, and shall be supported by the documents specified herein.

§ 901.3 Supporting documents.

The application shall be accompanied by:

(a) A copy of the full text of the State law that is claimed to contain requirements substantially similar to those imposed under Sections 803 through 812 of the Act, or to provide greater protection to consumers than Sections 803 through 812 of the Act,

[1] Any reference to State law herein includes a reference to any regulations that implement State law and formal interpretations thereof by a court of competent jurisdiction or duly authorized agency of that State.

[2] As applicable, references to "class of debt collection practices" in this rule include one or more such classes of debt collection practices.

regarding the class of debt collection practices within that State.

(b) A comparison of each provision of Sections 803 through 812 of the Act with the corresponding provision of the State law, together with reasons supporting the claim that the corresponding provisions of the State law are substantially similar to or provide greater protection to consumers than provisions of Sections 803 through 812 of the Act and an explanation as to why any differences between the State and federal law are not inconsistent with the provisions of Sections 803 through 812 of the Act and do not result in a diminution in the protection otherwise afforded consumers; and a statement that no other State laws (including administrative or judicial interpretations) are related to, or would have an effect upon, the State law that is being considered by the Commission in making its determination.

(c) A copy of the full text of the State law that provides for enforcement of the State law referred to in paragraph (a) of this section.

(d) A comparison of the provisions of the State law that provides for enforcement with the provisions of Section 814 of the Act, together with reasons supporting the claim that such State law provides for:

(1) Administrative enforcement of the State law referred to in paragraph (a) of this section that is substantially similar to, or more extensive than, the enforcement provided under Section 814 of the Act;

(2) Civil liabilities for a failure to comply with the requirements of the State law that is substantially similar to, or more extensive than, that provided under Section 813 of the Act, including class action liability and the ability of the State Attorney General or other appropriate State officials to commence a civil action under circumstances substantially similar to those prescribed in Section 813 of the Act, except that such State law may provide a greater damage remedy or other, more extensive remedies;

(3) A statute of limitations that prescribes a period for civil actions of substantially similar duration to that provided under Section 813(d) of the Act or a longer period; and

(e) A statement identifying the office designated or to be designated to administer the State law referred to in paragraph (a) of this section, together with complete information regarding the fiscal arrangements for administrative enforcement (including the amount of funds available or to be provided), the number and qualifications of personnel engaged or to be engaged in enforcement, and a description of the procedures under which such State law is to be administratively enforced. The statement should also include reasons to support the claim that there is adequate provision for enforcement of such State law.

§ 901.4 Criteria for determination.

The Commission will consider the criteria set forth below, and any other relevant information, in determining whether the law of a State is substantially similar to, or provides greater protection to consumers than, the provisions of Sections 803 through 812 of the Act regarding the class of debt collection practices within that State, and whether there is adequate provision for State enforcement of such law. In making that determination, the Commission primarily will consider each provision of the State law in comparison with each corresponding provision in Sections 803 through 812 of the Act, and not the State law as a whole in comparison with the Act as a whole.

(a) In order for provisions of State law to be substantially similar to, or provide greater protection to consumers than the provisions of Sections 803 through 812 of the Act, the provisions of State law [3] at least shall provide that:

(1) Definitions and rules of construction, as applicable, import the same meaning and have the same application as those prescribed by Sections 803 through 812 of the Act.

(2) Debt collectors provide all of the applicable notifications required by the provisions of Sections 803 through 812 of the Act, with the content and in the terminology, form, and time periods prescribed by this Part pursuant to Sections 803 through 812; however, required references to State law may be substituted for the references to Federal law required in this part. Notification requirements under State law in additional circumstances or with additional detail that do not frustrate any of the purposes of the Act may be determined by the Commission to be consistent with Sections 803 through 812 of the Act;

(3) Debt Collectors take all affirmative actions and abide by obligations substantially similar to, or more extensive than, those prescribed by Sections 803 through 812 of the Act under substantially similar or more stringent conditions and within the same or more stringent time periods as are prescribed in Sections 803 through 812 of the Act;

(4) Debt Collectors abide by the same or more stringent prohibitions as are prescribed by Sections 803 through 812 of the act;

(5) Obligations or responsibilities imposed on consumers are no more costly, lengthy, or burdensome relative to consumers exercising any of the rights or gaining the benefits of the protections provided in the State law than corresponding obligations or responsibilities imposed on consumers in Sections 803 through 812 of the act.

(6) Consumers' rights and protections are substantially similar to, or more favorable than, those provided by Sections 803 through 812 of the Act under conditions or within time periods that are substantially similar to, or more favorable to consumers than, those prescribed by Sections 803 through 812 of the Act.

(b) In determining whether provisions for enforcement of the State law referred to in § 901.3(a) are adequate, consideration will be given to the extent to which, under State law, provision is made for:

(1) Administrative enforcement, including necessary facilities, personnel, and funding;

(2) Civil liability for a failure to comply with the requirements of such a State law that is substantially similar to, or more extensive than, that provided under Section 813 of the act;

(3) A statute of limitations for civil liability of substantially similar or longer duration as that provided under Section 813(d) of the act;

§ 901.5 Public notice of filing.

In connection with any application that has been filed in accordance with the requirements of §§ 901.2 and 901.3 of this rule and following initial review of the application, a notice of such filing shall be published by the Commission in the **Federal Register**, and a copy of such application shall be made available for examination by interested persons during business hours at the Federal Trade Commission, Public Reference Room, Room 130. A period of time shall be allowed from the date of such publication for interested parties to submit written comments to the Commission regarding that application.

§ 901.6 Exemption from requirements.

If the Commission determines on the basis of the information before it that, under the law of a State, a class of debt collection practices is subject to

[3] This subsection is not be construed as indicating that the Commission would consider adversely any additional requirements of State law that are not inconsistent with the purpose of the Act or the requirements imposed under Sections 803 through 812 of the Act.

requirements substantially similar to, or that provide greater protection to consumers than, those imposed under Sections 803 through Section 812 and 814 of the Act, and that there is adequate provision for State enforcement, the Commission will exempt the class of debt collection practices in that State from the requirements of Sections 803 through 812 and Section 814 of the Act in the following manner and subject to the following conditions:

(a) Notice of the exemption shall be published in the **Federal Register**, and the Commission shall furnish a copy of such notice to the State official who made application for such exemption, to each Federal authority responsible for administrative enforcement of the requirements of Sections 803 through 812 of the Act, and to the Attorney General of the United States. Any exemption granted shall be effective 90 days after the date of publication of such notice in the **Federal Register.**

(b) The appropriate official of any State that receives an exemption shall inform the Commission in writing within 30 days of any change in the State laws referred to in §§ 901.3(a) and 901.3(c). The report of any such change shall contain copies of the full text of that change, together with statements setting forth the information and opinions regarding that change that are specified in §§ 901.3(b) and 901.3(d). The appropriate official of any State that has received such an exemption also shall file with the Commission from time to time such reports as the Commission may require.

(c) The Commission shall inform the appropriate official of any State that receives such an exemption of any subsequent amendments of the Act (including the Commission's formal advisory opinions, and informal staff interpretations issued by an authorized official or employee of the Federal Trade Commission) that might necessitate the amendment of State law for the exemption to continue.

(d) No exemption shall extend to the civil liability provisions of Section 813 of the Act. After an exemption is granted, the requirements of the applicable State law shall constitute the requirements of Sections 803 through 812 of the Act, except to the extent such State law imposes requirements not imposed by the Act or this part.

§ 901.7 Adverse determination.

(a) If, after publication of a notice in the **Federal Register** as provided under § 901.5, the Commission finds on the basis of the information before it that it cannot make a favorable determination in connection with the application, the Commission shall notify the appropriate State official of the facts upon which such findings are based and shall afford that State authority a reasonable opportunity to demonstrate or achieve compliance.

(b) If, after having afforded the State authority such opportunity to demonstrate or achieve compliance, the Commission finds on the basis of the information before it that it still cannot make a favorable determination in connection with the application, the Commission shall publish in the **Federal Register** a notice of its determination regarding the application and shall furnish a copy of such notice to the State official who made application for such exemption.

§ 901.8 Revocation of exemption.

(a) The Commission reserves the right to revoke any exemption granted under the provisions of this rule, if at any time it determines that the State law does not, in fact, impose requirements that are substantially similar to, or that provide greater protection to applicants than, those imposed under Sections 803 through 812 of the Act or that there is not, in fact, adequate provision for State enforcement.

(b) Before revoking any such exemption, the Commission shall notify the appropriate State official of the facts or conduct that, in the Commission's opinion, warrants such revocation, and shall afford that State such opportunity as the Commission deems appropriate in the circumstances to demonstrate or achieve compliance.

(c) If, after having been afforded the opportunity to demonstrate or achieve compliance, the Commission determines that the State has not done so, notice of the Commission's intention to revoke such exemption shall be published in the **Federal Register**. A period of time shall be allowed from the date of such publication for interested persons to submit written comments to the Commission regarding the intention to revoke.

(d) If such exemption is revoked, notice of such revocation shall be published by the Commission in the **Federal Register**, and a copy of such notice shall be furnished to the appropriate State official, to the Federal authorities responsible for enforcement of the requirements of the Act, and to the Attorney General of the United States. The revocation shall become effective, and the class of debt collection practices affected within that State shall become subject to the requirements of Section 803 through 812 of the Act, 90 days after the date of publication of the notice in the **Federal Register.**

By direction of the Commission.

Dated: March 22, 1979.

James A. Tobin,

Acting Secretary.

[FR Doc. 79-10924 Filed 4-6-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 271

Withdrawal of Statement of Policy on Investment Company Sales Literature

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending Parts 231 and 271 of Title 17 of the Code of Federal Regulations to reflect the withdrawal of the Statement of Policy on investment company sales literature. This action was taken following a general review of the Statement and of public comments received on its revision and continued use.

EFFECTIVE DATE: March 8, 1979.

FOR FURTHER INFORMATION CONTACT: Anthony A. Vertuno, (202) 755–1192, or Sarah B. Ackerson (202) 755–1792, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission has withdrawn its Statement of Policy on investment company sales literature ("Statement") for the reasons set forth in Securities Act Release No. 6034 (March 8, 1979) [44 FR 16935 (March 20, 1979)]. This action was taken following a general review of the Statement and of public comments received on its revision and continued use. The Commission also has requested public comment in the aforementioned release on a proposed interpretive rule concerning the use of false and misleading investment company sales literature and the adoption of revised staff review procedures. The Commission believes that the withdrawal of the Statement will encourage the investment company industry to assume principal responsibility for the development and use of sales literatures that is not misleading and limit the extent to which government regulators intrude on investment company marketing

decisions. As a result of the withdrawal of the Statement the following deletions will be made in the Code of Federal Regulations.

PART 231 [AMENDED]

1. Part 231 of Chapter II of Title 17 of the Code of Federal Regulations is amended by deleting the reference in such part to:

Advertising and supplemental sales literature used in sale of investment company shares.	3385	Aug. 11, 1950	15 FR 5468.
Statement of Policy of the Commission relating to advertising and supplemental sales literature used in the sale of investment company shares.	3530	Jan. 31, 1955	20 FR 791.
Amended Statement of Policy of the Commission appearing as Release No. 3530.	3856	Nov. 5, 1957	22 FR 8977.
Hypothetical Variable Annuity Illustrations	5582	May 19, 1975	40 FR 21712.
Sales literature for mutual funds	5862	Sept. 1, 1977	42 FR 45291; 42 FR 51570.
Sales literature for mutual funds	5899	Jan. 18, 1978	43 FR 3350.

PART 271 [AMENDED]

2. Part 271 of Chapter II of Title 17 of the Code of Federal Regulations is amended by deleting the reference in such part to:

Advertising and supplemental sales literature used in sale of investment company shares.	1503	Aug. 11, 1950	15 FR 5469.
Statement of Policy of the Commission relating to advertising and supplemental sales literature used in the sale of investment company shares.	2086	Jan. 31, 1955	20 FR 793.
	2621	Nov. 5, 1957	22 FR 8977.
Hypothetical Variable Annuity Illustrations	5582	May 19, 1975	40 FR 21717.
Sales literature for mutual funds	5862	Sept. 1, 1977	42 FR 45291; 42 FR 51570.
Sales literature for mutual funds	33-5899	Jan. 18, 1978	43 FR 3350.

By the Commission.

George A. Fitzsimmons,

Secretary.

March 28, 1979.

[Release No. 33-6047, IC-10647]

[FR Doc. 79-10829 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 279

Investment Adviser Requirements Concerning Disclosure, Recordkeeping, Applications for Registration and Annual Filings; Correction

AGENCY: Securities and Exchange Commission.

ACTION: Adoption of final rules and forms; correction.

SUMMARY: This document corrects FR Doc. 79-3904 appearing at page 7870 in the **Federal Register** of February 7, 1979, by clarifying the action taken with respect to Part 279, Forms Prescribed under the Investment Advisers Act of 1940.

DATE: April 3, 1979.

FOR FURTHER INFORMATION CONTACT: Eric Thompson, Special Counsel (202-755-3507), or John K. Evans, III (202-755-0214), Office of Investment Adviser Regulation, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In the second column on page 7878 the action taken with respect to Part 279 should have read as follows:

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

III. Part 279 of Chapter II of Title 17 of the Code of Federal Regulations is amended as follows:

1. By revising § 279.1 as follows:

§ 279.1 Form ADV, for application for registration of investment adviser and for amendments to such registration statement.

This form shall be filed pursuant to Rule 203-1 (§ 275.203-1 of this chapter) as an application for registration of an investment adviser pursuant to Sections 203(c) or 203(g) of the Investment Advisers Act of 1940, and also as an amendment to registration pursuant to Rule 204-1 (§ 275.204-1 of this chapter).

2. By adding § 279.3 to read as follows:

§ 279.3 Form ADV-S, annual report of registered advisers.

This form shall be filed pursuant to Rule 204-1(c) (§ 275.204-1 of this chapter) as an annual report of registered investment advisers.

George A. Fitzsimmons,

Secretary.

April 3, 1979.

[Release Nos. IA-664, 34-15541; File No. 712]

[FR Doc. 79-10817 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 274

Amendment to the Filing Requirements for New, Onshore Production Wells

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final Rule.

SUMMARY: This rule amends the filing requirements for new, onshore production wells by modifying the form of the oath statement if the application is filed under 18 CFR 271.305, a special rule applicable to wells drilled in an existing proration unit. Two other clarifying amendments are also promulgated.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Teresa Ponder, Office of General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 275-4236.

SUPPLEMENTARY INFORMATION: The Federal Energy Regulatory Commission (Commission) gives notice that it hereby amends 18 CFR 274.204. Section 274.204 is amended so that the required oath statement is consistent with the substantive requirements for a determination of eligibility with respect to wells which are drilled within an existing proration unit but qualify as new, onshore production wells under the special rule in 18 CFR 271.305.

I. Background

On December 1, 1978, the Federal Energy Regulatory Commission issued interim regulations implementing portions of the Natural Gas Policy Act of 1978 (NGPA) (43 FR 56448). Subpart C of Part 271 of the regulations implemented section 103 of the NGPA, setting forth substantive requirements for a determination that a well is eligible for

the maximum lawful price applicable to "new, onshore production wells." Persons seeking a determination that a well qualifies under Subpart C must file applications for a determination with a jurisdictional agency. The filing requirements for such a determination are set forth in § 274.204 of the interim regulations.

It has come to the attention of the Commission that there is a discrepancy between the substantive requirements and the filing requirements. Generally, wells which qualify as new, onshore production wells under Subpart C of Part 271 are those which were drilled on or after February 19, 1977, and which were not drilled within an existing proration unit. However, § 271.305 of Subpart C contains a special rule under which certain wells drilled within an existing proration unit may still satisfy the statutory requirements and qualify for the maximum lawful price applicable to new, onshore production wells. The oath statement required in § 274.204 fails to reflect the possibility that a well may qualify under Subpart C of Part 271 of the regulations pursuant to the special rule in § 271.305. It requires that an application for a determination as a new, onshore production well include an oath statement that the well is not located within a proration unit.

A number of jurisdictional agencies have pointed out this discrepancy and requested clarification. Accordingly, the Commission will amend § 274.204 so that applicants need not file the complete oath statement for wells which fall within the scope of the special rule in Subpart C. More specifically, the amendment provides that with respect to wells eligible under § 271.305, i.e., wells drilled in existing proration units, the portion of the oath filing under § 274.204(d)(2) which relates to proration units may be omitted. The oath will still have to recite that the wells satisfy applicable federal or state well spacing requirements. Also, the information in § 274.204(f) would have to be submitted. Additionally, several applicants have pointed out confusing language in § 274.204(d)(4). As a result, the Commission has clarified the language so that an applicant may refer to the documents in the application as the basis for his conclusion that the well is a new, onshore production well.

Finally, paragraph (f) is corrected so that it refers to § 271.305 rather than § 271.304.

With respect to applications filed prior to the effective date of this regulation, the Commission will not treat as deficient any determination made under the special rule solely for the reason that the oath statement is incorrect with respect to this matter. This, of course, assumes that the application and determination are in all other respects complete and the requirements of § 274.204(d)(2)(f) are met.

II. Public Procedures and Effective Date

Part 274 was originally proposed for comments in November of 1978 and issued as an interim regulation on December 1, 1978 (43 FR 56448 (Dec. 1, 1978)). For 60 days thereafter comments were received and during that period public hearings were held on these regulations. The amendments to Part 274 contained in this order rest upon considerations given to the information received during the comment and hearing process. Furthermore, the amendments of this order will reduce unnecessary reporting burdens and provide for easier compliance with Part 274. For these reasons, good cause exists to proceed without further public notice and comment and to make these amendments effective immediately.

(Administrative Procedure Act, 5 USC § 553; Natural Gas Policy Act of 1978, Pub. L. 95–621.)

In consideration of the foregoing, the Commission amends § 274.204, Subchapter H, Part 274, Chapter 1 of Title 18, Code of Federal Regulations, as set forth below, effective immediately.

By the Commission.

Kenneth F. Plumb,
Secretary.

In § 274.204 paragraphs (d) and (f) are revised to read as follows:

§ 274.204 New, onshore production wells.

* * * * *

(d) * * *

(2) That the well satisfies any applicable federal or state well spacing requirements;

(3) That, except as provided in paragraph (f) of this section, the well is not within a proration unit:

(i) Which was in existence at the time the surface drilling of the well began;

(ii) Which was applicable to the reservoir from which such natural gas is produced; and

(iii) Which applied to any other well which either produced natural gas in commercial quantities or the surface drilling of which was begun before February 19, 1977, and was thereafter capable of producing natural gas in commercial quantities;

(4) That on the basis of the documents submitted in the application, the applicant has concluded that to the best of his information, knowledge and belief, the natural gas for which he seeks a determination is produced from a new, onshore production well; and

(5) That the applicant has no knowledge of any other information not described in the application which is inconsistent with his conclusions;

* * * * *

(f) If the applicant is seeking a determination with respect to a new well drilled into an existing proration unit pursuant to § 271.305, the applicant must file all items required in paragraphs (a) through (e) of this section, except for the portion of the oath statement described in paragraph (d)(3) and demonstrate by appropriate geological evidence that the new well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit.

[Docket No. RM79–33]

[FR Doc. 79–10040 Filed 4–6–79; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TREASURY

Customs Service

19 CFR Part 159

Oleoresins From India; Final Countervailing Duty Determination

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 India has given benefits considered to be bounties or grants within the meaning of the countervailing duty law on the manufacture, production, or exportation of oleoresins. Because this merchandise is eligible for duty-free entry into the United states under the Generalized System of Preferences (GSP), the case is being referred to the U.S. International Trade Commission for an injury determination. Countervailing duties will be levied on shipments which are dutiable because they are not entered under GSP.

EFFECTIVE DATE: April 9, 1979.

FOR FURTHER INFORMATION CONTACT: Holly Kuga, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, telephone (202) 566–5492.

SUPPLEMENTARY INFORMATION: On November 28, 1978, a notice of "Preliminary Countervailing Duty Determination" was published in the **Federal Register** (43 FR 55513). That notice stated that it had been preliminarily determined that benefits had been bestowed by the Government of India to manufacturers and/or exporters of oleoresins which constituted bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to as the "Act").

For purposes of this notice, "oleoresins" means flavoring extracts, and fruit flavors, essences, esters, and oils, not containing alcohol, and not in ampules, capsules, tablets, or similar forms, classifiable under item number 450.20 of the Tariff Schedules of the United States Annotated (TSUSA). An oleoresin is a thick, liquid extract of the flavor of a spice used primarily in the food industry as a seasoning.

The Preliminary Determination stated that the Indian import permits program did not constitute a bounty or grant within the meaning of section 303 of the Act, but that benefits constituting a bounty or grant were conferred under the "Export Cash Assistance Program." The notice further stated that before making a final determination, consideration would be given to any relevant data, views or arguments submitted in writing not later than December 28, 1978.

The Preliminary Determination stated that the question of whether import permits, granted to exporters of the subject merchandise for imported goods and valued at up to 2 percent of the f.o.b. value of the exports, constitute a bounty or grant depended upon the negotiability of the permits for value. It has been determined that the producers and exporters of oleoresins fully utilized their permits to obtain material not available in India. Notwithstanding their potential market value, the permits were not sold. Therefore, the issuance and use of import permits in this case is determined not to constitute a bounty or grant.

The "Export Cash Assistance Program" was preliminarily determined to constitute a bounty or grant. Respondents claim that the purpose of this program is solely to refund various indirect taxes, whose direct remission would not constitute a subsidy under settled U.S. law and international practice and to serve as compensation for extraordinary expenses incurred by the spice producers for locating in the State of Kerala, an industrially undeveloped area of India.

The non-excessive rebate upon exportation of indirect taxes on inputs physically incorporated in the final product is, as claimed, not regarded a "bounty" or "grant" within the meaning of Section 303 of the Act. Exporters of the subject merchandise currently receive a rebate of 20 percent of the f.o.b. value of the exported product, which will be reduced to 12.5 percent as of April 1, 1979. It has been ascertained that 8.27 percent of the f.o.b. value of oleoresin black pepper (presented and, for present purposes accepted, as representative of all oleoresin exports from India) constitutes the rebate of indirect taxes on inputs physically incorporated in the final product. Accordingly, this portion of the rebate is not countervailable. The remainder of the payment, is considered to be a bounty or grant within the meaning of Section 303 of the Act.

Information was requested, but has not yet been received, to determine if the tax incidence on oleoresin black pepper, is, in fact, representative of all oleoresin imports. As this product accounts for the bulk of India's exports of oleoresins to the United States, the figures presented for pepper have been accepted as representative of those applicable to imports of all oleoresins. However, the Treasury Department will continue to seek complete information on the other types of oleoresins and will, if necessary, adjust the rate of countervailing duties on the other oleoresins as such data becomes available.

The dislocation costs claimed as a result of locating in Kerala were not accepted in the Preliminary Determination as offsetting a share of the export rebate. Additional information was requested before the Final Determination was made to determine whether producers would have been unlikely to locate in Kerala but for the payment to offset such dislocation costs.

The information provided to the Treasury Department indicates that the producers of oleoresins located in Kerala several years ago in order to benefit from the proximity of the crops being processed. It was only subsequently that the Government of India provided funds ostensibly to cover "dislocation costs". This situation contrasts markedly from previous cases in which dislocation costs were allowed. In those cases, a specific regional development plan was in effect to encourage the location of production facilities in a specified area. Thus the benefits could be taken into account by producers *before* establishing their facilities in a less economically advantageous area. In the instant case, however, the Indian producers of oleoresins made a business decision, in the absence of any such benefits, to locate their operations in Kerala presumably because they believed there were advantages in doing so. Because the decision to locate in Kerala was made well before the Government of India provided funds to the firms, these payments do not constitute dislocation costs which can be used to offset a portion of the export rebate.

Finally, a request has been made that the value of the export rebate be reduced by the expenses incurred in obtaining the payment. Such expenses include the cost of preparing application documents, various related commissions and bank charges. Furthermore, Indian exporters of oleoresins are obliged to wait for the beginning of a calendar quarter before the Government of India accepts claims for benefits, and then must wait an additional 15 days before actually receiving payment. Thus, a request has been made that the opportunity cost associated with the waiting period be deducted from the value of the export rebate.

Although such requests for offsets may be acceptable in other circumstances, they are not allowable in the instant case. The costs associated with the preparation of documents have not been properly supported. The offset for opportunity cost is not being allowed because there is no evidence of the actual experience of companies waiting for their payments. Additionally, the time elapsed between application for and receipt of payment appears to be the consequence of normal and relatively brief administrative delay involved in processing an application. This is in contrast to the case of textiles from Colombia, 43 FR 53525 (1978), in which some similar opportunity costs were allowed. In that instance, there was an offset given for the 90-day minimum waiting period mandated by the Government of Colombia between the establishment of the rebate amount and its disbursement to exporters. No comparable evidence of government mandated delay in payment has been presented here.

After consideration of all information received subsequent to the Preliminary Determination, it is hereby determined that exports of oleoresins from India benefit from bounties or grants within the meaning of section 303 of the Act. The bounties or grants are in the form of a portion of the export rebate received under the "Export Cash Assistance Program," as explained above. The net

amount of such bounties or grants has been ascertained and determined to be 11.73 percent of the f.o.b. price for those goods exported from India to the United States before April 1, 1979, and 4.23 percent of the f.o.b. price for those goods exported from India to the United States on or after April 1, 1979.

The oleoresins subject to this determination are normally entered duty-free pursuant to the U.S. Generalized System of Preferences (GSP), authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461–2465, 88 Stat. 2066–2071). However, there have been instances in the past, and there may be in the future, where shipments of oleoresins from India have not satisfied all of the conditions for duty-free entry pursuant to GSP, and therefore have been dutiable.

With regard to dutiable merchandise which is subject to this determination, notice is hereby given that effective on or after April 9, 1979, and until further notice, upon the entry, or withdrawal from warehouse, for consumption of such dutiable oleoresins, imported directly or indirectly from India 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 dutiable imports of oleoresins from India 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 oleoresins from India.

As stated above, imports of oleoresins from India subject to this determination normally enter the U.S. duty-free pursuant to the GSP. In accordance with section 303(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), countervailing duties may not be imposed upon any article or merchandise which is free of duty in the absence of a determination by the 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.

Accordingly, the International Trade Commission is being advised of this determination, and effective on or after April 9, 1979 upon the entry, or withdrawal from warehouse, for consumption of the merchandise in question which is duty-free pursuant to the GSP, liquidation will be suspended until further order or publication of the determination of the Commission, whichever occurs first.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting under the column headed "Country", the name "India"; the words "Oleoresins", 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, 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 No. 190, Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 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 countervailing duty determination by the Commissioner of Customs, are hereby waived.

Robert H. Mundheim,
General Counsel of the Treasury.

April 2, 1979.

[T.D. 79-103]

[FR Doc. 79-10927 Filed 4-6-79; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF STATE

22 CFR Part 15a

Separation Hearings Before the Board of the Foreign Service

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This rule establishes procedures for hearings conducted by the Board of the Foreign Service in connection with the proposed separation for cause of officers or employees of the Foreign Service of the United States under section 637 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1007).

EFFECTIVE DATE: These regulations are effective on April 9, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William B. Grant, Executive Secretary, Board of the Foreign Service, Department of State, Washington, D.C. 20520, Telephone: (202) 632–1060.

SUPPLEMENTARY INFORMATION: Unsatisfactory performance of duty or other cause for separation must be established at a hearing prior to separation. The hearing is granted by the Board of the Foreign Service, created under Executive Order 11264 (31 FR 2, 3 CFR 1966–1970 Comp. p. 529), as amended. Procedures for such hearings have previously been decided on a case-by-case basis by the Board of the Foreign Service. The present rules have been the subject of consultation with the employee organizations representing Foreign Service employees of the Department of State and the International Communication Agency. They provide for a hearing officer or panel to preside, for the functions of the Executive Secretary of the Board, for the rights of the employee proposed to be separated, for agency representation at the hearing, for pre-hearing conference and other procedural matters, for the procedure of the hearing itself, for post-hearing matters and for the final action of the Board.

Since the regulation pertains to internal management and personnel of the Department and the International Communication Agency, the notice of proposed rulemaking procedure and the delayed effective date under 5 U.S.C. 553 is unnecessary. Accordingly, Part 15a is added to Title 22, Code of Federal Regulations, as set forth below.

PART 15a—SEPARATION HEARINGS BEFORE THE BOARD OF THE FOREIGN SERVICE

Sec.

15a.1 Initiation of procedures.
15a.2 Designation of hearing officer or panel.
15a.3 Action by the Executive Secretary.
15a.4 Rights of the charged employee.
15a.5 Agency representation at the hearing.
15a.6 Documentary material.
15a.7 Pre-hearing conference.
15a.8 Interrogatories.
15a.9 Hearing procedure.
15a.10 Post-hearing argument.
15a.11 Report of the hearing officer.
15a.12 Certification of the record.
15a.13 Action by the Board.

Authority: 22 U.S.C. 2658, as amended; 22 U.S.C. 842; 22 U.S.C. 1007.

§ 15a.1 Initiation of procedures.

No Foreign Service officer or employee may be separated from the Service for cause until he or she has been granted a hearing by the Board of the Foreign Service. The unsatisfactory performance of duties, or other cause for separation, shall be established at such hearing prior to separation, unless the

employee waives, in writing, the right to a hearing.

Upon receipt of a memorandum from the Director General of the Foreign Service of the State Department or the Director, Office of Personnel Services of the International Communication Agency recommending the separation of a Foreign Service employee from the Service for cause and attaching the relevant documentation, the Executive Secretary will send copies of the memorandum and attachments to members of the Board for a decision as to how to proceed. The Board may decide to hold a meeting to discuss the case or to proceed immediately to a hearing.

§ 15a.2 Designation of hearing officer or panel.

(a) If the Board decides that a reasonable basis exists for further processing of a separation case and that a hearing must therefore be held in accordance with law, it may designate from among its members and alternate members a hearing officer or officers to conduct an official hearing for the Board. If a panel of officers is designated to act as a hearing panel, the senior Foreign Service officer shall be the chairperson. (Hereinafter in these regulations the term "hearing officer" refers to the panel chairperson if a hearing panel is used.) Alternatively, the Board may authorize its Executive Secretary to engage a qualified administrative law judge with experience in employment-management relations to act as hearing officer.

(b) If the hearing is held by the Board, or before a Board member or panel, a procedural advisor from outside the foreign affairs agencies, experienced in the conduct of hearings related to the disciplining or separation of employees, will advise the person conducting the hearing regarding procedural rulings in order to ensure due process. If the hearing is held before an administrative law judge, no procedural advisor is necessary.

(c) If any Board member has either direct personal knowledge of the facts and circumstances presented in a given case or close personal knowledge of the individual against whom separation proceedings have been brought, that Board member shall disqualify himself/herself from participation or decision-making in the proceeding, and an alternate member will be assigned. If neither the principal nor the alternate may serve because each is disqualified, then the agency head will designate a disinterested special *ad hoc* member to sit as a Board member in the given case.

(d) No representative, witness, or other person involved in the personnel action leading to the separation proceeding or in the proceeding may communicate unilaterally with the Board or its members regarding the merits of the case pending the Board decision except as set forth in section 15a.13.

§ 15a.3 Action by the Executive Secretary.

(a) Once the Board has designated a hearing officer or panel, the Executive Secretary of the Board will advise the charged employee of his/her rights as set forth in section 15a.4 of these regulations, of the time and place of the hearing and/or pre-hearing conference, and the legal authority therefor. The charged employee will be notified at least 25 working days prior to the hearing or pre-hearing conference.

(b) The employee will be provided with copies of all materials concerning the charges which have been provided by the agency to the Board of the Foreign Service. The employee's representative will also be provided with similar copies of unclassified material but will receive copies of classified material only if he possesses an appropriate security clearance. Classified material will be kept under appropriate safeguard in accordance with the security regulations.

§ 15a.4 Rights of the charged employee.

The charged employee will be afforded the following rights:

(a) To be present at the hearing.

(b) To be accompanied by or represented by counsel engaged by the employee or by any other person who accepts the employee's request to represent him/her. If classified material is to be considered at the hearing, the agency will use its best efforts to obtain expeditiously an appropriate security clearance for the employee's representative. If the representative is not cleared, for any reason, and the employee still desires the uncleared person to represent him, this will be allowed on the understanding that the employee's uncleared representative will not be afforded access to classified material at any stage of the proceedings.

(c) To present witnesses, examine by interrogatories witnesses whose location at the time of the hearing renders personal appearance impractical, cross-examine witnesses presented by the agency, present any other evidence or material relevant to the Board deliberations and make oral presentations and arguments. The employee and representative(s) who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the employee's case. (The right to present witnesses does not carry with it the right to payment of travel expenses for those witnesses, except insofar as provided in agency regulations.)

(d) To receive a copy of the transcript of the hearing, including all testimony and exhibits, except those portions which are classified. Classified portions of the transcript and exhibits will be kept on file in the office of the Executive Secretary of the Board of the Foreign Service where they may be reviewed by the employee. (The employee's representative may also review any such material for which the representative has the appropriate security clearance.)

(e) To receive a written report of the hearing officer or panel as set forth in section 15a.11 summarizing the facts of the case, rendering credibility resolutions where necessary, and discussing and deciding the issues of law that arose at the hearing. If the hearing officer was charged with recommending to the Board the disposition of the case, the recommendation shall be contained in his/her report which shall contain the rationale therefor.

§ 15a.5 Agency representation at the hearing.

The agency will be represented at the hearing by not more than two representatives for the purpose of establishing the agency's case against the charged employee and ensuring that the agency's policies and procedures are accurately presented.

§ 15a.6 Documentary material.

At least 10 days prior to the pre-hearing conference, the Executive Secretary will provide the hearing officer or panel chairperson with the action official's letter of charge, the employee's response and the action official's final letter indicating the agency's intention to proceed with separation.

§ 15a.7 Pre-hearing conference.

(a) Prior to the hearing the hearing officer shall conduct a pre-hearing conference with the charged employee, his representative, and the principal agency representative. The purpose of the conference will be, where possible, to define and narrow the issues; to establish the scope of the material to be considered at the hearing, the exhibits to be presented, the number and identity of

the witnesses, and the need for and timing of preparation and submission of interrogatories; and to address any procedural matters which the hearing officer or either party wishes to raise prior to commencement of the hearing.

(b) The agency and the employee will submit to the hearing officer, prior to or at the prehearing conference, their lists of proposed hearing witnesses along with statements as to the intended scope of their testimony. The hearing officer, after considering the asserted justification for witness presence and any objection thereto offered by the opposing party, will approve or disapprove individual witness requests. In approving the calling of a witness for the charged employee from a post abroad, the hearing officer shall balance the importance of a witness (as compared to testimony by interrogatory) and the cost to the U.S. Government of transporting the witness. (See 3 FAM 764.6 for regulations concerning travel expenses for witnesses.)

(c) If so requested by either party, the hearing officer, through the Executive Secretary of the Board of the Foreign Service, will advise those witnesses whose appearance before the Board the hearing officer has approved concerning the date and time of the hearing and, in the name of the Board of the Foreign Service request their appearance. If any prospective witness is unable to appear in person, but is willing to testify by interrogatory, the hearing officer will allow the requesting party reasonable time to present a written interrogatory in accordance with the above described procedure, delaying if necessary the scheduled hearing date.

(d) If at any time prior to the hearing either party requests a delay in the hearing date, the hearing officer has the authority to reschedule the hearing, if appropriate.

§ 15a.8 Interrogatories.

(a) At an appropriate time during the pre-hearing conference or during the hearing either party may submit written interrogatories to the hearing officer to be forwarded to individuals who are unable to appear in person. Interrogatories must be accompanied by a brief statement of the intended scope of the testimony to be elicited. The hearing officer will approve or reject specific questions as appropriate. He may also grant the opposing representative the opportunity to pose questions in cross-examination. The hearing officer will, after hearing any objections, rule on the relevance and materiality of the questions in cross-examination and at his discretion may permit the submitting party to withdraw or modify previously posed questions in such a manner as to render the cross-examination questions unnecessary. The hearing officer may also, at his discretion, grant to the submitting party the right to pose a final sequence of redirect questions relevant to matters dealt with in cross-examination. The hearing officer, through the Executive Secretary of the Board of the Foreign Service, will then dispatch each interrogatory to the person to whom it is directed with the request that his answers be sworn before a United States Consular Officer or, within the U.S., a duly authorized notary public.

(b) The hearing officer will confirm or reschedule if necessary the date, time, and place for the hearing after consultation with both parties, taking into account the anticipated time necessary for receipt of outstanding interrogatories.

§ 15a.9 Hearing procedure.

(a) The hearing will be conducted by the designated hearing officer or panel. If the charged employee fails to appear at this hearing without good cause, the hearing may be held and the case shall be decided on the basis of all available information notwithstanding the employee's absence, and such absence shall be considered *prima facie* evidence of the waiver of his right to be present.

(b) The hearing will be closed to all persons who are not direct participants or whose presence has not been requested by the charged employee, or the Department's representative. The hearing officer shall decide all requests for outside persons to attend the hearing and he may exclude them, even if admitted, at any point in the proceedings at his/her discretion. However, no person shall be permitted to attend the hearing when classified material is being discussed, unless that person possesses the appropriate security clearance. If a hearing panel is used, the hearing shall at no time be conducted in the absence of any member unless the charged employee so agrees.

(c) The hearing officer is empowered to call witnesses, examine witnesses, and to request the production of such documentary evidence as he/she may regard pertinent. If the hearing officer wishes to call witnesses, he/she will notify the parties of their identity and the intended scope of their testimony. The hearing officer shall control the course of the hearing and ensure its proper decorum, and may postpone or continue the hearing from time to time in his/her discretion.

(d) The hearing officer may at his/her own initiative, or on the objection of either party, exclude testimony (either by interrogatory or in person) or evidence which he/she deems immaterial or irrelevant to the deliberations and decisions of the Board or merely cumulative and unduly repetitious. (If a panel is used, it may reverse such rulings by the panel chairperson by majority vote if it so elects.) The hearing officer shall not be bound by the technical legal rules of evidence, but shall assure that irrelevant, immaterial, or unduly repetitious evidence is excluded from the proceeding. Decisions of the Foreign Service Grievance Board or of reviewing courts involving the employee and the agency will be treated by the hearing officer as determinative of the issues and contentions ruled upon in such decisions, and neither party may reargue such matters at the hearing unless the case is currently pending in court.

(e) Hearing testimony shall be recorded *verbatim* and shall be transcribed and made a permanent part of the case record. Proposed corrections to the transcript may be made by either party. These proposed corrections will be ruled upon by the hearing officer and his decision in this matter will be final. Copies of the transcript will be provided to both parties, except that no portion of the transcript which is classified may be provided to persons without appropriate security clearance or may be removed from the Department of State building without permission.

(f) All witnesses shall testify subject to oath or affirmation administered by the administrative law judge, or, if a hearing panel is used, by an individual authorized to administer oaths or affirmations.

(g) Prior to accepting evidence, the hearing officer will hear any objections posed by the charged employee or the Agency's representative to pre-hearing rulings of the hearing officer. (If a hearing panel is employed, the rulings will be decided by a majority of the panel, the chairperson of the panel voting along with other members.) In the course of the hearing the hearing officer will rule on any questions of procedure and admissibility of evidence which arise (subject, in case a panel is used, to reversal by a majority of the entire panel should panel members so elect).

(h) After the hearing officer or panel has acted on any objection or motion raised by the parties, the agency's representative shall open the agency's

case against the charged employee. After summarizing the substance of the action officer's charge, the agency's representative may call witnesses previously approved by the hearing officer, read and/or introduce into the record interrogatories from witnesses unable to be present, present exhibits, and otherwise endeavor to establish the agency's case within the bounds of relevancy and materiality. The charged employee may cross-examine the witnesses. A redirect and recross-examination of the witnesses if appropriate may be permitted by the hearing officer.

(i) When the agency has rested its case, the charged employee may outline the substance of his/her case and may call witnesses previously approved by the hearing officer to adduce evidence on the employee's own behalf within the bounds of relevancy and materiality. During this process, the charged employee may present exhibits and read into the record the response to interrogatories submitted on his/her behalf by the hearing officer to witnesses unable to be present. The agency's representative may cross-examine the witnesses. A redirect and recross-examination of the witnesses if appropriate may be permitted by the hearing officer or panel.

(j) Either party may elect not to present at the hearing specific interrogatories already obtained, but if a specific interrogatory is presented it must be presented in its totality and without abridgement or deletions. At the hearing, either party may also call additional witnesses or request additional interrogatories not previously approved by the hearing officer for good cause and with the approval of the hearing officer. In such an event, a recess in the hearing will be granted by the hearing officer if necessary.

(k) Upon request by the hearing officer, or upon a request of the employee deemed relevant and material by the hearing officer, an agency shall promptly make available at the hearing or by deposition any witness under its control, supervision, or responsibility, except that if the hearing officer determines that the presence of such witness at the hearing is required for just resolution of the case, then the witness shall be made available at the hearing, with necessary costs and travel expenses provided by the agency in accordance with the provisions of 3 FAM 764.6.

§ 15a.10 Post hearing argument.

After all the evidence has been presented, either party may present oral concluding arguments, submit a post-hearing brief, or both.

§ 15a.11 Report of the hearing officer.

Upon completion of hearing and after consideration of any post-hearing briefs filed by the parties, the hearing officer or panel will prepare a report setting forth requisite findings of fact, resolutions of credibility and conclusions of law and, if so requested by the Board, a recommendation with respect to the disposition of the case.

§ 15a.12 Certification of the record.

The hearing officer will then certify the hearing record to the Board, including in the record the action official's charge, the employee's response and other relevant exhibits, a transcript of the testimony, interrogatories, his/her report and any other material relevant to the Board's consideration of the case.

§ 15a.13 Action by the Board.

(a) The Board will consider the record certified to it by the hearing officer. If either party desires to submit a statement or brief to the Board for its consideration before making a final decision on the case, that party may do so within 20 calendar days from service upon it of the hearing officer's report; however, the submitting party must send a copy of the statement or brief to the opposing party. Each party may also present one counterstatement or rebuttal to the brief of the other party within 10 days of the service upon it of the brief of the other party.

(b) If the employee waives the hearing, the Board will consider the documents presented by the action official and have these documents and any other information it may require entered in the record in order to gain a full understanding of the case. The employee may elect to make a written presentation and may submit affidavits on his/her behalf. Copies of all information entered in the record will be sent to the employee and the agency, and the parties will be informed if the Board initiates a request for additional information.

(c) On the basis of the record certified by the hearing officer/panel and any additional written submissions referred to above, the Board, in the exercise of its own judgment, will render its findings as to whether or not the unsatisfactory performance of the employee or other cause of separation has been established. A finding of unsatisfactory performance must at a minimum be supported by substantial evidence. A finding of any other cause for separation must be supported by at least a preponderance of the evidence. The Board will also recommend to the head of the agency concerned the action it considers to be appropriate under the circumstances of the case.

For the Chairman, Board of the Foreign Service.

Dated: March 26, 1979.

William B. Grant,
Executive Secretary, Board of the Foreign Service.

[Departmental Regulation 108.772]

[FR Doc. 79-10827 Filed 4-6-79; 8:45 am]
BILLING CODE 4710-10-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection

24 CFR Part 3282

Mobile Home Procedural and Enforcement Regulations; Extension of Conditional Approval Time for State Administrative Agencies

AGENCY: Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection, HUD.

ACTION: Final rule.

SUMMARY: This rule amends the Mobile Home Procedural and Enforcement Regulations to extend for two years the period for obtaining full approval of conditionally approved states currently participating in the Federal Mobile Home Construction and Safety Standards Program. The amendment is being issued to assure the continuous participation of all the states currently participating in the Federal Mobile Home Construction and Safety Standards Program as State Administrative Agencies (SAA).

EFFECTIVE DATE: May 9, 1979.

FOR FURTHER INFORMATION CONTACT: Tobias A. Gottesman, Chief, Investigation and Data Collection Branch, Mobile Home Standards Division, Office of Neighborhoods, Voluntary Associations and Consumer Protection, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, Telephone (202) 472-4703.

SUPPLEMENTARY INFORMATION: Section 623 of the National Mobile Home Construction and Safety Standards Act of 1974 (Title VI of the Housing and Community Development Act of 1974) requires a state that desires to assume

responsibility for enforcement of the Federal mobile home standards to submit to the Secretary a State plan. The requirements for approval of a State plan are stated in Section 623 of the Act and more fully set forth in 24 CFR 3282.302.

A state may be granted full approval as a State Administrative Agency (SAA), if its State plan meets all the requirements of § 3282.302 (a) and (b). Under § 3282.302(c) a State plan may be given conditional approval if all the requirements except those specified in § 3282.302(b)(2), (b)(3), (b)(6), or (b)(13) are met.

Section 3282.302(c) establishes that conditional approval shall last a maximum of three years, by which time all requirements for full approval must be met or conditional approval shall lapse. This final rule relaxes this three year requirement by allowing the conditional approval period to last a maximum of five years for states currently participating in the program.

The reason the Department is amending § 3282.302(c) is because it recognizes that many conditionally approved SAA's will not be able to meet the requirement for full approval prior to the expiration of the three year conditional approval period. Of the thirty-six states currently participating as SAA's, only two are fully approved. This expiration date is in 1979 for most of these participating states. One of the principal reasons that the states will not be able to meet the requirements within this time is because some of the excepted requirements necessitate action by the states' legislatures. The Act and its legislative history indicate that it was the intent of Congress to involve the states in enforcement of the Federal mobile home standards to the maximum extent possible. Therefore, this amendment is designed to assure the continued participation of the affected states.

Under the Administrative Procedure Act, 5 U.S.C. Section 553(b) as incorporated in § 3282.105(a), the Secretary finds for good cause that notice of proposed rule making with opportunity for public comment is impractical, unnecessary, and contrary to the public interest for the reasons described below. This amendment merely provides for a relaxation of a procedural requirement of the program as it relates to the states. Since there is insufficient time to provide for public comment and revise the rule before the conditional approval of SAA's begin to lapse, the purpose of the Act to establish a Federal mobile home program with participating states would be frustrated. Further, it is essential to have this rule change implemented before June of 1979 so that the conditionally approved states can make their necessary budgetary plans. Finally, it is in the public interest to assure that the states continue to actively participate in the administration of the program.

Accordingly, 24 CFR Part 3282 is amended by revising § 3282.302(c) to read as follows:

§ 3282.302 State plan.

* * * * *

(c) A State plan may be given conditional approval if all of the requirements of the previous paragraphs except (b)(2), (b)(3), (b)(6), or (b)(13) are met. When conditional approval is given, the State shall not be considered approved under section 623 of the Act, 42 U.S.C. 5422, but it will participate in all phases of the program as called for in its State plan. Conditional approval granted prior to August 1, 1978, shall last a maximum of five years by which time all requirements shall have been met for full approval, or conditional approval shall lapse. Conditional approval granted after August 1, 1978, shall last a maximum of three years by which time all requirements shall have been met for full approval or conditional approval shall lapse.

(Secs. 604(h) and 625 of the National Mobile Home Construction and Safety Standards Act of 1974, 5 U.S.C. 5403 and 5424.)

Issued at Washington, D.C. on March 23, 1979.

Geno C. Baroni,

Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[Docket No. R-79-640]

[FR Doc. 79-10766 Filed 4-8-79; 8:45 am]

BILLING CODE 4210-01-M

POSTAL SERVICE

39 CFR Part 111

Computerized Remote Postage Meter Resetting System

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: These regulations permit the user of a specially equipped postage meter to reset the meter at his place of business, thereby eliminating the need for the meter user to take his meter to the licensing post office to have additional postage set in it. This will result in greater customer convenience and possibly encourage increased use of postage meters.

EFFECTIVE DATE: April 12, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. F. E. Gardner, (202) 245-4529.

SUPPLEMENTARY INFORMATION: On March 14, 1979, the Postal Service published for comment in the **Federal Register** proposed additions to Part 144 of the Postal Service Manual (44 FR 15514-15517) to establish procedures to be followed by postal customers, meter manufacturers, and the Postal Service in the implementation of the Computerized Remote Postage Meter Resetting System. This system was briefly described in the March 14, 1979 notice referred to above.

Interested persons were invited to submit written comments concerning the proposed regulations. Comments were submitted by Pitney Bowes, who suggested two changes in the proposed regulations.

Pitney Bowes' first comment concerned a proposed provision which would require meter manufacturers to suspend meter resettings for any meter which has not been brought in to the licensing post office for examination within two weeks after the due date for such examination, and would authorize the manufacturer to call the licensing post office for that meter to confirm that it has not been brought in for examination. Pitney Bowes objected that this proposed provision would place an unreasonable burden on meter manufacturers, since it would require calling 30,000 post offices to verify whether a meter has been submitted for examination. Pitney Bowes suggested that the provision be amended to provide that the licensing post office notify the manufacturer if the customer has not brought the meter in to the licensing post office for examination within the required period.

Our proposed provision would not require meter manufacturers to call every post office to determine whether a meter has been brought in for a scheduled examination. Since each meter must be brought in for examination to the licensing post office where it was checked into service, only one post office would have to be contacted for a specific postage meter. Moreover, since the Postal Service contacts the manufacturer to request verification of postage setting records for each meter brought in for examination, it would appear to be a relatively simple matter for the manufacturer to determine which meters have not been brought in by noting the absence of such a verification call for that meter during the time period authorized for examination. The manufacturer, under our proposed provision, would then be able to call the

licensing post office to confirm the customer's failure to present the meter for examination before suspending further meter resettings. We do not believe this procedure constitutes an unreasonable burden on meter manufacturers, and therefore the suggested change is not adopted.

Pitney Bowes' second comment concerned a provision which would require the manufacturer to submit quarterly a machine generated Form 3610, Record of Postage Meter Settings, which summarizes customer meter settings. Pitney Bowes suggested that this provision be changed to require the Form 3610 to be submitted to the licensing post office semi-annually. Since a semi-annual requirement for reporting this information would meet the needs of the Postal Service for review of this information, this suggestion is incorporated in the final rule by modification of section 144.976e. We also made a minor, clarifying change in the second sentence of 144.976e.

Other amendments of the Postal Service Manual to make the non-computerized meter resetting regulations of the Postal Service consistent with those adopted here are also included.

In view of the considerations discussed above, the Postal Service hereby adopts, as amended, the following revisions of the Postal Service Manual:

PART 144—POSTAGE METERS AND METER STAMPS

1. In 144.1, revise .12 to read as follows:

144.1 POSTAGE METERS

* * * * *

.12 DESCRIPTION OF METERS

Postage meters are made to print single, several, or all denominations of postage. They contain in one sealed unit the printing die or dies and two recording counters. One adds and keeps a total of all postage printed by the meter. The other subtracts and showns the balance of postage remaining in the meter, after the use of which it will lock. From time to time, mailers have this counter set for additional postage, which is added to the balance remaining. Payment must be made for each additional setting.

2. In 144.22, revise .221, .222, and .225 to read as follows:

144.2 METER LICENSE

* * * * *

.22 RESPONSIBILITIES OF LICENSEE

.221 After a meter has been delivered to a licensee, he must keep it in his custody until returned to the authorized manufacturer or to the post office. A customer may not have a meter in his possession unless it has been checked into service by the Postal Service. Avoiding the payment of postage through tampering with or misusing a meter is punishable by law.

.222 The licensee must enter in the *Daily Record of Meter Register Readings*, Form 3602–A, the figures appearing in the ascending and descending registers each day the meter is operated. Failure to make such entries will be considered grounds for revocation of a meter license. If at any time the sum of the two figures does not equal the total entered in the Form 3602–A at the last setting, the meter should be taken immediately to the post office, station, or branch where it was set, or last examined, for examination. The post office will provide Form 3602–A when the meter is initially checked into service. Additional copies will be provided as the forms are filled.

* * * * *

.225 If the meter's printing or recording mechanism is in any way faulty, it shall be immediately taken to the post office, station, or branch where it is regularly set or examined to be checked out of service. Under no circumstance, shall the faulty meter be used.

3. In 144.3, revise .311, .32, .322, .334, .341d, .341e, .342h, .344a, .344d, 386a (1), .386b(3), .386c(3) and add new .39 reading as follows:

144.3 SETTING METERS

.31 REQUIREMENT

.311 A customer may not have any postage meter in his possession until it has been set, sealed, and checked into service by the Postal Service. The manufacturer will bring the meter to the post office where it is to be regularly set for setting and sealing prior to delivery to the customer, unless it is serviced in accordance with 144.38, or 144.39.

* * * * *

.32 PLACE

Meter settings, including checking meters in and out of service, will be done only by designated employees at the post office, station, or branch where the metered mail will be deposited, except as provided for in 144.345. Postal employees will not be sent out of the post office to set meters except under the on-site meter setting program as provided for in 144.38. Meters under the Computerized Remote Postage Meter Resetting system may be checked into service as provided for in 144.385. Contract stations and branches are not authorized to set meters.

* * * * *

.332 Receipts for payment *to* a post office trust account shall be made on Form 3544, *Post Office Receipt for Money*. The original will be given to the customer, the duplicate sent to the office maintaining the account book, and the triplicate retained by the employee setting the meter. Trust account transactions shall be recorded on Form 25, *Trust Fund Account*, kept on the individual account by the employee setting the meter. Daily totals of the money received for such trust funds shall be listed on the *Daily Financial Report*, Form 1412.

* * * * *

.334 Refer to 144.384b and .385d for payment procedures under the onsite meter setting program. Refer to 144.39 for payment procedures under the Computerized Remote Postage Meter Resetting system.

.34 EXAMINATION AND SETTING

.341 Examination

* * * * *

d. Serial numbers shall be checked to see that they agree with those listed on Form 3610, *Record of Postage Meter Settings*, and that the total of the two registers equals the last entry in column 8 of Form 3610. For computerized Remote Postage Meter Resetting, follow procedures described in 144.392 for physical examination. If the meter is not registering properly, it shall be checked out of service in accordance with 144.35.

e. Instances where daily entries to Form 3602A are obviously not being made should be brought to the attention of the supervisor, for consideration of license revocation. An entry shall be made on Form 3610 when an examination (but no reset) has been made.

.342 Setting

* * * * *

h. The original copy of Form 3603 shall be given to the customer with the meter and Form 3602–A. Copy 2 of Form 3603 shall be sent to the holder of the account book, and copy 3 shall be kept in the receipt book by the meter setter.

* * * * *

.344 Setting Meter for Use at Another Post Office

* * * * *

a. The postmaster must obtain confirmation from the management sectional center facility where the post office of mailing is located, that the post office of mailing has adequate facilities for handling the mail. This is intended to improve coordination between the Postal Service and the mailer as to which point of mailing can provide the best service by virtue of acceptance and transportation facilities. The postmaster shall request this confirmation by memorandum, describing the nature of the material to be mailed (letter size, flats, etc.), volume, classes and frequency of mailing, and the desired place of mailing.

* * * * *

d. Payment for each meter setting must be made by check or money order payable to the postmaster at the post office where mailings will be made. See section 142.1, Handbook F–1, regarding acceptance of checks. Checks must be presented to the local post office when the meter is set. Postal trust funds will not be utilized to pay for setting such meters.

.386 Reporting Revenue and Fees

a. *Upon return to the parent unit the meter setting employee will:*

(1) Group Forms 3603 with related Forms 3544 and checks so that fees and postage can be easily verified by the clearance clerk or supervisor.

* * * * *

b. *The supervisor or clearing employee will:*

* * * * *

(3) Post meter setting fees collected to A/C 112, *On-Site Meter Setting Fees*, on Form 1412 or 1412–A; include meter postage with other customer meter funds in A/C 111.

* * * * *

c. *Accounting unit will:*

(3) Credit the monthly checks received from the meter manufacturers directly into revenue in A/C 112 without the need to make actual withdrawals and redeposits to the trust account.

* * * * *

.39 COMPUTERIZED REMOTE POSTAGE METERS RESETTING.

The computerized remote postage meter resetting system permits the users of certain postage meters with specially designed locking mechanisms to have such meters electronically reset at their places of business. The system employs a postage meter equipped with a resetting mechanism which contains a lock that operates with unique one-time use combinations. The customer obtains the correct combination from the manufacturer's data center, keys it into the lock, and then is able to add an amount of postage to the meter after he has made an advance deposit for the payment of postage at a designated trustee bank. To obtain the combination, the customer communicates with the manufacturer's data center and provides identifying data and meter register readings. The data center verifies the data and checks the status of the customer's advance deposit account balance at a trustee bank, before providing the customer with the combination. The customer's advance deposit account at the trustee bank is charged following notification of the transaction by the manufacturer. The bank wires payment for the postage to the Postal Service Federal Reserve Bank Account. The manufacturer provides required information to the customer for each meter resetting and is responsible for ensuring that funds are transferred to the Postal Service's account during the morning of the following banking day.

.391 CHECK IN PROCEDURES.

a. A customer shall not have a meter equipped with this electronic device in his possession until it has been checked into service by the licensing post office. However, no postage is to be set in these meters by the licensing post office. The manufacturer will bring the meter to the post offfice where it is to be examined prior to delivery to the customer unless it is intially checked into service in accordance with 144.381b.

b. When the manufacturer brings a meter to the licensing post office for the initial check-in, the postal employee shall:

(1) Perform the physical inspection in accordance with 144.341c;

(2) Enter the date, the ascending and descending register readings and control total on a Form 3610;

(3) *Not* make any adjustments to the meter registers. (Settings will be done by the customer using the computer-provided combinations); and

(4) Retain the Form 3610 in a separate section of the file from other meter records.

.392 VERIFICATION AND EXAMINATION.

a. Customers shall bring meters to the licensing post office every six months for examination. The manufacturer shall notify customers of the dates on which meter examinations are due. Combinations for resetting shall not be provided by the manufacturer if the meters are not brought in for examination within two weeks after the due date. The manufacturer may call the licensing post office to request confirmation that a meter has not been submitted for examination as required by this section.

b. The manufacturer shall send a current machine generated Form 3610 to the licensing post office for each customer every six months (see 144.976e). In addition to the required data, the date of each phone call received from the licensing post office under 144.392c(3), as well as the control total which was given to the postal clerk on that call shall be recorded and kept on file by the manufacturer to allow for a cross check of the physical examination records of the post office with those of the manufacturer.

c. When the customer brings a meter into the licensing post office for the six-month examination, an authorized postal employee shall:

(1) Perform the physical inspection in accordance with 144.341;

(2) Enter the date, the ascending and descending register readings and the control total in the post office copy of the Form 3610;

(3) Verify the control total of the meter by:

(a) Telephoning the manufacturer's data center on the manufacturer's toll-free number;

(b) Identifying his post office branch or station finance number and requesting the register total of the meter, which he shall identify by its serial number;

(c) Entering the control total given by the manufacturer's data center on the Form 3610, below the control total which he has taken in accordance with 144.392c(2). The customers Form 3602A, Record of Meter Settings, will also be updated to show the verification.

d. If there is any difference between the totals which cannot be immediately resolved, the meter shall be checked out of service in accordance with 144.352.

.393 CUSTOMER ADVANCE DEPOSITS.

An advance deposit of funds covering the desired postage increments must be on deposit in the customer's account at the trustee bank prior to each resetting transaction call. The trustee bank shall notify the manufacturer of the amounts received from each customer each day. The manufacturer shall ensure that its data center computer will be updated to reflect each new customer deposit.

.394 SETTING AND PAYMENT.

For each request for a postage meter resetting, the customer shall provide the manufacturer with the meter serial number, the customer account number, and the meter's ascending and descending register readings. The manufacturer shall verify that the information provided the customer is

consistent with its records, and that there are adequate funds in the customer's account to cover the postage setting requested before providing an appropriate lock combination. If the customer desires additional predetermined increments of postage, he may request and receive additional lock combinations, provided sufficient funds are on deposit. Immediately following each resetting, the manufacturer shall direct the trustee bank to charge the customer's account for the amount of the postage reset. After the completion of each transaction, the manufacturer shall promptly provide the customer with a statement of account documenting the transaction and the balance remaining in the customer's trust account.

4. In 144.6, revise .62 to read as follows:

.62 EXAMINATION.

Review Forms 3610 quarterly. If no settings have been made during the previous 6 months advise local meter licensees to bring in meters which have not been set within this period for examination as required by 144.341. For Computerized Remote Postage Meter System meters, examination is required once every six months as specified in 144.392.

When the meter is set at another office, request the office which sets the meter to have it called in for examination. The office where the meter is set will then advise the office where Form 3610 is maintained of the results of the examination, including register readings at the time of examination, so a suitable entry can be made on Form 3610.

5. In 144.9, revise .92a, .952d, .952k; redesignate .97 as .98 and add new .97 reading as follows:

.92 Specifications

Postage meters must incorporate all of the following mechanical features and safeguards:

a. A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the post office for setting or examination.

* * * * *

.952 Controls. Each authorized manufacturer is required to:

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d. Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office, except as specified in 144.38 or 144.39.

* * * * *

k. Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the U.S. Postal Service the mechanical condition or fault which caused the failure. See 144.52.

* * * * *

.97 COMPUTERIZED REMOTE POSTAGE METER RESETTING.

.971 DEPOSIT WITH POSTAL SERVICE.

Each manufacturer leasing meters equipped with computerized resetting equipment shall maintain on deposit an amount, to be held in a Postal Service account, which represents the average daily postage set on these meters during the most recently concluded Postal Service accounting quarter. The amount of this deposit shall be calculated by dividing the total value of the manufacturer's computerized settings during the last quarter by the number of Postal Service working days in that quarter. The deposit shall be adjusted to reflect each such calculation within thirty days after the close of each Postal Service quarter.

.972 BOND.

The manufacturer shall provide an indemnity bond equal to an average day's computerized resettings as determined for the calculation of the advance deposit pursuant to 144.971, provided, however, that this bond shall not be less than $10,000. The purpose of this bond is to indemnify the Postal Service for loss of postal revenues resulting from erroneous or unauthorized meter settings.

.973 REVENUE PROTECTION.

The Postal Service and the manufacturer will conduct periodic assessments of the revenue protection features in the system. If the results of such reviews indicate either a loss of postal revenue or non-prepayment of postage, resulting from the use of the system, the manufacturer shall take appropriate corrective measures.

.974 EQUIPMENT.

The postage meters, used in the computerized resetting system must conform to the specifications in 144.92, be tested in accordance with 144.93, and conform to the safeguards, distribution, and maintenance requirements of 144.94, 144.95 and 144.96 so as to protect the Postal Service against loss of revenue from fraud, manipulation, misoperation, or breakdown.

.975 OPERATION.

a. The manufacturer shall establish a trustee account at a bank or banks approved by the Postal Service to handle the deposits of customers. The manufacturer shall make arrangements with such banks under which the banks will inform the manufacturer of the amounts of customer funds received each banking day.

b. The manufacturer shall require each customer to deposit and maintain funds in his account which are adequate to cover the desired postage increment prior to each resetting transaction call. The manufacturer shall require each trustee bank to notify the manufacturer daily of the amounts received from each customer. The manufacturer shall ensure that its data center computer is programmed to reflect each customer deposit.

c. The manufacturer shall require each customer requesting that his meter be reset to provide the meter serial number, the customer account number, and the meter's ascending and descending register readings. Before providing an appropriate lock combination, the manufacturer shall verify that the information provided by the customer is consistent with its records, and that there are adequate funds in the customer's account to pay the postage setting requested. Immediately following each such resetting, the manufacturer shall direct the trustee bank to charge the customer's account for the amount of the postage reset. After the completion of each transaction, the manufacturer shall promptly provide the customer with a statement of account documenting the transaction and stating the balance remaining in the customers's account.

d. The manufacturer shall make appropriate arrangements with the trustee banks for the daily transfer of funds from customer deposit accounts to the Postal Service's account in a Federal Reserve Bank. The manufacturer shall not have access to funds on deposit at trustee banks except for purposes of refunding trust account deposits to customers and transferring payments for postage to Postal Service accounts.

e. The manufacturer shall ensure that each customer transaction is registered as a computer entry transferring an appropriate dollar amount from the customer's deposit account to a postal payment due account. The manufacturer shall make a payment from its own funds to the appropriate Postal Service account for each transaction not fully covered by an advance deposit in the customer's account.

f. Each banking day, the manufacturer shall request the trustee banks to transfer, by 1000 hours local trustee bank time, amounts payable to the Postal Service as a result of the transactions during the previous day to a designated Postal Service account at a designated Federal Reserve Bank.

.976 REPORTS.

The manufacturer shall provide the following reports. The licensing post office, branch or station shall be identified in such reports by finance number and station branch code. The information that shall be provided in each report is specified below:

a. The daily *Funds Tranfer Report* shall provide a summary of the total reset activity for each business day. It will be used to confirm the daily funds authorized for transfer from the trustee bank to the designated Federal Reserve Bank.

The report shall include the following information:

(1) The identification of the report and the date of the activity being reported;

(2) The time the funds were authorized for transfer; and

(3) The amount of the funds authorized for transfer to the Postal Service Federal Reserve Bank account.

b. The daily *Detail Transaction Log*, available to the Postal Service on request, will detail the total activity for a given business day, and must include:

(1) The identification of the report and the date of the activity being reported;

(2) The identification of individual transactions; Each entry must show the following information:

(a) The transaction number—A sequential number which identifies each item entered into the transaction log;

(b) The customer's name;

(c) The meter serial number;

(d) The post office branch or station finance number and station/branch code;

(e) The control totals—both for before and after transaction, the difference being the amount of the reset increment; and,

(f) The transaction amount—The value of postage set into each customer's meter for each transaction using the combination(s) issued.

(3) A report of the meters checked into and out of service; and,

(4) The clearing transaction—This total will be the amount of money authorized for transfer from the trustee bank to the Postal Service for the period being reported.

c. *The Accounting Period, Revenue by accountable Post Office/Meter Report File* shall be submitted at the end of each accounting period to each accountable post office. It shall include post office finance account numbers, meter serial numbers, customer names, and the amount of resettings that have taken place for each meter during the accounting period being reported. Total postage set into CMR meters during that period for that post office shall also be shown in the report file.

d. *The Commercial Meter Resetting System Revenue Summary by Accountable Post Office Report File* shall be submitted to the designated Postal Data Center at the end of each accounting period. The manufacturer shall incorporate all resetting transaction data into one accounting period summary report file identifying the revenue for each accountable post office, by finance number.

e. A Form 3610, *Record of Postage Meter Settings*, for each meter. This report will be forwarded to each licensing post office approximately three weeks prior to each meter's scheduled six month examination due date. It will serve in part as notification to the licensing post office that a physical examination if due for a given meter within the subsequent three week period and will contain a record of the last physical examination if any. It will also contain the same information which is kept by the post office meter clerk for all meters and summarizes customer meter activity during the period covered by the Form 3610.

.977 INSPECTION OF RECORDS AND FACILITIES.

The manufacturer shall make its facilities involved in the operation of the computerized resetting system and all records concerning the operation of the system available for inspection by representatives of the Postal Service at all reasonable times.

A Post Office Services (Domestic) transmittal letter making these changes in the pages of the Postal Service Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the **Federal Register** as provided in 39 CFR 111.3.

(39. U.S.C. 401(2), 404(a)(2), (4)).

W. Allen Sanders,

Acting Deputy General Counsel.

[FR Doc. 79-10830 Filed 4-6-79; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

New Mexico Air Quality Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves various revisions to the New Mexico Air Quality Control Act. The Act was submitted by the Governor as a general update of the State's law since the submittal on May 9, 1972. The revised New Mexico Acf reflects the most recent law under which the State implements its air pollution abatement program.

EFFECTIVE DATE: May 9, 1979.

FOR FURTHER INFORMATION CONTACT: Jerry Stubberfield, Environmental Protection Agency, Region 6, Air Program Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2742.

SUPPLEMENTARY INFORMATION: On November 6, 1975, after adequate notice and public hearing, the Governor of New Mexico submitted revisions to the State's Air Quality Control Act. The revisions are a general update of the 1972 Act which is currently part of the State Implementation Plan (SIP), and they consist primarily of changes in administrative procedures.

Upon completion of a review of the revisions, EPA published a proposed approval notice in the **Federal Register** on January 9, 1979 (44 FR 1989). In this notice, a detailed discussion on each revised part of the New Mexico Act is provided. Interested persons were invited to comment on EPA's intended action within 30 days of the published proposal. One comment on EPA's proposed action was received.

Public Comment

The commentor requested that several regulatory actions taken by the State in the past years be incorporated in § 52.1620, Identification of plan. Paragraph (c) of § 52.1620 is where such regulatory actions are listed. However, only those revisions to the SIP which have officially been acted on by EPA are listed in paragraph (c). EPA has not officially approved or disapproved the actions identified by the commentor, although the three regulations involved are currently being reviewed. The State's revisions will be included in paragraph (c) upon final action by EPA.

Current Action

The revisions to the New Mexico Air Quality Control Act are being approved as proposed.

This final rulemaking is issued under the authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410-(a).

Dated: April 4, 1979.

Douglas M. Costle,

Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart GG—New Mexico

1. In § 52.1620, paragraph (c) is revised to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) The Plan revisions listed below are submitted on the dates specified.

(1) The Environmental Improvement Agency submitted revisions of Air Quality Control Regulations 506, 507, 604, 605, 606, 651, and 652 (adopted by the Board on January 10, 1972) on March 7, 1972.

(2) Additions of Sections 12–14–1 through 12–14–13 of the State's Air Quality Control Act, and Regulations 504, 602, and 603 were submitted by the Governor on May 9, 1972.

(3) Revisions of Regulations 702, 703, 704, and 705, as adopted by the Board on July 29, 1972, and revisions of Sections IV, V, VII, and VIII, were submitted by the Environmental Improvement Agency on July 31, 1972.

(4) State Attorney General's opinion on legal authority and confidentiality of source data was submitted on September 4, 1972. (Non-regulatory)

(5) Revisions of the New Source Review and Source Surveillance sections of the New Mexico Implementation Plan were submitted by the Environmental Improvement Agency on January 3, 1973. (Non-regulatory)

(6) Clarification of the State permit and source surveillance regulations was submitted by the Environmental Improvement Agency on January 18, 1973. (Non-regulatory)

(7) Regulation 705, Compliance Schedules, was submitted by the Governor on February 12, 1974.

(8) Revisions to Regulation 602, Coal Burning Equipment-Sulfur Dioxide, as adopted by the New Mexico Environmental Improvement Board on December 13, 1974, were submitted by the Governor on October 3, 1975 (see § 52.1624).

(9) Revisions to Regulation 100, Definitions, Regulation 705, Schedules of Compliance, and a new Regulation 706, Air Quality Maintenance Areas, were submitted by the Governor on November 6, 1975 (see § 52.1633).

(10) Revisions to sections 12–14–2, 12–14–6, and 12–14–7 of the New Mexico Air Quality Control Act were submitted by the Governor on November 6, 1975.

[FRL 1091–8]

[FR Doc. 79–11008 Filed 4–6–79; 8:45 am]

BILLING CODE 6560–01–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1068

Allowances and Reimbursements for Members of Policy-Making Bodies

AGENCY: Community Services Administration.

ACTION: Correction of rule.

SUMMARY: CSA is making a correction to a final rule governing Allowances and Reimbursements for Members of Policy-Making Bodies which was published in the **Federal Register** on December 11, 1978 on pages 57888 through 57890. The correction is necessary since § 1068.5–1, *Applicability*, did not include Title VII grantees. These grantees previously were covered by the policy contained in the superseded rule. This correction will fill the void created by the omission of reference to Title VII grantees in the rule published on December 11, 1978 effective January 10, 1979.

EFFECTIVE DATE: This correction is effective May 10, 1979.

FOR FURTHER INFORMATION CONTACT: David M. Cohen, Deputy Director, Office of Economic Development, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506, Telephone (202) 254–5988, Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: CSA is in the process of developing a separate rule on this subject for Title VII grantees. However, until such time as the rule is finalized Title VII grantees, as in the past, will adhere to the requirements of the rule written primarily for those grantees funded under Titles II and III–B.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

45 CFR 1068 is amended by revising § 1068.5–1 to read as follows:

§ 1068.5–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, III–B and VII of the Economic Opportunity Act of 1964 as amended, if such assistance is administered by the Community Services Administration.

[CSA Instruction 6803–1b]

[FR Doc.79–11111 Filed 4–6–79; 9:14 am]

BILLING CODE 6315–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 12

Certification of Seamen; Reexamination Procedures for Unlicensed Ratings

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard is amending the regulations for the examination of individuals for unlicensed ratings to clarify the procedures for reexamination. Present regulations set out a requirement for a thirty day wait before making application for reexamination. This regulation has not been interpreted uniformly by field Marine Inspection Offices. The proposed changes clarify the procedures, and set up requirements for reexamination by the same Coast Guard official or by a different Coast Guard official.

EFFECTIVE DATE: April 9, 1979.

FOR FURTHER INFORMATION CONTACT: Commander Richard T. Hess, Office of Merchant Marine Safety (G–MVP–3/82) Room 8212, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2251).

SUPPLEMENTARY INFORMATION: On July 28, 1977, the Coast Guard published a proposed rule (42 FR 38394) concerning these amendments. Interested persons were given until September 11, 1977, to submit comments. Four written comments were received proposing a number of changes discussed below. This amendment has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A final evaluation has been included in the public docket.

Drafting Information

The principal persons involved in drafting this final rule are: Commander Richard T. Hess, Project Manager, Office of Merchant Marine Safety, and Lieutenant John W. Salter, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

One commentor objected to the proposed change in its entirety because of the lack of guidelines as to when a reexamination takes place. The Coast Guard feels that the time of reexamination based on performance on the prior examination is adequate.

Two commentors supported a reexamination by the same Officer in Charge, Marine Inspection at any time. One recommended allowing reexamination any time within 60 days of the initial application. Another recommended allowing an individual upon completion of a course of instruction to retake the exam immediately. The Coast Guard agrees in part, and has revised the proposal to allow reexamination before the OCMI conducting the original examination at any time after the failure based on the performance on the original exam, with the provision that the maximum waiting period will not exceed 30 days after an initial failure or 90 days after a second or subsequent failure.

One commentor recommended that the words "without making further application" be deleted from proposed § 12.02–17(f) because their intent is not clear. The Coast Guard agrees since the applicant's original application is used when he presents himself for reexamination.

One commentor suggested that the time limit for reexamination by a different OCMI be removed for those individuals who complete a course of instruction. The Coast Guard agrees in part, and is removing the time limit for all individuals, but only when sanctioned by the Officer in Charge, Marine Inspection who refused the applicant.

One commenter recommended that the words "without the sanction of the Officer in Charge, Marine Inspection, that refused the applicant", be added to the proposed § 12.02–17(g) because the phrase would be consistent with those found in the license regulations. The Coast Guard agrees and has added a provision to that effect. Two commenters proposed changes to license regulations not within the scope of the notice.

Accordingly, Part 12 of Title 46 of The Code of Federal Regulations is amended as follows.

By revising § 12.02–17(f) and adding a new § 12.02–17(g) to read as follows:

§ 12.02–17 Rules for the preparation and issuance of documents.

* * * * *

(f) An applicant for a certificate of service or efficiency who has been duly examined and refused a certificate by an Officer in Charge, Marine Inspection may come before the same Officer in Charge, Marine Inspection for reexamination at any time after the date of the initial examination. The Officer in Charge, Marine Inspection sets the time of reexamination based on the applicant's performance on the initial examination. However, the maximum waiting period after the initial failure will be 30 days, and the maximum waiting period after a second or subsequent failure will be 90 days.

(g) An applicant who has been examined and refused a certificate by an Officer in Charge, Marine Inspection may not make application for examination to any other Officer in Charge, Marine Inspection until 30 days after the applicant's last failure of an examination or reexamination. However, an applicant may apply for examination by another Officer in Charge, Marine Inspection before the expiration of the 30 day period if sanctioned by the Officer in Charge, Marine Inspection who refused the applicant.

(R.S. 4405, as amended (46 U.S.C. 375); R.S. 4462, as amended (46 U.S.C. 416); sec. 6 (b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b)).

Dated: April 3, 1979.

J. B. Hayes,
Admiral, U.S. Coast Guard Commandant.

[CGD 76–203]

[FR Doc. 79–10934 Filed 4–6–79; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

Setting Up a Single System of Identification for All Devices Covered Under the Equipment Authorization Program; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction.

SUMMARY: This rule makes technical corrections to the Commission's report and order (FR Doc. 79–8526) regarding setting up a single system of identification for all devices covered under the equipment authorization program. The report and order was published in the *Federal Register* on March 21, 1979 at 44 FR 17175.

EFFECTIVE DATE: April 25, 1979.

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

FOR FURTHER INFORMATION CONTACT: Milton Mobley, FCC, Laurel, Md., 20810, Phone: 301–725–1585.

In the matter of revisions of Parts 2, 15, 18, and 83 of the rules and regulations to set up a single system of identification for all devices covered under the equipment authorization program.

Released: March 30, 1979.

The Commission's Report and Order, FCC 79–134, adopted February 28, 1979, and released March 15, 1979, is corrected as follows:

In Paragraph 16 of the Order, § 2.925(b) is corrected to read § 2.925(d).

In § 2.925(d)(1) of the rules, the thickness of the nameplate is corrected from 0.05mm to read 0.5mm.

In the NOTE under § 2.1003(b)(2) of the rules, the word "ia" is corrected to read "is".

In § 15.415(a) of the rules, the phrase "grant of certification" is corrected to read "grant of approval".

Federal Communications Commission.

William J. Tricarico,
Secretary.

[Docket No. 20790]

[FR Doc. 79–10769 Filed 4–8–79; 8:45 am]

BILLING CODE: 6717–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order Extending Time.

SUMMARY: Action taken herein extends the time for filing comments and reply comments on the Commission's own motion. The additional time is given to provide an opportunity to consider pending requests for lengthy extension.

DATES: Comments must be filed on or before May 2, 1979, and reply comments must be filed on or before June 18, 1979.

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

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of changes in the rules relating to noncommercial educational FM broadcast stations, 44FR 3412, January 16, 1979.

Adopted: March 30, 1979.

Released: April 2, 1979.

By the Chief, Broadcast Bureau:

1. On June 7, 1978, the Commission adopted a *Further Notice of Proposed Rule Making*, 43 FR 27682, in the above-captioned proceeding.

2. The Commission has before it pending requests [1] for extension of time for filing comments and reply comments. The Commission, at this time, has not made a decision as to the amount of time that shall be granted. However, action at this time is required because of the imminence of the current expiration date. Therefore, on its own motion, the Commission is granting an extension of time for 30 days, at the end of which time the Commission should be in a position to decide what action to take on the pending requests.

3. Accordingly, the dates for filing comments and reply comments ARE EXTENDED to and including May 2, and June 18, 1979, respectively.

4. This action is taken pursuant to Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Martin I. Levy,

Acting Chief, Broadcast Bureau.

[Docket No. 20735]

[FR Doc. 79-10874 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 Part 83

Implementing Changes in the Technical Regulations Annexed to the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule (ERRATUM).

SUMMARY: Amendment of an additional section of the rules to reflect the minimum 10 watt power requirement in lieu of the minimum 15 watt power requirement now in the rules. This section was inadvertently omitted from the Appendix to the Report and Order (FCC 79-3) which appeared in the **Federal Register** of January 23, 1979 (44 FR 4673).

EFFECTIVE DATE: February 1, 1979.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Released: April 3, 1979.

In the matter of Amendment of Part 83 of the rules to implement changes in the Technical Regulations annexed to the Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973.

Amendment to § 83.542(c)(3) was inadvertently omitted from paragraph 3 of the Appendix to the Report and Order, released January 18, 1979, in this docket (FCC 79-3, 44 FR 4673, January 23, 1979). The following amendment is added to reflect the minimum 10 watt power requirement in lieu of the 15 watt power requirement now in the rules.

§ 83.542 Radiotelephone transmitter.

* * * * *

(c) * * *

(3) The transmitter at full output power measured in accordance with the procedure of this paragraph shall not be less than 10 watts.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[Gen. Docket No. 78-290]

[FR Doc. 79-10875 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Fisheries Conservation and Management; Foreign Fishing; Errata Correction

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Correction of regulation.

SUMMARY: On March 26, 1979 a final regulation entitled "Apportionment of Reserve Amounts" was published in the **Federal Register** (44 FR 18028-18031). That final regulation contained two errors which this publication corrects.

EFFECTIVE DATE: April 4, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802. Telephone: (907) 586-7221.

SUPPLEMENTARY INFORMATION: The first error was a typing error. Section 611.20 was incorrectly identified as § 611.29, which is non-existent. The second error, which may cause confusion, arose because an old style table was used to report the new sablefish TALFF. That table, which appeared at the top of page 18030, contains the correct quantity of sablefish, but because the inadvertent change in format might be confusing to foreign fishermen, it has been decided to delete that table in its entirety. Instead, it was decided that § 611.20(c) which appeared in 44 FR 4684 on January 23, 1979, would be amended again. The species line regarding sablefish presently reads:

Gulf of Alaska Groundfish	Species	Code	TALFF
* * * * *			
Do.	Sablefish	703	4,900

is amended to read as follows:

Do.	Sablefish	703	5,750

The Assistant Administrator finds that this correction is merely technical and therefore compliance with E.O. 12044 is not necessary.

Signed at Washington, D.C. this 4th day of April, 1979.

Authority: 16 USC 1801 et seq.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

Correct 44 FR 18028 by striking "§ 611.29" and substituting "§ 611.20". Correct § 611.20(c) Table I as it appeared in 44 FR 18030 by striking in its entirety. Instead, amend the same table which appeared January 23, 1979 at 44 FR 4684 by deleting 4,900 metric tons in the line referring to Gulf of Alaska Groundfish (species Code 703) and substituting 5,750 metric tons. That line will read:

Gulf of Alaska Groundfish	Species	Code	TALFF
* * * * *			
Do.	Sablefish	703	5,750

[FR Doc. 79-10938 Filed 4-6-79; 8:45 am]

BILLING CODE 3510-22-M

[1] Requests for extension of time for filing comments were filed by the National Association of Broadcasters and jointly by McGraw-Hill Broadcasting Company and Taft Broadcasting Company who requested a 90-day extension. National Public Radio also filed a request for extension of time.

Proposed Rules

Federal Register
Vol. 44, No. 69
Monday, April 9, 1979

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

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 35]

Human Uses of Byproduct Material; Change in License Conditions for Certain Medical Licenses

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

ACTION: Proposed rule.

SUMMARY: Currently, NRC requires its medical institution licensees to apoint a medical isotopes committee. NRC is considering changing this to a requirement to appoint a radiation safety committee with a simplified membership that will focus on radiation safety. In addition to emphasizing radiation safety, the new committee would be easier to recruit for smaller institutions.

DATES: Comment period expires June 8, 1979.

ADDRESSES: Written comments or suggestions for consideration in connection with the proposed amendment should be sumitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

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: The medical isotopes committee, currently required in § 35.11, evaluates all proposals for research, diagnosis and therapeutic use of radioisotopes within a medical institution. The new proposed radiation safety committee would instead coordinate the use of byproduct material throughout the institution and maintain surveillance over the institution's radiation safety program. The membership of the new committee would be (1) a specialist (where appliable a physician) from each department where radioactive material is used, (2) a representative of the nursing staff, (3) a representative of the institution's management and (4) a person trained in radiation safety.

If the proposed rule becomes effective, institutional licensees would document the formation of the radiation safety committee for their own files and would not have to submit changes in membership of the committee to NRC for approval.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 35 is contemplated.

1. In § 35.11, paragraph (b) is revised to read as follows:

§ 35.11 Specific licenses for human use of byproduct material in institutions.

* * * * *

(b) The applicant has appointed a radiation safety committee to coordinate the use of byproduct material throughout that institution and to maintain surveillance over the institution's radiation safety program. Membership of the committee shall include a specialist (where applicable a physician) from each department where radioactive material is used, a representative of the nursing staff, a representative of the institution's management, and a person trained in radiation safety.

* * * * *

(Secs. 81, 161, Pub. L. 83–703, 68 Stat. 935, 948 (42 U.S.C. 2111, 2201); Sec. 201, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841))

Dated at Washington, D.C. this 3rd day of April 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk.

Secretary of the Commission.

[FR Doc. 79-10883 Filed 4-6-79; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

Creation of New Deposit Categories

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: In order to provide additional returns to savers, the Board of Governors of the Federal Reserve System is considering one or more of the following four actions concerning the payment of interest on deposits by member banks under Regulation Q:

(1) Creation of a new time deposit category with a 5-year maturity and a minimum denomination of $500. Member banks would be authorized to pay interest on this new deposit at a ceiling rate of one and one-quarter per cent below the average 5-year rate based on the yield curve for United States Treasury securities as determined by the United States Treasury. The minimum penalty required to be imposed upon the withdrawal of funds prior to maturity from this category of time deposit would be a forfeiture of six-months interest.

(2) Creation of a new 8-year category of rising rate time deposit with a minimum denomination of $500. The ceiling rate of interest on this time deposit would increase periodically over the life of the instrument from an initial rate of six per cent during the first year to a rate of eight per cent during the final 3 years. The penalty for early withdrawal during the first year would be a forfeiture of three-months interest. There would be no penalty for withdrawals after the first year.

(3) Authorization for member banks to pay an interest bonus on savings funds held by individuals or certain nonprofit organizations. Member banks would be permitted to pay on such savings funds a lump sum interest bonus of up to one-half of one per cent on the minimum balance on deposit for a 12-month period.

(4) Reduction of the $1,000 minimum denomination requirements currently imposed on certain time deposits by Regulation Q to $500. The $10,000 minimum denomination requirement on the 26-weeek money market time deposit, however, would be retained.

DATE: Comments must be received by May 4, 1979.

ADDRESS: Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the Docket Number R–0215.

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

SUPPLEMENTARY INFORMATION: The Board of Governors proposes to amend its regulations concerning the payment of interest on deposits (Regulation Q, 12 CFR 217) to permit member banks to provide addditional returns for small savers. Public comment is requested by May 4, 1979, on the following four proposed actions:

I. Five-Year Fixed Rate, Variable Ceiling Time Deposits

The Board proposes to create a new category of time deposit. The new time deposit would be nonnegotiable and would have a maturity of exactly five years from the date of deposit. The ceiling rate on this new time deposit would be established monthly for new deposits at one and one-quarter per cent below the average 5-year rate based on the yield curve for United States Treasury securities. Beginning the first Thursday of every month, a member bank would be permitted to pay interest at a ceiling rate of one and one-quarter per cent below the average 5-year rate based on the yield curve for the preceding week. This ceiling rate would remain in effect for all instruments issued during the month until the first Thursday of the next month when a new ceiling rate would go into effect for instruments issued on or after that date. The rate of interest established at the time of issue would not change during the five years the deposit is outstanding. A minimum denomination of $500 would be required for this deposit. Member banks would be permitted to compound and compute interest on this deposit in accordance with any of the methods currently authorized by § 217.3 of Regulation Q. The average 5-year rate based on the yield curve for United States Treasury securities would be determined by the United States Treasury, and the ceiling rate for member banks would be announced monthly generally on the Monday preceding the Thursday effective date.

Regulation Q currently provides that where a member bank agrees to pay a time deposit prior to maturity, the bank must impose an early withdrawal penalty on the funds withdrawn (12 CFR 217.4(d)). The minimum required penalty is a reduction in the rate of interest paid on the funds withdrawn to a rate not to exceed the rate currently prescribed for a savings deposit (5 per cent) plus a forfeiture of three-months interest at such rate. Under the current structure, the amount of the early withdrawal penalty increases significantly the longer the deposit is maintained. In order to alleviate the severity of this penalty with respect to the new 5-year time deposit category, the Board proposes to create a new early withdrawal penalty that would require member banks to impose a minimum penalty of six-months forfeiture of interest at the rate being paid on the deposit. No reduction of interest to the savings rate would be required. If the amount withdrawn has been on deposit for less than six months, however, all interest would be forfeited. This penalty would apply only to the new 5-year time deposit category, and, with the exception of the proposed rising rate time deposit, the current penalty would continue to apply to all other time deposit categories. The Board believes that this proposed penalty would encourage depositors to agree to leave funds on deposit for longer periods of time.

The Board believes that the ceiling rate on this new deposit category, in conjunction with the proposed amendment of the early withdrawal penalty, offers substantial additional benefits to small savers over existing deposit options available at this time.

Public comment is requested on the following aspects of the proposed new deposit category:

(1) The five-year maturity; would a shorter maturity, such as four years, be preferable;

(2) Tying the ceiling rate to the average 5-year rate based on the yield curve for United States Treasury securities;

(3) Establishing the ceiling rate at one and one-quarter per cent below the average 5-year yield curve;

(9) Establishing the new ceiling rate monthly as opposed to weekly or quarterly;

(5) Permitting compounding of interest;

(6) The $500 minimum denomination; and

(7) The six-month interest penalty for early withdrawals.

Public comment also is requested concerning whether the proposed six month early withdrawal interest penalty should be adopted for all categories of time deposits.

II Rising rate time deposits

The Board proposes to amend Regulation Q to create a nonnegotiable time deposit with a maturity of exactly eight years and a minimum denomination of $500. Member banks would be authorized to pay interest on this deposit in accordance with the following schedule:

Period of time from date of issuance	Ceiling rate during the period indicated
1 year or less	6 percent
Over 1 year to 2½ years	6½ percent
Over 2½ years to 4 years	7 percent
Over 4 years to 5 years	7½ percent
Over 5 years to 8 years	8 percent

Additional funds could be deposited to the account only during the first year. Consequently, during the first year a member bank could pay interest at a rate of up to 6 percent on the original deposit and on any additions to the account. For the period over 1 to 2½ years from the date of issuance only, a member bank could pay interest at a ceiling rate of 6½ percent on all the funds in the account. The rate of interest that a member bank could pay on funds remaining on deposit thereafter would increase in accordance with the above schedule. Interest at the scheduled ceiling rates would be payable only during the appropriate holding periods as indicated above. Member banks would be permitted to compound and compute interest on this deposit in accordance with any of the methods currently authorized by § 217.3 of Regulation Q.

The Board proposes to create a special early withdrawal penalty for the new 8-year time deposit. As previously indicated, the current minimum penalty is a reduction in the rate of interest paid on the funds withdrawn to a rate not to exceed the rate prescribed for a savings deposit plus a forfeiture of three-months interest at such rate. The proposed penalty for the new 8-year time deposit would require member banks to impose a minimum penalty of three-months forfeiture of interest on funds

withdrawn during the first year from date of issuance. If the funds withdrawn have been on deposit for less than three months, all interest would be forfeited. No reduction of interest to the savings rate would be required, and withdrawals after the first year could be made without penalty, although a member bank would be permitted to impose a penalty on such withdrawals.

Public comment is requested on the following aspects of the proposed new deposit category:

(1) The eight-year maturity;

(2) The rising rate ceiling schedule;

(3) The $500 minimum denomination;

(4) Permitting additions to the account during the first year;

(5) Operational difficulties, if any, associated with the proposed deposit category; and

(6) The three-month early withdrawal interest penalty; should the penalty be six-months loss of interest as proposed for the new five-year time deposit.

III Bonus savings deposits

The Board proposes to amend Regultion Q to create a new category of savings deposit on which member banks would be authorized to pay a lump sum interest bonus of up to one-half of 1 percent on the minimum balance held in the savings deposit for the preceding 12-month period. Member banks could pay the bonus of up to one-half of 1 percent annually in addition to other interest payable at a rate of up to a 5 percent ceiling. Consequently, under this proposal a depositor could earn up to 5½ percent on savings deposits held for one year.

The bonus would be available only on savings funds in which the entire beneficial interest is held by individuals or by nonprofit corporations, associations or other organizations operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes. Member banks would be authorized to modify the terms of existing savings accounts in which the entire beneficial interest is held by individuals or qualifying nonprofit organizations to incorporate the interest bonus feature. Under the proposal, a member bank could inform the depositor that it will pay such bonus once every 12 months on savings funds that will remain on deposit continuously for a subsequent 12-month period. The member bank could pay the bonus only at the end of the 12-month period. Examples of how the new bonus savings plan could operate follow:

Example 1

The bank notifies depositors that it will pay a bonus of one-half of 1 percent on all qualifying savings deposits maintained for a one-year period beginning July 1. On July 1, the depositor's existing savings account balance is $500. During the next 12 months, the depositor makes several additional deposits to the account totaling $250 and no withdrawals are made. As of June 30 of the following year, the account balance is $750. The member bank, as of July 1, may pay a bonus of one-half of 1 percent on $500, the minimum balance on deposit during the period July 1 to June 30.

Example 2

A depositor opens a new bonus savings account on December 1 with a deposit of $500. It is understood that the 12-month holding period will begin on January 1. During the month of December, the depositor adds $250 to the account. As of January 1 the account balance is $750, which remains on deposit through December 31. As of January 1 of the following year, the member bank may pay a bonus of one-half of 1 percent on $750, the minimum balance on deposit during the period January 1 to December 31.

Example 3

A depositor opens a new bonus savings account on September 1 with a deposit of $500. The bank has informed depositors that the 12-month holding period will begin on September 1. On October 1 the depositor withdraws $200 from the account leaving a balance of $300. On November 1 the depositor places $300 in the account, raising the balance to $600. As of September 1 of the following year, the member bank may pay a bonus of one-half of 1 percent on $300, the minimum balance on deposit during the period September 1 to August 31.

Public comment is requested on the following aspects of the proposed new bonus savings deposit category:

(1) Should the bonus be an annual payment of one-half of 1 percent on savings deposits held for a one-year period, or should the bonus be a semi-annual payment of one-quarter of 1 percent for deposits held for a six month period;

(2) Should the bonus rate be increased if the savings funds are held for periods in excess of one year;

(3) Should member banks be authorized to permit depositors to withdraw funds from such accounts by automatic transfer, telephone transfer, third-party bill payor service and by negotiable order of withdrawal (where authorized by law). Under the Board's regulations such withdrawals are currently authorized from regular savings accounts;

(4) Should member banks be permitted, as proposed, to modify the terms of existing savings accounts to incorporate the interest bonus feature; and

(5) What operational difficulties may be encountered if the proposed new savings deposit category is adopted, including an estimate of the time necessary to implement appropriate changes.

IV. Reduction of minimum denomination requirements

Regulation Q currently requires a deposit of $1,000 or more on time deposits with maturities of 4 years or more in order to earn interest at a ceiling rate of 7¼ percent or more (see 12 CFR 217.7(b) (2), (3), and (4)). The Board proposes to reduce these minimum denomination requirements to $500. A member bank, however, would be permitted to establish higher minimum denomination requirements. At present, a $10,000 minimum denomination requirement is imposed on 26-week money market certificates by section 217.7(f) of Regulation Q (12 CFR 217.7(f)). This minimum denomination requirement would not be reduced.

After receipt and consideration of public comment, the Board may adopt one or more of the four proposed actions. None of the proposed actions, however, would change the current ceiling rates of interest for existing deposit categories, which would remain in effect. In this connection, Regulation Q currently provides that member banks may pay interest on governmental unit time deposits under $100,000 with maturities of 30 days or more (12 CFR 217.7(d)) and Individual Retirement Account and Keogh (H.R. 10) Plan time deposits of less than $100,000 with maturities of 3 years or more (12 CFR 217.7(e)) at a rate of up to 8 percent. These ceiling rates would remain in effect and would not be determined by the ceiling rates established for the proposed new 5-year fixed rate, variable ceiling and 8-year rising rate time deposit categories. However, member banks would be permitted to offer the two new time deposit instruments to governmental units and to Individual Retirement Account and Keogh (H.R. 10) Plan participants so long as the instruments have maturities of exactly five years and eight years, respectively, and a minimum denomination of $500.

All comments and information on these four proposals should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received by May 4, 1979. All

material submitted should include the Docket Number R-0215. Such material will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

Pursuant to its authority under section 19(j) of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits, the Board proposes to amend Regulation Q (12 CFR 217.4 and 217.7) as follows:

(1) Amend § 217.4(d) by adding "(c)" after "§ 217.7" in the first sentence and by deleting the fifth through seventh sentences and substituting in lieu thereof the following:

§ 217.4 Payment of Time Deposits Before Maturity.

* * * * *

(d) *Penalty for early withdrawals.* * * * Notwithstanding the above, where a time deposit issued pursuant to §217.7(g), or any portion thereof, is paid before maturity, the depositor shall forfeit six months of interest on the amount withdrawn at the rate being paid on the deposit. If the amount withdrawn has remained on deposit for six months or less, all interest on the amount withdrawn shall be forfeited. Where funds are withdrawn from a time deposit issued pursuant to § 217.7(h) within one year from the date of issuance, the depositor shall forfeit three months of interest on the amount withdrawn at the rate being paid on the deposit. If the amount withdrawn has remained on deposit for three months or less, all interest on the amount withdrawn shall be forfeited. No interest penalty is required on a time deposit issued pursuant to § 217.7(h) for early withdrawals made more than one year after the date of issuance.

* * * * *

(2) Amend § 217.7 by revising paragraphs (b), (c), (d), (e), and (f) and by adding new paragraphs (g), (h), and (i) as follows:

§ 217.7 Maximum Rates of Interest Payable by Member Banks on Time and Savings Deposits.

* * * * *

(b) *Time deposits of less than $100,000.* Except as provided in paragraphs (a), (d), (e), (f), (g), and (h), no member bank shall pay interest on any time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity	Maximum per cent
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more but less than 4 years	6½
4 years or more but, less than 6 years [1]	7¼
6 years or more, but less than 8 years [1]	7½
8 years or more [1]	7¾

[1] A $500 minimum denomination is required. This minimum denomination requirement does not apply to time deposits representing funds contributed to an Individual Retirement Account or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) §§ 408, 401.

(c) *Savings deposits.* Except as provided in paragraph (i), a member bank may pay interest at a rate not to exceed 5 per cent on any savings deposit including savings deposits that are subject to negotiable orders of withdrawal, the issuance of which is authorized by Federal law.

(d) *Governmental unit time deposits of less than $100,000.* Except as provided in paragraphs (a), (f), (g), and (h), no member bank shall pay interest on any time deposit which consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, the United States, any State of the United States, or any county, municipality or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, or political subdivision thereof, at a rate in excess of 8 per cent.

(e) *Individual Retirement Account and Keogh (H.R. 10) Plan deposits of less than $100,000.* Except as provided in paragraphs (a), (g), and (h), a member bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. (I.R.C. 1954) 408, 401, at a rate not in excess of 8 per cent.

(f) *26-week money market time deposits of less than $100,000.* A member bank may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks, at a rate not to exceed the rate established (auction average on a discount basis) for United States Treasury bills with maturities of 26 weeks issued on or immediately prior to the date of deposit. Rounding such rate to the next higher rate is not permitted. A member bank may not compound interest during the term of this deposit. A member bank may offer this category of time deposit to all depositors.

(g) *Five-year money market time deposits of less than $100,000.* A member bank may pay interest on any nonnegotiable time deposit of $500 or more with a maturity of exactly five years that is issued on or after the first Thursday of every month at a rate not to exceed one and one-quarter per cent below the average 5-year rate based on the yield curve for United States Treasury securities as determined by the United States Department of the Treasury immediately prior to such first Thursday. The average 5-year rate based on the yield curve will be rounded by the United States Department of the Treasury to the nearest 5 basis points. A member bank may offer this category of time deposit to all depositors.

(h) *Rising rate time deposits of less than $100,000.* During the period indicated below, a member bank may pay interest on any non-negotiable time deposit of $500 or more with a maturity of exactly eight years at a rate not to exceed the following:

Period of time from date of issuance	Ceiling rate during the period indicated
1 year or less	6 percent
Over 1 year to 2½ years	6½ percent
Over 2½ years to 4 years	7 percent
Over 4 years to 5 years	7½ percent
Over 5 years to 8 years	8 percent

Additional funds may be deposited to the account during the first year from date of issuance. Any such addition shall not affect the scheduled maturity date of the deposit. A member bank may offer this category of time deposit to all depositors.

(i) *Bonus savings deposits.* A member bank may pay interest at a rate not to exceed 5 per cent on a bonus savings deposit that consists of funds in which the entire beneficial interest is held by one or more individuals or by a corporation, association, or other organization operated primarily for religious, philanthropic, charitable, educational, fraternal, or other similar purposes and not operated for profit. A member bank may inform such depositors that it will pay, once every 12 months, additional interest at a rate not to exceed one-half of one per cent on savings funds that will remain on deposit continously for a subsequent 12-month period. However, a member bank may pay such bonus only after such savings funds have been on deposit continuously for the 12-month period.

By order of the Board of Governors, April 3, 1979.

Theodore E. Allison,
Secretary of the Board.

[Docket No. R-0215]

[FR Doc. 79-10884 Filed 4-6-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 526

Federal Home Loan Bank System; Revised Rates on Savings Accounts

April 3, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rulemaking.

SUMMARY: In order to provide additional categories of deposit to savers, the Bank Board is considering the following alternatives:

(1) Creation of a new savings account category with a $500 minimum amount and a 5-year maturity. Member institutions would be authorized to pay interest on this account up to a maximum rate of one per cent below the average 5-year rate based on the yield curve for United States Treasury securities as determined by the U.S. Department of the Treasury. The penalty required to be imposed upon the withdrawal of funds prior to maturity from this account would be forfeiture of six months interest on the amount withdrawn.

(2) Authorizing member institutions to pay a lump sum interest bonus of up one-half of one per cent on the minimum balance on deposit in a regular (passbook) account during a designated 12-month period.

(3) Elimination of the minimum amount requirements currently imposed on savings certificates with maturities under 4 years and reduction of the minimum amount for other certificate accounts (including the new 5-year account) to $500. However, the $10,000 minimum requirement on the 26-week (182 day) account tied to the U.S. Treasury Bill auction average on a discount basis would not be affected.

(4) Creation of a new 8-year rising rate certificate account with an increasing rate of interest during the period the account remains outstanding. This account would have a $500 minimum amount requirement.

DATE: Comments must be received by May 4, 1979.

ADDRESS: Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION, CONTACT: John R. Hall, Attorney, (202-377-6445) or Kathleen E. Topelius, Attorney, (202-377-6444), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: The Bank Board is considering a number of alternatives for the payment of interest on deposits which would permit member institutions to provide incentives to small savers in a manner consistent with the provision of home financing by such institutions. Public comment is requested on the following proposed actions:

I. Five-Year Fixed Rate, Variable Ceiling Account

One alternative is to create an account with a maturity of five years (no more, no less) from the date of deposit. The maximum authorized rate on this account would be established monthly for new deposits at one per cent below the average five year rate based on the yield curve for United States Treasury securities. Beginning the first Thursday of every month, a member institution would be authorized to pay interest on such accounts up to a maximum rate of one per cent below the average five year rate based on the yield curve for United States Treasury securities for the preceding calendar week. Such maximum would remain in effect with respect to all such accounts issued during the month until the first Thursday of the next month when a new ceiling rate would go into effect for certificates issued on or after that date. The rate of interest established at the time of issue would not change during the five years the deposit is outstanding. The minimum qualifying amount for these accounts would be $500. No restrictions as to compounding would be prescribed. It is understood that the average five year rate based on the yield curve for United States Treasury securities is determined by the U.S. Department of the Treasury, and that the ceiling rate for member institutions would be announced monthly on the Monday preceding the Thursday effective date. The average five year rate will be rounded by the U.S. Department of the Treasury to the nearest 5 basis points.

Regulations contained in 12 CFR Parts 526, 545 and 563 currently require an institution to impose an early withdrawal penalty on funds withdrawn from an account prior to its maturity. The minimum required penalty is a reduction in the rate of interest on the amount withdrawn to a rate not to exceed the rate currently prescribed for passbook accounts (5¼ per cent) plus a forfeiture of three months interest at such rate. In order to ameliorate the penalty on a new 5-year account, the Bank Board proposes a withdrawal penalty that would require imposition of a penalty of six months forfeiture of interest at the certificate rate. This penalty would apply only to the new 5-year time deposit category and would not affect the penalty on other account categories.

The suggested maximum rate on this new account category, and the proposed amendment of the early withdrawal penalty, should offer substantial benefit to small savers.

With respect to this alternative, comment is sought specifically on the following issues:

(1) Whether the maturity period should be other than five years;

(2) Basing the maximum authorized rate on the average five year rate based on the yield curve for United States Treasury securities;

(3) The maximum rate on one per cent below that rate;

(4) Establishing a maximum rate monthly, rather than weekly or quarterly;

(5) Permitting compounding of interest;

(6) The $500 minimum denomination;

(7) Six months early withdrawal interest penalty at the certificate rate;

(8) The impact of this type of account on home mortgage rates offered by member institutions; and

(9) Impact on savings flows.

Comment also is requested on whether the six months early withdrawal interest penalty should be extended to all categories of savings certificate accounts.

II. Bonus on Regular Accounts

Amendment of Part 526 is also being considered to authorize institutions to pay a lump sum interest bonus of up to one-half of 1 per cent on the minimum balance held in a regular account during the preceding 12-month period. Member institutions could pay the bonus in addition to other interest payable at a rate of up to the 5¼ per cent ceiling on regular (passbook) accounts. Consequently, under this proposal a depositor could earn up to 5¾ per cent on funds in passbook accounts for one year. The bonus would be available only on savings funds deposited to the credit of or in which the entire beneficial interest is held in the names of individuals (singly as well as jointly) or by a non-profit organization. The 12-month holding period would begin prospectively pursuant to agreement of the depositor and the institution. The

following are examples of how the new savings deposit could operate if a member institution notifies savings account depositors that a bonus will apply to regular accounts or agrees to pay a bonus on a regular account:

Example 1

A member institution notifies depositors that it will pay a bonus of one-half of one per cent on all qualifying savings accounts maintained for a one year period beginning July 1. On July 1, the depositor's existing savings account balance is $500. During the next 12 months, the depositor makes several additional deposits to the account totaling $250 and no withdrawals are made. As of June 30 of the following year, the account balance is $750. The member institution, as of July 1, would be authorized to pay a bonus of one-half of 1 per cent on $500, the minimum balance on deposit during the period July 1 to June 30.

Example 2

A depositor opens an account on December 1 with a deposit of $500. It is agreed that the 12-month holding period will begin on January 1. During the month of December, the depositor adds $250 to the account. As of January 1 the account balance is $750, which remains on deposit through December 31. As of January 1 of the following year, the member institution would be authorized to pay a bonus of one-half of 1 per cent on $750, the minimum balance on deposit during the period January 1 to December 31.

Example 3

A depositor opens the account on September 1 with a deposit of $500. It is agreed that the 12-month holding period will begin on September 1. On October 1 the depositor withdraws $200 from the account leaving a balance of $300. On November 1 the depositor places $300 in the account, raising the balance to $600. As of September 1 of the following year, the member institution would be authorized to pay a bonus of one-half of 1 per cent on $300, the minimum balance on deposit during the period of September 1 to August 31.

With respect to this alternative, comment is sought specifically on the following issues:

(1) Should the bonus be an annual payment of one-half of 1 per cent on savings deposits held for a one year period, or should the bonus be a semi-annual payment of one-quarter of one per cent for deposits held for a six month period?

(2) Should member institutions be authorized to permit depositors to withdraw funds from accounts receiving a bonus by automatic transfer, telephone transfer, third-party bill payor service, and (where authorized by law) by negotiable order of withdrawal? Under the Board's regulations such withdrawals are currently authorized from regular savings accounts.

(3) What operational difficulties are foreseen if this alternative is adopted, including an estimate of the time necessary to implement necessary or appropriate changes?

(4) Should the bonus increase if funds are on deposit for more than one year?

III. Rising Rate Certificate Accounts

Amendment of § 526.3(a) is also considered. A new paragraph (9) would be added to that section which would authorize a new type of certificate account with a $500 minimum amount and a maximum maturity of 8 years. The maximum authorized rate of return on this type of account, known as a rising rate certificate account, would increase during the term of the account. The maximum authorized rate of return on deposits maintained in the account for one year would be 6¼ per cent. The rate of earnings during the following 18 months would be 6¾ per cent. The rate of earnings during the next 18 months would be 7¼ per cent. Deposits would receive earnings at 7¾ per cent during the fifth year, and at 8¼ per cent during the remaining 3 years until maturity. Additions to the account during the first year would be permitted without changing the effective date of the account.

Withdrawals during the first year would be subject to a penalty of three months interest. Withdrawals during any of the remaining seven years could be made without penalty.

With respect to this alternative, comment is sought specifically on the following issues:

(1) The impact of this type of account on home mortgage rates offered by member institutions;

(2) Impact on savings flows;

(3) The eight-year maturity;

(4) The penalty provision (should the early withdrawal penalty be a six months forfeiture of interest, consistent with the penalty for 5-year variable ceiling accounts);

(5) The rate schedule; and

(6) Additions to and withdrawals from this type of account.

IV. Other Matters

Part 526 (12 CFR 526.3(a)), except for the six month certificate, currently requires a deposit of $1,000 on certificates with a maturity of 1 year or more in order to earn interest up to a maximum rate of 8 per cent or more (see 12 CFR 526.3(a)). It is proposed to eliminate these minimum amount regulatory requirements for certificate accounts with a term under 4 years, and to reduce the minimum amount to $500 for other certificate accounts. At present, a $10,000 minimum deposit is required for 26-week certificates by § 526.3(a)(8)(12 CFR 526.3(a)(8)). This requirement would not be affected.

Member institutions may continue to pay interest on public unit accounts under $100,000 with maturities of 30 days or more (12 CFR 526.3(c)) and Individual Retirement Accounts and Keogh Plan certificate accounts of less than $100,000 with maturities of 3 years or more (12 CFR 526.3(c)) at a rate of up to 8 per cent. These rates would not be affected by the maximum rate authorized for the new 5-year and 8-year accounts.

Accordingly, the Bank Board hereby proposes to amend Part 526 as follows:

1. Amend § 526.2(b)(2) to read as follows:

§ 526.2 Maximum rate of return.

* * * * *

(b) *Exceptions.* Notwithstanding any reduction in such maximum prescribed rates, a member may pay a return on any savings account outstanding on the date of such reduction, as follows:

* * * * *

(2) *Certificate account.* At the rate specified in the certificate, for such period, including any renewal period, as the account remains outstanding (except that six month (26 weeks) certificate accounts may not be renewed at any rate in excess of the applicable maximum rate provided for under § 526.3(a)(8), five year variable rate accounts may not be renewed at a rate in excess of the applicable maximum rate provided for under § 526.3(a)(5)(ii), and rising rate certificates may not be renewed at a rate in excess of the applicable maximum rate provided for under § 526.3(a)(9)).

* * * * *

2. Amend § 526.3(a) by amending paragraphs (1) and (5) thereof and adding a new paragraph (9) thereto, to read as follows:

§ 526.3 Maximum rates of return payable by members on savings accounts.

(a) Except as provided in § 526.3–1 for certificate accounts of $100,000 or more, no member may pay an annual rate of return on a savings account exceeding

the applicable maximum percentage, as follows:

(1)(i) 5.25%—regular accounts.

(ii) A bonus of up to ½ of one per cent may be paid on the minimum balance in any regular account held in the name of one or more individuals or a non-profit organization during a specified 12 month period.

* * * * *

(5)(i) 7.50%—certificate accounts of $500 or more with a term or qualifying period of 4 years or more.

(ii) On certificate accounts of $500 or more with a term or qualifying period of 5 years—1% below the average five year rate based on the yield curve for United States Treasury securities as determined by the U.S. Department of the Treasury on the first Thursday of the month in which the account is issued.

* * * * *

(9) On a rising rate certificate of $500 or more with a maximum term or qualifying period of eight years, the annual rate of return shall not exceed the rate set forth below during the period indicated:

6¼%—during the first year of the account.

6¾%—thereafter, during the period up to the end of the 30th month of the account.

7¼%—thereafter, during the period up to the end of the 4th year of the account.

7¾%—thereafter, during the period up to the end of the 5th year of the account.

8¼%—thereafter, until maturity at the end of the 8th year of the account.

Additions to the account during the first year shall not affect the maturity date.

3. Further amend § 526.3(a) by deleting from each of paragraphs (3) and (4) the phrase "of $1,000 or more."

4. Further amend § 526.3(a) by deleting from each of paragraphs (6) and (7) the term "$1,000" and substituting therefor the term "$500."

5. Amend §§ 526.3(b)(4) and (c) to read as follows:

§ 526.3 Maximum rates of return payable by members on savings accounts.

* * * * *

(b) *Exceptions as to minimum amount.*

* * * * *

(4) Without regard to the miniumum amount requirements, a member may pay a return as permitted by subsection (a)(7) of this section on certificate accounts which qualify as retirement accounts under section 401(d) or section 408(a) of the Internal Revenue Code of 1954.

(c) *Exceptions as to terms of qualifying periods.* A member may pay a rate of return not exceeding the highest rate permitted under subsection (a)(7) of this section on (1) a public unit account of $1,000 or more which is a certificate account with a maturity of 30 days or more or a notice account (certificate accounts under paragraph (a)(8) must meet the minimum amount and maturity requirements prescribed therein), or (2) a certificate account which qualifies as a retirement account under section 401(d) or section 408(a) of the Internal Revenue Code of 1954 and has a term of 3 years or more.

6. Amend § 526.7(a) to read as follows:

§ 526.7 Penalty for early withdrawal.

(a)(1) Except as provided in paragraphs (2) and (3) of this subsection, for any certificate account issued after October 31, 1973 (except as subsection (b) of this section provides), a member shall impose the following conditions on any withdrawal before the end of the term or qualifying period: (i) the account holder shall receive interest or dividends from the date of issuance of the account on the amount withdrawn at a rate not exceeding the rate being paid on regular accounts; and (ii) the account holder shall pay a penalty of at least (*a*) the interest or dividends at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest or dividends at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

(2) For any withdrawal prior to the maturity of any certificate account issued in accordance with § 526.3(a)(5)(ii), a member shall impose a penalty of six months interest at the certificate rate on the amount withdrawn.

(3) For any withdrawal during the first year of any certificate issued in accordance with § 526.3(a)(9), a member shall impose a penalty of three months interest. No penalty shall apply to withdrawals made during the remaining seven years the account is outstanding.

* * * * *

(Sec. 4, 80 Stat. 824 (12 U.S.C. 1425b); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[Docket No. 79-223]

[FR Doc. 79-10882 Filed 4-6-79; 8:45 am]
BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

Organization and Operations of Federal Credit Unions; Share Accounts and Share Certificate Accounts

AGENCY: National Credit Union Administration.

ACTION: Proposed Rule.

SUMMARY: In order to provide additional return to savers and to increase the flexibility of Federal credit unions in offering accounts to its members, the National Credit Union Administration is amending Section 701.35 of its Rules and Regulations (12 CFR 701.35) to authorize Federal credit unions to offer a notice type of share certificate account the maturity of which will not be extended for additional deposits as long as they are offered pursuant to a written savings plan. All share certificate accounts shall be able to earn dividends up to a maximum rate of the greater of 8¼% or 100 basis points (1%) below the average constant-maturity yield on 5-year United States Treasury securities. Also, Federal credit unions shall be authorized to establish, in addition to regular share accounts, any other type of share account not inconsistent with the regulation.

EFFECTIVE DATE: Comments must be received by May 4, 1979.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, 2025 M Street, N.W., Washington, D.C., 20456.

FOR FURTHER INFORMATION CONTACT: J. Leonard Skiles, Deputy General Counsel, at the above address, telephone (202) 632–4870.

SUPPLEMENTARY INFORMATION: On December 30, 1977, the Administration published a final rule to implement the provisions of the Federal Credit Union Act, as amended by Public Law 95–22, pertaining to the issurance of share accounts at varying rates and share certificate accounts at varying rates and maturities. That rule reflects a regulatory philosophy that each Federal credit union should be given the opportunity to develop a system of share accounts and share certificate accounts tailored to its own needs and those of its members with a minimum of regulatory interference. This proposal expands that philosophy and is intended to provide Federal credit unions with greater flexibility to implement programs that will benefit, to the greatest extent possible, the entire membership. In

addition, this proposed rule is designed to encourage Federal credit unions to fashion contractual savings plans so as to maximize the opportunities of members of low and moderate means to obtain higher returns than they could previously receive without incurring penalties or extending maturities for adding to their accounts or for withdrawing funds as long as required balances are met.

Analysis of Proposed Changes

1. The Administration proposes to delete from the definition of Share Account the specific accounts described as minimum balance accounts and split-rate accounts and to transfer the concept underlying the notice account to the share certificate account category. The reasons for this are to achieve internal consistency in the regulation, minimize operational difficulties presently experienced by Federal credit unions, and to allow Federal credit unions to fashion a broad range of share accounts as long as they comply with other terms and conditions described in the regulation. Federal credit unions may still offer minimum balance accounts and split-rate accounts or any combinations of such accounts or any other type of account as long as members receive proper notice of all terms and conditions and all terms and conditions are consistent with the regulation.

2. This proposal also makes it clear that all Federal credit unions must offer a regular share account. Such an account does not require the holder to maintain a minimum balance greater than the par value of a share and does not require notice of intent to withdraw, except as provided for in the Federal Credit Union Bylaws. The proposed change reinforces the Administration's belief that regular share accounts, the standard upon which the penalty provisions are based and the cornerstone of Federal credit union membership, must be offered. There is no requirement that every member must *establish* a regular share account.

Notwithstanding this mandatory requirement, Federal credit unions are free to fashion variations of the traditional regular share account that will now qualify as a regular share account. For example, a split-rate account, provided there is no minimum balance requirement greater than the par value of a share and no notice of intent to withdraw is required, could be designated as a regular share account. Operationally, if a Federal credit union has more than one type of account that conceptually could be designated as a regular share account, it must designate the account that shall constitute the "regular share account" for purposes of the penalty provisions. Likewise, if only one type of regular share account is offered and that share account is some variation of the traditional regular share account, such as a split-rate account, then the Federal credit union must also designate a portion of that account as the "regular share account" for purposes of the penalty provisions or establish a method for computing a dividend rate for that purpose. This Administration considered, as an alternative to the above, mandating a set rate to be used to compute the penalty provisions. However, since it is the intent of this Administration to provide Federal credit unions with greater flexibility in creating and managing share accounts and share certificate accounts, no such requirement has been included. This matter will receive careful consideration prior to promulgation of the final rule.

3. This proposed rule transfers the concept of a notice account from a share account to a share certificate account. That is, in addition to the already existing share certificate account the maturity of which is extended with each additional deposit of funds, the proposal will allow small savers to utilize share certificate accounts in order to receive higher rates of return on their funds without constantly resetting the maturity date. This will allow for the establishment of contractual regular savings plans between a Federal credit union and its member in which, by giving a 90-day notice of intent to withdraw, the member may withdraw from the certificate account without incurring a penalty.

It should be noted that the proposed change requires that in the absence of an agreement to the contrary between the Federal credit union and the member, additions to the share certificate account within the 90-day period and which are withdrawn at the end of the 90-day period after the required notice have been given shall not receive the premium rate. If, however, the additions are not withdrawn during that 90-day notice period they will earn the premium rate. This will serve to prevent abuses during that 90-day period. However, the proposed change permits a Federal credit union, by written contract, to allow additions during the 90-day period, such as regular payroll deduction checks or deposits that the Federal credit union determines will not result in abuses, that will receive the premium rate will not constitute a new share certificate account or extend the maturity of the account. Federal credit unions are advised to carefully consider and to use in a circumspect manner the authority to allow additions during the 90-day notice period that would not extend maturity.

A perpetual or standing notice agreement will not be permitted. A member holding this type of account must affirmatively provide notice of the intent to withdraw.

4. It should be noted that the traditional share certificate account definition, as contrasted to the 90-day notice share certificate account, has been amended to clearly indicate that additions will extend the maturity of the account.

5. A definition of the term "premature withdrawal" has been added and defined to encompass withdrawals of principal prior to maturity and prior to providing a minimum notice of 90 days of intent to withdraw for share certificate accounts. The definition was included in order to make clear that the penalty provisions are applicable to either occurrence by definition rather than devising a separate penalty provision for failure to give required notice.

6. One proposed change indicates that a Federal credit union may not establish accounts for a member without the member's express written authorization. It has come to the attention of the Administration that some Federal credit unions have been converting regular share accounts to other types of share accounts by informing members of such a change and indicating that if no objection were received within a short timeframe, such a change would be permanent. Such a process, known as "negative notice" is, we believe, unfair to members who, for exemple, may be on vacation or otherwise be unable to respond to the credit union's notice. While the Adminstration is aware that the account changes made were often beneficial to the member in some respects, it is believed that account changes should emanate from and be approved by a member *before* changes are made. The propsed change clearly reflects such a belief. However, conversion from one type of regular share account to another type of regular share account may be accomplished by negative notice.

7. The proposal deletes entirely any minimum amount requirement for share certificates except those tied to the 26 weeks U.S. Treasury bills (Money Market Certificates). This is intended to give Federal credit unions the greatest possible flexibility in meeting the needs of their members. However, while this

Administration will not require a minimum amount, any individual Federal credit union may impose any minimum share certificate amount requirements its board of directors deems advisable.

8. Changes in the maximum dividend rate structure reflect that a Federal credit union may continue to pay a maximum of up to 8¼% on share certificate accounts or it may choose to use as a maximum a figure 100 basis points (1%) below the average constant-maturity yield on 5-year United States Treasury securities. Beginning the first Thursday of every month, a Federal credit union would be permitted to pay dividents at a ceiling rate of 100 basis points (1%) below the average constant-maturity yield on 5-year United States Treasury securities for the preceeding calendar month. This ceiling rate would remain in effect for all share certificates issued during the month and the dividend rate established at the time of issue would not change during the period the certificate is outstanding. Again, no minimum denomination would be required by the Administration although Federal credit unions would be free to establish such a minimum. Compounding would be permitted. It is anticipated that the constant-maturity yield on United States Treasury Securities will be developed by the United States Treasury and that the Federal Reserve Board will announce the ceiling rate for its member banks monthly on the Monday preceeding the Thursday effective date. The ceiling rate for Federal credit unions will be 25 basis points (¼%) above the ceiling announced for member banks. Further information concerning the ceiling rate may be obtained from the Office of Policy Analysis (202) 653–5472.

9. This proposed rule deletes the previously required disclosure of the terms and conditions upon which the funds in a share account or share certificate account may be withdrawn without incurring a penalty.

10. Various stylistic and technical changes have been made to bring the regulation into conformity with the substantive changes outlined above.

Lawrence Connell,
Administrator.

April 3, 1979.

Authority: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789).

Accordingly, § 701.35 is amended to read as follows:

§ 701.35 Share accounts and share certificate accounts.

(a) *Definitions*—As used in this Section:

(1) Share Account means:

(i) Regular Share Account—an account which does not require the holder to maintain a balance greater than the par value of a share or to give notice of intent to withdraw, except as may be imposed in accordance with the Federal Credit Union Bylaws:

(ii) Any other share account described at Section (b)(1)(i).

(2) Share Certificate Account means:

(i) An account that will earn dividends at a particular rate if held to maturity and on which a penalty shall be assessed for any premature withdrawal. Additions shall extend the maturity of the account for a term equal to the original qualifying period, or

(ii) An account that will earn dividends at a particular rate provided a notice of a minimum of 90 days of intent to withdraw a specified dollar amount is required and upon which a penalty shall be assessed for failure to provide such notice. Additions to this type of account made after such notice is given shall not extend the maturity of the account if the additions are made pursuant to a written contract or savings plan.

(3) Premature Withdrawal means:

(i) The withdrawal of all or any portion of the principal amount prior to maturity, or

(ii) The withdrawal of all or any portion of the principal amount prior to providing a notice of 90 days of intent to withdraw.

(b) *Issuance of Share Certificate Accounts and Share Certificate Accounts.* (1) The Board of Directors, by resolution, may establish, in addition to regular share accounts:

(i) Any other type of share account or combination of share accounts at varying dividend rates, and share certificate accounts at varying dividend rates and maturities in conformance with this section;

(ii) Additional terms and conditions concerning the issuance and maintenance of share accounts and share certificate accounts in conformance with the requirements of this section; and

(iii) Penalties, in addition to those required by this section, to be imposed for failure to comply with any terms and conditions.

(2) Share accounts and share certificate accounts offered shall be made available to all members on an equal basis. Special share certificate accounts may be established for funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh Plan as provided for by § 721.4. Such special share certificate accounts shall be made available on an equal basis to all members who qualify. No officer, director, member of the credit or supervisory committees, employee, or other official appointed or elected, shall be the holder of a share account or any type of share certificate account unless all qualifying members of the credit union are given an equal opportunity to become holders of such accounts.

(3) Share accounts and share certificate accounts shall be subject to any notice which may be imposed pursuant to the Federal Credit Union Bylaws.

(4) No regular share account may be converted to any other type of account without the express written authorization of the account holder.

(c) *Limitations on Share Certificate Accounts.* (1) Qualifying periods shall not be less than 90 days nor more than 6 years, except, however, public unit accounts may be issued with qualifying periods of not less than 30 days nor more than 6 years. Corporate central Federal credit unions, as defined in Part 704 of the Rules and Regulations (12 CFR Part 704), may issue share certificate accounts with qualifying periods of not less than 30 days nor more than 6 years;

(2) Upon maturity, share certificate accounts may be automatically renewed at the same terms and conditions as initially issued, or as may be otherwise provided for in accordance with a written agreement between the holder and the credit union. Notice of any such renewal, changes in the terms and conditions, or expiration of the qualifying period (in addition to the disclosure requirements set forth in paragraph (k)) shall be provided at least 10 days prior to the expiration of the qualifying period; and

(3)(i) In case of premature withdrawal of the prinicipal amount which reduces the balance below the minimum amount requirement, the account shall be cancelled and a penalty pursuant to paragraph (d) of this section shall be imposed upon the entire amount evidenced by the share certificate account. If the minimum amount requirement continues to be met, a penalty pursuant to paragraph (d) of this section shall be imposed upon the amount withdrawn (and not upon the remaining balance) and either:

(A) An appropriate notation may be made on the account indicating the

amount and date of the withdrawal and the remaining balance, or

(B) The account may be cancelled and a new account issued.

(ii) A share certificate account holder may withdraw any and all dividends previously paid on the share certificate account without incurring a penalty.

(d) *Penalty Provisions.* (1) Penalties imposed shall be on the actual dividends earned, and shall not be imposed on the principal amount held in a share account or share certificate account. In assessing any applicable penalty, however, the amount of the penalty may be deducted from the principal amount if the dividends upon which the penalty is assessed have been previously withdrawn.

(2) The board of directors may establish a penalty to be imposed for failure to comply with any terms or conditions of a share account other than a regular share account. If a penalty is imposed, the penalty shall require that the dividend rate paid on the remaining balance in the share account be reduced to no more than the rate paid on regular share accounts for the same period.

(3) The board of directors shall establish a penalty to be imposed for premature withdrawal of funds from a share certificate account. The penalty shall require:

(i) A reduction in the dividend rate to an amount not in excess of the rate paid on regular share accounts from the date of issuance or, if the share certificate account has been renewed, from the date of renewal, on the amount withdrawn; and

(ii) A forfeiture in an amount at least equal to the lesser of

(A) All dividends for 90 days on the amount withdrawn, or

(B) All dividends on the amount withdrawn since the date of issuance or renewal.

(e) *Exceptions to the Penalties*—Penalties shall not be applied if:

(1) The withdrawal is made subsequent to the death of any owner of the share account or share certificate account or is made pursuant to Article III, section 5(e) of the Federal Credit Union Bylaws;

(2) The share account or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under section 401(d) or 408 of the Internal Revenue Code and withdrawal is made to effect distribution of the funds evidenced by such account following the participant's death or disability or upon attaining not less than 59½ years of age; or

(3) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

(f) *Rate Specified or Contracted for in Advance*

(1) If specified or contracted for, the dividend rate shall:

(i) For regular share accounts, be expressed as a single dividend rate; and

(ii) For the remaining types of share accounts and share certificate accounts, be expressed as

(A) A percentage above or below the dividend rate declared for regular share accounts, or

(B) A single dividend rate.

(g) *Maximum Dividend Rate*—A Federal credit union may pay a maximum dividend, expressed as an annual rate, as follows:

(1) Seven percent on a share account;

(2) On a share certificate account, except as otherwise provided in this subsection, up to the greater of 8¼ percent or 100 basis points below the average constant-maturity yield on 5 year United States Treasury securities during the month of issuance of the account;

(3) Eight percent on a share certificate account which represents an investment of retirement account funds pursuant to § 721.4; or

(4) A rate determined by money market conditions on a share certificate account of $100,000 or more; or

(5) In the case of a share certificate account of $10,000 or more having a fixed or minimum term or qualifying period of 26 weeks, the maximum dividend rate, which shall not be compounded during the term or qualifying period and may be rounded off only by rounding down, shall be:

(i) One quarter of one percent above the discount rate (auction average on a discount basis) for 26 weeks United States Treasury bills issued on or immediately prior to the date of the purchase of the share certificate if such discount rate is less than 8¾%; or

(ii) Nine percent if such discount rate is not less than 8¾% and not more than 9%; or

(iii) Equal to the discount rate if such discount rate exceeds 9%.

(h) *Dividend periods*—The board of directors may vary dividend periods for share accounts and share certificate accounts. Share certificate accounts which mature between dividend periods shall be entitled to dividends at the rate declared for that type of certificate at the close of the last dividend period before maturity. The board of directors shall set aside sufficient earnings and shall pay those share certificate accounts at maturity.

(i) *Dividends calculated on par value or dollar amount.* A Federal credit union may calculate dividends to be paid on share accounts and share certificate accounts either upon the par value of shares or upon the actual value held in the share accounts and share certificate accounts.

(j) *Advertising.* In addition to the advertising requirements established in Part 740 of the rules and regulations (12 CFR Part 740) and elsewhere in this section, the following rules shall apply to every advertisement, announcement, or solicitation relating to share accounts and share certificate accounts.

(1) Where a dividend rate is specified or contracted for:

(i) Any terms and conditions necessary to earn that dividend at that rate shall be stated;

(ii) A clear and conspicuous notice shall be included indicating that the specified or contracted rate shall not be paid if available earnings are insufficient. Such notice may state "Federal regulations prohibit payment of dividends in excess of available earnings";

(iii) The basis upon which dividends are calculated; and

(iv) A clear and conspicuous notice stating that Federal regulations prohibit the compounding of dividends during the qualifying period shall be included in the case of share certificates issued pursuant to paragraph (g)(5).

(2) Where a penalty will be imposed for failure to comply with any term or condition, a clear and conspicuous notice shall be included. Such notice may state "A substantial penalty is required for failure to comply with these requirements."

(3) Where a percentage yield achieved by compounding dividends during one year is stated, the annual rate of dividends without the effect of compounding shall be stated with equal prominence, together with a reference to the basis of compounding and the basis for calculating dividends (either on par value or actual value). The percentage yield based on the effect of grace periods shall not be stated.

(k) *Disclosures.*

(1) At the time that a Federal credit union issues any share account or share certificate account, the holder of the account shall be provided, to the extent applicable, with a written statement setting forth the following:

(i) Any terms or conditions which must be met for the share account or share certificate account to earn dividends at a particular rate;

(ii) The basis of compounding, the basis upon which dividends will be paid and the effect of premature withdrawal

(iii) That Federal regulations prohibit payment of dividends in excess of available earnings, and in the case of share certificates issued pursuant to paragraph (g)(5), that Federal regulations prohibit the compounding of dividends during the qualifying period;

(iv) Any penalty imposed for the failure to comply with any terms and conditions;

(v) Any provisions relating to Automatic renewal of share certificate accounts;

(vi) The dispostion of a share certificate account if it is not renewed; and

(vii) Membership in the Federal credit union will terminate upon maturity of a share certificate account, unless renewed, if the holder does not have, establish, or otherwise make provision for a share account or share certificate account in addition to the share certificate account which is maturing.

(2) A Federal credit union need not provide a written disclosure statement in connection with the renewal of an existing account. Notice must be sent to affected account holders of any change in any provision required to be disclosed.

(3) A copy of a standard disclosure statement for each class or type of account offered by a Federal credit union shall be provided upon request. If accounts other than regular share accounts are offered, a listing of the accounts available shall be prominently displayed in the Federal credit union's offices and shall indicate that a copy of a standard disclosure statement for each class or type of account is available upon request.

[FR Doc. 79-10793 Filed 4-5-79; 8:45 am]
BILLING CODE 7535-01-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Cooper Industries, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Houston, Texas manufacturer of hand tools, compressors and other products used by the oil and gas industries to timely divest, subject to F.T.C. approval, its Roto Tool Division and the gas compressor business acquired through its merger with the Gardner-Denver Company. Additionally, the firm would be barred for ten years from acquisitions in the two product areas without prior Commission approval.

DATE: Comments must be received on or before June 8, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CS-3, Jonathan E. Gaines, Washington, D.C. 20580. (202) 724-1276.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

United States of America

Before Federal Trade Commission

In the Matter of Cooper Industries, Inc., a corporation. File No. 791-0038; Agreement containing consent order to divest and to cease and desist.

The Federal Trade Commission having initiated an investigation of the proposed acquisition of Garden-Denver Company by Cooper Industries, Inc. (hereinafter referred to as "Cooper"), and it now appearing that Cooper is willing to enter into an agreement containing an order in settlement of this matter.

IT IS HEREBY AGREED by and between Cooper, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Cooper is a corporation organized, existing and doing business under and by virtue of the laws of the State of Ohio, with its office and principal place of business located at Two Houston Center, Houston, Texas 77002.

2. Cooper admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Cooper waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record of a period of sixty (60) days and information is respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify Cooper, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision containing the following order to divest and to cease and desist in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by Cooper either that the law has been violated as alleged in the draft of complaint here attached, or, with the exception of the jurisdictional facts, of the facts therein alleged.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to Cooper, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to divest and to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to divest and to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to Cooper's address as stated in this agreement shall constitute service. Cooper waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Cooper has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Cooper further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

IT IS ORDERED that the following definitions shall apply herein:

(1) "RECIPROCATING GAS COMPRESSORS" means all machines which are used to elevate natural gas to higher pressures by confining successive volumes of the gas within a closed space, and in which the compressing element is a piston which has a reciprocating motion within a cylinder.

(2) "HAND-HELD INDUSTRIAL PNEUMATIC TOOLS" means all tools that are powered by air motors, and which are utilized, or designed to be utilized, in or for manufacturing operations and are operated, or designed to be operated, while being held or supported by an individual's hands, and includes air motors capable of powering such tools and parts for all such tools or motors.

(3) "GAS COMPRESSOR BUSINESS" means the Gardner-Denver Company's ML Horizontal Series, RL and RLT Horizontal Series, LA and LB Vertical Series, AOL Vertical "V" Type Air Cooled Series product line of RECIPROCATING GAS COMPRESSORS, related parts, developmental units (including the 13F and MLQ) and the jigs, patterns, dies, designs, drawings, technical data and literature, appropriate royalty-free license for all patents and patent applications, bills of materials and specialized goods that are unique to, or necessary for, the manufacture of such RECIPROCATING GAS COMPRESSORS and which are currently in existence or which are produced prior to divestiture.

(4) "ROTOR TOOL DIVISION" means the Rotor Tool Division of Cooper, and includes all assets, properties, titles to property, interests, rights and privileges of whatever nature, tangible and intangible, including, but not limited to, all real property, buildings, machinery, equipment, tools, raw materials, inventory, customer lists, trade names, patents, patent applications, trademarks and all other property of whatever description presently owned or operated by Cooper for the manufacture of the products produced by the Rotor Tool Division, together with all additions, replacements, and improvements hereafter made by Cooper to the Rotor Tool Division.

II

IT IS FURTHER ORDERED that Cooper, its officers, directors, agents, representatives and employees shall:

(1) Within twelve (12) months from the date this order becomes final, divest absolutely, to an acquiror which meets with the prior approval of the Federal Trade Commission, the GAS COMPRESSOR BUSINESS acquired by Cooper as a result of its merger with Gardner-Denver Company; and

(2) Within eighteen (18) months from the date this order becomes final, divest absolutely, with the prior approval of the Federal Trade Commission, the ROTOR TOOL DIVISION as a going concern in the manufacture and sale of HAND-HELD INDUSTRIAL PNEUMATIC TOOLS.

III

IT IS FURTHER ORDERED that in connection with the divestiture of the GAS COMPRESSOR BUSINESS required by Paragraph II of this order, Cooper shall offer to any prospective acquiror the right to enter into a contract to buy from Cooper, if Gardner-Denver Comapny manufactured them during any part of the calendar year 1978, replacement parts for, and parts normally used in or for the GAS COMPRESSOR BUSINESS (excluding parts for developmental equipment), which contract will, at the acquiror's option, include one or both of the following provisions:

(1) The contract will continue for a minimum of two (2) years or for a shorter period of time at the sole discretion of the acquiror;

(2) Prices for such replacement parts and parts will be not more than inventory cost (before any adjustment for LIFO valuation) as of the date of divestiture plus 29 percent of such inventory cost during the first twelve (12) month period and plus 50 percent of such inventory cost during the second twelve (12) month period. Further, the acquiror shall have the right to have Cooper's books and accounts inspected by an independent accounting firm, which firm shall be subject to approval by Cooper, and which approval shall not be unreasonably withheld, for the purpose of confirming such inventory cost.

IV

IT IS FURTHER ORDERED that in connection with the divestiture of the GAS COMPRESSOR BUSINESS required by Paragraph II of this order, Cooper shall:

(1) Make available, at their place of employment, all former Gardner-Denver personnel in the employ of Cooper who are familiar and associated with the GAS COMPRESSOR BUSINESS for advice and assistance and such detailed explanation of the GAS COMPRESSOR BUSINESS as the acquiror may request for a period of one (1) year following the date of divestiture;

(2) License royalty-free, for a period of two (2) years following the date of divestiture, the name "Gardner-Denver" to the acquiror for use in connection with the GAS COMPRESSOR BUSINESS;

(3) Not use, in connection with the manufacture or sale of RECIPROCATING GAS COMPRESSORS, for a period of two (2) years following the date of divestiture, the name "Gardner-Denver";

(4) Refrain, for a period of five (5) years from the date of divestiture, from manufacturing or selling the RECIPROCATING GAS COMPRESSORS comprising the GAS COMPRESSOR BUSINESS or replacement parts for use in the GAS COMPRESSOR BUSINESS, except in accordance with Paragraph III of this order, provided, however, that Cooper shall have the right to sell replacement parts to owners of such RECIPROCATING GAS COMPRESSORS if, after Cooper has notified the acquiror in writing the acquiror fails to provide parts for such RECIPROCATING GAS COMPRESSORS within ninety (90) days.

V

IT IS FURTHER ORDERED, in connection with the divestiture of the ROTOR TOOL DIVISION required by Paragraph II of this order, that Cooper shall:

(1) Beginning 20 days after the date this order becomes final, until divestiture, maintain and operate the ROTOR TOOL DIVISION as a separate division with separate books and accounts, separate management, separate assets, and separate personnel, and not transmit, or permit the transmittal of, the ROTOR TOOL DIVISION's technical data, marketing plans or pricing information to Cooper, except that Cooper may continue to receive the ROTOR TOOL DIVISION's profit forecasts and cotinue to monitor the ROTOR TOOL DIVISION's performance against such forecasts, and may continue to provide the following corporate services: banking, industrial relations, legal, insurance, safety, tax, and pension management;

(2) Not sell, lease, otherwise dispose of, or encumber, without the consent of the Federal Trade Commission, any substantial property or other assets of the ROTOR TOOL DIVISION;

(3) Prior to divestiture, not hire or employ, except as an employee of the ROTOR TOOL DIVISION, any individual employed by the ROTOR TOOL DIVISION during any part of the period from March 15, 1979, to the date of divestiture without the prior approval of the Federal Trade Commission, except for the following named individuals: Frank X. Linsenmeyer, Jr., and E. Ralph Smith III: provided that such named individuals shall not be associated with the ROTOR TOOL DIVISION in any way for more than one (1) year from the date this order becomes final, unless such individuals are hired or employed by the acquiror; and further provided that Cooper shall not interfere in any way with the acquiror's soliciting employment agreements from, or negotiating employment agreements with, such named individuals;

(4) For a period of three (3) years following divestiture, not hire or employ, without the prior approval of the Federal Trade Commission, any indvidual employed by the ROTOR TOOL DIVISION during any part of the period from March 15, 1979 to the date of divestiture;

(5) Pending divestiture, maintain the ROTOR TOOL DIVISION as an independent entity and take no action to impair such entity's economic or financial position; and

(6) Pending divestiture, not allow the deterioration of the ROTOT TOOL DIVISION in a manner that impairs its viability.

VI

IT IS FURTHER ORDERED, that Cooper shall cease and desist, for a period of ten (10) years from the date this order becomes final, from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock or share capital of any corporate or noncorporate concern engaged in the United States in, or any assets utilized in, the manufacture, distribution, importation or sale of (a)

RECIPROCATING GAS COMPRESSORS in sizes ranging from 30 to 1,000 horsepower, or powered by engines in sizes ranging from 30 to 1,000 horsepower, or (b) HAND-HELD INDUSTRIAL PNEUMATIC TOOLS.

VII

IT IS FURTHER ORDERED, that Cooper shall, within sixty (60) days from the date this order becomes final, and every sixty (60) days thereafter until Cooper has accomplished the divestitures required by Paragraph II of this order, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Cooper intends to comply or has complied with Paragraphs II, III, IV and V of this order. All such reports shall include a summary of contacts or negotiations with anyone for the specified assets, the identity of all such persons, and copies of all written communications to and from such persons.

VIII

IT IS FURTHER ORDERED, that annually on the anniversary of the date this order becomes final, for a period of ten (10) years, Cooper shall submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Cooper intends to comply or has complied with Paragraph VI of this order.

IX

IT IS FURTHER ORDERED, that Cooper notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in cooper which may affect compliance obligations arising out of the order, such as dissolution, assignment or sale resulting in the emergence of a successor corporation or the creation or dissolution of subsidiaries.

Cooper Industries, Inc.

Docket No.

Analysis of Proposed Consent

Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Cooper Industries, Inc. ("Cooper").

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The compliant in this matter alleges that Cooper has entered into a merger agreement with Gardner-Denver Company ("Gardner-Denver") which, if consummated, would violate Section 7 of the Clayton Act, *as amended* (15 U.S.C. § 18) and Section 5 of the Federal Trade Commission Act, *as amended* (15 U.S.C. § 45), and that the merger agreement itself violates Section 5 of the Federal Trade Commission Act, *as amended* (15 U.S.C. § 45). The consent order that has been provisionally accepted by the Commission in settlement of this matter provides, in general, for Cooper to divest the gas compressor business of Gardner-Denver and Cooper's hand-held industrial pneumatic tool division, and prohibits Cooper, for a period of ten (10) years from the date the order becomes final, from acquiring any interest in any concern engaged in, or any assets used in, either of those product lines without the prior approval of the Federal Trade Commission.

Paragraph I of the order defines four terms that are used throughout the order. These definitions are designed to precisely define the meaning of these terms so there will be no confusion or misunderstanding concerning what products are covered by the order.

Paragraph II of the order requires Cooper to divest the two product lines covered by the order. Under this provision, Cooper must, within twelve (12) months from the date the order becomes final, divest the gas compressor business acquired by Cooper as a result of the merger with Gardner-Denver to an acquiror which meets the prior approval of the Commission. In addition, within eighteen (18) months from the date the order becomes final, Cooper must, with the prior approval of the Commission, divest its Rotor Tool Division as a going concern in the manufacture and sale of hand-held industrial pneumatic tools.

Paragraph III relates only to the divestiture of the gas compressor business described above. It requires that Cooper, in connection with the divestiture, offer to any prospective purchaser the right to enter into a contract to buy from Cooper, if Gardner-Denver manufactured them during 1978, replacement parts for compressors manufactured by, and parts normally used in or for, the divested gas compressor business. The contract must continue for a minimum of two (2) years or for a shorter period of time at the sole discretion of the acquiror. In addition, this paragraph sets the price at which such parts must be sold at Cooper's inventory cost plus a certain percentage of that inventory cost.

Paragraph IV of the order also pertains only to the divestiture of the gas compressor line. It requires that Cooper make available former Gardner-Denver personnel who are familiar and associated with the divested gas compressor business for advice and assistance to the acquiror for a period of one (1) year following the date of divestiture. It also requires that Cooper license, royalty-free, for a period of two (2) years following the date of divestiture, the name "Gardner-Denver" to the acquiror for use in connection with the divested gas compressor business, and that, for the same period of time, Cooper not use the name "Gardner-Denver" in connection with the manufacture or sale of reciprocating gas compressors. Further, this paragraph requires that Cooper refrain for five (5) years from manufacturing or selling, except to the acquiror, the same gas compressors, or replacement parts therefor, that are divested to the acquiror. However, Cooper will have the right to sell replacement parts to owners of reciprocating gas compressors if, ninety (90) days after Cooper has notified the acquiror in writing, the acquiror fails to provide parts for such gas compressors.

Paragraph V of the order pertains only to the divestiture of the Rotor Tool Division. It requires that Cooper set the Rotor Tool Division up as a completely separate division, with no communications between the two entities (with certain specified exceptions). It also requires that Cooper not sell, lease, otherwise dispose of, or encumber, without the consent of the Federal Trade Commission, any assets of the Rotor Tool Division. Further, this paragraph prevents Cooper from hiring or employing, prior to or for a period of three (3) years following divestiture, any individual employed by the Rotor Tool Division during any part of the period from March 15, 1979 to the date of divestiture, with the exception of two named individuals. The two named individuals may not be associated with the Rotor Tool Division in any way for more than one year from the date the order becomes final, unless the individuals are hired or employed by the acquiror of the division. The provision also prevents Cooper from interfering in any way with negotiations between the acquiror of the division and the two individuals for possible employment. Further, this paragraph requires that Cooper maintain the Rotor Tool Division as an independent entity and take no action to impair such entity's economic or financial position, and not allow the deterioration of the division in a manner that impairs its viability.

Paragraph VI prohibits Cooper from acquiring for a period of ten (10) years the whole or any part of any corporation engaged in the United States in, or any assets utilized in, the manufacture, distribution, importation or sale of, reciprocating gas compressors in certain sizes, or hand-held industrial pneumatic tools.

The last three paragraphs of the order require that Cooper submit certain periodic reports to the Commission so that the Commission will be able to assess the manner in which Cooper is complying with the terms of this order.

The order furthers competition among manufacturers of reciprocating gas compressors and industrial pneumatic tools by preventing an increase in concentration in such industries that would result from the merger.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[File No. 791 0038]

[FR Doc. 79-10931 Filed 4-6-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

Liquid Air Corp. of North America, et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a San Francisco, Calif. producer and seller of industrial gases, to divest as a unit within two years, specified air separation plants and other operations located in the areas of major competitive overlap between the firm and the Chemetron Corporation, a Chicago, Ill. subsidiary of Allegheny Ludlum Industries, Inc. To promote the viability of the divested package and completely eliminate any possible overlap in the Southeast, the company would also have to divest Chemetron's Knoxville acetylene plant and Chemetron's Chattanooga hydrogen plant. Liquid Air would be further required to divest its Texas carbon dioxide operations, and certain Chemetron retail stores, together with the distribution equipment; customer, dealer and distributor contracts; and customer lists associated with these enterprises. Additionally, the order would prohibit the three companies from acquiring any air separation production facilities for ten years.

DATE: Comments must be received on or before June 8, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is herby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rule of Practice (16 CFR 4.9(b)(14)).

United States of America

Before Federal Trade Commission

File No. 781 0034. Agreement Containing Consent Order.

In the matter of Liquid Air Corporation of North America, a corporation,

Allegheny Ludlum Industries, Inc., a corporation, and

Chemetron Corporation, a corporation.

The Federal Trade Commission, having initiated an investigation of the contemplated acquisition by Liquid Air Corporation of North America (Liquid Air) of the industrial gases assets of the Industrial Gases Division (IGD) of Chemetron Corporation (Chemetron) a wholly owned subsidiary of Allegheny Ludlum Industries, Inc. (Allegheny), and it now appearing that Liquid Air and Allegheny are willing to enter into an agreement containing an order to divest certain IGD and Liquid Air assets and to cease and desist from certain acts:

IT IS HEREBY AGREED by and between Liquid Air, Allegheny, their duly authorized officers and their attorneys, and counsel for the Federal Trade Commission that:

1. Proposed respondent Liquid Air is a corporation duly organized, existing and doing business under the Laws of the State of Delaware, with its office and principal place of business located at One Embarcadero Center, San Francisco, California 94111. Proposed respondent Allegheny is a corporation duly organized, existing and doing business under the Laws of Pennsylvania, with its office and principal place of business located at 2 Oliver Plaza, Pittsburgh, Pennsylvania 15222. Proposed respondent Chemetron is a corporation duly organized, existing and doing business under the Laws of the State of Delaware with its office and principal place of business located at 111 E. Wacker Drive, Chicago, Illinois 60601.

2. Proposed respondents admit all jurisdictional facts set forth in the draft of the complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated thereby, will be placed on the public record for a period of sixty (60) days. The Commission thereafter may withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft of the complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's rules, the Commission may, without further notice to proposed respondents, issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to divest and cease and desist in disposition of the proceeding. When so entered, the order to divest and cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to the proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the proposed complaint and order contemplated hereby. They understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents understand the they may be liable for civil penalties in the amount provided by law for each violation of the order after it become final.

Order

For purposes of this Order, the following terms shall have the following meanings:

(a) "Liquid Air" shall mean Liquid Air Corporation of North America, and all subsidiaries which it controls.

(b) "Allegheny" shall mean Allegheny Ludlum Industries, Inc., and all subsidiaries which it controls.

(c) "IGD" shall mean the Industrial Gases Division of Chemetron Corporation, a wholly owned subsidiary of Allegheny.

(d) "Industrial gases" shall mean gases, except for common fuel gases, sold in compressed, liquid, and solid form, including acetylene, carbon dioxide, carbon monoxide, argon, helium, hydrogen, nitrogen, oxygen, nitrous oxide, other medical gases, rare gases, and mixtures and combinations thereof.

(e) "Air separation gases" shall mean oxygen, nitrogen and argon in gaseous or liquid from, or both.

(f) "Air separation plant" shall mean a facility that produces air separation gases.

(g) "Air separation gases asset" shall mean any asset used in the production, distribution or sale of any air separation gas.

(h) "Acetylene" shall mean the gas produced by the combination of calcium carbide and water.

(i) "Acetylene plant" shall mean a facility that produces acetylene.

(j) "Air separation gases producer" shall mean a person who is engaged in both (1) the production, and (2) the distribution and sale of two or more of the air separation gases.

(k) "Person" shall mean any individual, partnership, firm, corporation, association, or any other business or legal entity.

(l) "Southern California" shall mean the area within a 150 mile radius of Los Angeles, California.

I

IT IS ORDERED that within two (2) years from the date of service of this Order upon respondents, Liquid Air shall divest absolutely all the assets and operations described below, as a unit, to an acquirer that shall be subject to the prior approval of the Federal Trade Commission, so as to transfer these assets and operations as a going enterprise and a viable, competitive concern engaged in the production, sale and distribution of industrial gases, provided, however, that during such period Liquid Air may seek the approval of the Commission for the divestiture of such assets and operations to two of more acquirers.

Assets and Operations To Be Divested

1. IGD's Mount Vernon, Indiana air separation plant;

2. IGD's Chattanooga, Tennessee air separation plant;

3. IGD's Richmond, Virginia air separation plant;

4. Liquid Air's La Porte, Texas air separation plant;

5. Liquid Air's Santa Fe Springs, California air separation plant;

6. IGD's Knoxville, Tennessee acetylene plant;

7. IGD's Chattanooga, Tennessee hydrogen plant;

8. IGD's six (6) retail stores in southern California, and one (1) retail store in Knoxville, Tennessee, and one (1) retail store in Richmond, Virginia.

9. IGD's existing customer, dealer and distributor contracts, customer lists, and distribution equipment associated with the Mount Vernon, Indiana, Richmond, Virginia, and Chattanooga, Tennessee air separation plants, Knoxville, Tennessee acetylene plant, and Chattanooga, Tennessee hydrogen plant.

10. IGD's existing customer contracts, customer lists and distribution equipment associated with the southern California, Knoxville, Tennessee, and Richmond, Virginia retail stores.

11. IGD's bulk liquid and cylinder customer and distributor contracts, customer lists and distribution equipment associated with:

(a) IGD's southern California bulk liquid and cylinder sales operations to be divested with Liquid Air's Santa Fe Springs, California air separation plant, and

(b) IGD's Stafford, Texas air separation plant to be divested with Liquid Air's La Porte, Texas air separation plant.

II

IT IS FURTHER ORDERED that within two (2) years from the date of service of this Order upon respondents, Liquid air shall divest its carbon dioxide assets and operations location in the state of Texas, including carbon dioxide plants, distribution equipment, existing customer, dealer, and distributor contracts, and customer lists, to one or more acquirers subject to the prior approval of the Federal Trade Commission, so as to transfer these assets and operations as viable competitive facilities engaged in the production, sale and distribution of carbon dioxide.

III

IT IS FURTHER ORDERED that respondents shall not cause or permit the wasting or deterioration of the assets and operations to be divested in accordance with Paragraphs I and II of this Order in a manner that impairs the marketability of any such assets and operations or:

(a) impairs in any manner the viability of the assets and operations divested in accordance with Paragraph I as a going concern engaged in the production, sale and distribution of industrial gases;

(b) impairs in any manner the viability of the assets and operations divested in accordance with Paragraph II as viable competitive facilities engaged in the production, sale and distribution of carbon dioxide.

Provided, however, that deterioration in the ordinary course of operation and normal wear is not a violation of this paragraph.

IV

IT IS FURTHER ORDERED that for a period of nine (9) months after the divestiture of the assets and operations identified in Paragraph I, respondents shall not solicit customers divested pursuant to that paragraph.

V

IT IS FURTHER ORDERED that for a period commencing on the effective date of this Order and continuing for ten (10) years from and after the date of service upon respondents of this Order, respondents shall cease and desist from acquiring, without prior approval of the Federal Trade Commission, directly or indirectly, through subsidiaries or otherwise, the whole or any part of the stock or share capital of any United States air separation gases producer or any of the air separation gases assets of any United States air separation gases producer, provided, however, that nothing in this Order shall prevent respondents from acquiring (a) gas or any product for resale, (b) transportation, delivery or storage equipment, (c) cylinders, (d) converters, (e) bulk customer stations, or (f) plant equipment not incorporated in an operating plant.

VI

IT IS FURTHER ORDERED that within sixty (60) days from the effective date of this Order, and every sixty (60) days thereafter until it has fully complied with Paragraphs I and II of this Order, Liquid Air shall submit a verified report in writing to the Federal Trade Commission setting forth in detail the manner and form in which it intends to comply, is complying or has complied therewith. All such reports shall include, in addition to such other information and documentation as may hereafter be requested, (a) a specification of the steps taken by Liquid Air to make public its desire to divest the assets described herein, (b) a list of all persons or organizations to whom notice of divestiture has been given, (c) a summary of all discussions and negotiations together with the identity and address of all interested persons or organizations, and (d) copies of all reports, internal memoranda, offers, counteroffers, communications and correspondence concerning said divestiture. Information to be supplied is subject to legally recognized privileges, and shall not be divulged by any representative of the Federal Trade Commission to any person except in response to a formal request from Congress or to compulsory process, or for the purpose of securing compliance with this Order, or as is otherwise required by law.

VII

IT IS FURTHER ORDERED that on the first anniversary date of the effective date of this Order and on each anniversary date thereafter until the expiration of the prohibitions in Paragraph V of this Order, respondents shall submit a report in writing to the Federal Trade Commission listing all acquisitions, mergers and agreements to acquire or merge with air separation gases producers made by respondents, the date of each such acquisition, merger or agreement, the products or services involved and such additional information as may from time to time be required.

VIII

IT IS FURTHER ORDERED that respondents shall notify the Commission at least thirty (30) days prior to any proposed changes which may affect compliance obligations arising out of this Order, such as dissolution, assignment or sale resulting in the emergence of successor corporations, and that this Order shall be binding on any such successor.

Liquid Air Corp., et al., File No. 781 0034

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Liquid Air Corporation of North America and Allegheny Ludlum Industries, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Allegations of the Complaint

On or about June 5, 1978, Liquid Air Corporation of North America and Allegheny Ludlum Industries, Inc. entered into an agreement by which Liquid Air would acquire the domestic industrial gas assets of Chemetron's Industrial Gases Division from Allegheny Ludlum, in exchange for which

Allegheny Ludlum would acquire approximately one-third of the outstanding common stock of Liquid Air Corporation. According to the agreement, Allegheny Ludlum would place four representatives on Liquid Air's fourteen-member Board of Directors.

The Federal Trade Commission alleges in its complaint that this acquistion will violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act, in that it will lessen or eliminate competition and tend to create a monopoly in the production and sale of certain industrial gases in four regional markets in the United States and in other parts of the United States.

The Federal Trade Commission alleges that the agreement and proposed acquisition violate Section 7 and Section 5 by a) eliminating direct actual competition between Liquid Air and Chemetron in production, distribution and sale of air separation gases (oxygen, nitrogen and argon) in three regional markets (Southern California, Texas-Lousiana Gulf Coast, and the Middle Southeast) and in other parts of the United States, b) increasing the already high degree of concentration in production, distribution and sale of air separation gases, c) eliminating an independent viable competitor, Chemetron, d) raising barriers to entry into the effective production and sale of air separation gases, e) increasing the likelihood of interdependent, non-competitive behavior among the larger firms in the industrial gas business throughout the United States, f) reducing the probability of decreased concentration in the production and sale of industrial gas in the United States, and g) tending to lessen competition between Liquid Air and Chemetron in the production, distribution and sale of carbon dioxide in the Texas-Gulf Coast regional market.

The Terms of the Proposed Consent Order

Paragraph I of the proposed order requires Liquid Air to divest, as a unit within two years of the date of service of the order, assets and operations primarily located in the areas of major competitive overlap between Liquid Air and Chemetron.

Liquid Air is required to divest air separation plants in Chattanooga, Tennessee, La Porte, Texas and Santa Fe Springs, California. Liquid Air is also required to divest air separation plants in Mount Vernon, Indiana and Richmond, Virginia. To completely eliminate any possible overlap in the Southeast, and to promote the viability of the divested package, Liquid Air is required to divest Chemetron's acetylene plant in Knoxville, Tennessee and Chemetron's hydrogen plant in Chattanooga, Tennessee.

Liquid Air must also divest customer, dealer and distributor contracts, customer lists, and distribution equipment associated with each of the aforementioned plants except the Santa Fe Springs and La Porte plants. Those two plants are located in Southern California and the Texas-Louisiana Gulf Coast, respectively, two areas in which Liquid Air and Chemetron compete head-on. Liquid Air presently owns both of these plants. The proposed order requires Liquid Air to divest the customer, dealer and distributor contracts, customer lists and distribution equipment associated with Chemetron's operations in the two areas of overlap.

Liquid Air must also divest Chemetron retail stores in Knoxville, Tennessee, Richmond, Virginia and Los Angeles, with the customer contracts, customer lists and distribution equipment associated with these stores.

Paragraph II requires Liquid Air to divest all of its carbon dioxide operations in Texas, including plants, distribution equipment, customer, dealer and distributor contracts, and customer lists. While this divestiture must occur within two years, there is no requirement that the carbon dioxide plants be divested as a unit, so long as they are divested as viable, going facilities.

Paragraph III prohibits the wasting of the assets and operations to be divested.

Paragraph IV prohibits Liquid Air from soliciting Chemetron customers divested pursuant to Paragraph I for nine months.

Paragraph V bans for ten years any acquisition by Liquid Air, Allegheny or Chemetron of all or part of the air separation production facilities of any air separation gas producer. Excepted from the ban are purchases of plant equipment and machinery which are not part of operating plants.

Paragraphs VI, VII, VIII are standard provisions setting out compliance obligations of a company under a Commission consent order.

The divestiture of the air separation plants and operations described in Paragraph I furthers competition in the three markets by restoring an independent competitor to the areas of direct competition between Liquid Air and Chemetron. Divestiture of these assets as a unit ensures that the acquirer will be a multi-regional air separation firm whose presence will restrain non-competitive behavior among the larger, national firms.

The purpose of this analysis is to facilitate public comment or the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[File No. 781-0034]

[FR Doc. 79-10632 Filed 4-6-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Borough of Rochester, Beaver County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Rochester, Beaver County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Borough Office, Rochester, Pennsylvania. Send comments to: Honorable Gerald J. Lavalle, Mayor of Rochester, 426 Adams Street, Rochester, Pennsylvania 15074

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Rochester, Beaver County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the

second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream Rochester Monaca Bridge.	704
	Upstream Corporate Limits	704
Beaver River	Upstream Conrail Bridge	703
	Upstream Rochester-West Bridgewater Bridge.	703
	Upstream Rochester Beaver Bridge.	704

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Adminstrator.

[Docket No. FI–5360]

[FR Doc. 79–10889 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Borough of Tullytown, Bucks County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Tullytown, Bucks County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Hall, 500 Main Street, Tullytown, Pennsylvania. Send comments to: Mr. Ernest Johnson, Council President of Tullytown, 66 Lavender Street Levittown, Pennsylvania 19054

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Tullytown, Bucks County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River	Downstream Corporate Limits.	11
	Upstream Corporate Limits	11
	Backwater flooding on Van Seiver Lake.	12
	Backwater flooding on Manor Lake.	12

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5361]

[FR Doc. 79–10890 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Town of Vanport, Beaver County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Vanport, Beaver County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Township Office, Vanport, Pennsylvania 15009. Send comments to: Mr. James Cutri, President of the Commission of Vanport, 477 State Street, Vanport, Pennsylvania 15009.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the

Township of Vanport, Beaver County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream Corporate Limits.	700
	Upstream Corporate Limits	702
Two Mile Run	Confluence with Ohio River	701
	Beaver Valley Expressway Culvert (Downstream).	705
	Beaver Valley Expressway Culvert (Upstream).	723
	Upstream Corporate Limits	777

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5362]

[FR Doc. 79–10891 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Town of Branchville, Orangeburg County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Branchville, Orangeburg County, South Carolina.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, Town Hall, Main Street, Branchville, South Carolina.

Send comments to: Mayor C. E. Buttes, Jr. or Mayor Pro-Tem. James Berry, P.O. Box 85, Branchville, Orangeburg County, South Carolina.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Branchville, Orangeburg County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pen Branch	Approximately 100 feet downstream of East Railroad Avenue.	120
	Approximately 150 feet upstream of U.S. 78.	127
	Approximately 250 feet upstream of North Street (extended).	128

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5363]

[FR Doc. 79–10892 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the City of North Augusta, Aiken County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of North Augusta, Aiken County, South Carolina. These base (100-year) flood elevations are the basis for the flood plain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at File Room, City Hall, 400 East Buena Vista Avenue, North Augusta, South Carolina 29841. Send comments to: Mayor McKenney at P.O. Box 6400 or Mr. Carey Smith, City Manager at P.O. Box 6177, North Augusta, South Carolina 29841.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of North Augusta, Aiken County, South Carolina, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Savannah River	Just downstream of 13th Street Bridge.	147
	Confluence of Tributary C	153
Tributary C	Just upstream of Western Corporate Limits.	153
	Just downstream of West Martintown Road.	229
	Just upstream of West Martintown Road.	240
	Caretta Avenue Extended	380

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5364]

[FR Doc. 79–10893 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Village of Arkport, Steuben County, New York

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Arkport, Steuben County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 1 East Avenue, Arkport, New York. Send comments to: Honorable Herbert Shafer, Mayor, Village of Arkport, Village Hall, 1 East Avenue, Arkport, New York 14843.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Arkport, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canisteo River	1st Corporate Limits*	1183
	County Route 67—85 feet**	1194
	7th Corporate Limits*	1199
Marsh Ditch	Hurlbut Street—80 feet**	1185
	West Avenue—70 feet**	1186
	Corporate Limits*	1187
Lime Kiln Creek	State Route 36—50 feet**	1191
	Dam—50 feet**	1191
	Meadowbrook Road—30 feet**	1221
	Farm Road—20 feet**	1230
	East Avenue—15 feet**	1238
	Corporate Limits*	1259

* At centerline

** Upstream of centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42

U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

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

Issued: March 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5359]

[FR Doc. 79–10894 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

[24 CFR Part 1917]

National Flood Insurance Program; Proposed Flood Elevation Determinations for the Township of Meshoppen, Wyoming County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Meshoppen, Wyoming County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the residence of Mr. William Vancheski, Meshoppen, Pennsylvania, by appointment. Send comments to: Mr. John H. Benninger, Chairman of the Township of Meshoppen, R.D. 2, Meshoppen, Pennsylvania 18630.

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

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Meshoppen, Wyoming County, Pennsylvania in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

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

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River	Downstream Corporate Limits.	638
	Upstream Corporate Limits	650
Meshoppen Creek	Downstream corporate boundary between Meshoppen Borough and Meshoppen Township.	663
	Approximately 1 mile upstream of downstream Corporate Limit.	702
	L. R. 65037 Bridge	760
	Upstream Corporate Limits	773
Little Meshoppen Creek.	Downstream Corporate Limits.	670
	Confluence of Tributary #1	713
	Downstream side of Pa. 267 Bridge.	786
	Upstream side of dam	796
	Upstream Corporate Limits	800

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–5365]

[FR Doc. 79–10895 Filed 4–6–79; 8:45 am]

BILLING CODE 4210–01–M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by Georgia Department of Natural Resources, Environmental Protection Division to International Paper Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an Administrative Order issued by the Georgia Department of Natural Resources, Environmental Protection Division, to International Paper Company. The Order requries International Paper Company to bring air emissions from its wood-fired boiler in Eatonton, Goergia into compliance with air pollution control regulations contained in the federally approved Georgia State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source of air pollution and permits a delay in compliance with provisions of the SIP, the Administrative Order must be approved by EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before May 9, 1979.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30308. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Mr. William Voshell, Air Enforcement

Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30308, Telephone Number: (404) 881–4253.

SUPPLEMENTARY INFORMATION: International Paper Company operates a wood-fired boiler at its facility in Putnam County, Georgia. The Order under consideration addresses particulate emissions from fuel-burning equipment. These emissions are subject to Georgia's Rules and Regulations for Air Quality Control Section 391–3–1–.02(2)(d)2(ii) which deals with the control of particulate emissions from fuel-burning equipment, and are part of the federally approved Georgia Implementation Plan. The Order requires final compliance with particulate emission regulations by March 31, 1979, through the implementation of the following schedule for the construction or installation of control equipment:

August 1, 1978—Submit application for a Permit to Construct containing complete details of final emission control plan.

November 1, 1978—Begin construction.

January 15, 1979—Complete construction.

March 31, 1979—Final Compliance.

The source has agreed to the terms of the Order and to meet the Order's increments during the period of this informal rulemaking. As an interim limit, the boiler emissions shall not exceed 40% opacity as defined by EPA Method 9.

The Order under consideration addresses particulate emissions from fuel-burning equipment at International Paper Company, Eatonton, Georgia causing pollution which is subject to Rules and Regulations for Air Quality Control of the State of Georgia (specifically, Regulation 391–3–1–.02(2)(d)). These regulations limit the emissions of particulate emission and are part of the federally approved Georgia State Implementation Plan. The Order requires final compliance with the regulation by March 31, 1979, through the implementation of a schedule for the construction or installation of control equipment.

The source has consented to the terms of the Order and has agreed to meet the Order's increments during the period of this informal rulemaking. The source is required to submit monthly reports by the 10th day of the month indicating progress toward each milestone in the schedule of compliance. If any delay is anticipated in meeting said milestones, International Paper Company shall immediately notify Georgia Department of Natural Resources, Environmental Protection Division, in writing of the anticipated delay and reasons therefor. Notification of the delay shall not excuse the delay. In addition, International Paper Company shall submit, no later than 5 days after the deadline for completing each milestone required by the above schedule certification to Robert H. Collom, Jr., whether or not such milestone has been met.

As an interim control measure, at no time shall the visible emissions form the wood-fired boiler exceed 40% opacity, as defined by EPA Method 9.

Because this Order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable state air pollution control regulations, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Clean Air Act (the Act). EPA may approve the Order only if it satisfies the appropriate requirements of this subsection. EPA has tentatively determined that the above-referenced Order satisfies these legal requirements.

If the submitted Administrative Order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Georgia SIP. Compliance with the proposed Order will not exempt the company from the requirements contained in any subsequent revision to the SIP which are approved by EPA.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

(42 U.S.C. 7413, 7601)

Dated: March 29, 1979.

John C. White,

Regional Administrator, Region IV.

[FRL 1096–8; Docket No. DCO–160]

[FR Doc. 79–11009 Filed 4–6–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 81]

Air Quality Control Regions, Criteria and Control Techniques; Valdez, Alaska; Attainment Status Designations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: This rulemaking withdraws the proposed redesignation of Valdez, Alaska, from attainment to non-attainment for the primary sulfur dioxide (SO_2) national ambient air quality standard (NAAQS) as proposed on September 11, 1978 (43 FR 40436).

DATE: Effective date: Immediately.

ADDRESS: Region 10 (M/S 629), 1200 Sixth Avenue, Seattle, Washington 98101.

Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Clark L. Gaulding, Chief, Air Programs Branch (M/S 629), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442–1230, FTS: 399–1230.

SUPPLEMENTARY INFORMATION: On March 3, 1978, as required by Section 107 of the Clean Air Act Amendments of 1977, EPA promulgated the final rulemaking on the attainment status of the State of Alaska in relation to the national ambient air quality standards (NAAQS) (43 FR 89062). This rulemaking invited public comment.

During the comment period, the Alaska Department of Environmental Conservation (ADEC) requested the Valdez, Alaska, area be redesignated from attainment to non-attainment for SO_2 based upon modeling analysis of projected SO_2 emissions from oil tankers associated with full scale activities at the Valdez pipeline terminal. On September 11, 1978 (43 FR 40436), EPA proposed a change to revise the attainment status of Valdez from attainment to non-attainment for SO_2. This proposed rulemaking also solicited public comments.

EPA Region 10 received fifteen (15) comments and three (3) reports on the proposed redesignation. In addition, EPA Region 10 staff prepared an air quality impact study for SO_2 emissions in Valdez. Copies of the comments and reports are on file for public inspection at the EPA Public Information Reference Unit and the EPA Regional Office at the addresses listed above.

Analysis of the available data regarding the proposed redesignation was conducted including the comments and reports received. The conclusion is that the Valdez area is currently attainment for the NAAQS for SO_2 and projections indicate that violations of the NAAQS for SO_2 are unlikely.

ADEC has also concluded that the Valdez area should remain attainment for SO_2, and therefore, requested the withdrawal of the proposed non-attainment designation.

Accordingly, the Valdez area retains the attainment status for SO_2 as published on March 3, 1978 (43 FR 89062).

(Sec. 107(d), (171(2), 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7501(2), 7601(a)))

Dated: March 1, 1979.

Donald P. Dubois,

Regional Administrator.

[FRL 1096-1]

[FR Doc. 79-11011 Filed 4-6-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 71]

Foreign Quarantine, Disinsection of Aircraft

Correction

In FR Doc. 79-9396, published Wednesday, March 28, 1979, at page 18536, make the following corrections:

1. On page 18536, in the third column, the fifth line, "place" should be corrected to read "plane";

2. On page 18537, in the first column, the chart entitled "Formula for Insecticide Aerosol Resmethrin-2" should be corrected to read "Formula for Insecticide Aerosol Resmethrin-2%";

3. On page 18537, in the first column, the chart entitled "Formula for Insecticide Aerosol d-Phenothrin-2" should be corrected to read "Formula for Insecticide Aerosol d-Phenothrin-2%".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[45 Part 206]

Aid to Families With Dependent Children; Availability of Draft Regulations

AGENCY: Social Security Administration.

ACTION: Availability of Draft Regulations.

SUMMARY: The Commissioner of Social Security gives notice of the availability of draft regulations identified as 45 CFR Part 206. The draft regulations concern the program of aid to families with dependent children under title IV–A of the Social Security Act.

The draft has been developed as the first step in the recodification of regulations dealing with application, determination of eligibility, furnishing of assistance and making information available. When this draft is in more final form, the entire text will be published with appropriate comment period.

The Social Security Administration (SSA) has received a request for a copy of this draft from an interested member of the public. In order to make all other interested parties equally aware that the draft is available to those who wish to request a copy, SSA is publishing this notice.

A copy may be obtained by writing to: Ira Goldstein, Director, Division of Policy, Office of Family Assistance, SSA DHEW, Room 4111, 330 C Street, S.W., Washington, D.C. 20201.

Dated: March 23, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79-10930 Filed 4-6-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 401 and 402]

Great Lakes Pilotage Regulations

Correction

In FR Doc. 79-10089, published at page 19364, on Monday, April 2, 1979, the Coast Guard docket number in the first column on page 19366, reading "[CGD 78-1446]" should be corrected to read "[CGD 78-144b]".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR PART 73]

FM Broadcast Station in Ava, Ill.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM assignment to Ava, Illinois, as that community's first FM channel. Petitioner, Harold Lawder, states that the proposed channel could provide for a first local aural broadcast service in Ava.

DATES: Comments must be filed on or before June 1, 1979, and reply comments must be filed on or before June 21, 1979.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Section 73.202(b), Table of Assignments FM Broadcast Stations. (Ava, Illinois).

Adopted: April 2, 1979.
Released: April 5, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:*

(a) *Notice of Proposed Rule Making* is given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) as it relates to Ava, Illinois.

(b) Petition for rule making[1] was filed on behalf of Harold Lawder ("petitioner"), seeking the assignment of Channel 280A to Ava, Illinois, as its first FM assignment. No responses to the petition have been received.

(c) Channel 280A could be assigned to Ava in conformity with the minimum distance separation requirements. Petitioner states that he will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Ava, in Jackson County, is located approximately 105 kilometers (65 miles) southeast of St. Louis, Missouri.

(b) *Population: Ava–788; Jackson County–55,008.* [2]

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in Ava.

3. *Economic Data:* Petitioner submitted numerous letters from citizens in the Ava area expressing their interest and support for the assignment of a first FM channel to Ava. They claim that current projections by local government agencies show great population growth in the immediate area to accommodate the expanding coal industry. We are told that there are four coal mines within 10 miles of Ava which provide employment and a good level of income to those employed there. Citizens in the

[1] Public Notice of the petition was given on December 6, 1978, Report No. 1154.

[2] Population figures are taken from the 1970 U.S. Census.

Ava area have expressed a need for a local broadcast station which can provide local news, promote the growing tourism and recreational interests, enable local merchants to advertise, provide spiritual programs for the elderly and shut-ins, and broadcast emergency weather reports.

4. In view of the fact that the proposed channel could provide the community with a first local aural broadcast service, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to Ava, Illinois, as follows:

City and Channel No.

Ava, Illinois: Present: —; Proposed: 280A.

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expectd to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W. Washington, D.C.

[BC Docket No. 79-72; Rm-3253]

[FR Doc. 79-10879 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

FM Broadcast Station in Beloit, Kans.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a Class A FM assignment to Beloit, Kansas, in response to a petition filed by Robert D. Zellmer. The proposed channel could provide for a first full-time local aural broadcast service to Beloit.

DATES: Comments must be filed on or before June 1, 1979, and reply comments must be filed on or before June 21, 1979.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Beloit, Kansas).

Adopted: April 2, 1979.
Released: April 4, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration a petition [1] filed by Robert D. Zellmer ("petitioner"), seeking the assignment of FM Channel 288A to Beloit, Kansas. No responses to the petition have been filed.

2. Beloit (pop. 4,121) [2], seat of Mitchell County (pop. 8,010), is located 97 kilometers (60 miles) northwest of Salinas, Kansas. There is no local aural broadcast service in Beloit or elsewhere in Mitchell County.

3. Petitioner asserts that Beloit is the largest community in the county. he states that need exists for a local radio service and adds that if the channel is assigned he will apply for it.

4. In view of the apparent need for a first full-time local aural broadcast service in the community, we believe consideration of the proposal to assign Channel 288A to Beloit, Kansas, in a rule making proceeding is warranted.

[1] Public Notice of the petition was given on December 6, 1978, Report No. 1154.

[2] Population figures are taken from the 1970 U.S. Census.

5. Comments are invited on a proposal to amend the FM Table of Assigments, § 73.202(b) of the Commission's Rules, for the community listed below:

City and Channel No.

Beloit, Kansas; Present:—Proposed: 288A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, 202–632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[BC Docket No. 79–69; RM–3257]

[FR Doc. 79–10877 Filed 4–6–79; 8:45 am]

BILLING CODE 6712–01–M

[47 CFR Part 73]

FM Broadcast Station in California, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to California, Missouri. A station operating on this channel could bring a first local aural broadcast service to the community. This action was initiated by a petition filed by Town and Country Communications, Inc.

DATES: Comments must be filed on or before June 1, 1979, and reply comments must be filed on or before June 21, 1979.

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

FOR FURTHER INFORMATION CONTACT: Mildred B. Nesterak, Broadcast Bureau, 202–632–7792.

SUPPLEMENTARY INFORMATION:

In the matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (California, Missouri).

Adopted: April 2, 1979.

Released: April 5, 1979.

By the Chief, Broadcast Bureau:

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Town and Country Communications, Inc. ("petitioner"), requesting the assignment of Channel 232A to California, Missouri, as that community's first FM assignment. No responses to the petition were received.

(b) The channel could be assigned in compliance with the minimum distance separation requirements provided the transmitter site is located 5.6 kilometers (3.5 miles) west of California. Petitioner states that it will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* California, seat of Moniteau County, is located in central Missouri, approximately 35 kilometers (22 miles) west of Jefferson City, Missouri.

(b) *Population:* California—3,105; Moniteau County—10,742.[2]

(c) *Local Aural Broadcast Service:* There is no local aural broadcast service in California or Moniteau County.

3. *Economic Data:* Petitioner claims that there has been a 11.4% population

[1] Public Notice of the petition was given on December 6, 1978, Report No. 1154.

[2] Population figures are taken from the 1970 U.S. Census.

gain in California between 1960–1970. We are told that the economy of California is centered around agriculture, farming and manufacturing. Petitioner states that agribusiness provides a large number of jobs in the area in addition to the 650 jobs provided be eight manufacturing plants. Petitioner has submitted detailed economic and demographic information with respect to California in an effort to demonstrate the need for an FM assignment.

4. In view of the fact that the proposed FM channel could provide a first local aural broadcast service, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Rules, with regard to California, Missouri, as follows:

City and Channel No.

California, Missouri: Present: —; Proposed: 232A.

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,
Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[BC Docket No. 79–71; Rm–3271]

[FR Doc. 79–10878 Filed 4–6–79; 8:45 am]

BILLING CODE 6712–01–M

[47 CFR Part 73]

FM Broadcast Station in Palmyra, Mo.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of Channel 252A to Palmyra, Missouri. The action is taken in response to separate petitions filed by Mike McKenzie and James E. Janes who state that the proposed assignment would provide for a first local aural broadcast service in Palmyra.

DATES: Comments must be filed on or before June 1, 1979, and reply comments must be filed on or before June 21, 1979.

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

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

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Palmyra, Missouri).

Adopted: April 2, 1979. Released: April 4, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration two petitions for rule making,[1] seeking the amendment of Section 73.202(b) of the Commission's Rules, the Table of FM Assignments. One petition was filed by Mike McKenzie proposing the assignment of FM Channel 244A (or in the alternative Channel 269A)[2] to Palmyra, Missouri; the other petition was filed by James E. Janes, proposing the assignment of FM Channel 252A to Palmyra. Either

[1] Public Notice of McKenzie's petition was given on December 6, 1978, Report No. 1154. Public Notice of Janes' petition was given on December 21, 1978, Report No. 1156.

[2] In a *Notice of Proposed Rule Making*, adopted February 12, 1979, BC Docket No. 79–16, the Commission proposed the assignment of Channel 269A to Monroe City, Missouri. Because of spacing requirements, Channel 269A could not be assigned to both Monroe City and Palmyra.

channel 244A or Channel 252A could be assigned to Palmyra in conformity with the minimum distance separation requirements without affecting the present assignments in the FM Table of Assignments. Each of the petitioners states that he will apply for a channel, if assigned. No opposition to the proposals has been received.

2. Palmyra (pop. 3,188), seat of Marion County (pop. 28,121) [3], is located approximately 166 kilometers (103) miles) nothwest of St. Louis, Missouri, and 156 kilometers (97 miles) west of Springfield, Missouri. Palmyra has no local aural broadcast service.

3. In support of their proposals, petitioners assert that Palmyra is the second largest community in Marion county with agriculture being its largest industry. Petitioners note that manufacturing facilities within the city include Architectural Woodwork, Port Industry, Lake and Snow Saw Mills, and American Safety Equipment, Inc. In support of their petitions, Janes and McKenzie have submitted demographic data and a profile of the local economy in order to demonstrate the need for the assignment of a first FM channel to Palmyra.

4. Since a staff study reveals that Channel 252A would cause the least preclusion, we are proposing that channel for Palmyra.

5. In view of the foregoing information, and the fact that the proposed channel could bring a first local aural broadcast service to the community, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Rules, with respect to Palmyra, as follows:

City	Channel No.	
	Present	Proposed
Palmyra, Missouri		252A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

8. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

[3] Population figures are taken from the 1970 U.S. Census.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The Proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request. 3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this appendix is attached. all submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[BC Docket No 79–70; RM–3262; RM–3280]

[FR Doc. 79–10876 Filed 4–6–79; 8:45]

BILLING CODE 6712–01–M

[47 CFR Part 73]

Television Broadcast Station in Dillingham, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of television Channel 10 to Dillingham, Alaska, in response to a petition filed by the City of Dillingham. Petitioner states that the proposed channel could bring a first local television service to the community.

DATES: Comments must be filed on or before June 1, 1979, Reply comments must be filed on or before June 21, 1979.

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

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

SUPPLEMENTARY INFORMATION: In the matter of amendment of Section 73.606(b), Table of Assignments,

Television Broadcast Stations. (Dillingham, Alaska).

Adopted: April 2, 1979.

Released: April 5, 1979.

By the Chief, Broadcast Bureau:

1. The Commission has under consideration a petition for rule making,[1] seeking amendment of Section 73.606(b) of the Commission's Rules, the Television Table of Assignments. The petition was filed on behalf of the City of Dillingham ("petitioner"), requesting the assignment of VHF television Channel 10 to Dillingham, Alaska.

2. Dillingham (pop. 914),[2] is located in southwest Alaska, approximately 265 kilometers (165 miles) southeast of Bethel and more than 500 kilometers (310) southwest of Anchorage. There are no television channels assigned to Dillingham. Channel 10 could be assigned to this community in compliance with the distance separation requirements and other technical criteria.

3. According to petitioner, Dillingham is the fishing, trading, and administration center for the Bristol Bay area. It notes that the Bristol Bay Census Division, of which Dillingham is a part, has a population of 3,485. Petitioner asserts that there is an urgent need for television service in Dillingham and other portions of the Bristol Bay region, a land area larger than the State of Iowa, all of which is too remote from Bethel, Anchorage or Seward to receive signals from television stations operating in those cities.[3] Petitioner claims that the Dillingham Village Council is the recipient of a $30,204 grant from the Bureau of Indian Affairs and is prepared to make this available to purchase equipment needed for a television facility to serve Dillingham.

4. In view of the foregoing and the fact that the proposed assignment could provide Dillingham with its first local television service, the Commission believes it appropriate to propose amending the Table of Television Assignments, Section 73.606(b) of the Rules, as it pertains to the community listed below:

City	Channel No.	
	Present	Proposed
Dillingham, Alaska	.....	10

5. Authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached apendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Apendix before a channel will be assigned.

6. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

7. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply coments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Pulic Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[BC Docket No. 79-74; RM-3148]

[FR Doc. 79-10881 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

[1] Public Notice of the petition was given on July 18, 1978, Report No. 1134.

[2] Population figures are taken from the 1970 U.S. Census.

[3] Petitioner notes that the only service now received in any part of the Bristol area is from three 10-watt translators utilizing distant signals from the King Salmon Air Force Base.

[47 CFR Part 73]

Television Broadcast Station in San Jose, Calif; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: Action taken herein proposes the assignment of a fourth commercial television channel to San Jose, California, in response to a petition filed by Donald B. Thompson. The proposed channel could be used to provide additional television service to a steadily growing area.

DATES: Comments must be filed on or before June 1, 1979, and reply comments must be filed on or before June 21, 1979.

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

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

SUPPLEMENTARY INFORMATION: IN THE MATTER OF AMENDMENT OF SECTION 73.606(B), TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS. (SAN JOSE, CALIFORNIA.)

ADOPTED: April 2, 1979.

RELEASED: April 5, 1979.

By the Chief, Broadcast Bureau.

1. The Commission has before it for consideration a petition for rule making [1] filed by Donald B. Thompson ("petitioner"). The petition seeks amendment of the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) by the assignment of Channel 65 to San Jose, California. Comments to the proposal were filed by the Association of Maximum Service Telecasters, Inc. ("AMST").

2. San Jose (pop. 445,779), seat of Santa Clara County (pop. 1,064,714),[2] is located in western California, approximately 60 kilometers (40 miles) southwest of San Francisco. San Jose is presently assigned Channel 11 (KNTV); Channel 36 (KGSC–TV), Channel 48 (construction permit held for Station KSTS); and noncommercial educational Channel 54 (KTEH).

3. Petitioner states that San Jose is the fourth largest city in California, whose population has more than doubled between 1960 and 1970. He notes that the Californis Department of Finance estimates that by 1977, the population had increased to 575,100 and that of Santa Clara County to 1,202,000. Petitioner claims that the San Jose area is one of the five major research and development centers in the United States, and Santa Clara Valley, which includes San Jose, has the most dense concentration of high technology industries in the world. Petitioner asserts that San Jose, the twenty-second largest city in the United States, has two operating commercial television stations, and a third with an outstanding construction permit for a new station. He contends that other cities with smaller populations have more local stations than San Jose. Petitioner has submitted detailed information with respect to population and economic growth in order to demonstrate the need for an additional television assignment.

4. AMST, in its comments, indicates that a short spacing exists between the reference point coordinates for the proposed San Jose channel and that for the assignments of Channels 58 and 64 in Stockton and Channel 66 in Vallejo. Applications are on file for Channel 64 in Stockton (BPCT–7901041LD), and Channel 66 in Vallejo (BPCT–5225). Because petitioner has shown an area outside of San Jose in which a Channel 65 site could be located which meets the spacing requirements, AMST does not oppose the proposal of Channel 65 to San Jose. AMST asserts that, if the proposal is granted, the Commission should make it clear that the assignment is to be used only at a site which meets all applicable separation requirements.

5. We are persuaded that a sufficient public interest showing has been made warranting further consideration of petitioner's proposal in a rule making proceeding. Channel 65 can be assigned in compliance with minimum distance separation requirements and other technical criteria, provided the transmitter site is located 25 kilometers (16 miles) south of San Jose. The proposed station would provide additional television service to a steadily growing area.

6. Accordingly, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the city listed below:

City	Channel No.	
	Present	Proposed
San Jose, Calif.	11+, 36, 48–, *54	11+, 36, 48–, *54, 65

7. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 1, 1979, and reply comments on or before June 21, 1979.

9. For further information concerning this proceeding, contact Mildred B. Nesterak, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a notice of proposed rule making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Wallace E. Johnson,

Chief, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(D)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered

[1] Public Notice of the petition was given on September 18, 1978, Report No. 1141.

[2] Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[BC Docket No. 79-73; Rm-3203]
[FR Doc. 79-10880 Filed 4-6-79; 8:45 am]
BILLING CODE 6712-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

[48 CFR Parts 32, 42]

Federal Acquisition Regulation Project

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of Availability and Request for Comment on draft Federal Acquisition Regulation.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment segments of the draft Federal Acquisition Regulation (FAR) regarding Contract Funding and Production Surveillance and Reporting.[1] Availability of additional segments for comment will be announced on later dates. The regulation is being developed to replace the current system of procurement regulations. It will be a single uniform acquisition regulation for use by all Federal executive agencies in the acquisition of supplies and services with appropriated funds.

DATE: Comments must be received on or before June 5, 1979.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William W. Thybony, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: William Maraist, or Strat Valakis (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purpose of the FAR is to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following subparts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

PART 32—CONTRACT FINANCING

32.7 Contract Funding.

This subpart prescribes basic requirements for contract funding, and procedures for using limitation of cost or limitation of funds clauses. Coverage has been expanded to provide guidance on funding requirements for fixed-price, as well as cost-reimbursement type contracts. Also included is policy guidance for incrementally funded contracts.

[1] Filed as part of original document with the Office of the Federal Register.

PART 42—CONTRACT ADMINISTRATION

42.11 Production Surveillance and Reporting.

This subpart applies to contracts for supplies and services, including research and development and overhaul and repair contracts. The subpart would not apply to facilities or construction contracts. The subpart provides that the timely contract performance is a responsibility of the contractor and that the Government will maintain surveillance as necessary to protect its interest. Contracts under $10,000 would normally be excluded from the production surveillance requirements. Proposed reporting forms have been simplified and are also available for review and comment.

Dated: April 4, 1979.

Lester A. Fettig,
Administrator.

[FR Doc. 79-11017 Filed 4-6-79; 8:45 am]
BILLING CODE 3110-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 525]

Exemptions From Average Fuel Economy Standards; Proposed Rulemaking

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes several changes in the required content of petitions by manufacturers of fewer than 10,000 passenger automobiles annually for exemption from the generally applicable average fuel economy standards and in the procedures followed by the National Highway Traffic Safety Administration (NHTSA) in processing those petitions. The requirements for petitions would be changed to require more information concerning the fuel economy testing of the petitioner's automobiles and to simplify the general content requirements. This notice further proposes to combine the notice of receipt of a petition and the notice of proposed decision into one notice. These proposed changes are intended to simplify and expedite the preparing and processing of these petitions.

DATE: Comment closing date: May 24, 1979.

ADDRESS: Comments on this notice must refer to Docket FE 76-04 and be

submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Douglas Pritchard, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202–755–9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automibiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one who manufactures less than 10,000 passenger automobiles in the model year for which the exemption is sought (the affected model year) and who manufactures less than 10,000 passenger automobiles in the second model year preceding the affected model year.

To implement section 502(c), NHTSA issued Part 525, Exemptions from Average Fuel Economy Standards. Part 525 prescribes the contents of exemption petitions and sets for the the procedures for processing those petitions. Part 525 requires that, after receipt of a complete petition, the agency publish a notice of receipt which summarizes the notice and invites comments on the petition. Subsequently, the agency publishes a proposed decision to grant or deny the petition and provides a second opportunity for public comment. Finally, the agency publishes a final decision to grant or deny the petition.

Since the publication of Part 525, NHTSA has received petitions from nine manufacturers. In connection with the processing of these petitions, several problems have become apparent to this agency. The major problem in this agency's view concerns the minimal amount of fuel which can be saved by regulating low volume manufacturers, as compared with the significant regulatory burden imposed on those manufacturers and the agency. In its third annual report to Congress, NHTSA recommended that Congress amend section 502(c) of the Act to exempt manufacturers of fewer than 10,000 passenger automobiles annually from all fuel economy standards and fuel economy reporting requirements (44 FR 5742 at 5774–75; January 29, 1979). Until such time as Congress acts on this recommendation, however, NHTSA believes that the changes proposed herein will improve the existing process for handling low volume manufacturers. Two particular problems with that process have arisen, in this agency's estimation.

One problem relates to the amount of time necessary to obtain a complete petition from a petitioner. The other problem is the amount of time which has been necessary to publish a final decision on the request once the petition is complete.

To date no petitioner's initial submission has provided NHTSA with all the information needed to determine the petitioner's maximum feasible fuel economy. In some cases, the incompleteness has been due to the manufacturer simply failing to provide all the data required by the rule, while in other cases this agency needed information in addition to that specified in the rule. To address this problem, this notice proposes some changes that would simplify the task of preparing the petition and add some requirements, so that requests by this agency for additional information will be reduced.

In § 525.7, *Basis for petition*, a typographical error in paragraph (a) resulted in the rule requiring each petition to contain the information specified in paragraph (b) through (g) of that section, which makes the information specified in paragraph (h) appear not to be required. This would be corrected by this proposal.

Paragraph (d) of section 525.7 requires each petition to include the petitioner's projections of its total production and the production mix of its automobiles for each affected model year. These projections were to be made assuming that the petitioner would be subject to the generally applicable average fuel economy standard for that model year instead of the requested alternative standard. The basis for making the assumption was the belief that the petitioners would project a more fuel efficient production mix if confronted with the former standard.

However, the petitions submitted thus far indicate that the sales mix projected by the petitioner is essentially the same as the most fuel efficient sales mix it could sell in the affected model year. This is true primarily because of the limited number of models produced by these manufacturers and the similar fuel economy levels achieved by the different models. In the 1978 model year, Ford Motor Company produced some 49-state vehicles with a combined fuel economy level of 14 mpg, and some other 49-state vehicles with a combined fuel economy level of 38 mpg, and many other levels between these two extremes. That manufacturer's average fuel economy will obviously be very dependent on the sales mix of its vehicles. Low volume manufacturers, on the other hand, produce not more than three or four different kinds of vehicles, with only slight fuel economy differences between each configuration. For Checker Motor Corporation in the 1978 model year, its 49-state configurations very only from 17.0 mpg to 18.5 mpg. Mix shifts by this low volume manufacturer would achieve fuel economy gains of only 0.1 or 0.2 mpg. These increases are not deemed significant enough given the low number of vehicles involved and the economic difficulties confronting these manufacturers for the agency to deem it feasible for the manufacturers to risk a loss of sales or profits.

Since the information sought by the agency is the most fuel-efficient sales mix that can be sold by the petitioner in each affected model year, this notice proposes that the language in this section be changed to directly ask the manufacturer to indicate that sales mix.

Paragraph (e) of section 525.7 requires the petitioner to provide certain technical information on each vehicle configuration it will produce in each affected model year. The vehicle dimensions, currently required to be provided in the petition by (e)(1), were included in the rule to inform the NHTSA about the size of the petitioner's vehicles. However, the Environmental Protection Agency (EPA) has subsequently adopted some changes to its fuel economy testing procedures, and the fuel economy of automobiles is now necessarily dependent upon the automobiles' "frontal area", the measurement EPA uses for the exterior size of the vehicle. To allow this agency to estimate the fuel economy of a petitioner's vehicles in future model years as it will be measured by EPA, it is necessary to know the frontal areas of those viehicles. Accordingly, this notice proposes that the requirement for vehicle exterior dimensions be deleted, and that the rule instead require the frontal area, as that term is defined by EPA, for each vehicle configuration.

The present paragraph (e)(4) requires petitioners to provide the engine type used in each vehicle configuration. The term "engine type" was not defined. This notice proposes substituting the term "basic engine", as defined by EPA, for "engine type".

Paragraph (e)(6) requires the petitioner to indicate the drive train

configuration and ratios. This information is required so that this agency can conduct comparative assessments of the straight line acceleration and performance capabilities of the petitioner's vehicles. However, the drive train ratios do not measure the effect of the size of the tires used on the automobiles on the vehicle's performance capabilities. All factors encompassed by drive train ratios and the size of the tires would be measured by total drive ratio, defined as the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's foward speed (in miles per hour). In other words, total drive ratio refers to the same measurement as "N/V" does for EPA. Accordingly, NHTSA proposes to require total drive ratio, rather than drive train ratios, in this section.

This notice further proposes that two additional items of information be added to the requirements of paragraph (e). Both these items are necessary to enable this agency to properly calculate the petitioner's fuel economy that will be measured by EPA in its fuel economy tests, and to aid in the analysis of whether a petitioner's projected fuel economy for future model years is the maximum feasible average fuel economy for it.

The first item is the dynamometer or road load setting for the vehicle and the method used to calculate that setting. Beginning with the 1979 model year, the road load setting must be calculated by a formula which takes into account the automobile's frontal area, inertia weight, aerodynamic shape, and use of radial ply tires. The road load setting must also be adjusted to reflect the use of air conditioning on a vehicle configuration. If this agency knows the road load setting of a vehicle, it is possible for the agency to calculate more accurately the fuel economy results of changes in the vehicle's weight, frontal area, etc. Since this information is already required to be calculated for EPA, this agency does not believe that this requirement would impose any additional burden on the petitioner. It will also reduce the number of agency requests for further information from the petitioner.

The second item proposed to be added to paragraph (e) by this notice is whether the petitioner's automobiles will use improved lubricants in the crankcase, differential, and transmission. NHTSA estimates that the use of these lubricants would improve fuel economy by as much as three percent. If the petitioner did not plan to use these lubricants, it would be required to explain its reasons for not so doing. This information would enable this agency to assess whether or not the manufacturer's maximum feasible average fuel economy should reflect the use of these lubricants.

Section 525.7(h) requires the manufacturer to demonstrate that its projected average fuel economy is its maximum feasible average fuel economy for each affected model year. Several changes to this paragraph are proposed to reduce the amount of information required under this paragraph.

Paragraph (h)(1) requires petitioners to describe the technological means and marketing strategies it has selected to increase the fuel economy of its automobiles in each affected model year. This notice proposes that the requirement for information about the marketing strategies be deleted from this section. Petitions submitted thus far indicate that these manufacturers' marketing strategy is simply to sell the cars they produce, and no particular effort is made to use marketing to improve fuel economy. The main reason for this is that these manufacturers do not have the marketing flexibility of the major manufacturers, because their automobiles are generally produced to fill specific retail orders from customers. The economic position of these manufacturers does not allow them to use marketing for purposes other than selling all of their automobiles. Further, many of these manufacturers produce only one vehicle configuration, so that marketing strategy would not affect their fuel economy. All of these factors have resulted in the information on marketing strategies not aiding NHTSA in determining the manufacturer's maximum feasible average fuel economy, and so this notice proposes that the requirement be deleted. The corresponding reference in (h)(2), which requires a chronological discussion of the petitioner's efforts to implement the means and strategies described in section (h)(1), would also be deleted.

Section (h)(1) also requires petitioners to provide information on the means and strategies selected for increasing fuel economy for each affected model year and the two model years immediately following the last affected model year. To date, this requirement for information on the two model years immediately following the last affect model year has provided this agency with valuable information in assessing the manufacturer's efforts to improve fuel economy, and no petitioner has indicated that this requirement imposed an undue burden.

However, the last affected model year for petitions submitted thus far is 1980, so that the information on the two addtional model years extends only through the 1982 model year, or five model years in the future. Petitions submitted hereafter will have to be submitted at least two model years before the start of the first affected model year and can request an exemption for three model years, which would require the manufacturer to project information five model years into the future. Information on the two model years immediately following the last affected model year would stretch six and seven model years into the future. This provision would require petitioners to set down as plans various means which would not have been finally decided upon, thus yielding information so indefinite as to be of little use to NHTSA.

To ensure that manufacturers will not have to include information more than five model years into the future in these petitions, it it proposed that the language in section (h)(1) be amended to require information on technological means selected in each affected model year and the two model years immediately following the first rather than the last, affected model year. For example, if a petitioner files a petition now for exemption in the 1981–1983 model years, the petition would only have to provide information through the 1983 model year. A petition for the 1981 model year only would have to provide information for that model year and the two immediately following model years, just as is currently required. This change should ensure that the petitions contain information which is useful to NHTSA and not unduly burdensome for the petitioners.

Section (h)(6) would be correspondingly amended to reflect this change, so that it would require petitioners planning to increase their average fuel economy in either of the two model years immediately following the first (instead of last, as in current regulations) affected model year to explain why they cannot make the increase in the first affected model year.

One problem of which the agency is aware is the need for annual filing and processing of these petitions. As presently written, § 525.9 limits the duration of any fuel economy exemption to three model years. Every manufacturer which filed a petition for exemption for the 1978 model year also filed for exemption in the 1979 and 1980 model years. Section 525.6 requires every petition for exemption from the average fuel economy standards to be filed not later than two years before the start of the affected model year. The

result of the combination of this requirement with the three model year limitation on exemptions is that every manufacturer desiring to file a petition for exemption for the 1981 model year must do so not later than the beginnning of the 1979 model year. This situation will continue for the indefinite future, with all petitions for exemption in the 1982 model year due not later than the beginning of the 1980 model year, and so forth. The annual filing and processing of petitions appears to be an unnecessary burden for both the manufactuers and the agency.

One change to the rule which might help solve this problem would be to extend the duration of exemptions from the present three model years to five model years. This would allow a manufacturer to file a petition now for exemptions and alternative standards in the 1981–1983 model years, assuming that the manufacturer has filed a petition for exemption for the 1978–1980 model years, or a petition for exemptions and alternative standards in the 1981–1985 model years, if no petition was filed for the 1978–1980 model years. In either case, the manufacturer would not be in a situation where it would have to file a petition for exemption for several model years, which would reduce the burden on that manufacturer.

However, there are potential problems which this change would not solve. One problem would be that the data and plans presented five model years into the future would necessarily be more vague and uncertain. Since the Act requires NHTSA to establish alternative standards for exempted manufacturers, and these standards must be calculated to the nearest 0.1 mpg, the less accurate the data upon which NHTSA bases its determination of the manufacturer's maximum feasible average fuel economy, the more likely it becomes that any alternative standard established for that manufacturer will have to be amended when more accurate information becomes available. If proceedings to amend alternative standards become routine, the burden imposed on both the agency and the manufacturer would be increased.

It is also not clear that increasing the possible duration of exemptions would solve the problem of annual submissions and processing. It would seem to be in the petitioning manufacturer's own interest to have a decision on a petition for exemption as much in advance of the model year as possible. Hence if the duration of exemptions were increased from three model years to five, the manufacturers would still be forced to file annual petitions to have a decision on an exemption set as soon as possible in advance of the affected model year. The only change would be that the manufacturers would annually submit a petition for exemption five model years after the current model year, instead of three model years after the current model year.

NHTSA requests comments on the idea of extending the duration of exemptions for low volume manufacturers, and is particularly interested in receiving comments addressing the problems which might arise from that extension. The agency is also interested in any other suggestions which could help to alleviate the problem of annual submission and processing of petitions for exemptions.

Section (h)(4) currently requires the petitioner to discuss alternative means it considered but did not select for improving its fuel economy. This section would be amended by adding a requirements that the petitioner be required to explain why it rejected those means, e.g., economic reasons, unavailability of the technology from its suppliers, etc. This added requirement would allow this agency to better assess the manufacturer's maximum feasible average fuel economy for the affected model year, since it would know why the petitioner rejected these means.

Section (h)(5) currently requires petitioners not considering means or strategies that will enable it to comply with the generally applicable average fuel economy standards to explain why it is not doing so. In other words, the petitioner must show that its maximum feasible average fuel economy is less than the applicable standard. In the case of petitioners not considering means or strategies for complying with the generally applicable standard, which includes every petitioner to date, they are already required to describe the means they have chosen to improve fuel economy, their efforts to implement those means, a discussion of the alternative means considered but rejected, and the reasons why the selected means cannot be implemented more quickly. Considered together, this information sets forth the manufacturer's reasons for not planning to comply with the applicable standard, so that the information required by section (h)(5) is duplicative of the information requirements in other sections of paragraph (h). Accordingly, this notice proposes that this section (h)(5) be deleted.

As noted above, the second problem is the amount of time needed to publish a final decision on complete petitions. This notice proposes that the notice of receipt of the petition be discontinued, and that the notice of receipt be incorporated in the proposed decision. This proposal is based on several considerations.

First, the experience thus far has been that very few comments on the notices of receipt are submitted. This may be due partially to the relatively short, i.e., 30-day, comment periods for notices of receipt. However, the agency believes that the primary reasons are the second consideration listed below and the fact that the public interest is not sufficiently aroused until the agency tentatively chooses a course of action and issues a proposal.

Second, it is very difficult for the public to comment very meaningfully or specifically on a petition before knowing what result this agency proposes and the reasons for that proposal, unless there has already been extensive discussion of the issues and background information is available. The comments received thus far on the notices of receipt have been extremely brief and general, and have tended to reflect the commenter's position on the merits of the small manufacturers and their automobiles, rather than a consideration of the petitioner's maximum feasible fuel economy. This is not surprising, given the information available to the commenters at the time they prepare the comments, but it does limit the usefulness of these comments to the agency.

Third, the elimination of this comment period should not significantly affect the public's right to participate in the rulemaking process. This notice proposes no change in the provision providing for publication of proposed decisions on the petitions. The proposed decision explains the result this agency has tentatively reached on the petition and how this position has been reached. The proposed decision invites members of the public to comment both on the substance of the specific proposal, and the methodology used to develop that proposal.

This notice further proposes some minor changes in the requirements for petitions contained in § 525.6. Paragraph (b) of § 525.6 sets forth the dates by which petitions for exemptions must be submitted to this agency. The due date for any petitions requesting exemption for the 1978 through the 1980 model years has passed, so it is proposed that the rule delete the special timing provisions for submission of petitions for those model years.

This rule would also be amended to allow submission of petitions after the due date, if good cause were shown for

the late submission. Good cause is a standard which is somewhat flexible, so that it can be adapted to each individual situation. However, the agency can give an indication of what facts will generally be recognized as establishing good cause for failure to submit a timely petition. If the necessary supporting data for the petition were unavailable until after the due date had passed, this would constitute good cause. An example of this would be a situation where the manufacturer was incorporated or otherwise came into existence too late to file a timely petition for a model year. The second situation which would be recognized as good cause would be where a legitimately unexpected noncompliance occurred. An example of this situation would be where the company providing the low volume manufacturer with its engines goes out of business, and the low volume manufacturer is forced to make an unanticipated engine switch, and this switch results in lower than expected fuel economy.

A further proposed minor change is to substitute a reference to the definition of the term "designated seating position" contained in the safety regulations for the present definition of the term, which is a direct quote of the present version of the safety regulation. By making this substitution, it will not be necessary to amend this rule whenever the safety regulation is amended.

Paragraph (e) of § 525.6 requires a petitioner to state the full name, address, and title of the official responsible for preparing the petition. In the case of foreign manufacturers, the address of the official is usually outside of the United States. The Act, however, treats the importer of foreign-produced automobiles as the manufacturer of those automobiles. By being the manufacturer for purposes of the Act, these importers incur certain legal responsibilities, such as the payment of penalties if the average fuel economy of those automobiles is less than the applicable average fuel economy standard and the obligation to file semiannual fuel reports. To ensure that the NHTSA is informed about who bears these responsibilities, it is proposed that a requirement be added to include the name and address of the manufacturer.

In consideration of the foregoing, it is proposed that 49 CFR Part 525 be amended, to read as follows:

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

1. Section 525.4 is amended by adding the following to paragraph (b):

§ 525.4 Definitions.

(a) * * *

(b) Other terms.

(1) * * *

(2) * * *

(3) * * *

(4) The term "frontal area" is used as defined in 40 CFR § 86.129–79.

(5) The term "basic engine" is used as defined in 40 CFR § 600.002–77(a)(21).

(6) The term "designated seating position" is defined in 49 CFR 571.3.

(7) As used in this Part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92–513), as amended by the Energy Policy and Conservation Act (Pub. L. 94–163);

"Administrator" means the Administrator of the National Highway Traffic Safety Administration;

"Affected model year" means a model year for which an exemption and alternative average fuel economy standard are requested under this Part;

"Production mix" means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passsenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

"Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

2. Section 525.6 is amended as follows: Paragraph (b) is revised and paragraph (e) is amended.

§ 525.6 Requirements for petitions.

Each petition filed under this Part must—

(a) * * *

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

(c) * * *

(d) * * *

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

* * * * *

3. Section 525.7 is amended as follows: Paragraph (a) is revised, paragraph (d) is revised, paragraph (e) is amended, and paragraph (h) is amended.

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragrpahs (b) through (h) in its petition.

(b) * * *

(c) * * *

(d) For each affected model year, the petitioner's projections of the most fuel efficient production mix of vehicle configurations and base levels of its passenger automobiles which the petitioner could sell in that model year, and a discussion demonstrating that these projections are reasonable. The discussion shall include information showing that the projections are consistent with—

* * * * *

(e) For each affected model year, a description of the following features of each vehicle configuration of the petitioner's passenger automobiles to be manufactured in that affected model year:

(1) Frontal area;

(2) * * *

(3) * * *

(4) Basic engine, displacement, and SAE net horsepower;

(5) * * *

(6) Drive train configuration and total drive ratio

(7) * * *

(8) Dynamometer road load setting, determined in accordance with 40 CFR Part 86, and the method used to determine that setting, including information indicating whether the road load setting was adjusted to account for the presence of air conditioning and whether the setting was based on the use of radial ply tires; and

(9) Use of synthetic lubricants, low viscosity lubricants, or lubricants with additives that affect friction characteristics in the crankcase, differential, and transmission of the vehicles tested under the requirements of 40 CFR Parts 86 and 600. With respect to automobiles which will use these lubricants, indicate which one will be used and explain why that type was chosen. With respect to automobiles which will not use these lubricants, explain the reasons for not so doing.

(f) * * *

(g) * * *

(h) Information demonstrating that the average fuel economy figure provided for each affected model year under paragraph (g) of this section is the maximum feasible average fuel economy achievable by the petitioner for that model year, including—

(1) For each affected model year and each of the two model years immediately following the first affected

model year, a description of the technological means selected by the petitioner for improving the average fuel economy of its automobiles to be manufactured in that model year.

(2) A chronological description of the petitioner's past and planned efforts to implement the means described under paragraph (h)(1) of this section.

(3) A description of the effect of other Federal motor vehicle standards on the fuel economy of the petitioner's automobiles.

(4) For each affected model year, a discussion of the alternative and additional means considered but not selected by the petitioner that would have enabled its passenger automobiles to achieve a higher average fuel economy than is achievable with the means described under paragraph (h)(1) of this section. This discussion must include an explanation of the reasons the petitioner had for rejecting these additional and alternative means.

(5) In the case of a petitioner which plans to increase the average fuel economy of its passenger automobiles to be manufactured in either of the two model years immediately following the first affected model year, an explanation of the petitioner's reasons for not making those increases in that affected model year.

4. Section 525.8 is amended as follows: Paragraph (a) is deleted, paragraphs (b) through (f) are redesignated as paragraphs (a) through (e), respectively, and the paragraph redesignated as (d) is revised.

§ 525.8 Processing of petitions.

* * * * *

(d) Any interested person may, upon written request to the Administrator not later than 15 days after the publication of a notice under paragraph (c) of this section, meet informally with an appropriate official of the National Highway Traffic Safety Administration to discuss the petition or notice.

* * * * *

Interested persons are invited to submit comments on this proposal. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

All comments received before the close of business on the comment closing date indicated at the beginning of this proposal will be considered, and will be available for public inspection in the docket before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be considered. Comments received too late to be considered will be treated as suggestions for future rulemaking. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date, and it is recommended that interested persons continue to examine the docket for new material.

The agency has reviewed the impacts of this proposal and determined that they are minimal, and that the proposal is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this proposed regulation are Douglas Pritchard and Stephen Kratzke, respectively.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657; sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976.

Issued on April 2, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-10459 Filed 4-6-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 44, No. 69

Monday, April 9, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATION CONFERENCE OF THE UNITED STATES

Committee on Informal Action; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., April 20, 1979 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, N.W., Suite 500, Washington, D.C.

The Committee will meet to consider proposed recommendations stemming from a study of assessment and mitigation of civil money penalties by federal administrative agencies, done for the Committee by Professor Colin Diver of the Boston University School of Law.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meetings; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, including copies of the proposed recommendation, contact Jeffrey Lubbers (202–254–7065). Minutes of the meeting will be available on request.

April 2, 1979.

Richard K. Berg,

Executive Secretary.

[FR Doc. 79-10887 Filed 4-6-79; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Coconino National Forest Grazing Advisory Board Meeting

The Coconino National Forest Grazing Advisory Board will meet at 1:30 p.m., May 15, 1979, at the Coconino National Forest Supervisor's Office, 2323 E. Greenlaw Lane, Flagstaff, Arizona. The purpose of the meeting is to:

(1) Review minutes of July 27, 1978 meeting.

(2) Prepare written recommendations regarding:

(a) By-laws

(b) Policy Regarding Management Plans

(c) Policy Regarding Use of Range Betterment Funds

(d) Salting and Supplemental Feeding Policy

(3) Review work plans regarding Range Betterment Funds

(4) Review Forest policies as they relate to livestock management operations:

(a) Wildlife population trends

(b) Roads management

(c) Coordination with other Forest management practices

(5) Reiew 1980 RPA update as it relates to range.

(6) Update on water rights activities in relation to range improvements.

The meeting is open to the public.

Dated: March 29, 1979.

Michael A. Kerrick,

Forest Supervisor.

[FR Doc. 79-10780 Filed 4-6-79; 8:45 am]

BILLING CODE 3410-11-M

Umpqua National Forest; Finding of No Significant Environmental Impact of Treatment To Control Undesirable Species of Vegetation for the Purpose of Preparing Sites To Plant Trees

An Environmental Assessment that discusses vegetative management on the Steamboat Ranger District involving the control of competing vegetation on 283 acres of conifer plantations has been prepared. All proposed treatment areas are located on lands administered by the Umpqua National Forest within Lane and Douglas Counties, Oregon. The report is available for public review at the Steamboat Ranger District Office and the Umpqua National Forest Office in Roseburg, Oregon.

This project involves aerial application of Velpar Weed Killer on 283 acres of forest lands in need of reforestation for the purpose of reducing moisture competition for planted trees. The Environmental Assessment does not indicate 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 detail in the Environmental Assessment: (a) the compound is approved by the Environmental Protection Agency for use; (b) there will be no irreversible or irretrievable loss of resources on the project area; (c) the physical and biological effects are limited to the project area; (d) no known threatened or endangered plants or animals have been recorded or observed within the project area.

Some public concern exists over the use of any chemical and the effects it has on water quality. The proposed project includes application measures designed to protect nontarget areas and the water quality. State and Federal water quality standards will be met.

No action will be taken prior to May 9, 1979.

The responsible official is R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

R. D. Swartzlender,

Forest Supervisor.

March 30, 1979.

[FR Doc. 79-10781 Filed 4-6-79; 8:45 am]

BILLING CODE 3410-11-M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; New and Amended Records Systems

AGENCY: Central Intelligence Agency.

ACTION: Adoption of new and amended systems of records.

SUMMARY: The Central Intelligence Agency hereby adopts seven new records systems to the existing records systems subject to the Privacy Act of 1974, 5 U.S.C. 552(a), Public Law 93–579

(See 44 FR 4518, January 22, 1979). Also adopted is the amendment of two records systems previously promulgated in the **Federal Register** (See 44 FR 4518, January 22, 1979). The Agency's systems of records were most recently published in the **Federal Register** at Vol. 42, No. 184, pp. 48050–48074, 22 September 1977.

DATES: The adoption of the seven new records systems and the changes in the two amended records systems become effective April 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. George W. Owens, Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505; phone 703–351–7486.

SUPPLEMENTARY INFORMATION: The general public was invited to participate in the formation of these systems of records by a notice published in the **Federal Register** at Vol. 44, No. 15, pp. 4518–4522, 22 January 1979. No written data, views, or comments were received from the general public by the Information and Privacy Coordinator during the mandatory 60-day period for accepting public opinion. Therefore, the new systems of records and the amendments to the existing records systems are adopted. By this adoption, the Central Intelligence Agency is permitted to, in the case of: CIA–62, Office of Data Processing Security Clearance Records, to maintain current information on the clearance status of contractors, vendors, persons in the private sector and individuals in other government agencies that are associated with the Office of Data Processing; CIA–63, Security Access Records, to monitor accessing of Agency buildings by badged individuals and aid in the effective assignment of security personnel by the Office of Security; CIA–64, Inquiries from Private Individuals About CIA and its Mission, to ensure that inquiries from the general public were properly answered; CIA–65, Contract with the News Media and Index, to prepare a daily memorandum for the Director of Central Intelligence apprising him of the substance of telephone conversations with members of the various news media, which information is maintained on index cards; CIA–66, Manuscript Review, to maintain a record of what information was proposed for release to the general public through speeches and published works of present and former Agency employees; CIA–67, Publishing and Speaking Engagement Clearances, to record clearance data for external speaking and publishing activities of present and former employees and permit awareness of what information was released to the public; and, CIA–68, CIA Personnel in Contact with Press, to maintain index cards on present and former employees who have had contact with the media. The amendment of CIA–20, Logistics Security Clearance Records, would permit its more efficient use through computer support. With the designation of CIA–64 through CIA–68 as records systems, certain changes were necessary in the description of CIA–39. Among other changes, the system name has been changed to read, "Publicity."

Don I. Wortman,
Deputy Director for Administration.

[FR Doc. 79–10768 Filed 4–8–79; 8:45 am]

BILLING CODE 6310–02–M

CIVIL RIGHTS COMMISSION

Delaware Advisory Committee; Change of 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 Delaware Advisory Committee (SAC) of the Commission originally scheduled for April 25, 1979, published in the **Federal Register** (FR Doc. 79–9946) on page 19218 has been changed to May 2, 1979.

The time and place of the meeting will remain the same.

Dated at Washington, D.C., April 3, 1979.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 79–10864 Filed 4–6–79; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Marketing Association; Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. APP. (1976), notice is hereby given that the Census Advisory Committee of the American Marketing Association will convene on May 1, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Marketing Association was established in 1946 to advise the Director, Bureau of the Census, regarding the statistics that will help in marketing the Nation's products and services and on ways to make the statistics the most useful to users.

The Committee is composed of 15 members appointed by the President of the American Marketing Association.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is: (1) Introductory remarks by the Acting Director, Bureau of the Census, including staff changes and Bureau organization, major budget program developments, status of current legislative proposals affecting the Bureau, and other topics of current interest; (2) current status of the 1980 census; (3) 1980 census—plans for coverage improvement and pretest results; (4) draft report of the National Commission on Employment and Unemployment Statistics; (5) revision and benchmarking of retail time series; (6) recommendations to the Census Bureau of the National Academy of Sciences' National Research Council Panel on Productivity; (7) general discussion and Committee recommendations; and (8) date and plans for the next meeting.

The meeting will be open to the public and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact Mr. Tyler R. Sturdevant, Chief, Business Division, Bureau of the Census, Room 2633, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763–7564.

Dated: April 3, 1979.

Robert L. Hagan,
Acting Director, Bureau of the Census.

[FR Doc. 79–10828 Filed 4–6–79; 8:45 am]

BILLING CODE 3510–07–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Round Two of the Local Public Works Capital Development and Investment Program; Grantees Failing To Comply With the 10-Percent Minority Business Enterprise Clause

Notice is hereby given, pursuant to authority contained in the Local Public Works Capital Development and Investment Act (Act), as amended (42 U.S.C. 6701), that the Economic Development Administration has adopted the following procedure regarding non-compliance with the

minority business enterprise clause (section 106(f)(2) of the Act as amended by section 103 of the Public Works Employment Act of 1977, 42 U.S.C. 6705(f)(2)).

Recipients of grants from the Economic Development Administration (EDA) under the Public Works Employment Act of 1977 ("Round II" of the Local Public Works Program) accepted as a condition of those grants responsibility for insuring that 10 percent of each grant was expended for minority business enterprises (MBEs). EDA considers those grantees to be in violation of the grant agreement who:

(1) Do not meet the 10 percent requirement, and

(2) Do not meet the established waiver criteria.

EDA shall require such grantees to reimburse the Treasury of the United States an amount corresponding to the amount of the MBE shortfall. For example, a recipient of a $100,000 grant who (1) makes only $2,000 worth of expenditures creditable toward meeting the MBE requirement, and (2) does not qualify for a waiver, will be required to pay the Treasury $8,000. All EDA staff are aware of their responsibility to undertake necessary efforts to recover monies to which the United States is legally entitled.

Dated: April 3, 1978.

Robert T. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 10945 Filed 4-6-79; 8:45 am]

BILLING CODE 3510-24-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

Proposed Foreign-Trade Zone—Long Beach, California; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Board of Harbor Commissioners of the Port of Long Beach, on behalf of the City of Long Beach, a California municipal corporation, requesting authority to establish a general-purpose foreign-trade zone in Long Beach, within the Los Angeles-Long Beach Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. section 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 29, 1979. The City, as applicant, is authorized to make this proposal under Chapter 4, Section 6302, of the California Government Code.

The proposal calls for the establishment of a 10.5 acre general-purpose zone within an 82 acre undeveloped industrial tract in northwest Long Beach, near the intersection of the San Diego and Long Beach Freeways. The City of Long Beach is planning to exercise an option to purchase the proposed zone site from the Union Pacific Railroad. Two structures of 60,000 and 80,000 square feet for warehousing and light manufacturing activities will be the zone's first buildings. The foreign-trade zone and adjacent industrial park are considered by the applicant as part of its efforts to improve the services available to port users.

The application contains economic data and information concerning the need for providing zone services to the Long Beach area. Several firms have indicated their intention to use the zone for storage, assembly, processing, testing, and light manufacturing activities on a wide range of products including commercial vehicles, lapidary machines, fishing equipment, pharmaceuticals, photo albums, and electronic items.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230; John E. Brady, District Director, U.S. Customs Service, 300 S. Ferry Street, Terminal Island, San Pedro, California 90731; and Colonel Gwynn A. Teague, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on May 2, 1979, beginning at 9:00 a.m., in the 6th floor Board Room of the Port Administration Building, 925 Harbor Plaza, Long Beach, California. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. They should notify the Board's Executive Secretary by April 25 of their desire to be heard in writing at the address below or by phone (202) 377–2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through June 1, 1979. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing.

A copy of the application and accompanying exhibits will be available for public inspection during the comment period at each of the following locations:

Office of the District Director, U.S. Department of Commerce, 11777 San Vicente Boulevard, Room 800, Los Angeles, California 90049.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886–B, Washington, D.C. 20230.

Dated: March 30, 1979.

John J. Da Ponte,

Executive Secretary, Foreign-Trade Zones Board.

[Docket No. 2–79]

[FR Doc. 79–10778 Filed 4–6–79; 8:45 am]

BILLING CODE 3510–25–M

Industry and Trade Administration

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, by April 30, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments. A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

Docket Number 79–00035. Applicant: University of Iowa, Department of Pathology, Iowa City, Iowa 52242.

Article: Electron Microscope, Model H–300 and accessories. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for studies of human and animal tissue in health and disease as seen in a diagnostic pathology service and related to investigation of disease processes in tissue. Experiments will include case analysis, series analysis of similar types of cases, the effects of drugs or treatment regimens on cells and tissues, the search for viruses and other tissue inclusions and the ultrastructural localization of tracers (peroxidase, lectins and antigen-antibody complexes). Application received by Commissioner of Customs: March 15, 1979.

Docket Number 79–00148. Applicant: University of Utah, Department of Biology, Room 136 South Biology, Salt Lake City, Utah 84112. Article: CO_2 Infrared Gas Analyzer, Model 225 Mark II and accessories. Manufacturer: Analytical Development Co., United Kingdom. Intended use of article: The article is intended to be used for photosynthetic studies of desert plants. These studies are to be conducted in the field under natural environmental conditions. Planned experiments include measurements of net photosynthesis as a function of irradiance and water stress as well as diurnal measurements of net photosynthesis. In addition, the article will be used in the course "Plant Adaptation," Biology #586 in which field measurements of plant physiological processes are taught. Application received by Commissioner of Customs: February 27, 1979.

Docket Number 79–00181. Applicant: University of Tennessee Center for the Health Sciences—Stout Neuroscience Mass Spectrometry Laboratory, 800 Madison Avenue, Memphis, Tennessee 38163. Article: Mass Spectrometer, Model MAT 731. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for the following studies: Structural elucidation of biologically important oligopeptides, phospholipids, prostaglandins, urinary organic acids, drugs, drug metabolic products, unknown biological compounds, nucleosides, nucleotides, glucuronides, oligosaccharides, and other compounds both derivated and underivatized. In addition, the article will be used to provide hands-on experience for graduate students during instruction and familiarization with the extent of usefulness of MS to biological problems in a medical school environment. Application received by Commissioner of Customs: March 12, 1979.

Docket Number 79–00184. Applicant: US Army Medical Research Institute of Infectious Diseases, Fort Detrick, Frederick, MD 21701. Article: Electron Microscope, Model JEM–100CX–SEG/ASID and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for the study of infections and toxemic states at the subcellular level in order to elucidate mechanisms by which toxins and infectious microorganisms enter and leave cells, and assess damage and change in cellular organelles. Application received by Commissioner of Customs: March 12, 1979.

Docket Number 79–00187. Applicant: Florida Department of Agriculture and Consumer Services Food Laboratory, Mayo Bulding, Tallahassee, FL 32304. Article: Foss-Let, Fat Analyzer and Accessories. Manufacturer: Foss America Inc., Denmark. Intended use of article: The article is intended to be used to conduct research and to develop faster procedures for determining fat content in various foods. Application received by Commissioner of Customs: March 15, 1979.

Docket Number 79–00189. Applicant: United States Department of Agriculture, SEA, AR, ASI, Reproduction Laboratory, Bldg. 177B, BARC-EAST, Beltsville, Maryland 20705. Article: Electron Microscope, Model H–500–1 with Side Entry Stage and Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to cytologically examine biological tissues from agricultural research experiments. These research problems which pertain to food and fiber production, include cytological examinations of sperm transport and storage in farm animals, host-parasite interactions involving crop plants and parasitic nematodes, taxonomic studies, gaining a cytological explanation for mastitis in cattle, etc. Application received by Commissioner of Customs: March 15, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Program Manager, Florence Agreement Program, Statutory Import Programs Staff.

[FR Doc. 79–10863 Filed 4–6–79; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Exporters' Textile Advisory Committee; Public Meeting; Change of Date

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10:00 a.m., on May 2, 1979, in Room 1–102 (Lobby), Federal Office Building, 26 Federal Plaza, New York, New York 10007, instead of April 18, 1979, as previously announced in the **Federal Register** (44 FR 13059).

Dated: April 3, 1979.

Edward Gottfried,

Acting Director, Office of Textile.

[FR Doc. 79–10886 Filed 4–6–79; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Requirement for Foreign Currency Banking Arrangement; Services Sought

The U.S. Air Force has a continuing requirement for a foreign currency banking arrangement to fulfill agreements for European coproduction of the F–16 aircraft. The agreement with the current operator expires August 31, 1979, and there is a requirement to execute a new agreement for the period commencing September 1, 1979.

The agreement involves the countries of Belgium, Denmark, the Netherlands, and Norway, and currencies involved in the banking arrangement will be the respective currencies of these four countries and U.S. dollars. Central management and accounting will be in Brussels, Belgium; however, one account will be established for each foreign currency and maintained in the respective country. The foreign currency accounts will be used to accept deposits from the European governments and contractors and the U.S. Government, to make disbursements to U.S. contractors for their payment of European subcontractors and vendors, and to make currency exchanges for European contractors. A qualified financial institution will have:

a. Correspondent relationships to permit cable transactions among Belgium, Denmark, the Netherlands, Norway, and the U.S.;

b. Capability for timely transfer of U.S. dollars from Europe to financial institutions in the U.S.;

c. Capability to promptly record and confirm foreign currency deposits; and

d. Capability of centrally accounting and providing magnetic tapes of all transactions.

Interested financial institutions may obtain additional information, including specifications and requirements for maintaining the bank accounts, projected deposits, and procedures for submitting bid proposals by contacting Mr. John W. Boddie, Deputy for Accounting and Internal Audit, Department of the Air Force, telephone: (202) 697–9597, not later than April 20, 1979.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79–10888 Filed 4–6–79; 8:45 am]

BILLING CODE 3910–01–M

Defense Logistics Agency

Availability of Environmental Assessment; Redistribution of Electronic Supplies

The Defense Logistics Agency (DLA) has announced that as part of its continuing effort to reduce operating costs and improve efficiency, the Agency has completed detailed economic studies and has decided to redistribute electronic supplies currently stocked at its Defense Electronics Supply Center (DESC), Dayton Ohio, and realign the DESC depot mission.

The DESC depot mission involves the receipt, storage and issue of electronics items in support of military activities located in the eastern United States and overseas. The currently authorized level of DESC positions associated with the depot mission is 616 civilians and four military. DLA estimates that realignment will save two military and 167 civilian positions, and approximately $3.5 million per year. The Defense Audit Service has reviewed these estimated savings and determined that they are supportable. This action will not affect Inventory Control Point functions and other operations which are conducted at DESC.

Consistent with the intent of Section 102(2)(c) of the National Environmental Policy Act of 1969; the Department of Defense Directive "Environmental Considerations in Department of Defense Actions" (32 CFR 214), notice is hereby given that an Environmental Impact Statement is not being prepared for this action. An Environmental Assessment has been completed, from which it has been determined that the action will have not appreciable impact on the environment. Therefore, the action is not considered to be a major action significantly affecting the quality of the human environment.

The Environmental Assessment, as well as the basic data developed during the economic analysis study, may be reviewed by interested parties in the Office of Rear Admiral E. M. Kocher, SC, USN, Assistant Director, Plans, Programs and Systems, Defense Logistics Agency, Cameron Station, Alexandria, Virginia 22314. A limited number of copies of the Environmental Assessment are available from the same office to fill single copy requests.

To ensure that no substantive information has been overlooked, DLA invites public comment concerning the decisions and the Environmental Assessment discussed above. Interested persons are invited to submit written data, views, and arguments to Rear Admiral E. M. Kocher on or before May 9, 1979.

Rear Admiral E. M. Kocher, SC, USN,

Assistant Director, Plans, Programs and Systems, Defense Logistics Agency.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 4, 1979.

[FR Doc. 79–10898 Filed 4–6–79; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF DEFENSE

Engineers Corps

Intent To Prepare a Draft Environmental Impact Statement for Navigation Improvements in Boston Harbor, Mass.

The New England Division of the U.S. Army Corps of Engineers is preparing a Draft Environmental Impact Statement (DEIS) for Navigation Improvements in Boston Harbor, Boston, Massachusetts.

As part of a navigation study the DEIS is being developed to address the major environmental impacts of alternative plans to improve navigation. It will accompany the study's Feasibility Report. The two documents combine to address the needs of local interests and review the economic, ecological, sociological, and cultural effects of the alternatives that were developed during the study.

The major environmental effects to be addressed involve the impacts on water quality and aquatic resources from the dredging and disposal of harbor materials.

The proposed plan and alternative improvements comprise the dredging of existing Federal channels in Broad Sound, the Inner Harbor, the Reserved Channel and the Mystic River. Nearly all work would be done within the boundaries of the existing authorized project. It would include dredging the channels to increase their depth or expand their width to provide safe navigation and reduce tidal delays.

To seek public participation a hearing was held in Boston on 29 June 1970 to develop the scope of the navigation study. A public meeting was held in December 1977 to present the preliminary findings of the study and to obtain public views and comments. Throughout the planning process contact has been maintained with various environmental and local interest groups, maritime interests, and State and Federal agencies to gather information and gain insight into their opinions, concerns and objectives.

A final public hearing will be held to present the recommended project and to receive endorsements from State and Federal agencies and congressional representatives. Additional formal scoping meetings are not anticipated at this time. Questions concerning the project should be addressed to Robert Adler, Environmental Analysis Branch, U.S. Army Corps of Engineers, 424 Trapelo Road, Waltham, Massachusetts 02154 (617–894–2400, ext. 231).

The Draft Environmental Impact Statement will be available for public review and comment and is expected to be publicly issued on or about 15 June 1979.

Dated: March 30, 1979.

Joseph L. Ignazio,

Chief, Planning Division.

[FR Doc. 10782 Filed 4–6–79; 8:45 am]

BILLING CODE 3710–24–M

To Prepare a Draft Environmental Impact Statement for a Water Supply Intake Structure on the James River

AGENCY: Little Rock District, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. *Proposed Action:* The Springfield City Utilities has made application for a Section 404 Department of the Army permit which would authorize construction and operation of a raw water intake structure at mile 95.2 on the James River near Springfield, Missouri. The intake structure is part of a plan to provide additional water supply to the City for an interim period of 10 to 15 years until a long-term supply

can be developed. The plan would provide for construction of a 30 million gallon per day treatment plant in southeastern Springfield, the intake structure, and up to a maximum of 10 deep wells which would be used to supplement water from the James River during periods of drought.

2. *Reasonable Alternatives:* Water supply alternatives include interim (10–15 years) and long-term alternatives. Since the proposed intake structure is an interim or temporary measure, it has been agreed among the agencies involved that the EIS will address in detail only those reasonable alternatives which are interim in nature and would provide an interim supply to about the year 1990. Discussion of the reasonable long-term alternatives would be limited to a brief description of each long-range alternative currently under consideration. This is considered appropriate since, in this case, the components of the proposed action and other interim alternatives are essentially independent of components affecting the choice of long-range alternatives.

a. *Interim Alternatives:* James River Intake with Wells; James River Intake with Pumped Storage to Fellows Lake; James River Intake with Side Channel Storage.

b. *Long-Term Alternatives:* Pomme de Terre Lake; Stockton Lake; County Line Lake.

3. *Scoping:* a. On 6 March 1979 a scoping meeting was held in the office of Springfield City Utilities to identify and review principal issues to be addressed in the EIS and to request assistance from the affected agencies in preparation of various sections of the statement. Those attending included representatives of the Little Rock District, U.S. Army Corps of Engineers (lead Federal Agency), U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Geological Survey, Missouri Department of Conservation, Missouri Department of Natural Resources, Missouri Office of Administration, Springfield City Utilities and Springfield Newspapers.

b. *Significant Issues:* The following significant issues have been identified as a result of letters received from interested parties, comments received by affected agencies on the City Utilities Environmental Assessment, and the scoping meeting:

*Effects of withdrawal on the downstream aquatic ecosystem—James River.

*In-stream flow requirements.

*Effects of deep wells on ground water levels.

*Design of Intake Structure and Entrainment of aquatic organisms.

*Conservation.

*Recreation Resources—James River.

*Downstream Temperature Effects.

*Effects on endangered species.

*Future availability of water from Stockton Lake, Pomme de Terre Lake and County Line Lake.

*Floodplain development.

c. *Assignments to Cooperating Agencies:* The U.S. Fish and Wildlife has agreed to perform studies for determining desired in stream flow requirements and to prepare portions of the statement addressing affected ecosystems. The U.S. Geological Survey has agreed to perform math modeling studies to predict the impact of ground water withdrawals on the existing potentiometric surface. The Missouri Department of Natural Resources will assist in preparing a section on "Conservation" and will cooperate in providing other water resources data available to Department of Natural Resources. The Missouri Department of Conservation will furnish available information on Recreation Resources and EPA will provide information on design of the intake structure.

d. *Environmental Review:* Upon completion of the DEIS a public notice will be issued to advise the public of the Section 404 permit application and the completion of a DEIS. A public hearing will then be held to solicit public views on the DEIS and issuance of the Section 404 permit.

5. *Estimated Date of DEIS:* September 15, 1979.

ADDRESS: Benny F. Swafford, Permits Branch, U.S. Army Corps of Engineers, Little Rock District, P.O. Box 867, Little Rock, Arkansas 72203, Telephone FTS 740–5296, Com. 501–378–5296.

Dated: March 28, 1979.

Dale K. Randels,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79-10783 Filed 4-6-79; 8:45 am]

BILLING CODE 3710-GL-M

Department of the Navy

Technology Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Technology Sub-Panel of the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on April 25–26, 1979, at the Pentagon, Washington, D.C. Sessions of the meeting will commence at 9:30 a.m. and terminate at 5:30 p.m. on both days. All sessions of the meeting will be closed to the public.

The entire agenda for the meeting will consist of discussions of Soviet naval research and development and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact Commander Robert B. Vosilus, U.S. Navy, Executive Secretary of the CNO Executive Panel Advisory Committee, 1401 Wilson Boulevard, Room 405, Arlington, VA 22209, telephone number (202) 694–3191.

Date: April 4, 1979.

P. B. Walker,

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

[FR Doc. 79-10897 Filed 4-6-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Refiners Crude Oil Allocation Program; Allocation Period of April 1, 1979, Through September 30, 1979

The notice specified in 10 CFR 211.65(g) of the refiners' crude oil allocation program is hereby issued for the allocation period of April 1, 1979 through September 30, 1979.

The buy/sell list for refiners for the allocation period commencing April 1, 1979, is set forth as an appendix to this notice. The provisions of 10 CFR 211.65 apply to all transactions made under the buy/sell list. Included as part of the list, as required by 10 CFR 211.65(g), are: the names of refiner-buyers and their eligible refineries; the quantity of crude oil each refiner-buyer is eligible to purchase; the total allocation obligation for all refiner-sellers; the fixed percentage share for each refiner-seller; and the quantity of crude oil that each refiner-seller is obligated to offer for sale to refiner-buyers.

The allocations shown on the buy-sell list for refiner-buyers were determined in accordance with 10 CFR 211.65(b). For the allocation period of April 1, 1979 through September 30, 1979, each refiner-buyer shall be entitled to purchase, for each of its refineries that is

determined by ERA not to have access to imported crude oil, an amount of crude oil equal to the difference between (1) the volume of crude oil runs to stills (not including crude oil processed for other refiners) at the eligible refinery in the period April 1, 1978 through October 31, 1978, and (2) the volume of crude oil runs to stills (not including crude oil runs attributable to purchaser under 10 CFR 211.65 or crude oil processed for other refiners) at the eligible refinery in the period October 1, 1978 through January 31, 1979 (calculated by using the level of the crude oil runs to stills at that refinery in the period October 1, 1978 through January 31, 1979 for the entire six month period).

The buy/sell list sets forth separately the allocations for refiner-buyers with eligible newly constructed refinery capacity and reactivated refineries and expanded refinery capacity. Pursuant to 10 CFR 211.65(a)(1)(iii), ERA has decided to assign such refinery capacity an allocation equal to 25 percent of the capacity for the allocation period commencing April 1, 1979. The allocations for newly constructed refinery capacity and reactivated refineries and expanded refinery capacity were calculated on the basis of estimated capacities and the assumption that such refineries have commenced operations or will commence operations on or about April 1, 1979. ERA will review each such allocation after the capacity has been certified by ERA pursuant to 10 CFR 211.67(a)(2) and the start-up dates are verified. In the event that ERA subsequently determines that any such allocation is incorrect, ERA will adjust the allocation in this allocation period or in the allocation period commencing October 1, 1979.

Pursuant to 10 CFR 211.65(c)(1), any small refiner may apply to ERA for review of the denial of eligibility of a refinery owned by that refiner where significant changes in the refinery's access to imported crude oil have occurred since the refinery was determined by ERA to be ineligible for an allocation. Any refiner-buyer may apply to ERA for an adjustment to an allocation for an eligible refinery to compensate for reductions in crude oil runs to stills due to unusual or nonrecurring operating conditions or an unconsummated directed sale under 10 CFR 211.65(j) due to documented delays in delivering allocated crude oil. Applications for review of eligibility for an allocation or adjustment to an allocation for the allocation period commencing October 1, 1979, must be received by ERA no later than August 2, 1979.

Pursuant to 10 CFR 211.65(c)(2), any refiner-buyer may apply to ERA at any time for an emergency supplemental allocation for one or more of its eligible refineries for one or more allocation periods, or for part of an allocation period; *provided that* such refiner will be required to demonstrate that it has incurred or will incur a reduction in its crude oil supply (excluding crude oil allocated under 10 CFR 211.65 or under 10 CFR 211.63) for the eligible refinery for which an emergency allocation is sought equal to at least 25 percent of such crude oil supply in the preceding six-month period.

Copies of applications filed under 10 CFR 211.65(c) (1) and (2) are on file in the ERA Public Docket Room, Room B–110, 2000 M Street NW., Washington, D.C. 20036. As of the date of this notice, 28 applications for emergency supplemental allocations under § 211.65(c)(2) are pending.

The buy/sell list covers PAD Districts I through V, and amounts shown are in barrels of 42 gallons each, for the specified period. Pursuant to § 211.65(f), each refiner-seller shall offer for sale, directly or through exchange, to refiner-buyers during an allocation period a quantity of crude oil equal to that refiner-seller's sales obligation plus any portion of that refiner-seller's sales obligation as to which ERA directs a sale pursuant to 10 CFR § 211.65(j).

Pursuant to 10 CFR 211.65(h), each refiner-buyer and refiner-seller is required to report to ERA in writing or by telex the details of each transaction under the buy/sell list within forty-eight hours of the completion of arrangements therefor. Each report must identify the refiner-seller, the refiner-buyer, the refineries to which the crude oil is to be delivered, the volumes of crude oil sold or purchased, and the period over which the delivery is expected to take place.

The procedures of 10 CFR 211.65(j) provide that if a sale is not agreed upon subsequent to the date of publication of this notice, a refiner-buyer that has not been able to negotiate a contract to purchase crude oil may request ERA to direct one or more refiner-sellers to sell a suitable type of crude oil to such refiner-buyer. Such request must be received by the ERA no later than twenty days after the publication date of the buy/sell notice for the allocation period for which the assignment of a refiner-seller is requested.[1] Upon such request, ERA may direct one or more refiner-sellers that have not completed their required sales to sell crude oil to the refiner-buyer.

In directing a refiner-seller to make such sales, the ERA will consider the percentage of each refiner-seller's sales obligation for the allocation period that has been sold as reported pursuant to § 211.65(h), as well as the refiner-seller or sellers that can best be expected to consummate a particular directed sale. If, in ERA's opinion, a valid directed sale request cannot reasonably be expected to be consummated by a refiner-seller that has not completed all or substantially all of its sales obligation for the allocation period, the ERA may issue one or more directed sales orders that would result in one or more refiner-sellers selling more than their published sales obligations for that allocation period. In such cases, the refiner-seller or sellers will receive a barrel-for-barrel reduction in their sales obligation for the next allocation period pursuant to 10 CFR 211.65(f)(3)(ii).

If the refiner-buyer declines to purchase the crude oil specified by the ERA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during this allocation period, provided that the refiner-seller or refiner-sellers have fully complied with the provisions of 10 CFR 211.65.

Refiner-buyers requesting directed sales must document their inability to purchase crude oil from refiner-sellers by supplying the following information to the ERA:

(i) Name of the refiner-buyer and of the person authorized to act for the refiner-buyer in buy/sell program transactions.

(ii) Name and location of the refineries for which crude oil has been sought, the amount of crude oil sought for each refinery, and the technical specification of crude oils that have historically been processed in each refinery.

(iii) Statement of any restrictions, limitations or constraints on the refiner-buyer's purchases of crude oil, particularly concerning the manner or time of deliveries.

(iv) Names and locations of all refiner-sellers from which crude oil has been sought under the buy/sell notice, the refineries for which crude oil has been sought, and the volume and

[1] As noted above, 28 applications for emergency supplemental allocations under Section(c)(2) are pending before ERA. In the event that the ERA issues a supplemental buy/sell list in order to reflect emergency supplemental allocations of crude oil and resulting changes in refiner-sellers' sales obligations, the ERA may establish a new twenty-day period (beginning with the date the list is issued) in which those small refiners receiving emergency supplemental allocations are required to attempt to arrange purchase on a voluntary basis before requesting directed sales.

specifications of the crude oil sought from each refiner-seller.

(v) The response of each refiner-seller to which a request to purchase crude oil has been made and the name and telephone number of the individual contacted at each such refiner-seller.

(vi) Such other pertinent information as the ERA may request.

All reports and applications made under this notice should be addressed to: Crude Oil Allocation Branch, 20th Street Postal Station, P.O. Box 19028, Washington, D.C. 20036.

This notice is issued pursuant to Subpart G of DOE'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 within 30 days following publication of this notice in the **Federal Register.**

Issued in Washington, D.C. March 30, 1979.

Barton R. House,

Assistant Administrator, Fuels Regulations, Economic Regulatory Administration.

Appendix

The list of refiner-sellers and refiner-buyers for the period April 1, 1979 through September 30, 1979, is as follows. The first part of the list sets forth the identity of each refiner-seller and refiner-buyer, the fixed percentage share of each refiner-seller, and the volumes of crude oil that each refiner-buyer is eligible to purchase for each eligible refinery. Allocations for newly constructed refinery capacity and reactivated refineries and expanded refinery capacity are set forth in the second part of the list.

Four previously unpublished changes in allocations for the Octber 1, 1978 through March 31, 1979, allocation period are shown below. These changes in allocations are reflected in additions to or subtractions from refiner-sellers' sales obligations, as appropriate, shown on the supplemental buy/sell list published in the **Federal Register** on March 9, 1979, and the resulting carry-forward of unsold sales obligations to the allocation period commencing April 1, 1979. The changes are as follows:

Refiner	Refinery	Change
Plateau, Inc....	Bloomfield, NM.	Allocation for new capacity of 313,950 barrels rescinded because Plateau did not begin operations until February-March 1979.
Rock Island Refining Corporation*	Rock Island, IN.	Decision and Order issued March 17, 1979, reducing emergency supplemental allocation for March 1979 by 62,100 barrels.
United Refining Company*.	Warren, PA....	Decision and Order issued March 23, 1979, increasing emergency supplemental allocation for March 1979 by 139,500 barrels.
Western Refining Company.	Woods Cross, UT.	Allocation for new capacity increased by 72,600 barrels because DOE inspection resulted in higher capacity than originally estimated.

*The Decisions and Orders for these allocations are available for public inspection in ERA Public Docket Room, Room B-110, 2000 M Street, NW., Washington, D.C. 20036.

Crude Oil Allocation Program for the Period—April 1, 1979—September 30, 1979

Refiner-Sellers	Share [1]	Sales Obligation (barrels)
Amoco Oil Co	.105	767,232
Atlantic Richfield Co	.077	544,049
Cities Service Co	.025	484,163
Chevron U.S.A., Inc	.101	986,263
Continental Oil Co	.004	25,000
Exxon Company, U.S.A	.089	556,243
Getty Refining and Marketing Co	.021	256,393
Gulf Refining and Marketing Co	.091	898,472
Marathon Oil Co	.022	142,842
Mobil Oil Corp	.094	676,649
Phillips Petroleum Co	.041	300,035
Shell Oil Co	.113	934,369
Sun Co	.055	487,650
Texaco Inc	.114	726,983
Union Oil Co. of California	.046	457,961
Total sales		8,244,304

[1] All Refiner-Sellers' percentage shares have changed because of the Continental Oil Company and Exxon Company, U.S.A. Decision and Order dated March 20, 1979. Case numbers are FEX-0185 and FEX-0184.

Eligible Refineries—April 1, 1979—September 30, 1979

Refiner	Refinery location	Allocation (barrels)
Asamera Oil, Inc	Denver, CO	421,875
Bi-Petro, Inc	Pana, IL	0
Carbonit Ref. Inc	Hearne, TX	0
Caribou Four Corners	Woods Cross, UT	89,920
CRA-Farmland Ind., Inc.	Scottsbluff, NE	43,302
CRA-Farmland Ind., Inc.	Phillipsburg, KS	0
Dow/Refinery	Bay City, MI	424,705
Evangeline Ref	Jennings, LA	71,879
Farmers Union Central Exchange.	Laurel, MT	744,340
Giant Industries	Bloomfield, NM	159,178
Hunt Oil Co	Tuscaloosa, AL	225,030
Kenco Ref. Co., Inc	Wolf Point, MT	0
Kentucky Oil Ref. Co	Betsy Layne, KY	9,081
Little America Ref	Sinclair, WY	0
Little America Ref	Casper, WY	61,684
Macmillan RF Oil Co	Norphlet, AR	82,993
Marion Corp	Mobile, AL	685,659
Mount Airy	Mount Airy, LA	593,805
Newhall Ref. Co	Newhall, CA	0
OKC Corp	Okmulgee, OK	1,014,989
Pennzoil Co. (Atlas)	Shreveport, LA	0
Plateau, Inc	Bloomfield, NM	87,477
Plateau, Inc	Roosevelt, UT	0
Pioneer Ref. Co	Nixon, TX	49,383
Pride Ref., Inc	Abilene, TX	428,060
Rancho Red. Co. of TX.	Donna, TX	0
Shepherd Oil Inc	Jennings, LA	545,739
Somerset Ref. Inc	Somerset, KY	97,428
Southern Union	Lovington, NM	1,723,471
Southern Union	Monument, NM	110,160
Southwestern Ref. Co	La Barge, WY	26,415
Texas American Petrochemicals, Inc.	West Branch, MI	0
Thunderbird Resources (Westco).	Cut Bank, MT	0
Thunderbird Resources (Westland).	Williston, ND	26,876
Western Ref. Co	Woods Cross, UT	86,230

Eligible Refineries—April 1, 1979—September 30, 1979—Continued

Refiner	Refinery location	Allocation (barrels)
Wyoming Ref. (Tesoro).	Newcastle, WY	0
Total		7,809,679

Additional Allocations for Newly Constructed and Expanded Refining Capacity and Reactivated Refineries

Refiner	Refinery location	Capacity [1]	Allocation (barrels)
Plateau	Bloomfield, NM	7,900	361,425
Western	Woods Cross, UT	1,600	73,200
Total			434, 625
Total all allocations			8,244,304

[1] Barrels per day.

[FR Doc. 79-10812 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Natural Gas Policy Act of 1978; Receipt of Report of Determination Process

April 3, 1979.

Pursuant to section 18 CFR 274.105 of the Federal Energy Regulatory Commission's Regulations, a jurisdictional agency may file a report with the Commission describing the method by which such agency will make certain determinations in accordance with sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978.

Reports in conformance with 18 CFR 274.105 have been received by the Commission from the following jurisdictional agencies:

Agency and Date

State of New Mexico Energy and Minerals Department, Oil Conservation Division—November 29, 1978.

State of Louisiana Department of Conservation—November 29, 1978.

Railroad Commission of Texas—November 30, 1978.

West Virginia Department of Mines, Oil and Gas Division—November 30, 1978.

Alabama State Oil and Gas Board—November 30, 1978.

State Oil and Gas Board of Mississippi—November 30, 1978.

Kansas State Corporation Commission Conservation Division—November 30, 1978.

State of Michigan, Department of Natural Resources, Geological Survey Division—December 1, 1978; Supplemental Report—March 7, 1979.

State of California Department of Conservation Division of Oil and Gas—December 4, 1978.

Commonwealth of Virginia Department of Labor and Industry Division of Mines and Quarries—December 4, 1978.

State of Wyoming Office of Oil and Gas Conservation Commission—December 4, 1978.

State of Colorado Department of Natural Resources—December 5, 1978.

State of Ohio Department of Natural Resources Division of Oil and Gas—December 6, 1978.

State of Alaska Oil and Gas Conservation Commission—December 11, 1978.

State of Arizona Oil and Gas Conservation Commission—December 14, 1978.

State of Nebraska Oil and Gas Conservation Commission—December 15, 1978.

State of Tennessee Oil and Gas Board—December 19, 1978.

State of Indiana Department of Natural Resources—December 26, 1978; Supplemental Report—March 26, 1979.

State of Pennsylvania Department of Environmental Resources, Division of Oil and Gas—December 26, 1978.

State of Florida Department of Natural Resources—January 3, 1979.

State of North Dakota Geological Survey—January 4, 1979.

State of Illinois, Department of Mines & Minerals, Oil and Gas Division—January 5, 1979.

United States Department of Interior, Geological Survey—January 19, 1979.

State of Montana Department of Natural Resources and Conservation—January 29, 1979.

State of Utah, Department of Natural Resources, Division of Oil, Gas, and Mining—January 30, 1979.

Commonwealth of Kentucky Department of Mines and Minerals, Division of Oil & Gas Conservation—February 5, 1979.

Arkansas Oil and Gas Commission—February 12, 1979.

New York State Department of Environmental Conservation—February 23, 1979.

State of Oklahoma Corporation Commission—March 29, 1979.

Osage Agency, Osage County, Oklahoma, Bureau of Indian Affairs—April 2, 1979.

Copies of these reports are available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[Docket No. RM 79-3]

[FR Doc. 79-10813 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Receipt of Application for Approval of Alternative Filing Requirements: Oil Conservation Commission, State of New Mexico

April 2, 1979.

Pursuant to 18 CFR 274.207, jurisdictional agencies responsible for making determinations under the Natural Gas Policy Act of 1978 may apply for approval of filing and/or notice requirements which are different from those contained in Commission regulations. Pursuant to § 274.207(c) the Commission gives public notice that the Oil Conservation Division of the State of New Mexico has filed an application for approval of alternative requirements. Any interested person may file written comments regarding the application with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 1, 1979. All comments filed by that date will be considered prior to Commission action on the application. Copies of the application are on file with the Commission and are available for public inspection in the Office of Public Information, Room 1000.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-10865 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

A. Johnson & Co. Inc.; Notice of Filing of Petition for Review Under 42 U.S.C. 7194

April 2, 1979.

Take notice that A. Johnson & Co. Inc. on March 2, 1979, filed a Petition for Review under 42 U.S.C. 719(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before April 18, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8,). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20526.

Kenneth F. Plumb,
Secretary.

[Docket No. RA79-21]

[FR Doc. 79-10867 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 3, 1979.

Take notice that Columbia Gas Transmission Corporation (Columbia) on March 22, 1979, tendered for filing the following revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, to become effective April 26, 1979:

Fifty-first Revised Sheet No. 16

Columbia states that the foregoing tariff sheet is being filed pursuant to Article VI A. of Columbia's Stipulation and Agreement in Docket No. RP76-94, et al., which was approved by Commission Order issued March 16, 1978. Article VI A. provides that Columbia be permitted to increase its rates to track reductions in its and Columbia Gulf Transmission Company's deferred income tax account resulting from refunding amounts attributable to certain income tax refunds. The rate adjustment being filed herewith provides for the recovery of an annual increase in Columbia's cost of service of $1,219,563.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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 18, 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.

[Docket No. RP76-94, *et al.*]

[FR Doc. 79-10866 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

Northwest Pipeline Corp.; Proposed Changes in FERC Gas Tariff

April 3, 1979.

Take notice that Northwest Pipeline Corporation (Northwest) tendered for filing, on March 30, 1979, a proposed general rate increase applicable to rate schedules contained in its FERC Gas Tariff, Volume No. 1. The proposed rate increase would increase revenues for jurisdictional sales and service by $34,187,953 annually based upon the twelve-month period ending December 31, 1978, as adjusted. Northwest also proposed to increase its rates for transportation services rendered under rate schedules contained in Volume No. 2 of its FERC Gas Tariff. Northwest has requested that the increased rates be made effective on May 1, 1979.

Northwest states that the requested rate increase is to recover its jurisdictional cost of service for the twelve months ended December 31, 1978, as adjusted for changes through September 30, 1979. Northwest claims that the principal reasons for the requested increase are:

(a) Increased cost associated with expansion of the Plymouth LNG Storage Project;

(b) Increased costs associated with expansion of gas supply and other facilities;

(c) Increased operation and maintenance expenses, including gas well royalties, and taxes;

(d) Increase in rate of return to 11.7 percent in order to compensate for high cost of capital; and

(e) Decreased sales volumes.

Copies of the filing were served on the Company's jurisdictional customers and affected state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal energy regulatory Commission, 825 North Capitol Street, 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 18, 1979. Protests will be considered by the Commission in determining the action to be taken, but will not serve to make protestants parties to this 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.

[Docket No. RP79-57]

[FR Doc. 79-10868 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition to Amend

April 2, 1979.

Take notice that on March 19, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-23, a petition to amend the order of March 7, 1977, issued in said docket, as revised, pursuant to Section 7(c) of the Natural Gas Act so as to include, as additional sources of supply for transportation, natural gas produced by Tenneco Oil Company (Tenneco Oil) in the Agua Dulce Field, the Four Isle Dome area, and gas obtained by Tenneco Oil from Louisiana Intrastate Gas Corporation (LIG), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.[1]

Tennessee states that the above mentioned order authorized the transportation by Tennessee of certain volumes of natural gas to Yscloskey, Louisiana, for delivery to Creole Gas Pipeline Corporation (Creole) for the account of Tenneco Oil pursuant to a gas transportation agreement between Tennessee and Tenneco Oil dated September 14, 1964, as amended. Tennessee requests that the order be amended in accordance with the provisions of an amendment to the 1964 agreement between Tennessee and Tenneco Oil dated March 9, 1979. Tennessee states that said amendment provides, as additional sources of supply for transportation, gas produced by Tenneco Oil in the Agua Dulce Field and the Four Isle Dome area and gas obtained by Tenneco Oil from LIG. It is stated that such gas is to be delivered to Tennessee at the following points.

Agua Dulce source delivered at side valve 1D-102 on Tennessee's Plomo Line No. 1D-100 in Nueces County, Texas.

Four Isle Dome Well #A-2 source delivered at side valve 522A-102 on Tennessee's Line No. 522 A-10 in Terrebonne Parish, Louisiana.

Grogan Field source delivered from LIG at side valve 701A-101.1 on Tennessee's Carthage Line No. 700-1 located in Section 7, Township 10N, Range 10 West, Natchitoches Parish, Louisiana.

Black Lake Field source delivered from LIG at a point on Tennessee's Line near Mile Post 41 + 9.0 in Natchitoches Parish, Louisiana.

Tennessee states that the volume to be transported by it for Tenneco Oil from these additional supply sources would be delivered to Creole for Tenneco Oil's account at Yscloskey, Louisiana. Tennessee further states that the additional supply sources proposed herein would be utilized in order to fulfill transportation volumes already certificated by the Commission and that no increase in transportation volumes is contemplated.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[Docket No. CP75-23]

[FR Doc. 79-10869 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

United Gas Pipe Line Co.; Petition To Amend

April 2, 1979.

Take notice that on March 16, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-341 a petition to amend the order of October 19, 1976, issued in said docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize United to inject the

maximum volume of natural gas into storage, that operating conditions would permit, so long as such volumes do not exceed the maximum wellhead shut-in pressure of 2,175 psia, all as more fully described in the petition which is on file with the Commission and open to public inspection.[1]

United states that it seeks authorization to provide for an increase in the volume of gas to be stored in its Bistineau Storage Field located in Bienville Parish, Louisiana. It is stated that United's Bistineau Storage Field presently has an authorized maximum inventory of 134,000,000 Mcf of natural gas. United indicates that under certain conditions, the Bistineau Storage FIeld is capable of storing in excess of the authorized operating pressure. It is asserted that an additional 6–7,000,000 Mcf of natural gas over the 134,000,000 Mcf level may be injected into storage without exceeding the authorized field operating pressure. It is further stated that since the conditions which would affect the extent of the additional gas that would be injected are unpredictable, United is not seeking to increase its volumes of gas at the Bistineau Storage Field to a specific level. Accordingly, states United, it requests that the October 19, 1976 Commission order be amended to delete the specific volume limitation of 134,000,000 Mcf.

United states that the additional storage of natural gas would permit more of its available gas supply to be delivered to its customers in the coming winter seasons when United's peak heating requirements occur.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 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 Natual Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[Docket No. CP76-341]

[FR Doc. 79-10870 Filed 4-6-79; 8:45 am]

BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

United Gas Pipe Line Co.; Application

April 2, 1979.

Take notice that on March 19, 1979, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79–225, an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to United Texas Transmission Company (United Texas) in Jasper, Jefferson, and Orange Counties, Texas, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant states that it was authorized on August 14, 1970 to abandon, by transferring to Pennzoil Pipeline Company (now United Texas) various properties in the state of Texas referred to as the Beaumont Properties. Applicant had previously transferred to United Texas other Texas properties which were wholly intrastate in nature, in order to establish an intrastate pipeline company separate from the Applicant, it is stated. Additionally, states Applicant, it was authorized to make certain sales of natural gas to United Texas. These proposed sales represented the approximate volumes of interstate gas that had previously flowed into the Beaumont Properties, it is asserted. Applicant states that the three delivery points for these sales are the interconnection with United Texas on Applicant's Mud Lake Line near Port Arthur, Jefferson County, Texas; the interconnection between United Texas and Applicant's Phoenix Lake facilities near Orange, Orange County, Texas; and the interconnection between Applicant and United Texas at Call Junction, Jasper County, Texas.

Applicant asserts that the source of the gas at the Mud Lake delivery point was limited to Applicant's purchases at Mobil Oil Corporation's Cameron Meadows Processing Plant, Cameron Parish, Louisiana and that the only means Applicant had for moving this gas away from the plant was through the Mud Lake Line extending into the Beaumont Properties. It is stated further that due to arrangements with other pipelines providing for this gas to be translated into Applicant's general interstate system and the normal decline in production of gas from this source, no deliveries are presently being made and none are expected to be made in the future at the Mud Lake location. As in the case of the Mud Lake deliveries, the only means Applicant had for taking gas from the Phoenix Lake area was to utilize the Beaumont Properties, it is stated. Applicant states that deliveries by the producers of this gas are made to Applicant in Orange County, Texas. Applicant indicates that the only facility it now owns in connection with this transaction is a meter station through which it delivers gas to United Texas.

It is stated that due to the minimal volumes of natural gas then available at Phoenix Lake, and its location being some distance from Applicant's remaining interstate system, it would not be feasible to construct the substantial facilities needed to bring this gas into Applicant's general interstate system. Applicant states that currently these volumes are approximately 300 Mcf per day.

With the passage of the Natural Gas Policy Act, it is now possible for Applicant to have the Phoenix Lake gas transported to its general interstate system by United Texas, it is stated.

Applicant states that United Texas has advised Applicant that it no longer needs gas from Applicant as its supply is sufficient to serve its customers' requirements.

It is asserted that Applicant is not proposing to abandon any of the facilities previously used to make the sales described above. Applicant states that the Mud Lake Line is presently being used to deliver gas to various rural service customers for the account of Entex, Inc. Applicant proposes to maintain the present interconnection with United Texas as a possible future emergency interconnection between these companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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.

[Docket No. CP79-225]

[FR Doc. 79-10871 Filed 4-6-79; 8:45 am]
BILLING CODE 6450-01-M

United Texas Transmission Co.; Application

April 2, 1979.

Take notice that on March 19, 1979, United Texas Transmission Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP79-241 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 for approval of the transportation of natural gas by Applicant for United Gas Pipe Line Company (United) for 12 years, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport pursuant to a general system transportation tariff on file with the Railroad Commission of Texas approximately 300 Mcf of natural gas per day from the Phoenix Lake field, Orange County, Texas, to Goodrich, Polk County, Texas, and Needville, Fort Bend County, Texas, at an initial rate of 16.59 cents per Mcf. Applicant states that the gas to be transported is produced in the Phoenix Lake field and is dedicated to United under the Natural Gas Act. The gas is said to be delivered in the field to Applicant and sold by United to Applicant pursuant to a certificate of public convenience and necessity issued in Docket No. CP70-103 under Section 7(c) of the Natural Gas Act. Applicant states that United has filed under Section 7(b) of the Natural Gas Act an application for permission and approval to abandon the sale to Applicant and that the approval sought in the instant application would be used to transport the Phoenix Lake gas to United's general interstate system after the abandonment is authorized.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 25, 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). 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.

[Docket No. CP79-241]

[FR Doc. 79-10872 Filed 4-6-79; 8:45 am]
BILLING CODE 6450-01-M

Virginia Electric & Power Co.; Filing

April 3, 1979.

Take notice that Virginia Electric and Power Company (VEPCO) on March 30, 1979, tendered for filing:

(1) City of Manassas Letter Agreement for Excess Facilities and Parolled Operation Service Contract.

(2) Second Revised Sheet No. 10 of VEPCO's FERC Electric Tariff, First Revised Volume No. 1, Resale Service to Municipalities and Private Utilities.

VEPCO proposes an effective date of June 7, 1979 for the revisions proposed in paragraph (2) above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 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 April 24, 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.

[Docket No. ER79-279]

[FR Doc. 79-10873 Filed 4-6-79; 8:45 am]
BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Office of the Secretary

Proposed Consent Order With Union Oil Company of California

AGENCY: Department of Energy.

ACTION: Notice of Proposed Consent Order and Opportunity for Public Comment.

SUMMARY: Pursuant to 10 CFR 205.199J, the Office of Special Counsel (Special Counsel) of the Economic Regulatory Administration, Department of Energy hereby gives notice of a Consent Order which on January 4, 1979, was executed between Union Oil company of California (Union) and Special Counsel. The consent order resolves the question of the amount of the commission Union was permitted to add to purchases of imported crude oil from an affiliate. That amount totalled $1.3 million for the period of the audit. In accordance with the regulation cited, Special Counsel will receive comments with respect to this consent Order. Although this Consent Order has been signed and tentatively accepted by Special Counsel, Special Counsel may, after consideration of comments received, withdraw its acceptance of the Consent Order.

COMMENTS: Comments must be received by May 9, 1979 to be considered. Address comments to: Charles D. Schoor, Esq., Pacific District Office of Special Counsel, U.S. Department of Energy, 3660 Wilshire Boulevard, Suite 800, Los Angeles, CA 90010, 213-688-4111.

Copies of the consent order may be received free of charge by written request to: UNOCO Fee Consent Order, Freedom of Information Office, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room GA-152, Washington, D.C. 20585.

Copies may be obtained in person from the Freedom of Information Reading Room, Forrestal Building, Room GA-152 or at the Los Angeles address above.

SUPPLEMENTARY INFORMATION:

I. Background

Union is one of the 34 major refiners being audited by the Special Counsel. Union produces and as well imports crude oil which it refines and markets as petroleum products. As such, Union is a refiner subject to the cost calculations and transfer pricing rules of 10 CFR 212.83 and 212.84. In August 1975, FEA initiated a general audit of Union's imported crude oil cost calculations, including a review of the brokerage commissions involved herein.

In early 1976, FEA advised Union that, in FEA's view certain imported crude oil brokerage costs paid by Union to its Hong Kong affiliate, Unoco, appeared to be an improper part of Union's cost of crude oil. The review conducted by FEA further showed that approximately $1,333,776.00 of allegedly excessive brokerage costs were included by Union in its report to FEA of increased product costs allocated to sales volumes of covered products for the period October 1, 1974 through December 31, 1975.

On September 16, 1976, the Federal Energy Administration (FEA), predecessor to Special Counsel, published notice of a Consent Order executed between Union and FEA concerning the subject matter of the present Consent Order. As a result of public comments to the prior Consent Order, FEA never finalized that Consent Order and thus, it did not become effective. Special Counsel hereby withdraws its agreement to that prior Consent Order and proposes the present Consent Order in its place.

II. The Consent Order

In resolution of the issues raised by the audit, Special Counsel and Union executed a Consent Order on January 4, 1979, the significant terms of which are:

1. Union agrees immediately to comply with the requirements of 10 CFR 212.83 and 214.84(g) by limiting the cost of Unoco brokerage commissions included in its foreign crude oil purchase costs to an amount not in excess of the actual per-barrel cost for such brokerage service paid by it to Unoco in May 1973;

2. Union agrees to reduce by $1,333,776.00 its increased product costs available for recovery under § 212.83 in the period that began on January 1, 1976; said reduction is to be shown as a lump sum adjustment on Union's Forms FEO–96 and FEA–P110—M—1 except as further described in Paragraph 4 below;

3. Union agrees to conform prospectively its forms FEA–F701–M–0 to the terms of the Consent Order to show only the amounts of brokerage commission agreed to in the Consent Order as part of its foreign crude oil costs;

4. Union agrees that within thirty days of receiving notice from the Special Counsel Audit Manager, but not before April 15, 1979, Union will refile its forms FEO–96 and FEA–P110–M–1 to eliminate the lump sum adjustment described in Paragraph 2 above and to reflect the reduction in increased costs described in Paragraph 2 on a month-by-month basis;

5. Special Counsel reserves the right to take further remedial action to effect refunds or other remedies if the reduction in costs contemplated by the Consent Order results in overrecoveries by Union of increased costs available for recovery;

6. Union agreed to pay and has already paid to the U.S. Treasury the amount of $12,500 in compromise of civil penalties; however, Union does not by this payment admit to any violation of the regulations;

7. The provisions of 10 C.F.R. § 205.199J including the publication of this notice, are applicable to the Consent Order.

III. Submission of Written Comments

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to the address noted above.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Union Consent Order." All comments received by 4:30 p.m. PDT on the 30th calendar day following publication of this notice will be considered by Special Counsel in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR 205.9(f).

Issued in Washington, D.C., March 20, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79–10775 Filed 4–8–79; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

Pesticide Products Containing Chlorobenzilate; Objections and Requests for Hearing

Notice is hereby given, pursuant to section 164.8 of the rules of practice (40 CFR 164.8) issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*), that objections and requests for a hearing were filed by the Environmental Defense Fund and 3 representatives of users of chlorobenzilate in connection with the Assistant Administrator for Toxic Substances' notice of intent to cancel registrations and deny applications for registration of pesticide products containing chlorobenzilate, dated February 5, 1979 (44 FR 9548). These proceedings have been consolidated for hearing.

For information concerning the issues involved and other details of these proceedings, interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk, Environmental Protection Agency, Room 3708, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460 (202/755–5476).

Herbert L. Perlman,

Chief Administrative Law Judge.

April 4, 1979.

[FRL 1095–8; Dockets No. 411 et al.]

[FR Doc. 79–10920 Filed 4–6–79; 8:45 am]

BILLING CODE 6560–01–M

Pesticide Programs; Filing of Pesticide Petition

EM Laboratories, Inc., 500 Executive Blvd., Elmsford, NY 10523, has submitted a petition (PP 9F2184) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180 be amended by establishing a tolerance for residues of the fungicide triforine [*N,N'*-[1,4-piperazinediyl-bis-(2,2,2-trichloroethylidene)]bis-[formamide] in or on the raw agricultural commodity cranberries with a tolerance limitation of 0.1 part per million (ppm). The proposed analytical method for determining residues is by gas liquid chromatography with an electron capture detector. Notice of this submission is given pursuant to the provisions of Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS–757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, DC 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 21, Registration Division (TS–767), Office of Pesticide Programs, at the above address, or by telephone at 202/755–2562. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the

Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: April 2, 1979.

Douglas D. Campt,
Acting Director, Registration Division.

[FRL 1096-7; PF-124]

[FR Doc. 79-10921 Filed 4-6-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Effective Date for Adoption of Revised Form 395 Extended to June 1, 1979 and Filing Date for Form 395 Extended to July 2, 1979

April 3, 1979.

The FCC has extended the effective date of its Form 395 (Annual Employment Report used for equal employment opportunity purposes) from April 1, 1979, to June 1, 1979, and has extended the deadline for filing the form from May 31, 1979, to July 2, 1979. These actions have been taken in order to give the FCC time to obtain GAO approval for the instructions to the form, which was recently amended.

Action by the Commission April 3, 1979. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty and Brown.

Federal Communications Commission,

William J. Tricarico,
Secretary.

[FCC 79-211]

[FR Doc. 79-10771 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

Broadcasting Service of America, Inc.; Application for Renewal of License

Adopted: March 15, 1979.

Released: March 19, 1979.

By the Commission:

In the matter of Application of Broadcasting Service of America, Inc., Station KBSA(TV), Guasti, California, for renewal of license; Order Designating application for hearing on stated issues.

1. The Commission has before it for consideration: (a) the captioned application and (b) its inquiries into the operation of Station KBSA(TV), Guasti, California, licensed to Broadcasting Service of America, Inc.[1]

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or remain the licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the Station KBSA(TV) license renewal application would serve the public interest, convenience and necessity, and must, therefore, disignate the application for hearing.[2]

3. Accordingly, it is ordered, that the captioned application IS DESIGNATED FOR HEARING pursuant to Section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent order, upon the following issues:

(a) To determine all the facts and circumstances surrounding the over-the-air advertising, offer and sale, by the applicant, its principals, officers, and employees, of "Church Notes," Securities or other instruments of indebtedness including those certain "Church Notes" sold pursuant to a trust indenture entered into by the applicant and Omega Financial Group, Inc., signed April 20, 1974.

(b) To determine, in light of the evidence adduced under issue (a), above, whether the applicant, its principals, officers or employees broadcast false, misleading, or deceptive information, either through explicit statements or failure to disclose material facts, during solicitations for the purchase of such "Church Notes," securities or instruments of indebtedness.

(c) To determine all the facts and circumstances surrounding the applicant's $25,000 payment to the Gene Williams Evangelical Association for use in connection with an airplane used by the Reverend Jerry Falwell.

(d) To determine, in the light of the evidence adduced under issue (c), above, whether the applicant, its prinicpals, officers or employees, solicited funds over-the-air to provide money for station operating capital, additional technical equipment, and other station improvements, but improperly diverted such funds to other uses.

(e) To determine all the facts and circumstances surrounding the membership of the board of directors, and slate of officers, of the applicant, the Berean Bible Ministries, Inc., and the Berean Baptist Church of Orange County, Inc., and changes therein during the period May 20, 1975, through the date of this Order.

(f) To determine, in the light of the evidence adduced under issue (e), above, whether there was a transfer of control of the licensee corporation without a finding by the Commission that the public interest, convenience and necessity would be served thereby, in violation of Section 310(d) of the Communications Act of 1934, as amended, and Section 1.540 of the Commission's Rules.

(g) To determine, in the light of the evidence adduced under issue (e), above, whether the applicant has provided, in Ownership Reports submitted to the Commission, full and complete information as is required by Section 1.615(a) of the Commission's Rules, and further, to determine, in the light of the evidence adduced under issue (e), above, whether the applicant has violated Section 1.615(c) of the Commission's Rules by failing to file, as provided therein, a supplemental Ownership Report within 30 days after the occurrence of any change in the information required by the Ownership Report from that previously reported.

(h) To determine whether the applicant failed to file with the Commission an Annual Financial Report (FCC Form 324) for the years 1974, 1975, 1976, and 1977, as required by Section 1.611 of the Commission's Rules.

(i) To determine whether the applicant failed to retain Station KBSA(TV) program and operating logs for various periods of time between April, 1975 and April, 1977 as required by Section 73.1840 of the Commission's Rules, and whether the applicant failed to make available upon request of an authorized representative of the Commission program and operating logs for various periods of time between April, 1975 and April, 1977 required to be retained, in violation of Section 73.1226 of the Commission's Rules.

(j) To determine all the facts and circumstances surrounding a telegram received by the Commission on April 24, 1977 signed "By W. Kenneth Connolly, President, Berean Bible Ministries, Inc., and Broadcasting Service of America,

[1] The Commission also has under consideration an application for the assignment of license of Station KBSA(TV) (BALCT-647). Action on this application will be held in abeyance pending the conclusion of the hearing ordered herein. *Jefferson Radio Company, Inc.* v. *FCC*, 340 F. 2d 783 (D.C. Cir. 1964), *Walton Broadcasting Co.*, 28 FCC 2d 111 (1971) and *Bi-County Broadcasting Corporation*, 34 FCC 2d 1117 (1972).

[2] We note that an informal objection was filed on February 26, 1979, on behalf of Inter-American Broadcasting Company, Inc. (Inter-American) which requests that the license renewal application of KBSA(TV) be designated for hearing so as to afford Inter-American an opportunity to acquire the station's license under the Commission's "distress sale policy." In making our decision today, we have neither considered, nor in any way been influenced by, Inter-American's letter or the arguments raised therein. The sole basis for our action, as stated, is that substantial and material questions of fact exist relating to the qualifications of Broadcasting Service of America, Inc., to remain the licensee of the station.

Inc." rescinding a contract on file at the Commission to assign the Station KBSA(TV) license to Metropolitan Broadcasting Company.

(k) To determine, in light of the evidence adduced under issue (j), above, whether the applicant, its principals, officers or employees, misrepresented facts to the Commission, or were lacking in candor.

(l) To determine, in light of the evidence adduced under the preceding issues, whether the applicant possesses the requisite qualifications to be or to remain a licensee of the Commission, and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. It is further ordered, that the Chief, Broadcast Bureau, is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to Issues (a) through (k), inclusive.

5. It is further ordered, that the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (k), inclusive, and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

6. It is further ordered, that to avail itself of the opportunity to be heard, the applicant herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this Order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, that the applicant herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by Section 1.594(g) of the Rules.

8. It is further ordered, that the Secretary of the Commission send a copy of this Order by Certified Mail, Return Receipt Requested to Broadcasting Service of America, Inc., licensee of Station KBSA(TV), Guasti, California.

Federal Communications Commission.

William J. Tricarico,

Secretary.

(FCC 79-169, BC Docket No. 79-46, File No. BRCT-754)

[FR Doc. 79-10772 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

Country Broadcasting Co.; Memorandum Opinion and Order Enlarging Issues

Adopted March 27, 1979.

Released March 30, 1979.

By the Review Board: Emerson, Kessler and Ohlbaum.

In the matter of applications of Country Broadcasting Company, High Springs, Florida (Docket No. 21235 and File No. BPH-9937) and Alachua Broadcasting, Inc., Alachua, Florida (Docket No. 21236, File No. BPH-10,269) for construction permits; Memoramdum Opinion and Order [Enlarging Issues].

1. This proceeding, designated for hearing by Order of the Chief, Broadcast Bureau (42 FR 34916, published July 7, 1977), involves the mutually exclusive applications of Country Broadcasting Company (Country) and Alachua Broadcasting, Inc. (Alachua) for construction permits for new FM broadcast stations to operate on Channel 285 (104.9 MHz) at High Springs, Florida, and Alachua, Florida, respectively. On December 19, 1977, Country filed a petition to enlarge issues requesting addition of an issue to explore the alleged failure of corporations owned by one of Alachua's principals to pay to the government funds withheld from wages for social security taxes. Presiding Administrative Law Judge Frederick W. Denniston denied the request by Memorandum Opinion and Order, FCC 78M-343, released March 6, 1978. Thereafter, on Juy 20, 1978, the Judge released an Initial Decision (FCC 78D-48) granting Country's application. In his Initial Decision, the Judge disqualified Alachua under issues relating to misrepresentation and violation of Section 1.65 of the Commission's Rules.[1] For the benefit of reviewing authorities, however, the Judge also made findings and conclusions under a Section 307(b) issue, concluding that Alachua was the preferred applicant under that issue.[2]

2. The Proceeding is now pending before the Review Board on exceptions and limited exceptions filed by Alachua and Country, respectively. Country contends, *inter alia*, that the failure of the Judge to add the issue against Alachua involving the social security taxes was error. For the reasons set forth hereafter, we agree. Morever, since we believe that the evidence now in the record under the misrpresentation and Section 1.65 issues is not sufficient to warrant the disqualification of Alachua—although we do not preclude the possiblility that evidence adduced under the issue we are adding may have some bearing upon our final disposition of the existing issues—we will remand the proceeding for further hearing. In addition to the foregoing, we believe that on the basis of new material contained in a petition to reopen the record, accept evidence, and reclose record filed November 6, 1978, by Country, further hearing is necessary under Section 307(b) and comparative coverage issues.[3] Finally, there are several other exceptions alleging error on the part of the Judge in denying motions to enlarge issues, which, if granted, would require additional evidentiary hearing, as well as various other requests to amend and to enlarge issues filed with the Board after the issuance of the Initial Decision.[4] All of these matters will be considered herein.[5]

3. *Exceptions—Social Security Taxes Issue.* Country's December 19, 1977 request for addition of an issue is based upon allegations that two corporations wholly or partially owned by an Alachua principal failed to transmit to the government funds withheld from wages for social security taxes for employees of the corporations during various periods of 1975, 1976, and 1977. In support of its request, Country submitted copies of five liens for taxes filed by the Internal Revenue Service against Great Southern Music Hall (Great Southern) and Young American Clothier, Inc. (Young American).[6] James

[1] Section 1.65 of the Commission's Rules, 47 CFR 1.65 requires, *inter alia*, that an applicant amend its application whenever the information furnished is no longer substantially accurate or complete in all significant respects.

[2] Section 307(b) of the Act provides that "the Commission shall make such distrubution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." A preference under the 307(b) issue is controlling without regard to the applicants' comparative qualifications. See *James E. Reese*, 45 FCC 2d 315, 323, 29 RR 2d 903, 914 (Rev. Bd. 1974).

[3] The Judge awarded Alachua a substantial comparative preference under a comparative coverage issue.

[4] Country filed a motion and a petition to enlarge issues against Alachua on August 16 and October 17, 1978, respectively. Alachua filed five petitions for leave to amend its application on July 11, August 9, August 29, and October 23, 1978, and February 22, 1979, respectively.

[5] All other exceptions of the parties are being held in abeyance until the issuance of the Judge's Supplemental Initial Decision.

[6] Liens against Great Southern were filed October 15, 1975, August 8, 1977, and November 29, 1977. The liens against Young American were filed September 16 and October 24, 1977.

Forsman, the secretary-treasurer, a director and forty-five percent shareholder of Alachua, is president and one hundred percent stockholder of Young American and vice-president and thirty-three percent stockholder of Great Southern. Country contended that the failure to pass on the funds to the government violated the fiduciary responsibility the corporations had to the government as a trustee for the funds, citing *U.S.* v. *Hill*, 368 F. 2d 617 (5th Cir. 1966). Country also contended, citing *The Noble Broadcasting Corp.*, 1 FCC 2d 154, 5RR 2d 915 (1965), that the Commission has previously held that the failure to pay such withholding taxes reflects adversely upon an applicant's character qualifications. The Broadcast Bureau supported the request to add the issue. The Judge denied the petition, finding that neither the Broadcast Bureau nor Country, whose comments and reply pleadings, respectively, were filed after the record was closed, pointed to any evidence that would raise character questions against Forsman or Alachua. He further found that Country had ample opportunity to explore this matter at hearing, and that it did not point in its reply to any manner in which it had been restricted in its examination of Forsman regarding the tax deficiencies.

4. Oral argument on exceptions to the Initial Decision was held before a panel of the Review Board on January 18, 1979. At that time, the Board invited the parties to file briefs directed to this matter, and specifically to the legal implications for this case of the assessment of penalties by the Internal Revenue Service.[7] In response, the Broadcast Bureau filed a memorandum of law, pointing out that an installment agreement signed by Forsman for Great Southern with the Internal Revenue Service on July 28, 1977, includes a condition which states in relevant part that "[a]n executed Form 2751, Agreement to Assessment & Collection of 100% Penalty . . . [is] made a part of this agreement and in the event of default . . . [this action] may be instituted without further notice." The Bureau asserts that implicit in the imposition of the one hundred percent penalty, pursuant to Title 26 § 6672 of the Internal Revenue Code, is a finding that there has been a voluntary and intentional act not to remit funds properly withheld for the government. Alachua, in its Supplemental Comments, acknowledges that Forsman executed the Form 2751, but contends that the agreement was entered into voluntarily, that there is no evidence that the Internal Revenue Service assessed the penalty, and that it will not be imposed against Forsman if the terms of the installment agreement are maintained to the satisfaction of the Internal Revenue Service.

5. An issue will be added to explore Forsman's knowledge of, participation in, and responsibility for the failure of the two corporations to remit the funds to the government. It is well established that a violation of federal laws by an applicant or one of its principals may raise a sufficient question concerning character to merit a careful examination to determine whether an applicant is qualified to be a licensee of this Commission. *Chapman Radio & Television Co.*, 38 FCC 2d 871, 26 RR 2d 395 (Rev. Bd. 1973); also see *Violation by Applicants of Laws of the United States*, 42 FCC 2d 399, 1 RR Part 3, 91:495 (1951). In the instant case, it is undisputed that Young Amerian and Great Southern failed to remit to the government funds collected for social security taxes which they were required under the Internal Revenue Code [8] to deduct and withhold from wages paid to their employees. These facts on their face raise a substantial question as to whether the corporations violated their fiduciary responsibilities to the government. Moreover, there is some indication in the record, as reflected by the terms of the installment agreement signed by Forsman, that the Internal Revenue Service may have considered Forsman responsible for Great Southern's failure to pay its taxes since the purpose of the one hundred percent penalty is to permit the taxing authority to reach those responsible for the corporation's failure to pay the taxes which are owing. See *White* v. *U.S.*, 372 F.2d 513 (Ct. Cl. 1967). Because a Commission licensee occupies a fiduciary relationship with the public in its role as a public trustee, violations of other fiduciary duties by principals of a broadcast applicant could have a bearing on the applicant's fitness to operate a broadcast station in the public interest. Moreover, we are not persuaded by the arguments contained in Alachua's opposition to the petition to enlarge issues and in its reply to exceptions that there is no need for specifying an issue.[9]

6. Alachua's initial contention is that there is no legal basis for adding the requested issue since the Commission has never previously permitted inquiry into Internal Revenue Service deficiencies of companies owned by a minority stockholder of an applicant. Alachua attempts to distinguish *The Noble Broadcasting Corp., supra*, from the facts in the instant proceeding on the ground that *Noble* involved a failure on the part of a broadcast licensee, rather than a principal of an applicant, to pay withholding taxes. The Board is unpersuaded that the *Noble* precedent is inapposite here. Under Section 307(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(a), the Commission may only grant a station license to an applicant if the public interest, convenience, or necessity will be served. This standard requires an examination of the character qualifications of an applicant. *Violation by Applicants of Laws of the United States, supra.* The Judge found in paragraph 119 of his Initial Decision that Forsman was apparently the active promoter of Alachua's proposed station and he was largely responsible for preparing the application. Forsman is also one of the largest stockholders, and an officer and a director of Alachua. We hold that a substantial and material question has been raised bearing on the qualifications of that applicant.[10]

7. Alachua next argues that there are no facts relating to the tax deficiencies from which the Commission can draw adverse conclusions. It relies upon an affidavit from Forsman in which he avers that the failure to remit the funds was not brought to his attention "contemporaneously" with any of the events, that he was not personally responsible for issuing company checks for these obligations, and that he cooperated fully with representatives of the Internal Revenue Service in an effort to make full payment of the deficiencies, culminating in his signing the installment agreement with the Internal Revenue Service on July 28, 1977, providing that the past deficiencies would be paid at an agreed rate. Moreover, on the basis of Forsman's assertion that the corpations in each instance filed the appropriate tax return, Alachua contends that there is no evidence of a willful attempt to deceive or defraud since the timely filing of the

[7] By letter dated January 31, 1979, Country requested that the Board advise the parties that reply briefs would be accepted. The request is moot in light of our action herein.

[8] See Section 3102(a) of Title 26 of the United States Code. Section 3102(b) provides that employers shall be liable for the payment of such taxes.

[9] Although Country's petition to enlarge was untimely, as Alachua contended, we believe that an examination of the allegations raises a question of probable decisional significance and such substantial public interest importance as to warrant consideration despite the untimely filing. See Section 1.229(c) (47 CFR 1.229(c)) of the Commission's Rules.

[10] *CF. TV 9, Inc.* v. *F.C.C.*, 161 U.S. App. D.C. 349, 358–360, 495 F. 2d 929, 938–940 (1973), *cert. denied* 419 U.S. 986 (1974).

returns placed the Internal Revenue Service on notice that taxes were owed.

8. We cannot agree with Alachua that the facts it relies on are sufficient to exculpate Forsman without further inquiry. The record evidence relating to this matter is not entirely consistent with Alachua's contentions that Forsman had no involvement with or knowledge of the corporations' failure to pay the money they held in trust for the government. Forsman gave the impression at the hearing that it was the former general manager who was at fault for the tax deficiencies, at least with respect to Great Southern. (Tr. 393.) Forsman testified that a $21,087 lien against Great Southern occurred as a result of the failure of the man in charge to file the forms or to pay the taxes during the last two quarters of 1976 (Tr. 386). A review of the copy of the lien, however, reveals that the date the taxes were assessed was March 28, 1977, when Forsman apparently was running the corporation (Tr. 626), and the liens were only imposed after a demand for the taxes had been made and payment was not forthcoming. It is difficult to judge from the record whether the former general manager also held a position with Young American, which corporation failed to remit similar taxes. However, a lien assessed on June 20, 1977 against Young American was for the quarter ending March 31, 1977. Moreover, Forsman's cooperation with the Internal Revenue Service in signing an installment agreement is, by itself, insufficient to absolve Forsman since there is no indication in the record that he had any feasible alternative. Additionally, there are inconsistencies between Alachua's pleadings and Forsman's testimony which must be resolved in order to adequately ascertain the circumstances surrounding the tax deficiencies. For example, in its opposition, Alachua states that the corporation filed tax returns on a timely basis, placing the Internal Revenue Service on notice that taxes were owed. Forsman's testimony at hearing, however, was that the man in charge *failed to file tax returns*, and also failed to remit the taxes. (Tr. 386, 393.) Similarly, Alachua claims in its supplemental comments that there is no record evidence of a penalty being assessed for failing to file the required tax returns, whereas Forsman testified that there was such a penalty. (Tr. 393.) Finally, while Forsman's affidavit states that he was not contemporaneously aware of the failure to remit the taxes, it does not state when he became aware of it or what he did about it. We conclude that Forsman's affidavit is not sufficient to adequately answer the questions raised by the impostion of the tax liens.

9. Alachua's final contention is that nothing will be gained by adding the issue since the tax liens were the subject of considerable testimany during the course of the proceeding on the existing issues relating to misrepresentation and violations of Section 1.65 of the commission's Rules. This contention is also without merit since we believe that the current record regarding the tax matters is confusing, unclear, and incomplete. As noted by the Broadcast Bureau, no evidence was adduced at the hearing concerning Forsman's authority and responsibility for the operation of the two corporations or his knowledge of and involvement in the failure to remit the funds to the government. For all of the above reasons, addition of an issue is warranted.

10. *Country's November 6, 1978 Petition to Reopen Record, Accept Evidence, and Reclose Record.* Country filed a "petition to reopen the record, accept evidence, and reclose record" on November 6, 1978, urging the Review Board to accept into evidence an engineering statement and a revised engineering exhibit purporting to demonstrate the effect of a recent Commission action granting an application filed by Hall Broadcasting Co., Inc. (Hall Broadcasting), licensee of Station WIYD–FM, Palatka, Florida, to modify its facilities. Country contends that the facts contained in its submissions are relevant under the Section 307(b) and comparative coverage issues specified in the instant proceeding since the modification of WIYD–FM's facilities will provide a first service to all of the existing "white area" and a second service to the existing "gray area" which Alachua proposes to serve.

11. Both Alachua and the Broadcast Bureau oppose the petition. Alachua points out that the modification proposed in Hall Broadcasting's application is contingent on the grant of a companion application filed by Hall Broadcasting to assign Station WIYD–FM to SIS Radio, Inc., and that the proposed modification of Station WIYD–FM, although nominally requested by Hall Broadcasting, is actually an accommodation for the prospective assignee. Although the applications for modification and assignment of license have been granted by the Commission (FCC 78–721, released October 25, 1978), the sale of the station was not consummated and, Alachua alleges, under the terms of the purchase agreement between Hall Broadcasting and SIS Radio, Inc., the latter has until May 27, 1979, in which to close the purchase. In this regard, Alachua notes that an appeal and a petition for reconsideration of the Commission's grant of the applications are pending before the United States Court of Appeals for the District of Columbia Circuit and the Commission, respectively, and contends that the court appeal and the petition for reconsideration will probably not be disposed of before the termination date (May 27, 1979) of the purchase agreement between Hall Broadcasting and SIS Radio, Inc. Alachua argues that given the likelihood that the transaction will not be consummated, the Board should base its decision on the existing record. In any event, Alachua contends, if the modification is to be considered here, additional evidence as to the precise number of persons receiving the different number of services within its 1 mV/m contour and an opportunity for all of the parties to argue the conclusions to be drawn from the new evidence are necessary. Finally, Alachua asserts that its Section 307(b) preference would not be disturbed even taking into account the service proposed by the modified WIYD–FM facilities.

12. The Review Board agrees with Country that the coverage to be provided under WIYD–FM's new authorization should be considered in this proceeding under the Section 307(b) and comparative coverage issues. We disagree with Alachua's contention that this matter should not be considered until the sale of the facilities is consummated since the modification is contingent on the sale. Although the Commission does not consider the impact of allocated but unoccupied channels or pending applications in proceedings involving applications for construction permits,[11] Alachua has cited no precedent, and we are aware of none, where the Commission has refused to consider the impact of authorized facilities in such proceedings, and we perceive no valid reason why this principle should not apply here. Thus, the Commission has already granted the application to assign and to modify the facilities of WIYD–FM, and we do not believe that the pendency of the petition for reconsideration or court appeal involves the same degree of uncertainty as does a pending application. In this regard, we find it significant that, notwithstanding the alleged failure of the purchase agreement between Hall Broadcasting and SIS Radio, Inc. to explicitly provide for an extension of the agreement

[11] See *Meredith Colon Johnston*, 33 FCC 2d 324, 334, 23 RR 2d 671, 683 (Rev. Bd. 1972).

beyond May 27, 1979, there is no indication that SIS Radio, Inc.'s interest in the purchase of the station has waned. On the contrary, SIS Radio, Inc. requested the Commission to extend the time within which to close the sale of the station until thirty days following the date on which the grant of its assignment application becomes final. We conclude that Alachua's assertion that the parties will permit the purchase agreement to terminate if the petition for reconsideration and the court appeal are not disposed of by May 27, 1979, is sheer speculation. Accordingly, we must reject the contention that consideration of the authorization is premature at this time. We also disagree with Alachua's contention that the facts contained in the material submitted by Country, when viewed substantively, would not affect its Section 307(b) preference. The material in the pleadings before us is not adequate to support a full and precise assessment of the impact of the authorization. The Judge relied heavily upon Alachua's nighttime white area advantage in awarding preferences to Alachua under the Section 307(b) and comparative coverage issues, and the new authorization appears to have substantially reduced the size of that white area. The impact of the WIYD–FM grant must be determined and we concur with Alachua that the material submitted by Country cannot be accepted without further hearing so that the parties have an opportunity to establish the precise facts on the record, and initially to present to the Judge their view of the significance of those facts on the resolution of the proceeding.[12]

13. *Exceptions—Ex Parte Issue.* Alachua filed a motion to enlarge issues on July 22, 1977, requesting the inclusion of an *ex parte* issue against Country, which was denied by the Judge in a Memorandum Opinion and Order, FCC 7 M–1703, released October 4, 1977. Alachua excepts to that ruling and requests that the proceeding be remanded to take evidence on the issue. The request was based upon thirteen letters received by the Commission from members of the public advocating the grant of Country's application.[13] Eight were addressed to the Secretary of the Commission, four to the Chief of the Broadcast Facilities Division of the Broadcast Bureau, and one to no particular addressee within the Commission. Alachua was never served with copies of the letters. Asserting that the Commission has previously added *ex parte* issues in *Pacifica Foundation*, 25 FCC 2d 787, 20 RR 2d 249 (Rev. Bd. 1970), and *Quest for Life, Inc.*, 10 FCC 2d 220, 11 RR 2d 346 (Rev. Bd. 1967), where principals of applicants solicited supportive statements addressed simply to the "Federal Communications Commission," Alachua argues that there is no logical distinction to be drawn between the facts in *Pacifica* and those in the instant case, and that solicitations of statements to the Secretary of the Commission are virtually one and the same thing as solicitations of communications to the Federal Communications Commission and therefore warrant inclusion of an appropriate issue.

14. In opposition, Ray Forrester, president, a director and 49.9% shareholder in Country, acknowledges that he encouraged the filing of four of the letters. Country notes that the letters were received by the Commission shortly after an editorial on the subject of the applications appeared in the Alachua *Herald* on February 17, 1977, and the High Springs *Herald* on March 3, 1977. The editorial urged citizens to write to either the Chief of the Broadcast Facilities Division of the Broadcast Bureau or to the Secretary of the Commission to express their views on which of the two competing applicants should be preferred. Attached to the opposition is an affidavit from the editor of the Alachua *Herald* in which he avers that he wrote and published the editorial on his own initiative as a follow-up to a news story about the broadcast applications published earlier. Country states that once the editorial appeared, friends asked Forrester if a letter to the Commission would help his cause and it was then that he encouraged four of the people to express their support for his application. Country further states that Forrester's mother encouraged the filing of two of the letters and that the other seven were presumably written in response to the editorial. The Broadcast Bureau opposed adding the issue on the ground that the addresses of the letters were not decision-making personnel.

15. The Review Board is of the view that the Judge properly denied this motion to enlarge issues. The *ex parte* rules (Sections 1.1225(a) and 1.1221 of the Commission's Rules), *inter alia*, prohibit a principal of an applicant from soliciting or encouraging others to communicate or attempt to communicate to decision-making personnel statements going to the merits or outcome of any proceeding where mutually exclusive applications have been filed. Section 1.1205 sets forth the categories of persons designated as decision-making personnel in the type of proceeding we have here. As noted by the Broadcast Bureau, the Secretary of the Commission and Chief of the Broadcast Facilities Division of the Broadcast Bureau are not among the listed categories and thus letters of support addressed to them do not violate the *ex parte* rules. Moreover, there is no indication that the statements were intended by Forrester to be sent to decision-making personnel, and it appears from Forsman's affidavit that his involvement relating to four of the letters resulted from the editorial.

16. We do not agree with Alachua that the facts in the *Pacifica Foundation* case, *supra*, and those in the present case cannot logically be distinguished.[14] In *Pacifica*, the Board, in adding the issue, stated that "an intention to restrict the transmittal of solicited presentations to the Commission's non-decision-making personnel is not readily apparent from the wording of the applicant's request for support." Some of the senders in that case in fact did address their correspondence to decision-making personnel of the Commission, *Pacifica Foundation, supra*, at n.10. Here, on the other hand, it is clear from the addressees explicitly named in the editorial that there was no intent to convey messages to proscribed persons. Thus, the letters arrived in proper hands and the fact that one letter, which appears to have been a response to the editorial rather than caused by any encouragement of Forrester, was received by the Commission, without a particular addressee, is not sufficient to warrant an evidentiary hearing.

17. *Exceptions—Alchua's February 23, 1978 Motion to Enlarge Issues.* Alachua next excepts to an interlocutory ruling contained in a Memorandum Opinion and Order, FCC 78M–354, released March 8, 1978, dismissing its motion to enlarge issues filed February 23, 1978. The motion to enlarge, which sought the addition of seven issues, was dismissed prior to the filing of responsive pleadings. Alachua contends that as a matter of law the Judge erred by issuing his ruling prior to the filing of pleadings

[12] In light of the remand and because the Section 307(b) issue may not be dispositive, the presiding Judge should also make findings and conclusions on the contingent comparative issue. See *Alkima Broadcasting Co.*, 30 FCC 932, 933 n.2, 21 RR 732, 734 n.2 (1961).

[13] Movant also relied initially upon a Congressman's letter to the Chief of the Broadcast Bureau, requesting expedition of the processing of Country's application, in seeking an issue, but subsequently did not raise this matter in its exceptions. We see no useful purpose in further discussion of this allegation.

[14] In *Quest for Life, Inc., supra*, which is also unlike the situation before us, the applicant's president sent a letter to the local newspaper urging readers to send supportive letters to the Federal Communications Commission.

on behalf of the competing applicant establishing that a *prima facie* showing had not been made as to each of the requested issues. Alachua urges the Board to express its disapproval of the dismissal of its motion as an unauthorized pleading, of the finding that the allegations did not make out a *prima facie* case as to any of the requested issues, and of the Judge's alleged abuse of discretion in ruling on the motion to enlarge issues in advance of the filing of responsive pleadings by the competing applicant and the Broadcast Bureau. Alachua submits that the Board must examine the motion very closely and determine the issues for which a *prima facie* showing was made.

18. The Board will not add any of the requested issues. Section 1.277(a) of the Commission's Rules provides, *inter alia*, that exceptions to rulings upon motions shall point out with particularity alleged material errors in the rulings. Aside from the general contention that the Judge abused his discretion by ruling on the motion in advance of the filing of responsive pleadings, and certain exceptions relating to a request for an issue concerning a proposed bank loan, which we will address below, Alachua's exceptions do not comply with this requirement of Section 1.277(a) of the Commission's Rules; the allegations in the motion to enlarge will therefore not be considered on the merits. With respect to the argument concerning the propriety of the Judge's action dismissing the motion, Sectin 1.298(a) of the Commission's rules (47 CFR 1.298(a)) provides in pertinent part that "[u]nless it is found that irreparable injury would thereby be caused one of the parties, or the public interest requires otherwise, or unless all parties have consented to the contrary, consideration of interlocutory requests will be withheld until the time for filing oppositions (and replies, if replies are allowed) has expired." The Judge found Alachua's motion to enlarge to be a thinly disguised attempt to circumvent the Commission's Rules and therefore dismissed the motion "[i]n the hopes of foreclosing future attempts at the tactics here employed. . . ." We find no abuse of discretion on the part of the Judge. The rule does not prohibit the Judge from taking action prior to the receipt of responsive pleadings where such an action is required in the public interest. Here, the motion was filed over a month after the record was closed, and Alachua has not shown that the Judge's opinion that the requested issues were substantially similar to other issues sought and denied earlier or were belated attempts to raise matters which could have raised during the hearing was incorrect. Moreover, Alachua's contention that the Judge could not find that a *prima facie* case was not demonstrated without examining responsive pleadings is incorrect. It is incumbent upon the movant to allege specific facts sufficient to support the action requested, *i.e.*, to raise a substantial and material question of fact, and the failure to do so is adequate grounds for denial of the motion without regard to any responsive pleading. Thus, we find no error on the part of the Judge.

19. We turn next to the exceptions alluded to above concerning Country's proposed bank loan. Alachua requests the Board to add misrepresentation and Section 1.65 issues based upon Country's alleged failure to report that property owned by Baxter and Mary Forrester, parents of Country principal Ray Forrester, which is to be used to secure Country's proposed bank loan from the High Springs Bank of High Springs, Florida, is subject to a mortgage deed from the High Springs Bank.[15] Alachua urges that there is a further misrepresentation in Country's written statement agreeing to the terms of the bank commitment letter since the statement indicates that Baxter Forrester owns the above property whereas, Alachua asserts, the property is actually owned by Baxter *and* Mary Forrester. Alachua argues that the absence of a statement from Mary Forrester indicating her willingness to agree to the terms of the proposed bank loan jeopardizes Country's financial proposal and provides adequate justification for adding a second Section 1.65 issue to explore the applicant's failure to file such a statement.

20. The exception requesting these issues will be denied. We are unaware of any question in the application form (FCC Form 301) which would require the reporting of the mortgage deed. Paragraph 4(e) of Form 301, Section III, Page 3, requires an applicant to "submit a copy of the document by which the institution * * * has indicated its willingness to provide such loan * * * showing [*inter alia*] collateral or security required. * * *" Country has met this requirement by submitting the bank commitment letter with the terms listed therein, and since the mortgagee is the same bank that is making the loan, it must be assumed that the bank is aware of the encumbrance; therefore, the mortgage should have no effect upon the availability of the loan. Finally, the omission of Mary Forrester's name in reference to the pledged property is not, of itself, sufficient to warrant addition of an issue since there appears to be no attempt to mislead the Commission regarding this matter, and the applicant has nothing to gain from concealing Mary Forrester's ownership interest.[16] However, since the record is incomplete regarding her willingness to accept the bank's terms and conditions for the loan, we will afford Country's an opportunity to file an amendment correcting this omission. See *Parkell Broadcasting, Inc.*, 59 FCC 2d 811, 814, 37 RR 2d 621, 625 (1976); *cf. Gilbert Broadcasting Corp.*, FCC 78R–38, 43 RR 2d 51, 76.

21. *Other Motions to Enlarge Issues.* On July 11, 1978, Alachua filed a petition for leave to amend its application to report an agreement between it and WKTX, Inc., licensee of FM Station WJNJ–FM, Atlantic Beach, Florida (hereinafter referred to as WJNJ–FM), executed on May 23, 1978, regarding an application filed by WJNJ–FM to relocate its transmitter to a site which is short-spaced with the proposed transmitter site of Alachua. Under the agreement, which Alachua claims formalized an earlier oral understanding, both parties agreed that they would not oppose the other's application and that they would not modify their respective facilities in the future so as to cause their predicted 1mV/m contours to overlap. Country filed a "further motion to enlarge issues and to reopen record" on August 16, 1978, alleging that an oral agreement, and most likely a written agreement, existed between Alachua and WJNJ–FM regarding the short-spacing as early as February 1978, but that it was not reported by Alachua until July, after the issuance of the Initial Decision.[17] The allegation is based upon language contained in a letter filed by WJNJ–FM on February 23, 1978 with the Commission relating to its own application.[18] Country contends that the existence of the agreement was and is highly relevant to this proceeding because it involves "prohibited short-spacing," affects the evaluation of the applicants under the Section 307(b) issue, and has some bearing on Alachua's request for waiver of Section

[15] Country is relying on the bank loan to finance its proposal.

[16] As noted by the Broadcast Bureau in its reply to exceptions, Mary Forrester has been very supportive of her son's efforts to obtain approval of his application, as evidenced by her attempt to solicit support from others for his application. See the *ex parte* issue para. 14, *supra*.

[17] The Initial Decision was issued on June 30, 1978, and released on July 20, 1978.

[18] The language in pertinent part reads "[a]ccordingly, the parties are now executing an agreement in which they mutually agree to accept the short-spacing."

73.315(a) of the Commission's Rules.[19] Country also argues, in its reply to oppositions filed by Alachua and the Broadcast Bureau, that it was the filing of Alachua's application that caused the short-spacing problem since it was filed after the Commission adopted an order granting a request to change WJNJ–FM to a Class C allocation at Jacksonville, Florida, which, Country adds, required a specific transmitter location to avoid short-spacing requirements with existing facilities. Country asserts that if Alachua relocated to a site which would provide principal city coverage to the city of Alachua, the short-spacing problems with WJNJ–FM would be eliminated. Finally, Country claims that Alachua only reported the agreement after the Broadcast Bureau staff independently discovered its existence. Country also requests that it be permitted to introduce additional evidence under the existing Section 1.65 issue to reflect that Alachua failed to report seven additional judgments and two state tax liens against Forsman or companies he owns.[20] Finally, Country alleges that Alachua failed to report a change of employment of Robert Ballantine, a ten percent stockholder in Alachua and its proposed general manager. Country urges the Board to reopen the record, accept the foregoing allegations into evidence, and immediately reclose the record thereafter.

22. The Review Board will deny the August 16 motion. Alachua's application was filed and designated for hearing prior to the filing of WJNJ–FM's application and therefore any violation of the minimum mileage separations prescribed by the Commission's Rules can affect only the WJNJ–FM application and has no bearing on Alachua's qualifications. See Section 73.207(a) of the Commission's Rules, 47 CFR 73.207(a).[21] The argument raised in Country's reply that the Commission contemplated a specific transmitter location for WJNJ–FM prior to the filing of Alachua's application is sheer speculation; nowhere in its pleading does Country point out where the Commission considered this matter. Also, the allegation that Alachua could eliminate the short-spacing problem by relocating to a site which would provide principal city coverage to the city of Alachua is unsupported and, in any event, irrelevant since Alachua is entitled to have its proposal judged on the merits of its specified site, absent addition of an alternative site issue, and Country has neither requested such an issue nor provided a basis for adding it. See *TLB, Inc.*, FCC 65–103, 4 RR 2d 508, 513–514. Accordingly, we fail to perceive how the agreement between WJNJ–FM and Alachua involves a violation by Alachua of the short-spacing rules or bears upon the Section 307(b) or Section 73.315(a) issues in this proceeding. Finally, we note in passing that Country's contention regarding the date of the agreement and the motivation for Alachua's failure to report it sooner are totally without support. Alachua submits an affidavit of counsel for WJNJ–FM who avers that the agreement was actually executed on May 23, 1978, as reported by Alachua.

23. Turning to the allegations regarding Alachua's failure to report seven additional judgments and two state tax liens against various companies in which Forsman has an interest, we agree with Alachua and the Broadcasting Bureau that it would serve no useful purpose to take evidence regarding these additional allegations since such evidence would merely be cumulative.[22] Also, the state tax liens do not involve the same implications as the federal tax liens, see paras. 3–9, *supra*, since it appears that the payments by employers to the state do not consist of withheld wages and, therefore, involve merely a tax payment rather than a fiduciary duty. Finally, we see no need to pursue the alleged failure of Alachua to report the change of employment of Robert Ballentine. At the time the motion was filed, *i.e.*, August 16, 1978, the thirty-day period in which Alachua was permitted to update its application pursuant to Section 1.65 of the Commission's Rules had not elapsed, since Ballantine terminated his employment with one station on July 21, 1978, and commenced his new employment on July 24, 1978. Subsequent to the filing of Country's motion, Alachua filed a petition for leave to amend its application (August 29, 1978) to reflect the change, although it erroneously reported that Ballantine left his employment on July 31, 1978. As a consequence of this error, Country filed on October 17, 1978, a petition to further enlarge issues against Alachua. In opposition, Alachua submitted an affidavit of Ballantine wherein he averrred that he had inadvertently supplied the incorrect dates when the matter was discussed with counsel. Alachua filed another petition for leave to amend its application on October 23, 1978, to substitute the correct dates.[23] In view of the foregoing discussion, it is unnecessary to explore this matter further under the August 16, 1978 motion to enlarge issues. Similarly, since there is no indication that Alachua attempted to mislead the Commission by submitting the wrong dates and because we have no reason to accept the explanation for the error, Country's petition to further enlarge issues filed October 17, 1978, will also be denied.[24]

24. Accordingly, it is ordered, that the Memorandum Opinion and Order, FCC 78M–343, released March 6, 1978, denying Country Broadcasting Company's December 19, 1977 petition to enlarge issues is set aside, that the petition is granted, and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine the facts and circumstances surrounding the failure of corporations wholly or partially owned by James E. Forsman to remit to the government wages withheld under the Federal Insurance Contribution Act 26 USC § 3102, and, in light of the evidence adduced, to determine the effect upon Alachua Broadcasting, Inc.'s basic or comparative qualifications to receive a broadcast station construction permit.

25. It is further ordered, that the burden of proceeding with the

[19] Section 73.315(a) of the Commission's Rules, 47 CFR 73.315(a), requires that "[t]he transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 decibels above 1 micovolt per meter (dBu), or 3.16 millivolts per meter, will be provided over the entire principal community to be served." An issue was specified previously to determine whether Alachua's proposal complied with Section 73.315(a) and, if not, whether the rule should be waived in the public interest.

[20] The original motion discusses only three judgments against the Forsman companies but in a supplement to the motion filed August 17, 1978, and in a further supplement to the motion filed September 18, 1978, Country refers to four additional judgments and the two state tax liens.

[21] Section 73.207(a) provided in pertinent part ". . . no application for a new station, or change in the channel or location of an existing station, other than a Class D (secondary) station, will be accepted for filing, unless the proposed facilities will be located at least as far from the transmitter sites of other co-channel and adjacent-channel stations (both existing and proposed) as the distances in miles specified in this paragraph."

[22] Country's request to reopen the record, accept the allegations into evidence, and then immediately reclose the record, could not be granted in any event since the other parties would have to be given an opportunity to present evidence on the matter.

[23] In view of Alachua's petition to amend and amendment reflecting the correct dates on which Ballantine changed his employment, we will dismiss Alachua's previous petition to amend, filed August 29, 1978, which reported the incorrect dates regarding Ballantine's employment.

[24] In a somewhat related matter, Country excepts to a ruling made by the Judge in granting a motion for a protective order (FCC 77M–1489, released August 29, 1977) limiting portions of interrogatories directed by Country to Ballantine. The exception is procedurally defective and will not be considered on its merits since Country failed to point out with particularity the alleged errors in the protective order, as required by Section 1.277(a) of the Commission's Rules. Nowhere in its exceptions does Country even point out which questions it was prevented from asking.

introduction of evidence under the foregoing issue shall be upon Country Broadcasting Company, and the burden of proof shall be upon Alachua Broadcasting, Inc.; and

26. It is further ordered, that the Further Motion to Enlarge Issues and to Reopen Record, filed August 16, 1978, by Country Broadcasting is denied; and

27. It is further ordered, that the Petition to Further Enlarge Issues, filed October 17, 1978, by Country Broadcasting Company is denied; and

28. It is further ordered, that the Petition to Reopen the Record, Accept Evidence, and Reclose Record, filed November 6, 1978, by Country Broadcasting Company is granted to the extent indicated herein, and is denied in all other respects; and

29. It is further ordered, that the Petitions for Leave to Amend, filed July 11, August 9, October 23, 1978, and February 22, 1979, by Alachua Broadcasting, Inc., are granted and the amendments are accepted; and

30. It is further ordered, that the Petition for Leave to Amend, filed August 29, 1978, by Alachua Broacasting, Inc. is dismissed; and

31. It is further ordered, that Country Broadcasting Company is afforded 30 days from the relaese date of this opinion to amend its financial proposal in accordance with paragraph 20 of this opinion; and

32. It is further ordered, that the record in this proceeding is reopened and the proceeding is remanded to the presiding Administrative Law Judge for further proceedings in accordance with this opinion and for preparation of a Supplemental Initial Decision.

Federal Communications Commission.

William J. Tricarico,
Secretary.

(FCC 79R-14, Docket Nos. 21235, and 21236; File Nos. BPH-9937 and BPH-10,269)

[FR Doc. 79-10774 Filed 4-6-79; 8:45 am]

BILLING CODE 6712-01-M

Golden State Broadcasting Corp.

In the matter of Applications of Golden State Broadcasting Corp., Tucson, Arizona (BC Docket No. 79-56, File No. BPH-10,041) Req: 107.5 MHz, Channel 298 100 kW (H&V), 1640 feet; Great Southwest Communications, Inc. Tucson, Arizona (BC Docket No. 79-57, File No. BPH-10,325) Req: 107.5 MHz, Channel 298 14.8 kW (H&V), 3550 feet; Tucson Community Broadcasting, Inc. Tucson, Arizona (BC Docket No. 79-58, File No. BPH-10,345) Req: 107.5 MHz, Channel 298 14.4 kW (H&V), 3530 feet; Tucson FM Broadcasting Corporation Tucson, Arizona (BC Docket No. 79-59, File No. BPH-10,347) Req: 107.5 MHz, Channel 298 100 kW (H&V), 2000 feet; Old Pueblo Broadcasting Corporation Tucson, Arizona (BC Docket No. 79-60, File No. BPH-10,370) Req: 107.5 MHz, Channel 298 14.1 kW (H&V), 3560 feet: Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: March 21, 1979

Released: April 3, 1979

By the Commission:

1. The Commission has under consideration the above-captioned mutually exclusive applications for a new FM station in Tucson, Arizona. Also before the Commission are: (i) A petition and numerous letters from Tucson residents and environmental groups protesting construction of the facilities proposed by Tucson FM Broadcasting Corporation in the Tucson mountains five miles west of Tucson; (ii) two informal objections on other grounds to the Tucson FM Broadcasting application; and (iii) a petition filed by Old Pueblo Broadcasting Corporation (Pueblo) pursuant to Section 1.514(b) of the Commission's Rules to make the Tucson FM Broadcasting application more definite and certain.

2. Pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. § 4321 *et seq.*, as implemented by Section 1.1301 *et seq.* of our Rules, the staff has prepared and is circulating for comment a draft environmental impact statement (EIS) concerning Tucson FM Broadcasting's proposed facilities. Under our rules, interested parties are afforded 45 days within which to file comments. The applicant will then be given 21 days to reply. Thereafter, the staff will prepare and present a final EIS for Commission consideration. Our environmental rules, however, do not expressly anticipate the instant situation where, regardless of the environmental impact occasioned by one competing applicant's proposal, a hearing will have to be held. In view of the substantial delay that will result if designation for hearing is deferred until we adopt a final EIS, we have determined that the public interest would best be served by bifurcating the procedure in this case. Consequently, we will waive Section 1.1317 of the Rules[1] to the extent that the comparative phase of the case will be allowed to begin before the environmental phase is completed. Thus, we will designate the application for hearing on the standard comparative issue at this time. Subsequently, if our review of Tucson FM Broadcasting's application and the final EIS prepared by the staff leads us to determine that the proposal will have a significant adverse impact on the human environment, we will, on our own motion, modify this designation order and specify an environmental issue. Accordingly, while the comparative portion of this proceeding will commence forthwith, final action on the applications will be withheld pending our disposition of a final EIS.

3. Turning to the two informal objections against Tucson FM Broadcasting, we find that neither one requires specification of an issue here. The objection from Carol Zimmerman, a member of a Tucson organization called "New Directions for Young Women," alleges that during the course of an ascertainment interview Ed Tovrea, Jr., then one of the principals of Tucson FM Broadcasting, made certain offensive remarks. In opposition, Mr. Tovrea characterizes Ms. Zimmerman's account of the discussion as a gross exaggeration. While this incident, if Ms. Zimmerman's version is correct, might conceivably reflect on Mr. Tovrea's character qualifications, he has severed his association with the applicant for health reasons. It has not been suggested that the current principals in Tucson FM Broadcasting have engaged in any improprieties. Thus, this minor, isolated incident need not be pursued at hearing, and Ms. Zimmerman's objection will be dismissed. See *Gilbert Broadcasting Corp.*, 55 FCC 2d 579, 588, 34 RR 2d 1673, 1686 (Rev. Bd. 1975).

4. Lloyd J. Perper, a professional engineer, objects to the proposal of Tucson FM Broadcasting on the ground that, by camouflaging its antenna tower for environmental reasons, the applicant will create a hazard to air navigation. The applicant filed notice of its proposal with the Federal Aviation Administration, which has found that the proposed structures will have "no substantial adverse effect on the safe and efficient use of airspace by aircraft and will not be hazards to air navigations." FAA Aeronautical Study No. 75-WE-431-OE, dated October 6, 1975 and contained in Tucson FM Broadcasting's October 1978 environmental impact report. Tucson FM Broadcasting further proposes to equip the tower with high intensity lighting systems which, according to FAA Advisory Circular 7017460-IE, are considered more effective than standard aviation surface orange and white paint. Thus, the towers would be less visible from populated areas at the base of the

[1] In pertinent part, Section 1.1317 directs that the final EIS will be considered by the Commission in determining whether to grant the application or designate it for hearing on an environmental issue.

mountains than if painted in the usual fashion, but would be more visible to aircraft. Since we see no reason not to defer to the FAA's expertise in this area, Mr. Perper's objection will be dismissed.

5. The petition to make application more definite and certain, filed by Pueblo, relates only to a procedural matter. The Pueblo petition essentially requests the Commission to order Tucson FM Broadcasting to file with the Commission and with the parties to this proceeding copies of the source materials referred to in its new environmental impact report. When it filed its updated environmental impact report on October 31, 1978, Tucson FM Broadcasting stated that these source materials were not submitted because of their bulk, although copies of specific docmuments would be made available to the parties on request. It does not appear that Pueblo has requested a copy of any specific document from the Tucson FM Broadcasting. One copy of the full 1976 environmental impact report was lent to the member of the Broadcast Bureau's staff assigned to prepare the draft environmental impact statement. He also received a copy of certain supplemental source materials. Although, all the materials were not sent to the competing applicants, they were available for inspection in the applicant's public file in Tucson. The Rules do not require that an applicant serve on other parties copies of pre-designation amendments [2] (much less copies of foot noted source materials), although this is fequently done as a matter of courtesy. In this case, the applicant points out that the 1976 environmental report has been wholly superseded by its October 31, 1978 submission, and the staff has returned the 1976 report. In addition, Tucson FM Broadcasting has now filed with the Secretary of the Commission and served on competing applicants copies of those supplemental materials provided to the staff. Hence, Pueblo's request is moot and will be dismissed.

6. Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, the areas and populations which would receive FM service of 1mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.[3]

7. Except for the possible addition of an environmental issue, the applicants are qualified to construct and operate as proposed. However, since the proposals are utually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, that § 1.1317 of the Commission's Rules is waived to the extent indicated herein, and that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, best serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

9. It is further ordered, that the Broadcast Bureau is directed to prepare a final environmental impact statement, together with its recommendations, for Commission consideration.

10. It is further ordered, that final action on the applications shall be withheld pending Commission disposition of a final environmental impact statement as to the proposal of Tucson FM Broadcasting Corporation.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 1.594(g) of the Rules.

13. It is further ordered, that the informal objections filed by Carol Zimmerman and Lloyd J. Perper, and the Petition to Make Application More Definite and Certain, filed by Old Pueblo Broadcasting Corporation, are dismissed.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FCC 79-186; BC Docket Nos. 79-56, etc; File Nos. BPH-10,041, etc.]

[FR Doc. 79-10773 Filed 4-8-79; 8:45 am]

BILLING CODE: 6712-01-M

[2] After designation for hearing, applicants are required by Section 1.522(b) of the Rules to serve copies of any petitions for leave to amend on all parties of record.

[3] The proposals of Great Southwest Communications, Inc., Tucson Community Broadcasting, Inc., and Pueblo would provide almost identical coverage. They have all proposed transmitter sites in the Santa Catalina Mountains northeast of Tucson. These applicants have specified about the same height above average terrain; that is, 3550, 3530 and 3560 feet, respectively. They are therefore required by the United States-Mexican Agreement to specify an effective radiated power (ERP) such that, according to Annex IV of the Agreement, the requested coverage would not exceed that of a maximum Class C facility, which is 100 kW ERP at 2000 feet above average terrain. (See Section 73.211(b)(1).) On the other hand, Section 73.311(a)(1) requires Class C stations to operate with *minimum* power of 25 kW, but when the agreement mandates a *maximum* power of less than 25 kW, the minimum power requirement is relaxed, but to no less than the maximum power prescribed by Annex IV. Thus, only one power level is permissible for a Class C proposal involving a height above average terrain so much greater than 2000 feet as to require a maximum power less than 25 kW.

In view of the small differences in height that are involved, the requested effective radiated power levels—14.8, 14.4 and 14.1 kW, respectively—are collectively inconsistent. At the same time, each value, considered independently, is not unreasonable, since the applicable curve of Annex IV cannot be read so precisely as to preclude the different interpretations before us. Accordingly, the Presiding Judge is authorized to resolve the discrepancy and establish mutually consistent values pursuant to a prehearing conference with the three parties and the Broadcast Bureau. The applicants will then be allowed to file the necessary amendments to their applications without petitions for leave to amend, and Section 1.522(b)(1) of the Rules is hereby waived to that extent.

FEDERAL MARITIME COMMISSION

Farrell Lines, Inc. et al.; Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission,

Washington, D.C., 20573, on or before April 30, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10333–1.

Filing Party: William L. Hamm, 25 Broadway, New York, New York 10004.

Summary: Agreement No. 10333–1 amends the pending revenue pooling agreement, originally entered into by Farrell Lines, Inc., Cunard-Brocklebank Ltd., The Scindia Steam Navigation Co., Ltd., The Shipping Corporation of India Ltd., Waterman Isthmian Line and Hellenic Lines Limited applicable generally to the transportation of cargoes by them from Calcutta and ports of Bangladesh to U.S. Atlantic and Gulf ports, by revising the membership thereof to include Bangladesh Shipping Corporation as a participating line and to delete Cunard-Brocklebank Ltd. and Hellenic Lines Limited as participating lines. Other changes in the basic agreement are made consonant with the foregoing revision in the membership.

Agreement No.: T–3498–1.

Filing Party: Marion S. Moore, Jr., Traffic Manager, South Carolina Ports Authority, P.O. Box 817, Charleston, South Carolina 29402.

Summary: Agreement No. T–3498–1, between South Carolina Ports Authority and Moller Steamship Company, amends an existing lease agreement by adding additional premises to those presently leased and raising the rent appropriately. By Order of the Federal Maritime Commission.

Dated: April 4, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79–10923 Filed 4–6–79; 8:45]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

First Bancshares of Smith Center, Inc.; Formation of Bank Holding Company

First Bancshares of Smith Center, Inc., Smith Center, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 97 percent of the voting shares of The First National Bank of Smith Center, Smith Center, Kansas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the applicant should submit views in writing to the Reserve Bank, to be received not later than April 27, 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 2, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79–10855 Filed 4–6–79; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT, OF HEALTH EDUCATION, AND WELFARE

Center for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: May 10–11, 1979.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: Alan R. Rinman, M.D., Acting Executive Secretary of Committee, Building 1, Room 4054, Center for Disease Control, 1600 Clifton Road, N.E., Atlanta, Georgia 30333. Phone: 404/329–3741 FTS: 236–3741.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will review and revise existing recommendation on poliomyelitis prevention; review and possibly revise the statement on diphtheria and tetanus toxoids and pertussis vaccine; review the past year's influenza activity and update the recommendation on influenza vaccine for the 1979–80 influenza season (if not already completed). Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: March 30, 1979.

Michael Lane,

Acting Director, Center for Disease Control.

[FR Doc. 79–10784 Filed 4–6–79; 8:45 am]

BILLING CODE 4110–86–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Artificial Kidney-Chronic Uremia Advisory Committee Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, on May 14–17, 1979, at the National Institute of Health, Building 31, Conference Room 4, Bethesda, Maryland. The meeting will be open to the public from 8:30 to 9:30 a.m., the first day to discuss administrative reports. Attendence by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552(c)(6), Title 5 U.S. Code and Section 10(d) of P. L. 92–463, the meeting will be closed to the public from 9:30 a.m. May 14 to adjournment on May 17, for the review, discussion and evaluation of individual contract proposals. The proposals and the discussion could reveal trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the meeting may be obtained from Dr. Richard A. Pledger, Executive Secretary, Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive

Diseases, NIH, Westwood Building, Room 417, Bethesda, Maryland 20014, (301) 496–7306.

Mr. James N. Fordham, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland, (301) 496–3583, will provide summaries of the meeting and rosters of the committee members.

(Catalog of Federal Domestic Assistance Program No. 13.849, National Institutes of Health)

Dated: March 29, 1979.

Suzanne, L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-10824 Filed 4-6-79; 8:45 am]

BILLING CODE 4110-08-M

Data Evaluation/Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Data Evaluation/Risk Assessment Subgroup of the Clearinghouse on Environmental Carcinogens, National Cancer Institute, May 1, 1979, Building 31C, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review available bioassay reports and other matters relevant to data evaluation and risk assessment. Attendance by the public will be limited to space available.

Dr. James M. Sontag, Executive Secretary, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5108) will provide summaries of the meeting, rosters of committee members, and substantive program information.

Dated: March 30, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-10822 Filed 4-6-79; 8:45 am]

BILLING CODE 4110-08-M

Meetings of Committees Advisory to the National Cancer Institute for the Review of Grant Applications

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with the provsions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associate with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, unless otherwise stated.

Name of committee: Subcommittee on Cancer Etiology and Prevention of the Cancer Research Manpower Review Committee.

Dates: May 11–12, 1979; 9:00 a.m.–adjournment.

Place: The New Orleans Marriott, Canal and Charles Street, New Orleans, Louisiana 70140.

Times: Closed for the entire meeting.

Closure reason: To review research grant applications.

Executive secretary: Dr. Leon J. Niemiec.

Address: Westwood Building, Room 10A15, National Institutes of Health,

Phone: 301/496–7803.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

Name of committee: Subcommittee on Treatment and Restorative Care, Detection and Diagnosis of the Cancer Research Manpower Review Committee.

Dates: May 11–12, 1979; 9:00 a.m.–adjournment.

Place: The New Orleans Marriott, Canal and Charles Street, New Orleans, Louisiana 70140.

Times: Closed for the entire meeting.

Closure reason: To review research grant applications.

Executive secretary: Dr. Leon J. Niemiec.

Address: Westwood Building, Room 10A15, National Institutes of Health.

Phone: 301/496–7803.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

Name of committee: Cancer Research Manpower Committee.

Dates: May 13, 1979.

Place: New Orleans Marriott, Canal and Charles Street, New Orleans, Louisiana 70140.

Times: Open: May 13, 9:00 a.m.–9:30 a.m. Closed: May 13, 9:30 a.m.–adjournment.

Closure reason: To review research grant applications.

Executive secretary: Dr. Leon J. Niemiec.

Address: Westwood Building, Room 10A15, National Institutes of Health.

Phone: 301/496–7803.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

Name of committee: Clinical Cancer Education Committee.

Dates: June 11–12, 1979.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open: June 11, 8:30 a.m.–9:30 a.m. Closed: June 11, 9:30 a.m.–5:00 p.m. Closed: June 12, 8:30 a.m.–adjournment.

Closure reason: To review research grant applications.

Executive secretary: Dr. Margaret H. Edwards.

Address: Westwood Building, Room 10A18, National Institutes of Health.

Phone: 301/496–7761.

(Catalog of Federal Domestic Assistance Number 13.398, National Institutes of Health)

Dated: March 29, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-10823 Filed 4-6-79; 8:45 am]

BILLING CODE 4110-08-M

Renewal of the Animal Resources Review Committee

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the Animal Resources Review Committee.

Authority for the above committee will expire on May 31, 1979.

Dated: March 28, 1979.

Donald S. Fredrickson,

Director, NIH.

[FR Doc. 79-10821 Filed 4-6-79; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Education

Comments On Collection of Information and Data Acquisition Activity

AGENCY: Office of the Assistant Secretary for Education.

ACTION: Comments on Collection of Information and Data Acquisition Activity.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by P.L. 95-561, require public announcement of certain data Federal agencies request of educational agencies and institutions. The U.S. Office of Education proposes to collect the data described below from educational agencies or institutions during school year 1978-79.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, HEDA Staff NCES, Room 3159, 400 Maryland Avenue, S.W., Washington, D.C. 20202 Phone 202-245-1022.

SUPPLEMENTARY INFORMATION: Each agency or institution subject to request for data and their representative organizations may comment on the data acquisition activity. The Federal Education Data Acquisition Council Staff accepts comments at the above address. Comments should refer to the specific sponsoring agency and form number and must be received on or before May 9, 1979. These data acquisition activities are subject to review by the HEW Federal Education Data Acquisition Council Staff.

Dated: April 2, 1979.

Mary F. Berry,
Assistant Secretary for Education.

Description of Proposed Collection of Information and Data Acquisition Activity

1. Title of Proposed Activity—*An Evaluation of the Right-to-Read Special Emphasis Project.*

2. Agency/Bureau/Office—Department of Health, Education, and Welfare, U.S. Office of Education, Office of Evaluation and Dissemination.

3. Agency Form Number—OE 520

4. Legislative Authority for This Activity—Planning and evaluation activities are authorized under the General Education Provisions Act which states in part: "* * * the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the cost and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such programs * * *" (20 USC 1226C.)

Also, Part D of P.L. 93-380 as amended by P.L. 94-194 provides a 1% administrative set-aside for evaluation purposes as part of the National Reading Improvement Program funding. (20 USC 1226.)

5. Voluntary/Obligatory Nature of Response—Voluntary.

6. How Information to be Collected Will be Used—This study is an assessment of program effectiveness. The data will be used by the Office of Evaluation and Dissemination to provide Congress and other decisionmakers with an evaluation of the effectiveness of reading specialists and reading teachers in providing intensive reading instruction to elementary school children, and an evaluation of the effectiveness of intensive summer reading programs in elementary schools.

7. Data Acquisition Plan—

A. *Method of Collection.* All questionnaires, except for the parent instrument, will be self-administered and completed while the contractor is at the project site. The parent questionnaire will be sent home and collected by classroom teachers who will return them to the contractor.

B. *Time of Collection.* Questionnaires will be administered in spring 1979.

C. *Frequency.* Annually, 1977-1979. Data for 1977 and 1978 are part of the historical file. Data for 1979 have yet to be collected.

8. Respondents—

A. 1. Type: Reading specialists/teachers—elementary; 2. Number: 40; 3. Estimated Average Person-Hours Per Respondent: 0.5.

B. 1. Type: Classroom teachers—elementary (experimental and control school); 2. Number: 190; 3. Estimated Average Person-Hours Per Respondent: 0.5.

C. 1. Type: Librarians; 2. Number: 14; 3. Estimated Average Person-Hours Per Respondent: 0.25.

D. 1. Type: Students in public elementary schools, grades 3-6; 2. Number: 4,000; 3. Estimated Average Person-Hours Per Respondent: 0.2.

E. 1. Type: Parents of students in public elementary schools; 2. Number: 5,700; 3. Estimated Average Person-Hours Per Respondent: 0.2.

F. 1. Type: Student information checklist; 2. Number: 5,700; 3. Estimated Average Person-Hours Per Respondent: 0.2 times number of students in class.

9. Information to be Collected—

Reading Specialist—Qualifications, Role of reading specialist, Role of project director, Coordination activities among Special Emphasis staff and regular classroom teaching staff, In-service training, Provision of support services to the reading project, Instructional groupings, strategies, and materials, Uses of test and assessment information, Use of aides, Effects of the Special Emphasis Project.

Classroom Teachers (Experimental and Control)—Qualifications, Grade levels and content areas, Use of aides or parent volunteers, Coordination activities among Special Emphasis staff and regular classroom teaching staff, Role of the reading specialist, In-service training, Uses of test and assessment information, Instructional groupings, strategies, and materials, Reading treatment received (by students), Effects of the reading program, Student demographic characteristics.

Librarians—Qualifications, Coordination of library with total school reading program, Role of librarians, Effects of the Special Emphasis Project.

Students—Attitudes toward reading and reading instruction, Reading habits.

Parents—Child's attitude toward reading, Information related to the reading program provided by the school, Increase in parent volunteer activity in child's school.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. Title of Proposed Activity—Educational Information Centers Program—State plan form.

2. Agency/Bureau/Office—U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Student Services and Veterans Programs.

3. Agency Form Number—OE Form 610.

4. Legislative Authority for This Activity—"Section 418B(b): Any State desiring to receive a grant under this subpart shall submit for the approval of the Commissioner a State plan, which shall include—

(1) a comprehensive strategy for establishment or expansion of Educational Information Centers, designed to achieve the goal, within a reasonable period of time, of making available within reasonable distance to all residents of the State the services of an Educational Information Center;

(2) assurances concerning the source and availability of State local, and private funds to meet the non-Federal share of the cost of the State plan required by section 418A(c); and

(3) such other provisions as are essential to carry out the provisions of this subpart." (20 USC 1070d–2).

5. Voluntary/Obligatory Nature of Response—Required to obtain or maintain benefits.

6. How Information To Be Collected Will Be Used—The information collected will be used to determine compliance of the State plan with published criteria.

7. Data Acquisition Plan—

a. Method of collection: mail. b. Time of collection: Spring-Summer. c. Frequency: Annually.

8. Respondents—a. Type: State agencies. b. Number: 47. c. Estimated average man-hours per respondent: 100.

a. Type: State institutions. b. Number: 10. c. Estimated average man-hours per respondent: 100.

9. Information To Be Collected—Of both State agencies and State institutions: Standard Form 424: used as facesheet. State plan narrative: specific, detailed information called for in the State plan and State plan amendments sections of program regulations; e.g., goals and objectives schedules, plan for surveying and coordinating, monitoring process and budget.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. Title of Proposed Activity—Education Information Centers Program: Financial Status and Performance Reports.

2. Agency/Bureau/Office—U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Student Services and Veterans Programs.

3. Agency Form Number—OE 696.

4. Legislative Authority for This Activity—Program Authorization: "The Commissioner shall, in accordance with the provisions of this subpart, make grants to States to pay the Federal share of the cost of planning establishing, and operational *Educational Information Centers* to provide educational information, guidance, counselling, and referral services for all individuals residing in rural areas. (20 U.S.C. 1070d–2; Sec. 418A, P.L. 94–482).

Reporting Authorization: Performance Report * * * Grantees shall submit a performance report for each grant * * *. (OMB Circular No. A–102 Attachment H.)

Financial Status Report * * * Each Federal Agency shall require grantees to use the standardized Financial Status Report to report the status of funds for all nonconstruction projects or programs. (OMB Circular No. A–102 Attachment H.)

Program Regulations: The State shall prepare and submit to the Commissioner, the following reports within 90 days after the close of grant period:

a. An annual financial report for the grant period that sets forth: (1) The total outlays and unpaid obligations; (2) The amount and source of the State's matching funds; (3) The amount of funds from all sources that were spent for administrative purposes; and (4) The amount of unobligated funds alloted under this part that will remain at the end of the grant period; and

b. An annual performance report that contains: (1) A list of grants and contracts made during that year, including: i. The name of the grantee or contractor; ii. A description of services provided under the grant or contract; iii. The locations where services were provided; and iv. The amount of funds, from all sources, involved. (2) A report on the number of individuals served by the program and the services provided them; and (3) If the State has not provided services to clients, a narrative report of the progess that the State has made during the award period toward the development of its comprehensive strategy. (Educational Information Centers Program Regulations, CFR 45, Chapter 1, Part 137.8.)

5. Voluntary/Obligatory Nature of Response—Required to obtain or maintain benefits.

6. How information will be used—*Program Management:* Reports will be used as a monitoring device to find out if there is a duplication of services with other programs and to find areas where technical assistance may be needed. Information gathered from these reports will be a data base for answering inquiries for budget hearings and Congressional testimony.

7. Data Acquisition Plan—a. Method of Collection: Mail. b. Time of Collection: Fall. c. Frequency: Annually.

8. Repondents—a. Type: State Agency or Institution. b. Number: Universe (44). c. Estimated Average Man-hours per respondent: 1.

9. Information To Be Collected—a. Performance Reporting will include only those items listed in the program regulations. (See No. 4 above.) b. Financial Reporting will be on the Standard Financial Status Report, OMB Circular No. A–102.

Description of a Proposed Collection of Information and Data Acquisition Activity

1. Title of Proposed Activity—Collection of State Educational Assessment Data.

2. Agency/Bureau/Office—Office of Education/Right to Read Program.

3. Agency Form Number—OE 697.

4. Legislative Authority for This Activity—P.L. 95–561 "Sec. 209. The Secretary is authorized to use funds appropriated under this part to collect and analyze information concerning the results of activities carried out under this title and under part C of Title IV, including information in the activities which have been successful in improving the achievement of students in the basic skill * * *," "Sec. 210. The Secretary shall establish effective and efficient procedures for coordination between the programs assisted under this part and other parts of this title, with programs assisted under Title I and Title IV of this Act, Title V of the Economic Opportunity Act of 1964, Title V of the Higher Education Act of 1965, and other such Federal programs that support efforts to improve the basic skills of children, youth and adults." "Sec. 224 * * * (1) the development of a comprehensive statewide program providing for the coordination of all Federal and State programs that provide instruction in basic skills."

5. Voluntary/Obligatory Nature of Response—Voluntary. At the request of the Commissioner of Education.

6. How Information Collected Will Be Used—(a) To aid Right to Read (the new Basic Skills program) in assisting States in planning comprehensive statewide basic skills programs (Sec. 224); (b) To aid the fifteen Federal programs which comprise the OE Steering Committee on Basic Skills Coordination in their coordination efforts (Sec. 210); (c) To assess the present condition of education in relation to basic skills/competency-based instruction (Sec. 209).

7. Data Acquisition Plan—a. Method of collection: Personal interview by Regional Commissioners of appropriate SEA representatives; b. Time of collection: April, 1979; c. Frequency: One time or annually.

8. Respondents—a. Type: State Education Agencies; b. Number: 54 (Universe); c. Estimated average man-hours per respondent: 4.

a. Type: Regional Commissioners; b. Number: 10 (Universe); c. Estimated average man-hours per respondent: 4.

9. Information to be collected—

State
Contact person
Telephone
Initiator
Legislative (Law)
State Board Policy
Other
Test Cycle
Year started
Time of year
Frequency
Data Report Schedule
Grade Assessed
No. Students in Grade
No. Students Tested
Assessment Results
1976–1977
Pre
Post
Gain
1977–1978
Pre
Post
Gain
1978–1979
Pre
Post
Gain
Last Assessment Date
Total Students Tested
Total State School Enrollment
'ercentage of State's Total School Population Assessed
Assessed Areas
Grade Levels
Ages
Curriculum Areas
Test Selection
Existing Commercial
Norm Ref.
Criterion Ref.
Specifically Designed Professionally
Norm Ref.
Criterion Ref.
Locally Designed
Stated Purpose
Evaluate The Program
State Program Goals
Local Program Goals
Evaluate Student Ability
Stated Purpose
Determine Graduation Eligibility
Remediation Strategy
Pretest Opportunities

Description of a Proposed Collection of Information and Data Acquisition Activity

1. Title of Proposed Activity—Performance Report Forms for Commissioner's Discretionary Programs of Bilingual Education (Title VII, ESEA).

2. Agency/Bureau/Office—U.S. Office of Education, Office of Bilingual Education.

3. Agency Form Number—OE Form 4561–1.

4. Legislative Authority for This Activity—

Section 721(b)(3)(C)(iii): "that the program includes a plan for evaluation consistent with guidelines prescribed by the Commissioner."

Section 721(e)(2): "If the Commissioner approves an application of a local education agency * * * Payments to any such agency for any fiscal year subsequent to the first fiscal year for which the application has been approved shall be made only if—* * *

(C) the agency demonstrates, by such means as the Commissioner may prescribe, that satisfactory progress is being made toward achieving the objectives of the program for which assistance has been made available under this title, including objectives of Section 703(a)(4)(E) and Section 703(a)(4)(F)."

4. Legislative Authority for This Activity—

Section 703(a)(4)(E)(iii): "Contain assurances that, after the application has been approved, the applicant will provide for the continuing consultation with, and participation by, the committee of parents, teachers, and other interested individuals * * *"

Section 703(a)(4)(F): "Parents of children participating in a program of bilingual education shall be informed of the instructional goals of the program and the progress of their children in such programs."

Section 721(b)(3)(F): "The program of the bilingual education for which assistance is sought will (i) serve those children most in need of assistance under this title, (ii) provide measurable goals for determining when those children no longer need such assistance, and (iii) provide, from State and local resources, for necessary followup services to sustain the achievement of the children after they have left the program, except that if any child is enrolled in a bilingual program assisted under this title for two years, that child shall have an individual evaluation establishing the need for continued services."

5. Voluntary/Obligatory Nature of Response—Required to obtain and maintain benefits.

6. How Information To Be Collected Will Be Used—The information will be used to award grants and enter into assistance contracts under the Commissioner's Discretionary Programs of Bilingual Education.

7. Data Acquisition Plan—a. Method of Collection: Mail. b. Time of Collection: Summer. c. Frequency: Annually.

8. Respondents—

a. Type: Colleges and Universities. b. Number: 200. c. Estimated Average Man-hours per Respondent: 40.

a. Type: Local Educational Agencies. b. Number: 625. c. Estimated Average Man-hours per Respondent: 40.

a. Type: Nonprofit Organizations. b. Number: 25. c. Estimated Average Man-hours per Respondent: 40.

a. Type: State Education Agencies. b. Number: 50 c. Estimated Average Man-hours per Respondent: 40.

9. Information To Be Collected—All respondents will be required to provide information requested on the standard performance report forms.

[FR Doc. 79–10826 Filed 4–6–79; 8:45 am]

BILLING CODE 4110–89–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

New Hampshire; Emergency and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: this is a Notice of the Presidential declaration of an emergency for the State of New Hampshire (FDAA–3037–EM), dated March 15, 1979, and related determinations.

DATED: March 15, 1979.

FOR FURTHER INFORMATION CONTACT: John Perry, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202) 634–7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, docket No. D–74–285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on March 15, 1979, the President declared an emergency as follows:

I have determined that the damage in certain areas of the State of New Hampshire resulting from flooding beginning about March 5, 1979, is of sufficient severity and magnitude to warrant the declaration of an emergency under Public Law 93–288 and the implementation of those Federal programs which provide assistance to individuals only, as authorized by Sections 404 and 408 of that Act. I therefore, declare that such an emergency exists in the State of New Hampshire.

Notice is hereby givern that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and

delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–74–285, I hereby appoint Mr. Arthur T. Doyle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area of the State of New Hampshire to have been adversely affected by this declared emergency.

The Town of Stratford in Coos County

The purpose of this declaration is to provide temporary housing assistance as well as individual and family grants to the flood victims.

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Asst.)

William H. Wilcox,

Federal Disaster Assistance Administration.

[FDAA 3073–EM; Docket No. NFD–669]

[FR Doc. 79–10765 Filed 4–8–79; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Casper District Grazing Advisory Board; Meeting

April 2, 1979.

Notice is hereby given in accordance with Pub. L. 92–463 that a meeting of the Casper District Grazing Advisory Board will be held on May 14, 1979.

The meeting will begin at 1:00 p.m. in the conference room of the Bureau of Land Management Office at 951 Union Boulevard, Casper, Wyoming.

The agenda for the meeting will include: (1) Ownership and maintenance responsibility for range improvement projects; (2) use of range funds to meet emergency needs; (3) communication of range betterment opportunities to District grazing leasees; (4) role of the grazing leasees and the board in developing planning system recommendations for intensive range management and use of range betterment funds; (5) review of fiscal year 1979 range betterment projects; (6) outlook for range betterment projects in 1980.

The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:30 p.m. on May 14, 1979, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyoming by May 9, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection within 30 days following the meeting.

Robert E. Wilber,

District Manager.

[FR Doc. 79–10786 Filed 4–6–79; 8:45 am]

BILLING CODE 4310–84–M

Utah; Notice of Application

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 a 4½-inch natural gas pipeline right-of-way across the following lands:

Salt Lake Meridian, Utah

T. 18 S., R. 24 E.,
Sec. 9, NW¼NW¼.

The needed right-of-way is 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 application 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.

[U–42527]

[FR Doc. 79–10785 Filed 4–6–79; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Notice of Application

March 28, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920 as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 4½-inch O.D. buried pipeline as an addition to their Moxa Arch Gathering System for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 112 W.,
Sec. 16, NE¼SW¼, N½SE¼ and SE¼SE¼.

The proposed pipeline will transport natural gas from the Whiskey Buttes No. 20 well located in the NE¼SW¼, of section 16 to a point of connection with Northwest Pipeline Corporation's Lateral A–9 pipleine located in the SW¼SE¼ of section 15, all within T. 21 N., R. 112 W., Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 N., Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[Wyoming 66653]

[FR Doc. 79–10787 Filed 4–6–79; 8:45 am]

BILLING CODE 4310–84–M

Wyoming; Notice of Application

March 27, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an amendment application to right-of-way W–063337 to construct a cathodic protection station site for the purpose of retarding corrosion on the existing pipeline right-of-way and will affect the following described public lands:

Sixth Principal Meridian, Wyoming

T. 28 N., R. 113 W.,
Sec. 30, SE¼SE¼.

The proposed cathodic protection site will consist of a single deep-well anode bed, a rectifier mounted upon a single pole, and a buried cable. Twenty anodes will be placed in the well bed and the cable will be buried at a depth of 18 inches. The proposed facility will be located entirely within the SE¼SE¼ of section 30, T. 28 N., R. 113 W., Sublette County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway

187 N., P.O. Box 1869, Rock Spring, Wyoming 82901.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[W-063337 Amendment]

[FR Doc. 79-10788 Filed 4-6-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Notice of Application

March 28, 1979.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Company of Colorado Springs, Colorado filed an application for a right-of-way to construct a 4½ inch O.D. buried pipeline for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 14 N., R. 91 W.,
Sec. 18.
T. 14 N., R. 92 W.,
Secs. 13, 14, 23, 26 and 27.

The proposed pipeling will transport natural gas from the State 1-18 well located in the SE¼ of section 18, T. 14 N., R. 91 W., to a point of connection with Colorado Interstate Gas Company's existing pipeline located in the NE¼ of section 27, T. 14., R. 92 W., all within Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyoming 82301.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[Wyoming 66907]

[FR Doc. 79-10789 Filed 4-6-79; 8:45 am]

BILLING CODE 4310-84-M

Wyoming; Notice of Application

March 28, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah filed an application for a right-of-way to construct a 8⅝ inch O.D. buried pipeline as an addition to their Moxa Arch gathering system for the purpose of transporting natural gas across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 112 W.,
Sec. 30, lot 6, SE¼NW¼, NE¼SW¼ and N½SE¼.

The proposed pipeline designated as Lateral A-11 will begin at a point of connection with Northwest Pipeline Corporation's Lateral A-9 pipeline located in the E½SW¼ of section 29, T. 21 N., R. 112 W., and will end at a point located in lot 37, T. 21 N., R. 113 W., all within Lincoln County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 N., P.O. Box 1869, Rock Springs, Wyoming 82901.

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[W-66895]

[FR Doc. 79-10790 Filed 4-6-79; 8:45 am]

BILLING CODE 4310-84-M]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining, Reclamation and Enforcement

Availability of Mine Plan

Correction

In FR Doc. 79-4634 appearing at page 8358 in the issue for Friday, February 9, 1979, second column, last line of the general description should read: "N½N½ Sec. 30; T. 8 N., R. 24 E."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment in United States v. Expressways, Inc., et al., and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), that a proposed Final Judgment and a Competitive Impact Statement (CIS) as set out below have been filed with the United States District Court for the Western District of Michigan, Northern Division, in *United States* v. *Expressways, Inc., et al.*, Civil No. M 75-41. The Complaint in this case alleges that five corporations (Expressways, Inc.; Flanigan Brothers Storage Company; Nystrom's Moving and Storage, Incorporated; Vanways, Inc.; and Dobson Cartage and Storage Company) violated the Sherman Act by conspiring to fix, raise, stabilize and maintain prices for nontemporary storage of household goods of military personnel in portions of Wisconsin and Michigan.

The proposed Judgment enjoins the defendants from engaging in the alleged conspiracy and prohibits them from communicating certain pricing information to any other person who furnishes this type of storage.

Public comment is invited within the statutory 60 day time period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to John A. Weedon, Chief, Cleveland Field Office, Antitrust Division, Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199.

Dated: March 27, 1979.

Charles F. B. McAleer,
Special Assistant for Judgment Negotiations.

U.S. District Court, Western District of Michigan, Northern Division

United States of America, Plaintiff, v. *Expressways, Inc.; Flanigan Brothers Storage Company; Nystrom's Moving and Storage, Incorporated; Vanways, Inc.; and Dobson Cartage and Storage Company*, Defendants.

Civil No. M 75-41.

Judge Wendell A. Miles.

Filed: March 27, 1979.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff and defendants in this and any other proceeding.

For the Plaintiff: United States of America, John H. Shenefield, *Assistant Attorney General;* William E. Swope, Charles F. B. McAleer, John A. Weedon, *Attorneys, Department of Justice.* James S. Brady, *U.S. Attorney.* David F. Hils, *Attorney, Department of Justice, Antitrust Division, 995 Celebrezze Federal Bldg., Cleveland, Ohio 44199, Telephone: 216–522–4074.*
For the Defendants: Fred L. Woodworth, *Counsel for Expressways, Inc. and Vanways, Inc.;* J. Terry Moran, *Counsel for Nystrom's Moving & Storage, Inc.;* Marvin L. Heitman, *Counsel for Flanigan Brothers Storage Company;* Jon G. March, *Counsel for Dobson Cartage and Storage Company.*

U.S District Court, Western District of Michigan, Northern Division

United States of America, Plaintiff, v. *Expressways, Inc.; Flanigan Brothers Storage Company; Nystrom's Moving and Storage, Incorporated; Vanways, Inc.; and Dobson Cartage and Storage Company,* Defendants.

Civil No. M 75–41.

Judge Wendell A. Miles.

Filed: March 27, 1979.

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on May 20, 1975, and plaintiff and defendants, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting evidence or admission by any party with respect to any such issue;

NOW, THEREFORE, before the taking of any testimony, and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter herein and the parties hereto. The complaint states claims upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

(A) "Nontemp storage" means the nontemporary storage of household goods of military personnel;

(B) "TMO" means the Transportation Management Office;

(C) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;

(D) "Control" means at least a 50 percent direct or indirect ownership interest in the controlled person by the controlling person.

III

The provisions of this Final Judgment are applicable to each defendant herein and shall apply also to each of such defendant's subsidiaries, successors, assigns, directors, officers, agents, servants and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Count Two of the plaintiff's complaint herein, pursuant to the settlement stipulation of all parties, has been finally disposed of under the Court's accompanying Consent Judgment dated ————.

V

Each defendant is enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing, or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination, or conspiracy with any other person, directly or indirectly to:

(A) fix, raise, stabilize or maintain the prices or other terms or conditions for nontemp storage;

(B) Allocate or rotate customers, territories or markets for nontemp storage;

(C) Submit noncompetitive, collusive, or rigged bids or quotations for nontemp storage;

(D) Refrain from bidding for nontemp storage.

VI

Each of the defendants in enjoined and restrained from communicating to exchanging with any other person who furnishes nontemp storage any information concerning prices of nontemp storage.

VII

Each defendant shall accompany each of its bids for nontemp storage with a certified written statement, by one of its officers, that the bid was arrived at independently and was not the result of any agreement or understanding with any other person who furnishes nontemp storage.

VIII

This Final Judgment shall not apply to transactions, dealings, or communications solely between a defendant and a parent or subsidiary of, or corporation under common control with, such defendant, or solely between defendant Vanways, Inc. and Stevens Van Lines or its subsidiary, Stevens Forwarders, as long as control of these three companies remains in one or more of the following: Archie H. Stevens, Sr., and his sons, Archie H. Stevens, Jr., James Stevens, Morrison Stevens, and John Stevens.

IX

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the total assets of its nontemp storage business, or all, or substantially all, of the assets of its nontemp storage business serving K. I. Sawyer Air Force Base, that the acquiring party agree to be bound by the provisions of this Final Judgment. The acquiring party shall file with the Court, and serve upon the plaintiff, its consent to be bound by this Final Judgment.

X

For a period of five (5) years from the date of entry of this Final Judgment, each defendant shall file with this Court and with plaintiff, on the anniversary date of this Final Judgment, a sworn statement by a responsible officer, designated by that defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Final Judgment. Said report shall be accompanied by copies of all written directives issued by said defendant during the prior year with respect to compliance with the terms of this Final Judgment.

Within sixty (60) days of the entry of this Final Judgment, each such defendant shall take affirmative steps (including, but not limited to, written directives setting forth corporate compliance policies, distribution of this Final Judgment, and meetings to review its terms and the obligations it imposes) to advise each of its officers, directors, agents, and employees engaged or involved in the nontemp storage business of the company's and their obligations under this Final Judgment and the antitrust laws, and of the criminal penalties for violation of the provisions of this Final Judgment and the antitrust laws.

XI

Each defendant is ordered and directed to:

(A) furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers and directors, and to each of its employees and agents who has responsibility for or authority over the establishment of prices or bids for nontemp storage;

(B) furnish a copy of this Final Judgment to each successor to those officers, directors, employees or agents described in Paragraph (A) of this section, within thirty (30) days after such successor is employed by or becomes associated with such defendant;

(C) furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to the TMO of K. I. Sawyer Air Force Base;

(D) file with this Court and serve upon the plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Paragraphs (A) and (C) of this Section.

XII

(A) For the purpose of determining or securing compliance with this Final Judgment, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of

such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

XIII

Jurisdiction is retained for the purpose of enabling any of the parties to Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

XIV

Entry of this Final Judgment is in the public interest.

United States District Judge.

Dated:————.

U.S. District Court, Western District of Michigan, Northern Division

United States of America, Plaintiff, v. *Expressways, Inc.; Flanigan Brothers Storage Company; Nystrom's Moving and Storage Incorporated; Vanways, Inc.; and Dobson Cartage and Storage Company*, Defendants.

Civil No. M 75–41.

Filed: March 27, 1979.

Competitive Impact Statement

Pursuant to Section 2 of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On May 16, 1975, the United States filed a civil antitrust Complaint alleging that five corporations conspired to fix prices in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

The Complaint alleges that beginning sometime prior to 1970 and continuing thereafter up to November 1974, the defendants engaged in a combination and conspiracy to fix, raise, stabilize and maintain prices, for nontemporary storage of household goods of military personnel.

The Complaint seeks a judgment by the Court declaring that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also seeks an Order by the Court to enjoin and restrain the defendants from such activities in the future. In addition, the Complaint seeks a judgment against the defendants for monetary damages suffered by the United States as a result of the defendants' violation of the antitrust laws.

The corporations named as defendants in the Complaint are: Expressways, Inc.; Flanigan Brothers Storage Company; Nystrom's Moving and Storage, Incorporated; Vanways, Inc.; and Dobson Cartage and Storage Company.

All of the defendants to this action have previously pleaded *nolo contendere* to criminal misdemeanor charges with respect to this alleged conspirary. Fines were levied against all of these defendants.

II

Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

Shipment of household goods is limited for personnel of the United States armed forces who are assigned to overseas duty stations. When these personnel are ordered overseas, the United States Department of Defense pays for the storage of the household goods which cannot be taken. This is referred to as "nontemp storage." The United States, through the Transportation Management Office ("TMO") at a military installation, contracts with private firms for nontemp storage. Contracts are awarded on the basis of competitive bids.

During the period specified in the Complaint, the defendants were the principal contractors for nontemp storage with the TMO at K. I. Sawyer Air Force Base. The TMO at K. I. Sawyer Air Force Base was authorized to arrange for nontemp storage in portions of Michigan and Wisconsin. The Complaint refers to this territory as the "subject area." During the years 1970 through 1974, the defendants received payments for nontemp storage contracted for by the TMO at K. I. Sawyer Air Force Base of at least $752,840.

The Complaint alleges that the defendants engaged in a combination and conspiracy beginning sometime prior to 1970 and continuing up to November 1974, the substantial terms of which were:

(A) to fix, raise, stabilize and maintain the prices for nontemp storage in the subject area;

(B) to allocate nontemp storage in the subject area among themselves; and

(C) to submit noncompetitive, collusive, and rigged bids for nontemp storage in the subject area.

The Complaint further alleges that the combination and conspiracy had the following effects, among others:

(A) competition in the furnishing of nontemp storage in the subject area has been restrained, suppressed and eliminated;

(B) the United States has been denied the right to receive competitive bids;

(C) the United States has been deprived of the benefits of free and open competition in the furnishing of nontemp storage; and

(D) prices for nontemp storage in the subject area have been fixed, raised, stabilized, and maintained at high, artificial and noncompetitive levels.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Judgment states that it constitutes no admission by any party with respect to any issue of fact or law. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest. (See Section XIV of the proposed Judgment).

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section V provides that the defendants are enjoined and restrained from entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, arrangement, understanding, plan, program, combination, or conspiracy with any other person directly or indirectly to:

(A) fix, raise, stabilize or maintain the prices or other terms or conditions for nontemp storage;

(B) allocate or rotate customers, territories or markets for nontemp storage;

(C) submit noncompetitive, collusive or rigged bids or quotations for nontemp storage;

(D) refrain from bidding for nontemp storage.

Section VI further enjoins each defendant from communicating to, or exchanging with, any other person who furnishes nontemp storage any information concerning prices of nontemp storage.

Section VII requires each of the defendants to include with each of its bids a certified written statement by one of its officers, that the bid was arrived at independently and was not the result of any agreement or understanding with any other person who furnishes nontemp storage.

Section IX provides that each defendant shall require that any party acquiring its nontemp storage business agree to be bound by the provisions of the proposed Final Judgment. The acquiring party is required to

file with the Court its consent to be bound by the Final Judgment.

Section X requires that, within 60 days of the entry of the proposed Final Judgment, each defendant take certain affirmative steps to advise each of its officers, directors, agents and employees involved in nontemp storage of:

(A) the company's and their obligations under the Final Judgment and the antitrust laws;

(B) the criminal penalties for violation of the provisions of the Final Judgment and the antitrust laws.

In addition, for a period of five years from the entry of the proposed Final Judgment, on the anniversary date of the Final Judgment, each defendant is required to file with the Court a sworn statement by a responsible officer which sets forth all the steps that defendant has taken during the preceding year to discharge its obligations under the Final Judgment.

Section XI of the proposed Final Judgment directs each defendant to furnish a copy of the Final Judgment to:

(A) each of its officers and directors and to each of its employees and agents who has responsibility for the establishment of prices or bids for nontemp storage;

(B) each successor of the persons listed in (A), above;

(C) the TMO of K. I. Sawyer Air Force Base. Each defendant must file an affidavit with the Court describing its compliance with requirements (A) and (C) above.

Standard provisions similar to those found in other antitrust consent judgments are contained in Section I (concerning jurisdiction of the Court), Section XII (concerning investigation and reporting requirements), and Section XIII (concerning retention of jurisdiction by the Court over the parties to the proposed Final Judgment).

Section VIII contains a limited exception to the application of the proposed Final Judgment. The proposed Final Judgment does not apply to transactions, dealings or communications solely between a defendant and a parent or subsidiary of, or corporation under common control with, that defendant, or solely between defendant Vanways, Inc., and Stevens Van Lines or its subsidiary, Stevens Forwarders, as long as control of these three companies remains in Archie H. Stevens, Sr., Archie H. Stevens, Jr., James Stevens, Morrison Stevens, and John Stevens.

The proposed Final Judgment is applicable to each defendant, to the subsidiaries, successors, assigns, directors, officers, agents, servants and employees of each defendant, and to all other persons in active participation with any of them who shall have received actual notice of the Judgment. (See Section III of the proposed Judgment.)

A Stipulation for Consent Judgment as to Count Two of Plaintiff's Complaint is being filed together with the proposed Final Judgment and may be entered by the Court at the same time as the entry of the proposed Final Judgment. This Stipulation settles the issue of monetary damages between the United States and the defendants. Under the terms of this Stipulation, the defendants are to pay the United States a total of $40,000. Vanways, Inc. and Expressways, Inc. together are to pay $10,000. Each of the defendants, Nystrom's Moving and Storage, Inc. and Flanigan Brothers Storage Company, is to pay $14,000. Dobson Cartage and Storage Company is to pay $2,000.

IV

Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which he may have had if the proposed Judgment had not been entered. The proposed Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. § 16(a).

V

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to John A. Weedon, Chief, Cleveland Field Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44199 (telephone: 216–522–4070), within the 60-day period provided by the Act. These comments and the Department's responses to them will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry if it should determine that some modification of it is necessary. Section XIII of the proposed Judgment provides that the Court retains jurisdiction over this action and that the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VI

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Division considers the substantive language of the proposed Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the proposed Judgment provides appropriate relief against the violations charged in the Complaint.

In reaching an agreement on the proposed Final Judgment, one matter in Section VIII was the subject of considerable negotiation. Defendant Vanways, Inc. sought to have exempted from the provisions of the proposed Judgment communications between a defendant and a corporation which is controlled by members of the same family which controls the defendant. This request was made because Vanways, Inc., Stevens Van Lines, and Stevens Forwarders are all owned by members of the Stevens family. The United States rejected the broad family exemption originally proposed by defendant but agreed to a provision which was strictly limited to the currently existing owners of control, a father and his four sons.

VII

Deteminative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b).

John A. Weedon,

Attorney, Department of Justice, David F. Hils, *Attorney, Department of Justice Antitrust Division.*

[FR Doc. 79-10791 Filed 4-6-79; 8:45 am]

BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

Grants and Contracts

April 6, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355 88 Stat. 378, 42 U.S.C. 2996–2996*l*, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Kansas Legal Services, Inc. in Topeka, Kansas, to serve the migrant population in the State of Kansas.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Thomas Ehrlich,

President.

[FR Doc. 79-10777 Filed 4-6-79; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting

April 4, 1979.

Pursuant to Sec. 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976), notice is hereby given that the National Advisory

Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on Thursday and Friday, April 19–20, 1979. The sessions will be open to the public and will be held in the Penthouse. Page Building Number 1, 2001 Wisconsin Avenue, NW., Washington, D.C. The session on Thursday will begin at 9:00 a.m.; the Friday session at 8:00 a.m.

The Committee, consisting of 16-non-Federal members, appointed by the President from State and local government, industry, science and other appropriate areas, was established by the Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to: (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs of the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

The tentative meeting schedule follows:

Thursday, April 19, 1979.

9 a.m.–9:30 a.m.—Plenary Session—Opening Remarks—Meeting Plans.

9:30–12 noon—Working Group Sessions.

1:30 p.m.–5 p.m.—Plenary Session—Review of National Ocean Pollution Research and Development and Monitoring Plan—Review of Fisheries Development Task Force Report.

Friday, April 20, 1979.

8 a.m.–12 noon—Working Group Sessions.

1 p.m.–3 p.m.—Plenary Session—Reports of Panel Chairmen.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the perogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Acting Executive Director, Mr. John W. Connolly, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 434, Page Building 1), Washington, D.C. 20235. The telephone number is (202) 254–8418.

Samuel H. Walinsky,

Executive Officer.

[FR Doc. 79–10935 Filed 4–5–79; 8:45 am]

BILLING CODE 3510–12–M

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Export Nuclear Facilities or Materials; Correction

In the **Federal Register** Document No. 79–2419 which appeared in the **Federal Register** issue of Thursday, January 25, 1979 on page 5214 the following corrections should be made. On the table showing the signature in the third column under the headings "Total Element" and "Total Isotope" of XSNM01439 "229.14" should read "15,075" and "1.52" should read "229.14.

Dated this day April 3, 1979 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Gerald G. Oplinger,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

[FR Doc. 79–10861 Filed 4–6–79; 8:45 am]

BILLING CODE 7590–01–M

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.40, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

Dated this day April 3, 1979 at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Gerald G. Oplinger,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application, date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Transnuclear, Inc., 03/19/79, 03/20/79, XSNMO1480.	4.3% Enriched Uranium	12,283.11	528.173	Reload fuel for S.E.N.A.	France.
Transnuclear, Inc., 03/19/79, 03/20/79, XSNMO1481.	3.55% Enriched Uranium	11,585.0	411.265	Reload fuel for Beznau II	Switzerland.
Transnuclear, Inc., 03/21/79, 03/22/79, XSNMO1482.	93.3% Enriched Uranium	2.206	2.058	Physical reimbursement of Uranium losses during manufacturing.	West Germany.
Transnuclear, Inc., 03/21/79, 03/22/79, XSNMO1483.	45.4% Enriched Uranium and 20.3%.	15.038 30.075	6.827 6.105	Fuel for various MTR Reactors	Various countries.
Marubeni America Corp., 03/20/79, 03/22/79, XSNMO1484.	3.90% Enriched Uranium	25,723	701	Reload fuel for Fukushima I, Unit 4	Japan.

[FR Doc. 79–10862 Filed 4–6–79; 8:45 am]

BILLING CODE 7590–01–M

Consolidated Edison Co. of New York, Inc., Power Authority of the State of New York; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 25 and 53 to Provisonal Operating License No. DPR–5 and Facility Operating License No. DPR–26 issued to Consolidated Edison Company of New York, Inc. and Amendment No. 25 to Facility Operating License No. DPR–64 issued to Power Authority of the State of New York (the licensees), which revised Technical Specifications for operation of the Indian Point Station, Unit No. 1 and Indian Point Generating Plant, Unit Nos. 2 and 3 (the facilities) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

These amendments revised the Technical Specifications to allow continuous chlorination of the plant discharge from the new Sewage Treatment Facility.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments were not required since the amendments did not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendment dated September 14, 1978; (2) Amendment Nos. 25, 53, and 25 to DPR–5, DPR–26, and DPR–64, respectively; and (3) the Commission's letter dated March 29, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 29th day of March 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50–3, 50–247, 50–286]

[FR Doc. 79–10856 Filed 4–6–79; 8:45 am]

BILLING CODE 7590–01–M

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. DPR–31, issued to Florida Power and Light Company, for operation of the Turkey Point Nuclear Generating Unit No. 3 located in Dade County, Florida. The amendment is effective as of the date of issuance.

The amendment to the operating license will permit continued operation of Turkey Point Unit No. 3 for six equivalent months of operation (EFPM) beyond April 1, 1979 at which time the steam generators shall be inspected.

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, negative declaration or 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 March 6, 1979, (2) Amendment No. 46 to License No. DPR–31, 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 Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. 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 30th day of March 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket No. 50–250]

[FR Doc. 79–10857 Filed 4–6–79; 8:45 am]

BILLING CODE 7590–01–M

Georgia Power Company, et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License NFP–5, issued to Georgia Power Company, Oglethorpe Electric Membership Corporation, Municipal Electric Association of Georgia and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Power Plant Unit No. 2 (the facility) located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment revises the time requirement for submittal of the initial startup report.

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 March 23, 1979, (2) Amendment No. 7 to License No. NPF–5, 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 Appling County Public Library, Parker Street, Baxley, Georgia 31513. 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 3rd day of April 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket No. 50–366]

[FR Doc. 79–10858 Filed 4–6–79; 8:45 am]

BILLING CODE 7590–01–M

Houston Lighting & Power Co. et al. (South Texas Project, Units 1 and 2); Hearing

In the matter of Houston Lighting and Power Company, et al. (South Texas Project, Units 1 and 2) (Docket Nos. STN 50–498 and STN 50–499).

On August 2, 1978, the Nuclear Regulatory Commission published in the **Federal Register**, 43 FR 33968, a notice that the Commission had received a final safety analysis report and an environmental report in support of an application for facility operating licenses from Houston Lighting & Power

Co., the City of San Antonio, Texas, Central Power & Light Co., and the City of Austin, Texas (the Applicants) to possess, use and operate the South Texas Project, Units 1 and 2, two pressurized water reactors located approximately 15 miles southwest of Bay City, on the west side of the Colorado River, in Matagorda County, Texas. The notice provided that by September 1, 1978, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the Commission's Rules of Practice, 10 CFR Part 2, particularly 10 CFR 2.714.

Five petitions for leave to intervene and requests for a hearing in the proceeding have been filed. In addition, the State of Texas filed a request to participate as an "interested State" pursuant to 10 CFR 2.715(c). An Atomic Safety and Licensing Board was established to rule upon such petitions and requests. After holding a special prehearing conference pursuant to 10 CFR Section 2.751a, the Atomic Safety and Licensing Board designated to rule upon petitions issued an order on April 3, 1979, granting the petitions for leave to intervene filed by the Citizens Concerned About Nuclear Power, Inc. (CCANP) and by Citizens for Equitable Utilities, Inc. (CEU), and admitting those petitioners as parties to the proceeding. The Licensing Board also granted the request of the State of Texas to participate as an "interested State." The Board denied other requests but provided that, if Austin Citizens for Economical Energy (ACEE) provides additional information, it too will be deemed admitted to the proceeding.

Please take notice that a hearing will be conducted in this proceeding. An Atomic Safety and Licensing Board, consisting of the same members who served on the Board designated to rule upon petitions, has been designated to preside over this proceeding. They are Dr. James C. Lamb, III, Dr. Emmeth A. Luebke, and Charles Bechhoefer, who will serve as Chairman of the Board.

During the course of the proceeding, the Board will hold one or more prehearing conferences pursuant to 10 CFR Section 2.752. The public is invited to attend any prehearing conferences, as well as the evidentiary hearing. During some or all of these sessions, and in accordance with 10 CFR Section 2.715(a), any person, not a party to the proceeding, will be permitted to make a limited appearance statement, either orally or in writing, stating his position on the issues. The number of persons making oral statements and the time allowed for each oral statement may be limited depending upon the total time available at various sessions. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Section. Written statements supplementing or in lieu of oral statements may be of any length and will be accepted at any session of the proceeding or may be mailed to the Secretary of the Commission.

For further details, see the application for the facility operating licenses, dated August 24, 1977, the final safety analysis report and the environmental report, operating license stage, both dated May 10, 1978, and papers filed concerning the requests for a hearing and petitions for leave to intervene, including the Prehearing conference Order ruling Upon Intervention Petitions, dated April 3, 1979, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, DC, and at the Matagorda County Courthouse, 1700 Seventh Street, Bay City, Texas 77414. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation Report prepared by the Commission's staff; (2) the Draft Environmental Statement; (3) the Final Environmental Statement; (4) the report of the Advisory Committee on Reactor Safeguards (ACRS) on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Dated at Bethesda, Maryland, this 3rd day of April 1979.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

Charles Bechhoefer,
Chairman.

[Docket Nos. STN 50-498 and STN 50-499]

[FR Doc. 79-10859 Filed 4-6-79; 8:45 am]

BILLING CODE 7590-01-M

Niagara Mohawk Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 31 to Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) which revised the license and Technical Specifications for operation of the Nine Mile Point Nuclear Station, Unit No. 1 (the facility) located in Oswego County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to reflect the core reload utilizing General Electric's retrofit 8x8R fuel.

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 November 21, 1978, as supplemented January 2 and February 12, 1979, (2) Amendment No. 31 to License No. DPR-63, 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, NW., Washington, D.C. and at the Oswego County Office Building, 46 E. Bridge Street, Oswego, New York 13126. 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 2nd day of April 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[Docket No. 50-220]

[FR Doc. 79-10860 Filed 4-6-79; 8:45 am]

BILLING CODE 7590-01-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 of less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

Department of Agriculture

Agency Clearance Officer—Donald W. Barrowman—447-6202

Revisions

Economics, Statistics, and Cooperatives Service.
*Objective yield surveys.
Other (see SF-83).
Farmers growing the selected crops—4,518 responses; 979 hours.
Charles A. Ellett, 395-5080.

Department of Commerce

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Industry and Trade Administration.
*Impact of Teamster's strike April 1979.
Telephone survey.
On occasion.
Retail groc., hosp., food and drug distr., chemic and drug mfg.—3,200 responses; 53 hours.
David P. Caywood 395-6140.

Extensions

Bureau of the Census.
Annual survey of State tax collection.
F-5.
Annually.
State governments—50 responses; 100 hours.
Off. of Federal Statistical Policy and Standard, 673-7974.

Bureau of the Census.
Annual survey finances of insurance trust systems.
F-13.
Annually.
Insurance trust officer—100 responses; 100 hours.
Off. of Federal Statistical Policy and Standard, 673-7974.

Bureau of the Census.
*Cotton ginned (statistics prior to specified dates).
CAG-1A THRU CAG-1L, CAG-1-L.
Other (SEE SF-83).
Cotton gins—42,900 responses: 2,145 hours.
David P. Caywood, 395-6140.

Department of Defense

Agency Clearance Officer—John V. Wenderoth—697-1195

New Forms

Department of the Navy.
Career opportunities survey.
Single time.
17-22 Yr. old males—17-24 Yr. old females—4,950 responses: 1,650 hours.
David P. Caywood, 395-6140.

Department of Energy

Agency Clearance Officer—Albert H. Linden—566-9021.

Extensions

Alternative fuel demand due to natural gas curtailments.
EIA-50.
Annually.
Natural gas pipelines and distributors—1,515 responses; 106,050 hours.
Jefferson B. Hill, 395-5867.

Department of Health, Education, and Welfare

Agency Clearance Officer—Peter Gness—245-7488.

New Forms

Health Resources Administration.
*Supplemental to the application to continue participation in the nursing scholarship program student loan or scholarship program.
On occasion.
Nursing schools—1,300 responses; 108 hours.
Richard Eisinger, 395-3214.

Public Health Service.
National medical care utilization and expenditure survey—noninstitutional.
Other (see SF-83).
Sample hslds repres. civ. noninst. pop. or U.S. and 4 Lg. sts.
Off. of Federal Statistical Policy and Standard, 673-7974.

Revisions

Health Care Financing Administration (medicare).
*Request for approval/advance approval as a supplier of ESRD services in the medicare program.
HCFA-3402, HCFA-3403.
On occasion.
Renal transp. and dialysis fac.—1,000 responses; 366 hours.
Richard Eisinger, 395-3214.

Social Security Administration.
Evaluation and measurement system (EMS) questionnaire-retirement survivors disability insurance (RSDU).
SSA-1398-F7.
Monthly.

Mo. samp. of orig. adjudi. RSDI appl. within ea. sample mo.—24,000 responses; 12,000 hours.

Barbara F. Reese, 395–6132.

Department of the Interior

Agency Clearance Officer—William L. Carpenter—343–6716.

New Forms

Geological Survey.

*Inventory of hydrologic data.

9–1981–1 thru 9 (exce–7 for WRD internal use only).

On occasion.

Organizations collecting water data—7,000 responses; 2,100 hours.

Charles A. Ellett, 395–5080.

Geological Survey.

*Water data sources directory registration form (internal US parts I–V and recom. addi. form part).

On occasion.

Indiv. or organ. that are sources of water data—450 responses; 203 hours.

Charles A. Ellett, 395–5080.

Department of the Treasury

Agency Clearance Officer—Howard Smith—376–0436.

Extensions

Assistant Secretary (domestic finance).

Survey of Federal general revenue sharing and antirecession fiscal assistance expenditures (State Governments).

RSS–902.

Annually.

State government officials—50 responses; 50 hours.

Susan B. Geiger, 395–5867.

National Science Foundation

Agency Clearance Officer—Herman Fleming—634–4070.

New Forms

Attitudes of the U.S. public toward science and technology, 1979.

Other (see SF–83).

National sample of adult individuals.

Off. of Federal Statistical Policy and Standard; 673–7974.

Office of Personnel Management Authority

Agency Clearance Officer—John P. Weld—632–7737.

New Forms

*Child's eligibility to receive benefits after age 18.

BRI 49–233A.

On occasion.

Parent/gdn of child surv. annt.—2,500 responses; 208 hours.

Marsha D. Traynham, 395–6140.

Revisions

*Continuance of child's eligibility to receive benefits.

BRI 49–233.

On occasion.

Parent/gdn of child surv. annt.—2,200 responses; 183 hours.

Marsha D. Traynham, 395–6140.

Small Business Administration

Agency Clearance Officer—John Reidy—653–6081.

Extensions

License application, instructions personal history statement amendments to application.

SBA 415, SBA–415A,B,C, SBA468.

On occasion.

Small business invest. companies—1,936 responses; 2,400 hours.

David P. Caywood, 395–6140.

Application for certificate of competency.

SBA 74, SBA 74A,B, SBA 183.

On occasion.

Small business concerns.

David P. Caywood, 395–6140.

Application for membership in small business production or research and development pool.

SBA 419.

On occasion.

Small business community—20 responses; 20 hours.

David P. Caywood, 395–6140.

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–10940 Filed 4–6–79; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

Advisory Committee on Oil and Gas Accounting Meeting

ACTION: Notice of Meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting.

SUMMARY: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting will be held on Tuesday, May 1, 1979 at the Commission's headquarters in Washington, D.C., beginning at 9:30 a.m., and will be open to the public.

FOR FURTHER INFORMATION CONTACT: James L. Russell, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–755–0222).

SUPPLEMENTARY INFORMATION: The next meeting of the Securities and Exchange Commission Advisory Committee on Oil and Gas Accounting has been scheduled to be held in Room 776 of the Commission's headquarters office at 500 North Capitol Street, Washington, D.C. on Tuesday, May 1, 1979, beginning at 9:30 a.m. A summarized agenda for this meeting is as follows:

1. Discussion of accounting measurement issues, including the matching of exploration and development costs with reserve additions.
2. Review of alternative formats for the proposed supplemental earnings summary.
3. Discussion of problems involved in estimating, auditing, and disclosing reserve information.
4. Consideration of other matters coming to the committee's attention.

George A. Fitzsimmons,

Secretary.

April 3, 1979.

[FR Doc. 79–10809 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

American Electric Power Co., Inc.; Proposed Issuance and Sale of Common Stock to Trustee for Employees Savings Plan

April 2, 1979.

Notice is hereby given that American Electric Power Company, Inc. ("AEP") 2 Broadway, New York, New York 10004, a registered holding company, has filed with this Commission a post-effective amendment to its application-declaration previously filed and amended pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 (a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated April 25, 1978 (HCAR No. 20516), AEP was authorized, among other things, to issue and sell through April 30, 1979, up to 500,000 shares of its authorized but unissued common stock to Bankers Trust Company, the Trustee for the AEP Employees Savings Plan ("Savings Plan"). It is stated that through March 16, 1979, a total of 233,000 shares had been so issued and sold, leaving a balance of 267,000 shares.

The Savings Plan is a defined contribution, individual account plan, under which a participant's benefits are

based solely upon the amount contributed to his account and any income and gains or losses which may be allocated to it. The Savings Plan meets the requirements of the Employer Retirement Income Security Act of 1974 ("ERISA") and qualifies under Section 401(a) of the Intrnal Revenue Code. Any employee who has attained age 20 and been employed one year with one or more of AEP's subisdiaries ("Employers") is eligible to participate (except employees covered by the National Bituminous Coal Wage Agreement and employees who are covered by collective bargaining agreements if their Employer and their union have not agreed that their collective bargaining unit is to be covered by the Savings Plan. A participant may contribute to the Savings Plan, through regular payroll deductions, from 1% to 10% of his regular compensation, may change the rate of his contribution not more than twice in a 12–month period and may suspend his contribution for a minimum of three months. Each Employer contributes to the Savings Plan each month on behalf of each employee participant an amount equal to 50% of such participant's contribution up to 6% of his regular compensation (subject to applicable maximum contributions under ERISA) in each calendar year.

The monthly contributions made by participants and Employers are remitted to the Trustee, and credited to the individual accounts of participants. Each participant's contribution is invested by the Trustee, as directed by the participant, in one, or in equal portions in any two or all, of the following three funds: (a) the AEP Stock Fund, which consists entirely of shares of AEP common stock; (b) the Equity Fund, which consists of an inex fund of common stocks selected by the Trustee (and may include shares of AEP common stock); or (c) the Fixed Income Fund, the contributions to which are invested by the Trustee pursuant to a contract with the Equitable Life Assurance Society of the United States ("Equitable") under which contract Equitable guarantees repayment of principal amounts invested with it and interest at an effective annual rate of 7.85% through December 31, 1987. Employer contributions in behalf of participants are invested entirely in the AEP Stock Fund. Participants' contributions are fully vested at all times. Employer contributions become vested at the earlier of (a) the end of the third year following the year for which the contributions were made, or (b) the participant's retirement, permanent and total disability, death or termination of employment after age 60 in certain cases.

Participants, while employed, may elect to receive a distribution of all or a portion of the value of the vested contributions credited to their accounts by either (i) during November of each year, commencing with November 1981, electing to receive a distribution of the value of all contributions to his account for the third calendar year preceding the year in which the election is made, such distribution to be made in cash and shares of AEP common stock or entirely in cash, and such election not resulting in any forfeiture or other penalty; or (ii) electing to withdraw, once in any twelve-month period, the value of all or part of the contributions credited to his account that have vested, such distribution to be made entirely in cash, and such election resulting in a full or partial suspension of the participant's right to contribute to the Savings Plan for periods up to nine months. Upon the retirement (or other termination of employment) or death of a participant, the entire vested amount in his account is distributed to him or his designated beneficiaries, in cash and shares of stock, or entirely in cash if the distributee so elects.

The administrative expenses of the Savings Plan are paid by the Employers. Direct charges and expenses arising from the purchase or sale of securities for the funds are paid by the Trustee form the fund or funds involved. Shares of AEP common stock are sold by AEP to the trustee directly at a price on each sale date equal to the average of the high and low market price of AEP's common stock on such date (but not less than par value).

By post-effective amendment AEP requests that it be authorized to issue and sell to the Trustee for the Savings Plan, through June 30, 1980, up to 500,000 shares of its authorized but unissued common stock in addition to the balance of shares previously authorized but not heretofore issued and sold. It is stated that as of December 31, 1978, there were 12,056 employees enrolled in the Savings Plan, of whom 11,883 were active participants.

AEP requests an exemption from the competitive bidding requirements of Rule 50 under the Act for such issuance and sale pursuant to Rule 50(a)(5).

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the Hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Rel. No. 20987; 70–6126]

[FR Doc. 79–10794 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

American Federation of Labor and Congress of Industrial Organizations Mortgage Investment Trust

March 30, 1979.

Notice is hereby given that American Federation of Labor and Congress of Industrial Organizations Mortgage Investment Trust ("Trust") 815 Sixteenth Street, N.W., Washington, D.C. 20006, filed an application on May 11, 1978, and amendments thereto on September 25, 1978, December 19, 1978, and March 21, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting the Trust from all provisions of the Act, or, alternatively,

from Sections 10(a) and (b)(2), 13(a)(1), 15(a), (b) and (c), 16(a), 17(a)(3), 18(i), 22(c) and (e), and 32(a) of the Act and Rules 17g–1(d) and 22c–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust states that it is a commingled trust fund and was created in 1964 under the laws of the District of Columbia. The Trust is capitalized solely by non-voting certificates, which are owned by union organizations affiliated with the American Federation of Labor and Congress of Industrial Organizations ("AFL–CIO") and their qualified labor-management welfare, pension or retirement plans ("benefit plans"). According to the application, as of June 30, 1978, 205 such organizations held certificates in the Trust ("certificate holders"). The Trust notes that certificates owned by two benefit plans offered by the American Federation of Teachers represent funds invested pursuant to the direction of 32 individual participants.

The Trust states that its purposes are to provide a diversified investment opportunity to the certificate holders and to encourage increased union built housing construction by lending only to projects which require union built housing. According to the application, the Trust's corpus consists of federally guaranteed or insured real estate mortgage loans, federally insured construction loans and cash items held pending investment in such loans. The Trust states that its investment emphasis recently has been, and will continue to be, in short-term FHA insured construction loans. The application notes that for the fiscal year ended June 30, 1978, the Trust's mortgage loan portfolio consisted of FHA insured construction loans with a principal balance of $35,001,565, FHA insured multi-family mortgages with a principal balance of $26,306,886, and FHA and VA guaranteed single family mortgages with a principal balance of $2,562,113.

The Trust states that it is governed by a Board of Trustees ("Board") comprised of a maximum of 20 individuals, who must be chosen from organizations participating in the Trust. According to the Declaration of Trust, the President of the AFL–CIO must serve as Chairman of the Board, the remainder of the trustees must be selected by the then current Board, and the trustees receive no compensation for their services. As a condition to an order granting any exemptive relief requested herein, the Trust expressly agrees to amend its Declaration of Trust in a manner designed to assure that the Board will remain representative, directly or indirectly, of organizations holding a majority of the Trust's outstanding certificates.

According to the application, three employees of the AFL–CIO administer and operate the Trust. The application also states that since 1974, the Trust has paid the AFL–CIO for such services at an annual rate of one tenth of one percent of the Trust's net asset value. The Trust states that this charge has been lower than the actual cost of providing the services. The Trust also states that no fee will be charged by the AFL–CIO in the future in excess of costs incurred in providing administrative and operational services to the Trust or a reasonable commercial fee for such services, whichever amount is less. Costs used as a basis for calculating fees paid to the AFL–CIO shall be audited and certified annually by independent public accountants for the Trust, and any reasonable commercial fee deemed to be less than the annual total of such costs shall be approved by express vote of the Board. The Trust consents to making its undertaking to limit the fees paid to the AFL–CIO as aforesaid a condition to any order granting the requested exemption.

Certificates are sold without a sales charge and are not assignable or transferable. Each certificate is valued at its pro rata share of the net asset value of the Trust as of the close of business at the end of each calendar quarter ("Valuation Date"). The application states that a determination of the Trust's net asset value takes a minimum of two and a maximum of three weeks to compute. The Trust distributes its net earnings semi-annually to certificate holders.

The Trust proposes to accept written orders to purchase certificates at any time prior to a quarterly Valuation Date, but will hold the cash accompanying such purchase orders in a segregated interest bearing account (and may commingle it with cash received at approximately the same time from other investors) until invested in certificates as of that Valuation Date. Upon investment in certificates, the Trust promptly will remit interest earned on such cash to investors.

The Trust proposes to accept redemption requests only during the 15 days prior to a Valuation Date, and will pay the certificate holder the full value of the redeemed certificates with 7 days after the Trust's net asset value is calculated as of that Valuation Date. Upon receipt of a redemption request at any other time, the Trust states that, on a nondiscriminatory basis, it may offer an advance to a certificate holder, which is experiencing extreme financial need and which separately agrees to the terms of the advance, of up to 90% of the net asset value, as last calculated, of the certificates tendered. The application states that if a certificate holder is denied an advance because cash is unavailable, such certificate holder will be offered the advance previously requested as soon as cash does become available on the same terms as described herein. The application states that the principal and interest on such an advance will be due on the date payment is made on the redeemed certificates, and the redemption payment will be set off against the amount owed on the advance. The Trust represents that the certificate holder will remain obligated to the Trust for any amounts owed after the set off. The Trust notes that since January, 1971, only eight percent of the 185,040 certificates outstanding on March 21, 1979 have been redeemed. The Trust states that currently it is not aware of any circumstances that might cause the level of redemptions to rise significantly in the future.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The Trust requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. The Trust asserts that the certificates are not redeemable securities and that, therefore, it is entitled to the exception from the definition of investment company which was available to the Trust prior to an amendment made to the Act in 1970. The Trust states further that such amendment was not intended to bring the Trust within the scope of the Act. The Trust cites the lack of complexity in its capital structure and investment portfolio and concludes that this simplicity precludes the manipulation that the Act seeks to prevent. The Trust also argues that the certificate holders are knowledgable investors and that there is no discernable management interest that

diverges from the interests of certificate holders. Accordingly, the Trust concludes that an exemptive order pursuant to Section 6(c) of the Act would be necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Alternatively, the Trust requests an order pursuant to Section 6(c) of the Act exempting it, to the extent necessary to enable it to operate as herein proposed, from several specific sections of the Act. The Trust asserts that such exemptions are necessary, at a minimum, for it to function without severe restructuring and disservice to investors. The Trust seeks exemptions from the following provisions:

1. Disinterested Directors—Sections 10 (a) and (b)(2), 15(c), 32(a) and rule 17g–1(d)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are interested persons of such registered company.

Section 10(b)(2) of the Act provides that no registered investment company shall use as a principal underwriter of securities issued by it any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an interested person, unless a majority of the board of directors of such registered company shall be persons who are not such principal underwriters or interested persons of any of such principal underwriters.

Section 15(c) of the Act makes it unlawful for any registered investment company having a board of directors to enter into, renew, or perform any contract or agreement, written or oral, whereby a person undertakes regularly to serve or act as investment adviser of or principal underwriter for such company, unless the terms of such contract or agreement and any renewal thereof have been approved by the vote of a majority of directors, who are not parties to such contract or agreement or interested persons of any such party, cast in person at a meeting called for the purpose of voting on such approval.

Section 32(a) of the Act, in part, makes it unlawful for any registered management company to file with the Commission any financial statement signed or certified by an independent public accountant, unless such accountant shall have been selected at a meeting by the vote, cast in person of a majority of those members of the board of directors who are not interested persons of such registered company.

Rule 17g–1(d) provides that a registered management investment company's fidelity bond shall be in such reasonable form and amount as a majority of the board of directors of such company who are not "interested persons" of such company shall approve as often as their fiduciary duties require, but not less than once every twelve months.

An "interested person" of an investment company is defined in Section 2(a)(19)(A) of the Act to include any interested person of any investment adviser or principal underwriter of such a company, which, in turn, is defined in Section 2(a)(19)(B)(i) of the Act to include any affiliated person of an investment adviser or underwriter. An "affiliated person" of an investment adviser or underwriter is defined in Section 2(a)(3) of the Act to include any officer or director of the investment adviser or principal underwriter. Section 2(a)(12) defines "director" to include any natural person who is a member of a board of trustees of a management company created as a common-law trust. A "principal underwriter" is defined in Section 2(a)(29) of the Act to include, in part, any underwriter who as principal purchases from an investment company, or pursuant to contract has the right from time to time to purchase from such company, any such security for distribution, or who as agent for such company sells or has the right to sell any such security to a dealer or to the public or both. An "investment adviser" is defined in Section 2(a)(20) of the Act to include any person who pursuant to contract with an investment company regularly furnishes advice to such company with respect to the desirability of investing in, purchasing or selling securities or other property, or is empowered to determine what securities or other property shall be purchased or sold by such company. The term "investment adviser" does not include a company furnishing such services at cost to one or more investment companies.

The Trust takes no position on the issues of whether the AFL–CIO or any person under its control would be deemed a principal underwriter or an investment adviser of the Trust, or whether any of its trustees would be deemed an interested person of the Trust. Nonetheless, the Trust requests an exemption from the sections enumerated above, to the extent necessary, so that the Trust's Board may continue to be composed wholly of executive officers of the AFL–CIO or its affiliated unions. The Trust states that it has been charged less than cost by the AFL–CIO for administrative and operational services and in no event in the future will the charge by the AFL–CIO exceed the lesser fee of cost or a reasonable commercial fee for comparable services. The Trust also states that costs used as a basis for calculating fees paid to the AFL–CIO as aforesaid shall be audited and certified annually by independent public accountants for the Trust. The application states further that any reasonable commercial fee deemed to be less than the actual total of such costs shall be approved by express vote of the Board. The Trust concludes that appointing non-union members to the Board would increase the Trust's operating expenses and decrease the control exercised by participating investors without gaining any added protections.

2. Shareholder Voting Rights—Sections 18(i), 16(a), 15 (a) and (b), 13(a)(1) and 32(a)

Section 18(i) of the Act provides, in part, that every share of stock issued by a registered management company shall be a voting stock and have equal voting rights with every other outstanding voting stock.

Section 16(a) of the Act provides, in part, that no person shall serve as a director of a registered investment company unless elected to that office by the holders of the outstanding voting securities of such company, at a meeting called for that purpose.

The Trust asserts that compliance with Section 16(a) would involve substantial expense to the Trust. The trust agrees to retain the certificate holders' right to vote on any proposed change in the Trust's investment policy. As a condition to an order granting any exemptive relief requested herein, the Trust expresssly consents to provide certificate holders with the right to initiate removal proceedings and remove trustees in instances specified in Section 16(c) of the Act. In addition, the Trust has agreed to amend its Declaration of Trust to assure that the Board will be representative of organizations holding a majority of the Trust's outstanding certificates.

Section 15(a) of the Act makes it unlawful for any person to act as an investment adviser of a registered investment company, except pursuant to a written contract approved by the vote of a majority of the company's outstanding voting securities. Section 15(b)(1) of the Act prohibits any principal underwriter of a registered

open end company from acting as such, except pursuant to a written contract approved annually by a majority of the board of directors or by a vote of a majority of the outstanding voting sucurities.

The Trust proposes to adopt a written contract renewable annually by the Board describing the services performed for it by the AFL–CIO. The Trust submits that the fee arrangement, whereby the Trust pays less than cost to the AFL–CIO for administrative and management services, is substantially beneficial to the Trust and its certificate holders.

Section 13(a)(1) of the Act prohibits, in part, a change of a registered investment company's subclassification from a diversified to a non-diversified company except pursuant to a vote of a majority of its outstanding voting securities. Section 5(b) of the Act defines diversified company to mean "* * * a management company which meets the following requirements: At least 75 per centum of the value of its total assets is represented by cash and cash items (including receivables), Government securities, securities of other investment companies, and other securities for the purposes of this calculation limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets of such management company and to not more than 10 per centum of the outstanding voting securities of such issuer." Section 5(b) of the Act defines a "non-diversified company" to mean any management company other than a diversified company.

The Trust invests in mortgages, which, it asserts, are available typically in large denominations and often in principal amounts exceeding 5 percent of the Trust's total assets. The Trust asserts that it is in the nature of its business to shift from non-diversified to diversified and vice-versa since the mortgages it purchases are offered in such large denominations.

Section 32(a) of the Act, in part, makes it unlawful for any registered management company to file with the Commission any financial statement signed or certified by an independent public accountant unless: (1) the accountant's selection by the board of directors shall have been submitted for ratification or rejection at the next succeeding annual meeting of stockholders if such meeting be held, and (2) the employment of such accountant shall have been conditioned upon the right of the company by vote of a majority of the outstanding voting securities at any meeting called for the purpose to terminate such employment forthwith without any penalty.

The Trust submits that the Board votes annually on the selection of an independent public accountant and that members of the Board are limited to representatives of participating unions and benefit plans.

The Trust seeks exemptive relief from the sections above, to the extent necessary, so that it may continue to operate as in the past by retaining the generally non-voting nature of Trust certificates.

3. Redeemable Securities—Sections 22 (c) and (e), 17(a)(3) and Rule 22c-1

Section 22(c) of the Act and Rule 22c-1 thereunder provide that no registered investment company issuing a redeemable security and no principal underwriter of such company shall sell or redeem such security except at a price based on its current net asset value which is next computed after receipt of a tender of such security for redemption or of an order to purchase such security. The current net asset value of such security must be computed at least once daily on days that the New York Stock Exchange is open for trading.

Section 22(e) of the Act prohibits registered investment companies from suspending the right of redemption or postponing the date of payment upon redemption of a redeemable security in accordance with its terms for more than seven days after the tender of such security for redemption.

Section 17(a)(3) makes it unlawful for any affiliated person or promoter of or principal underwriter for a registered investment company or any affiliated person of such a person, promoter, or principal underwriter to borrow money from such registered company. An "affiliated person of another person" is defined in Section 2(a)(3) of the Act to include any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person.

The Trust seeks an exemption from the provisions above so that it may continue to value its net assets quarterly, sell and redeem certificates quarterly at the net asset value determined at each quarterly Valuation Date, remit payment upon redemption within seven days after the net asset value on the Valuation Date is calculated, and make its proposed cash advances to certificate holders, some of whom may be deemed to be affiliated persons of, or affiliated persons of affiliated persons of, the Trust.

The Trust asserts that valuation of its net assets cannot be determined practicably on a daily basis and that the entire valuation process takes up to three weeks to complete. The Trust states also that the certificate holders consider investment and redemption other than on a quarterly basis as financially unnecessary since, they invested in the Trust with full knowledge of the Trust's quarterly valuation, sale and redemption features and in the past have been able to plan around the quarterly Valuation Dates. The Trust submits that the terms of the proposed cash advances are fair and reasonable and since the terms are preestablished and apply to all participants equally, there is no opportunity for overreaching by any of the parties concerned.

Accordingly, the Trust asserts that an order pursuant to Section 6(c) of the Act, exempting it, to the extent requested, from Sections 10(a) and b(2), 13(a)(1), 15(a), (b) and (c), 16(a), 17(a)(3), 18(i), 22(c) and (e) and 32(a) of the Act and Rules 17g–1(d) and 22c–1 thereunder, would be appropriate in the public interest and consistent with the protections of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 24, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Trust at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order, pursuant to Section 6(c) of the Act, exempting the Trust, to the extent requested, from Sections 10(a) and b(2), 13(a)(1), 15(a), (b) and (c), 16(a), 17(a)(3), 18(i), 22(c) and (e) and 32(a) of the Act and Rules 17g–1(d) and 22c–1 thereunder, will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a

hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,
Secretary.

[Release No. 10650; 812-4310]

[FR Doc. 79-10795 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

American Medicorp, Inc.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that American Medicorp, Inc. ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. Applicant is a Delaware corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On September 27, 1978, Applicant became a wholly-owned subsidiary of Humana Inc. as the result of a merger.

3. Applicant was dissolved on December 21, 1978, with Humana Inc. assuming its obligations.

4. There are no holders of any outstanding class of Applicant's securities.

In the absence of an exemption, Applicant is required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act.

The Applicant argues that no useful purpose would be served in filing such reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commision, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-487]

[FR Doc. 79-10795 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Bertea Corp.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that Bertea Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting Applicant from the provisions of Section 15(d) of that Act.

The Applicant states, in part:

(1) The Applicant has become a wholly-owned subsidiary of Parker-Hannifin Corporation ("Parker-Hannifin") as a result of the merger into Applicant of ParkHan Co., a wholly-owned subsidiary of Parker-Hannifin.

(2) Pursuant to the merger, which was consumated on December 1, 1978, all shareholders of Applicant, have become shareholders of Parker-Hannifin, which is subject to the reporting requirements of the 1934 Act.

(3) All shares of Applicant's common stock are now owned by Parker-Hannifin.

In the absence of an exemption, Applicant would be required to file a report on Form 10-K for the period ended December 31, 1978. Applicant believes that it is no longer in the public interest or necessary for the protection of investors to require it to continue to file the reports required by Section 15(d) of the 1934 Act inasmuch as there is no trading in the Applicant's securities and all former shareholders of Applicant, have become shareholders of Parker-Hannifin.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L St., NW., Washington, D.C. 20549.

Notice is further given that any interested person, not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed to Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

Geroge A. Fitzsimmons,
Secretary.

[File No. 81-448]

[FR Doc. 79-10797 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Central Power & Light Co. et al.; Application-Declaration

March 30, 1979.

In the matter of Central Power and Light Company, P.O. Box 2121, Corpus Christi, Texas 78403; Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156; Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102; West Texas Utilities Company, P.O. Box 841, Abilene, Texas 79604.

Notice is hereby given that Central Power and Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwester Electric Power Company ("SWEPCO") and West Texas Utilities Company ("WTU") (called collectively the "Companies"), each an electric utility subsidiary of Central and South West Corporation, a registered holding company, have filed an application-declaration, as amended with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(a), 7, 12(c), and 12(e) of the Act and Rules 50, 62, and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a

complete statement of the proposed transactions.

The companies herein propose to amend their respective charters to increase their authorized Preferred Stock as follows:

	Number of shares ($100 par value)		
	Presently authorized	Additional shares to be authorized	Total share to be authorized
CPL	675,000	760,000	1,435,000
PSO	700,000	900,000	1,600,000
SWEPCO	860,000	600,000	1,460,000
WTU	60,000	250,000	310,000

PSO further proposes to increase its authorized common stock $15 par value, from 11,000,000 to 18,500,000 shares. PSO presently has 10,482,000 shares of common stock issued and outstanding.

SWEPCO proposes to amend its charter to eliminate the right of its Preferred Stock as a class to vote with respect to any future increase in authorized Preferred Stock. SWEPCO proposes to eliminate this right through the affirmative vote of the holders of at least two-thirds of its Preferred Stock. If the proposal is approved, SWEPCO as a company chartered under Delaware law, may increase authorized Preferred Stock in the future by vote only of the common stockholders.

The Companies herein are seeking authorization for Preferred Stock, and in the case of PSO, Common Stock, projected to be issued over the next five years. The actual issuance of Preferred Stock or Common Stock would continue to be the subject of approval of this Commission in each particular instance. The Companies state that this five-year authorization is, among other things, necessary to save the considerable expense involved in proxy solicitations and to increase their flexibility in order to meet future financing plans.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. No state commission, and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues or fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the Companies' application-declaration as amended regarding the proposed solicitation of proxies should be granted and permitted to become effective forthwith pursuant to Rule 62.

It is ordered that the application-declaration as amended regarding the proposed solicitation of proxies be, and hereby is, granted and permitted to become effective forthwith pursuant to Rule 62 and that jurisdiction be, and hereby is, reserved with respect to the fees and expenses thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[Rel. No. 20982; 70-6279]

[FR Doc. 79-10798 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Columbia Gas System, Inc.; Proposed Intrasystem Financing

March 30, 1979.

In the matter of The Columbia Gas System, Inc., 20 Montchanin Road, Wilmington, Delaware 19807; Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas Maryland, Inc., Columbia Gas of Ohio, Inc., 99 North Front Street, Columbus, Ohio 43215; Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314; Columbia Gulf Transmission Company, 3805 West Alabama Avenue, Houston, Texas 77027; Columbia Hydrocarbon Corporation, The Inland Gas Company, Inc., 340—17th Street, Ashland, Kentucky 41101; Columbia Coal Gasification Corporation, Columbia Gas Development Corporation, Columbia LNG Corporation, Columbia Gas Development of Canada Ltd., 20 Montchanin Road, Wilmington, Delaware 19807.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its subsidiary companies named above have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 6(b), 9, 10, 12(b) and 12(f) of the Act and Rules 43, 45 and 50(a)(3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

It is proposed that certain subsidiaries of Columbia listed below issue and sell to Columbia prior to April 1, 1980, common stock ("Common Stock") and installment promissory notes (collectively, the "Installment Notes") up to the amounts indicated.

	Equity			Installment notes aggregate amount	Total
	No. of shares	Par value	Aggregate amount		
Columbia of Kentucky				$1,400,000	$1,400,000
Columbia of Ohio				12,100,000	12,100,000
Columbia of Maryland				900,000	900,000
Columbia of New York				500,000	500,000
Columbia of Pennsylvania				9,900,000	9,900,000
Columbia of Virginia				600,000	600,000
Columbia of West Virginia			$14,700,000	9,700,000	24,400,000
Columbia Transmission				55,000,000	55,000,000
Columbia Gulf				40,000,000	40,000,000
Development U.S				26,000,000	26,000,000
Development Canada	460,000	$25	11,500,000		11,500,000
Hydrocarbon				2,200,000	2,200,000
Inland	30,000	10	300,000	2,000,000	2,300,000
Coal Gasification	400,000	25	10,000,000	10,000,000	20,000,000
Total			36,500,000	170,300,000	206,800,000

The Installment Notes will be nonregistered and dated the date of their issue. The principal amounts will be due in twenty (20) equal annual installments on March 31st of each of the years 1981 to 2000, inclusive. Interest on all notes will accrue from the date of issuance and is to be paid semi-annually in accordance with the provisions of said note on the unpaid principal thereof until fully paid. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures prior to the issuance of said Notes, decreased by an amount necessary in order that the interest rate be a multiple of ⅛oth of 1%. Columbia sold $75,000,000 principal amount of debentures on May 19, 1976 (HCAR No. 19518), at a cost of money of 9.327%, and may sell additional long-term securities during the financing period. The Installment Notes to be issued initially will, therefore, bear an interest rate of 9.3% and Installment Notes to be issued subsequent to Columbia's future financings will carry an interest rate related to the last such sale of securities prior to the issuance of said Notes. None of the Installment Notes will be purchased by Columbia subsequent to March 31, 1980.

It is stated that the proceeds from the issuance and sale of the Common Stock and Installment Notes, together with funds, generated from internal sources, will be used to finance these subsidiaries' capital expenditure programs and corporate needs which involve estimated expenditures for 1979 as follows:

	Gross additions	Net salvage and non-cash items	Net capital expenditures
Columbia of Kentucky	$2,210,000	$67,000	$2,143,000
Columbia of Ohio	20,013,000	223,000	19,790,000
Columbia of Maryland	1,258,000	(24,000)	1,282,000
Columbia of New York	737,000	(33,000)	770,000
Columbia of Pennsylvania	11,113,000	(59,000)	11,172,000
Columbia of Virginia	986,000	(6,000)	992,000
Columbia of West Virginia	5,809,000	431,000	5,378,000
Columbia Transmission	133,911,000	24,842,000	109,069,000
Columbia Gulf	56,517,000	1,304,000	55,213,000
Development U.S	86,881,000		86,881,000
Development Canada	17,623,000		17,623,000
Columbia LNG	2,714,000	117,000	2,597,000
Hydrocarbon	2,106,000	269,000	1,837,000
Inland	3,613,000	542,000	3,071,000
Coal Gasification	20,676,000	2,128,000	18,548,000
Totals	366,167,000	29,801,000	336,366,000

The projected net capital expenditures for 1979 for the entire Columbia system are estimated at $336,888,000. This amount includes expenditures for projects to maintain and/or increase Columbia's gas supply reserves which are estimated to approximate $186,849,000 or 55% of the system's net capital expenditures. The expenditures for such projects include advances to producers, new gas transportation facilities, liquefied natural gas regasification facilities, the exploration for and development of gas reserves, and the research and development of the gasification of coal.

By order dated December 31, 1974 (HCAR No. 18749), the Commission approved the joint development agreement ("Agreement") entered into on May 15, 1974, by Columbia's wholly owned subsidiary, Columbia Coal Gasification Corporation ("CG") and the Carter Oil Company ("Carter"). The Agreement was entered into subject to Commission approval and provided for the joint development of two West Virginia coal mines. The first mine is being developed in Wayne County, West Virginia. It is stated that delays caused by the coal strike and difficulties in securing a permanent power supply will prevent any substantial production in 1979. Current expectations are that development mining will commence in mid-1979, with the first commercial production occurring near the end of the year or early in 1980. When in full operation, the mine will produce approximately 2.2 million tons per year. A decision on start of a second mine has been deferred because of uncertainties about market demand for the type of low-sulfur coal to be produced. Approximately 200 million tons of low-sulfur coal located in Wayne and Lincoln Counties, West Virginia, are dedicated to the Columbia-Monterey venture. Studies continue on the development of an additional 275 million tons of proven low-sulfur coal reserves which Columbia owns in the same area of West Virginia. The application-declaration states that approximately 120 million tons of these reserves are being offered to interested parties on a lease-royalty basis. The Commission's order of December 31, 1974 (HCAR No. 18749) authorized the issuance and sale from time to time through December 31, 1975, by CG of up to $11,000,000 of its securities to Columbia for the development and operation of the West Virginia mines. That order further stated that the balance of the required financing would be the subject of future applications to the Commission. The Commission subsequently authorized additional capital expenditures for the years 1976, 1977, 1978, and through March 31, 1979 (HCAR Nos. 18978, 19996, and 20523, respectively). CG has expended $24,876,454 through December 31, 1978, and anticipates additional capital expenditures of $17,540,000 for the year 1979. It is expected that the total capital cost for the Wayne mine will be $146,000,000. CG's proportionate share would be $73,000,000. CG now proposes to issue up to $20,000,000 of securities to Columbia, including $17,540,000 for mine development.

It is also proposed that Columbia advance on open account to certain subsidiaries, and have outstanding from time to time, up to an aggregate amount of $306,400,000 to finance the purchase by such subsidiaries of underground storage gas inventories, miscellaneous other inventories and for short-term seasonal purposes.

It is stated that the most-economical method of financing these inventories and other short-term seasonal requirements of subsidiary companies is to provide such funds on a short-term basis, to be taken as needed during the summer months and to be repaid during the winter from the proceeds of the sale of gas. It is further stated that the most feasible manner of accomplishing such short-term financing is to borrow the funds from Columbia.

The proposed advances will be limited to the amount of each subsidiary's estimated short-term financing requirements as shown below:

Columbia of Ohio	$95,400,000
Columbia of West Virginia	25,500,000
Columbia of Kentucky	12,500,000
Columbia of Virginia	1,600,000
Columbia of Pennsylvania	27,700,000
Columbia of Maryland	1,500,000
Columbia of New York	3,800,000
Columbia Transmission	120,000,000
Hydrocarbon	3,400,000
Columbia LNG	15,000,000
Total	306,400,000

The open account advances will initially bear interest at the rate in effect from time to time at the agent bank for Columbia's short-tern loan line of credit. Interest charges to the Subsidiaries subsequently will be adjusted, after the storage financing period, to the effective cost of money Columbia achieves on its short-term borrowing for this purpose. Substantially all of such advances are expected to be taken down by December 31, 1979, however, a portion may be taken down during the period January 1, 1980, through May 31, 1980. The funds would be advanced, repaid and reborrowed, as required from time to time for periods not exceeding one year from the date of each advance. All such advances are to be repaid on or before May 31, 1980.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $13,000, including charges for services of Columbia Gas System Service Corporation estimated at $6,600. It is stated that authorization for the sale of securities is required from the various state public utility regulatory commissions for Columbia of Kentucky, Columbia of Ohio, Columbia of New York, Columbia of Pennsylvania, Columbia of Virginia, and Columbia of West Virginia. It is further stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is stated that the issuance of the Installment Notes and Common Stock by subsidiaries is excepted from the competitive bidding requirements of Rule 50 by reason of paragraph (a)(3) thereof since the acquisition by Columbia of the Installment Notes and Common Stock will have been approved by this Commission pursuant to Section 10 of the Act. It is further requested that the applicants be authorized to file certificates under Rule 24 with respect to the proposed transactions on a quarterly basis.

Notice is futher given that any interested person may, not later than April 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secrtary.

[Release No. 20981; 70-6282]

[FR Doc. 79-10804 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Cummings & Lockwood Qualified Savings Plan; Filing of Application For Order Exempting From Certain Provisions

March 29, 1979.

Notice is hereby given that Cummings & Lockwood (hereinafter referred to as the "Applicant" or the "Firm"), One Atlantic Street, Stamford, CT 06904, a law firm organized as a partnership under the laws of the State of Connecticut, on February 26, 1979, filed an application for an exemption from the registration requirements of the Securities Act of 1933 ("Act") for participations or interests issued in connection with the Cummings & Lockwood Qualified Savings Plan ("Plan"). All interested persons are referred to that document, which is on file with the Commission for the facts and representations contained therein, which are summarized below.

The Plan covers all partners and employees of the Applicant, provided that such partners and employees are at least 25 years of age and have completed at least three years of service with the Firm. As of January 1, 1979, approximately 40 partners and 29 employees were eligible to participate in the Plan.

The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (Applicant's partners) who are employees within the meaning of Section 401(c)(1) of the Internal Revenue code of 1954, as amemded ("Code"), and, therefore, the exemption provided by Section 3(a)(2) of the act for interests or participations in employee benefit plans would appear to be inapplicable to the Plan. Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a stock bonus, pension, profit-sharing, or annuity plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Description and Administration of the Plan

Applicant states that the Plan was adopted in December, 1975 and has been amended on January 1, 1976 and on January 1, 1977. In addition, a third amendment is expected to be adopted to be effective as of January 1, 1979.

The Internal Revenue Service (the "IRS") has issued a ruling to the effect that the Plan, as originally adopted, is a qualified plan under Section 401(a) of the Code. With respect to the three amendments to the Plan indicated above, Applicant states that it believes such amendments to be non-material and for that reason has not requested and does not intend to request a determination from the IRS that the Plan continues to be qualified under Section 401(a) of the Code.

Applicant makes annual contributions to the Plan on behalf of the Participants based on each participant's regular compensation for the year, subject to a minimum set-off amount. Participants may make voluntary contributions to the Plan of not more than 10% of such participant's aggregate compensation for all years during which the person has been a participant, subject to certain limitations contained in the Plan and the Code and regulations thereunder.

Applicant represents that the Trustee for the Plan is The State National Bank of Connecticut ("Trustee"). The Trustee

is a party to the agreement establishing the Plan. Under the Plan the Trustee has the authority to invest all or any portion of the Plan assets collectively with funds of other trusts qualifying under Section 401(a) of the Code, through the medium of one or more of the separate investment funds maintained by the Trustee or through the medium of any other common, collective, or commingled trust fund maintained by the Trustee.

Applicant states that a participant may allocate his voluntary contributions to the Plan and the Applicant's contributions on his behalf to one or more of the following four funds: A common stock fund; a fixed income fund; an interest-bearing bank savings account; and a directed account fund.

Applicant states that the Plan is administered by a committee ("Committee") currently consisting of five partners of the Applicant. The Committee is responsible for all matters relating to funding, eligibility, entitlement to benefits, actuarial determinations and accounting functions in connection with the Plan and will be responsible for supervising the activities of the Trustee with respect to the Plan. The Committee has no discretion with respect to the investment of the Plan's assets.

The Plan is subject to the reporting and disclosure requirements and the fiduciary standards imposed by The Employees' Retirement Income Security Act of 1974 ("ERISA").

Applicant submits that the participation in the Plan by persons who are "employees" within the meaning of section 401(c)(1) of the Code is the only reason the exemption from registration available under Section 3(a)(2) of the Act is not applicable to the Plan. If Applicant's business were organized as a corporation instead of as a partnership, interests and participations in the Plan would fit within the exemption available under Section 3(a)(2) of the Act. Applicant states that those plans in which self-employed persons are participating were excluded by the Congress from exemption under Section 3(a)(2) to prevent the sale without registration of interests in pre-packaged plans offered by financial institutions to self-employed persons lacking the sophistication to protect themselves and their employees. Applicant further submits that the provision permitting the Commission to grant an exemption upon appropriate application was included in Section 3(a)(2) of the Act to make available an exemption for partnership plans where the plan and the entity involved are comparable to corporate plans exempted by Section 3(a)(2).

Applicant represents that the Plan covers partners and employees of a single firm and is not a uniform prototype plan of a type designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons.

Applicant further represents that the Firm is engaged in furnishing legal services in connection with financially sophisticated and complex matters and, for that reason as well as the extensive administrative control over the Plan maintained by the Applicant, is able to represent adequately the interests of its employees who are participants in the Plan.

Applicant concludes that for the foregoing reasons, granting the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 24, 1979 at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following April 24, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 6048; 18-38]

[FR Doc. 79-10805 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Downe Communications, Inc.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that Downe Communications, Inc. (the "Applicant") has filed an Application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order granting Applicant an exemption from the provisions of Sections 13 and 15(d) of the 1934 Act.

The Applicant states that the Charter Company owns all of its outstanding Common Stock as the result of a merger on March 31, 1978, and that there are less than 200 holders of its 6½% Subordinated Convertible Debentures due December 1, 1988, as the result of a tender offer commenced by the Applicant on November 1, 1978.

For a more detailed statement of the information presented, all persons are referred to said Application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this Application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 N. Capitol St., NW., Washington D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the Application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-457]

[FR Doc. 79-10799 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Proposed Rule Change; Midwest Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 12, 1979, the Midwest Stock Exchange, Incorporated (the "MSE") filed with the Securities and Exchange Commission proposed rule

changes. As amended by Amendment No. 1 filed on March 26, 1979, the proposal provides as follows:

MSE's Statement of the Terms of Substance of the Proposed Rule Changes

The proposed amendment to Article XX Rule 25 would add a new paragraph (c) requiring members and member organizations executing orders for their own accounts in reliance upon Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder to identify such orders in a manner that will enable the executing member to disclose to other members in the trading crowd that the order is subject to the provisions of Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder.

Proposed new Rule 13, Article IX mirrors Section 11(a)(1) of the Act by prohibiting a member or member organization from effecting a transaction in any security on the Exchange for his or its account, the account of an associated person, or an account with respect to which the member, member organization or an associated person thereof exercises investment discretion. The term "associated person" as contained in the Rule would have the same meaning as set forth in Section 3(a)(21) of the Act.

The proposed new Rule also provides that no bid or offer made by a member on an order for the account of a member or member organization subject to Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder shall be entitled to priority over, parity with, or precedence based on size over any order which is for the account of a person who is not a member, member organization or an associated person thereof. When a member (other than the specialist in the security) is representing an order in the trading crowd subject to Section 11(a)(1)(G) and Rule 11a1–1(T) thereunder, he must, immediately before executing such order, clearly announce or otherwise indicate to the specialist and other members present in the crowd in the security that he is representing an order to be executed pursuant to these provisions.

Purpose of Proposed Rule Changes

The MSE states that the purpose of the proposed changes to Article XX Rule 25 and the adoption of proposed new Rule 13, Article IX is to conform Exchange rules to Section 11(a)(1) of the Securities Exchange Act of 1934 (the "Act"), which became applicable to all members of all securities exchanges on February 1, 1979 and to institute a system for the floor identification of orders to be executed pursuant to Section 11(a)(1)(G) of the Act and Rule 11a1–1(T) thereunder.

Basis Under the Act for Proposed Rule Changes

The MSE asserts that the proposed rule changes relate to Section 6(b)(1) of the Securities Exchange Act of 1934 in that they would provide the Exchange with the capacity for it to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members with the Act and the rules and regulations thereunder.

Comments Received From Members, Participants or Others on Proposed Rule Changes

The Midwest Stock Exchange, Incorporated has neither solicited nor received any comments on the proposal.

Burden on Competition

The Midwest Stock Exchange, Incorporated believes that this proposal places no burdens on competition. On or before May 14, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 30, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

April 2, 1979.

[Release No. 34–15690; File No. SR–MSE–79–6]

[FR Doc. 10808 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

National Recreation Products, Inc.; Application, and Opportunity for Hearing.

March 29, 1979.

Notice is hereby given that National Recreation Products, Inc. (the "Applicant") has filed a application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended, (the "1934 Act") for an order exempting it from the periodic reporting requirements under Sections 13 and 15(d) of the 1934 Act.

The Applicant states:

(1) On December 27, 1978, Applicant became a wholly-owned subsidiary of Fuqua Industries, Inc. As a result of the merger, Applicant no longer has any public security holders.

(2) The merger was approved by the stockholders of Applicant at a special meeting held on December 27, 1978, proxies for which were solicited in accordance with the requirements of Regulation 14A under the 1934 Act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street NW., Washington, D.C 20549.

Notice is further given that any interested person no later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-461]

[FR Doc. 79-10800 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Reserve Oil, Inc.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that Reserve Oil, Inc. (the "Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), for an order exempting the Applicant from the reporting requirements of Section 15(d) of the Exchange Act.

The Applicant states, in part:

1. Pursuant to a plan of merger, Applicant issued Series A and Series B 8½% Notes (the "Notes") in partial consideration for the outstanding securities of Flynn Energy Corporation ("Flynn"). As a result of this merger, Flynn is now a wholly owned subsidiary of Applicant, which in turn is a wholly owned subsidiary of Reserve Oil and Gas Company ("Reserve").

2. Audited financial statements for Reserve for the year ended December 31, 1977 on a consolidated basis, and unaudited financial statements for the period ended June 30, 1978 were contained in the proxy statement sent to shareholders of Flynn in connection with the merger.

3. The Notes are held by no more than 48 holders of record, and the principal and interest on the Notes is unconditionally guaranteed by Reserve.

4. Reserve has securities registered under Section 12(b) of the Exchange Act, and files current, quarterly and annual reports pursuant to Section 13 of such Act. Should the requested exemptive order be granted, Applicant undertakes to have Reserve's quarterly and annual reports to Shareholders, as well as Reserve's Annual Report on Form 10-K, mailed to the holders of the Notes at no expense to the holders.

In the absence of an exemption, Applicant is required to file reports pursuant to Section 15(d) of the Exchange Act and the rules and regulations thereunder for its fiscal year ended December 31, 1978. Applicant believes that its request for an order exempting it from the reporting provisions of Section 15(d) of the Exchange Act is appropriate, in light of the above facts, because the added cost involved in the preparation of such periodic reports will be disproportionate to any benefit to the public.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person no later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-481]

[FR Doc. 79-10801 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Secura Corp.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that Secura Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an exemption from the filing requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. The Applicant is a Georgia corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. In September 1978 the Applicant became a wholly-owned subsidiary of Integon Corporation as the result of Integon's purchasing all of Applicant's outstanding stock.

3. On November 12, 1978 a Certificate of Termination of registration pursuant to Rule 12g-4 and notice of suspension pursuant to Rule 15d-6 was filed on behalf of Applicant.

4. There is no public trading in Applicant's securities.

In the absence of an exemption, Applicant would be required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act, including the annual report on Form 10-K for the fiscal year ended December 31, 1978. The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-478]

[FR Doc. 79-10802 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

Standard Packaging Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that Standard Packaging Corporation, ("Applicant") has filed an application pursuant to Section 12(h) of the Securites Exchange Act of 1934, as amended (the "1934 Act") for exemption from the reporting requirements of Section 13 of the 1934 Act.

The Application states in part:

(1) The Applicant is a New York corporation subject to the reporting provisions of Section 13 of the 1934 Act.

(2) The Applicant is a wholly-owned subsidiary of Saxon Industries, Inc.

(3) The Applicant's listed debentures have become the sole obligation of Saxon Industries, Inc., pursuant to the merger of Applicant into Saxon on December 31, 1978.

(4) Saxon Industries has registered the debentures under the 1934 Act and the debentures continue to be traded on the New York Stock Exchange.

In the absence of an exemption, Applicant is required to file certain reports with the Commission pursuant to Section 13 of the 1934 Act, including an annual report on Form 10–K for the fiscal year ended December 31, 1978. Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to the application which is on file in the offices of the Commission at 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[File No. 81–447]

[FR Doc. 79–10803 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

Trico Industries, Inc.; Application To Withdraw From Listing and Registration

March 30, 1979.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Trico Industries, Inc. (the "Company") has been listed for trading on the Amex since November 5, 1975. On October 10, 1978, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. The Company's Board of Directors, by resolution dated October 25, 1978, authorized the withdrawal of its common stock from listing and registration on the Amex.

This application relates solely to this withdrawal from listing and registration on this Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before April 30, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issued an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[File No. 1–4237]

[FR Doc. 79–10806 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

United Technologies Corp.; Application and Opportunity for Hearing

March 29, 1979.

Notice is hereby given that United Technologies Corporation ("Applicant") has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an exemption for its wholly owned subsidiary, AMBAC Industries Incorporated ("AMBAC") from the reporting requirements of Sections 13 and 15(d) of the 1934 Act.

The Application states, in part:

1. AMBAC is a corporation subject to the reporting provisions of Sections 13 and 15(d) of the 1934 Act.

2. On July 14, 1978, AMBAC became a wholly-owned subsidiary of United Technologies Corporation as the result of a merger.

3. On March 12, 1979 a Certificate of Termination of registration pursuant to Rule 12g–4 and notice of suspension pursuant to Rule 15d–6 was filed on behalf of AMBAC.

4. There is no public trading in AMBAC's securities.

In the absence of an exemption, AMBAC would be required to file certain periodic reports with the Commission pursuant to Sections 13 and 15(d) of the 1934 Act, including the annual report on Form 10–K for the fiscal year ended December 31, 1978. The Applicant argues that no useful purpose would be served in filing the required periodic reports.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person not later than April 23, 1979, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[File No. 81-395]

[FR Doc. 79-10807 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

Allegheny Power System, Inc.; Proposal by Holding Company To Become Bonded as Surety of Public Utility Subsidiary Company

April 2, 1979.

Notice is hereby given that Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022 ("Allegheny"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Allegheny proposes to become bonded as surety to the State of West Virginia in such amount as shall be determined by the West Virginia Public Service Commission ("WVPSC") for prompt refund by Allegheny's wholly owned subsidiary, Monongahela Power Company ("Monongahela"), of all amounts Monongahela, under certain tariffs filed with the WVPSC on December 18, 1978, may collect or receive in excess of such rates and charges as may be finally fixed by the WVPSC, plus interest at such annual rate as the WVPSC may determine by order to be necessary and appropriate. The purpose of the proposed transaction is to enable Monongahela, as permitted by West Virginia law, to begin applying the new increased rates prior to completion of the WVPSC's investigation, hearing and decision with respect thereto. It is expected that the amount of the bond will not exceed $31,000,000, which is the estimated additional annual revenue that the new rates will provide. In the event the amount of the bond ordered by the WVPSC should exceed that amount, Allegheny will not execute the same until it has filed a post-effective amendment hereto, and the Commission has issued a further order with respect thereto.

The fees and expenses incurred by Allegheny in connection with the proposed transaction are estimated at $2,200, including legal fees. The declaration states that no state commission and no federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 30, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Release No. 20985; 70-6281]

[FR Doc. 79-9562 Filed 4-6-79; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

New York Stock Exchange, Inc.; Order Approving Certain Proposed Rule Changes by the New York Stock Exchange, Inc.

April 2, 1979.

On April 18, 1977, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005 (the "NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b), and Rule 19b-4 thereunder, 17 CFR 240.19b-4, proposed rule changes to amend its Constitution, rules and policies relating to membership and association with members. Generally, the proposed rule changes concerning formation and approval of member organizations were filed in SR-NYSE-77-14 and the proposed rule changes concerning standards for becoming an associated person of a member were filed in SR-NYSE-77-13. Because the proposed rule changes in these two filings are closely related, the Commission has considered them together.

With respect to the proposed rule changes concerning membership, the NYSE has stated that their "primary purpose * * * is to eliminate unnecessary language * * * and to organize the various constitutional and rule provisions relating to member organization formation, approval and changes into a cohesive set of requirements." With respect to the proposed rule changes concerning association with members, the NYSE has stated that these rules "provide a regulatory framework to allow the exchange to enforce compliance by members and certain persons associated with its members with the provisions of the Act, and certain Rules of the Exchange."

Notice of the proposed rule changes together with the terms of substance, was given in Securities Exchange Act Release Nos. 13468 (Apr. 25, 1977) and 13469 (Apr. 25, 1977) and was published in the **Federal Register** (42 FR 22442, 22446). Interested persons were invited to submit written data, views and arguments by May 24, 1977. Three letters of comment have been received. On January 15, 1979, the NYSE filed amendments to both SR-NYSE-77-13 and 77-14. Those amendments are technical in nature. Certain porposed rule changes were withdrawn; others were amended to reflect changes previously approved by the Commission; and others were amended to clarify the intent of the proposed rule changes.

The Commission has determined at this time to approve certain of the proposed rule changes contained in SR-NYSE-77-13 and SR-NYSE-77-14 and to defer action on other proposed rule changes contained in those filings pending further review of those changes in light of problems they appear to raise under the Act. The proposed rule changes for which commentators have raised legal and policy questions are among those on which action is being deferred. The changes being approved contribute to the fair administration of

the NYSE, conform certain of the NYSE's rules to the requirements of the Act, as amended, and the rules thereunder, and generally eliminate restrictions upon membership or association with a member that are not required by the Act.

The changes in SR-NYSE-77-13, relating primarily to associated persons of NYSE members, which the Commission is today approving, are: (1) deletion of the requirement that allied members and officers of a member corporation be "holders of voting stock" and related changes as reflected in numerous constitutional and rule provisions,[1] (2) a revision of the definition of control (and related changes) to conform it to the definition of control in Securities Exchange Act Rule 19g2-1,[2] (3) a revision in the definition of the term "allied member" to include certain employees who control a member firm and the deletion of various factors pertinent to whether certain employees of a member corporation may become allied members,[3] (4) the deletion, repositioning and revision of conditions for approval as an allied member, including various requirements applicable to all allied members,[4] (5) deletion, of the definition of the term "parent," [5] (6) addition of a definition for the term "person," [6] (7) the repositioning of certain requirements governing "member corporation" approval,[7] (8) the repositioning and revision of various requirements applicable to the formation and admission of "member organizations," [8] (9) the repositioning of a provision relating to the death of the sole member in a member corporation,[9] and (10) various cross referencing changes.[10]

As noted above, the Commission is deferring final action on other proposed rule changes contained in SR-NYSE-77-13 in order to study these proposals more extensively. The proposed rule changes for which action is being deferred are (1) revisions to the definition of the term "approved person,"[11] (2) the proposed definition of the term "engaged in a securities or kindred business,"[12] (3) revisions to rules relating to conditions for approval of and requirements applicable to "approved persons,"[13] (4) deletion of a requirement concerning the composition of the board of directors of a member corporation,[14] and (5) revisions to rules concerning approval of "members" and "allied members."[15]

The changes in SR-NYSE-77-14 relating primarily to the formation and approval by the NYSE of a "member organization" that the Commission is today approving are: (1) the repositioning of and conforming changes to various provisions relating to formation and approval of "members" and "member organizations,"[16] (2) the repositioning of, and conforming changes in, various provisions relating to changes in "member organizations" having a bearing upon the member's approved status,[17] and (3) miscellaneous other conforming and renumbering changes.[18]

The Commission is also deferring final action on other proposed rule changes in SR-NYSE-77-14 in order to study these proposals more extensively. The proposed rule changes for which action is being deferred are: (1) revisions to various provisions concerning formation and approval of "member organizations" with respect to such requirements as the role of principal executive officers and the primary purpose of a member organization,[19] and (2) revisions to various provisions relating to changes in "member organizations" having a bearing upon the member's approved status. [20]

With respect to those proposed rule changes referenced above that the Commission is today approving,[21] the Commission finds that such proposed rule changes as set forth in File Nos. SR-NYSE-77-13 and 77-14, as amended, are consistent with the requirements of the Act and rules and regulations thereunder to national securities exchanges.[22]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to the rules enumerated above, except those with respect to which the Commission has deferred action, be and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Rel. No. 15689]
[File No. SR-NYSE-77-13]
[File No. SR-NYSE-77-14]

[FR Doc. 79-10946 Filed 4-6-79; 8:45 am]
BILLING CODE 8010-01-M

[1] *See* Art. I, Secs. 3(d) and (f); Art. IX, Secs. 4 (redesignated 6), 14 (redesignated 10), and 15 (redesignated 11); Art. XI, Secs. 2, 3 and 5; Rules 104A; 123A; 301; 301.34; 302; 303.20; 314.12; 314.14; 314.15; 314.16; 440g.10; 440I.10; 440I.20; 440I.30; 440J.10; 440J.30; 440L.10; 440L.20; 440L.30; 440M.10; 440M.20; 440m.30; and 460.

[2] *See* Art. I, Sec. 3(h) and Rule 2. *See also* Art. I, Sec. 3(d); Art. IX, Sec. 7(b)(3); and Rule 304A.

[3] *See* Art. I, Sec. 3(d).

[4] *See* Art. IX, Secs. 9 and 10; Art. XI, Secs. 9, 10, 11, 12 and 13; Proposed Rule 304(b), (c), (d), (e), (f), and (g); Proposed Rule 304.10; Proposed Rule 304.11; Rule 312.18; Rule 312.20; and Rule 312.22.

[5] *See* Rule 2.

[6] *Id.*

[7] *See* Art. IX, Section 7(*1*).

[8] *See* Proposed Rule 311(b)(2), (b)(3) and Proposed Rule 311.11; and Rule 312.16.

[9] *See* Art. IX, Sec. 13.

[10] *See* Art. I, Secs. 3(c), (d) and (f).

[11] *See* Art. I, Sec. 3(g).

[12] *See* Rule 2.

[13] *See* Art. IX, Section 11; proposed Rule 304(a); proposed Rule 304(h), Rule 311(b), proposed Rule 311(b)(1), and proposed Rule 311(b)(4).

[14] *See* Art. IX, Sec. 7(b)(1) and proposed Rule 311(b)(1).

[15] *See* Art. IX, Sec. 8 and proposed Rule 312(e).

[16] *See* Art. IX, Secs. 7(a), 7(b)(6), 7(c), 7(e), and 13; Rule 311(a); proposed Rule 311(b)(7); proposed Rule 311(c); proposed Rule 311(d) (Rule 311(d) provides that approval by the NYSE as a member corporation constitutes only a revocable privilege and confers no right or interest to continue as a member corporation. The NYSE's authority to revoke membership is, of course, subject to the requirements of the Act, in particular Sections 6 and 19 thereunder.); proposed Rule 311(h); proposed Rule 311.11; proposed Rule 311.12; proposed Rule 311.13; proposed Rule 311.14; proposed Rule 311.15; Rule 312.16; Rule 312.17; Rule 312.24; Rule 312.26; Rule 313.18; Rule 313.21; Rule 313.24; Rule 313.25; Rule 316; and Rule 404.

[17] *See* Art. IX, Sec. 7(g); Rules 312(a) and (b); proposed Rule 312(d); proposed Rule 312(i); Rule 312.10; Rule 320(c); Rule 320(f); and Rule 320(h).

[18] *See* Art. IX, Secs. 3 and 12.

[19] *See* Art. IX, Secs. 7(b)(4), (b)(5) and 7(h); proposed Rules 311(b)(5) and (b)(6); proposed Rule 811(e); and proposed Rule 311.16.

[20] *See* proposed Rules 312(g), (h), (j) and (k); and Rules 320(a), (b), (d), (e), (g) and (i).

[21] *See* ns. 1-10 and 16-18. The article and rule numbers appearing throughout this release refer to article and rule numbers as they appear in SR-NYSE-77-13 and SR-NYSE-77-14.

[22] This finding constitutes approval only of the specific additions and deletions made in the cited rules in File Nos. SR-NYSE-77-13 and 77-14 and thus should not be construed as a statement by the Commission that any such rule, as amended, has necessarily been brought into full compliance with the Act. *See* Section 31(b) of the Securities Acts Amendments of 1975 (Pub. L. 94-29 (June 4, 1975)) and Securities Exchange Act Release Nos. 13027 (Dec. 1, 1976) and 12157 (Mar. 2, 1976).

SMALL BUSINESS ADMINISTRATION

Inverness Capital Corp.; Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Inverness Capital Corporation (ICC), 424 North Washington Street, Alexandria, Virginia 22314, a Federal Licensee under the Small Business Investment Act (Act) of 1958, as amended (15 U.S.C. 661 et seq.), has filed an application with the Small Business Administration pursuant to Section 312 of the Act and covered by Section 107.3(g) and Section 107.1004(b)(1) of the Regulations governing Small Business Investment Companies (SBIC/Licensee) (13 F.R. 107.1004 (1978)), for approval of a conflict of interest transaction falling within the scope of the above Sections of the Act and Regulations.

Subject to such approval, ICC proposes to provide funds to Cybyl

Corporation (Cybyl) a portfolio concern. Cybyl in turn proposes to enter into a joint venture with Merrimack GRC, Inc., to form a new entity GRC Ventures.

The proposed financing is brought within the purview of Section 107.1004(b)(1), in that, Mr. Henry Linsert, Jr., is a 35 percent stockholder in Merrimack GRC, Inc., and a former employee of ICC and its parent, and therefore is an Associate of ICC as defined by Section 107.3(g) of the Regulations.

Notice is hereby given that any interested person may, not later than April –, 1979, submit written comments on the proposed transaction to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: April 3, 1979.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[License No. 03/02-0273]

[FR Doc. 79-10915 Filed 4-6-79; 8:45 am]

BILLING CODE 8025-01-M

Montana; Declaration of Disaster Loan Area

The uptown area located on West Granite in the City of Butte, Silver Bow County, Montana, constitutes a disaster area because of damage resulting from a fire which occured on October 22, 1978. Applications will be processed under provisions of Public Law 94-305. Interest rate is 7⅜ percent. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on May 29, 1979, and for economic injury until the close of business on December 31, 1979 at Small Business Administration, District Office, Federal Office Bldg., Rm. 528, 301 S. Park, Helena, Montana 59601, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: March 29, 1979.

A. Vernon Weaver,

Administrator.

[Declaration of Disaster Loan Area No. 1804]

[FR Doc. 79-10916 Filed 4-6-79; 8:45 am]

BILLING CODE 8025-01-M

Program Activities in Field Offices; Delegation of Authority

Delegation of Authority No. 30, Rev. 15, republished in the **Federal Register** on November 24, 1978 (43 FR 55220), as amended (44 FR 963, 44 FR 5039 and 44 FR ——), is further amended to delegate authority for the energy loan program.

Accordingly, Part I of Delegation of Authority No. 30, Revision 15, is amended as follows:

Part I—Financing Program

Section A—Loan Approval Authority

1. *Business and Handicapped Assistance Loans (Small Business Act) (SBAct).* a. To approve or decline direct and immediate participation section 7(a) business loans, section 7(l) energy loans and 7(h) handicapped assistance loans, and guaranty handicapped assistance loans, not exceeding the following amounts (SBA share):

	Approve	*Decline*
(1) Regional Director	$350,000	$350,000
(2) Assistant Regional Director for F&I	350,000	350,000
(3) District Director	350,000	350,000
(4) Assistant District Director for F&I	350,000	350,000
(5) Chief, Financing Division D/O	350,000	350,000
(6) Supervisory Loan Specialist, Financing Division, D/O	250,000	350,000
(7) Branch Manager, except Fairbanks, B/O	250,000	350,000
(8) Assistant Branch Manager for F&I Biloxi Branch Office and Springfield B/O only	250,000	350,000
(9) Branch Manager Fairbanks B/O only	150,000	150,000

b. *Guaranty Loans.* 7(a) business loans and 7(l) energy loans only:

	Approve	*Decline*
(1) Regional Director	$500,000	$500,000
(2) Assistant Regional Director for F&I	500,000	500,000
(3) District Director	500,000	500,000
(4) Assistant District Director for F&I	350,000	500,000
(5) Chief, Financing Division, D/O	350,000	500,000
(6) Supervisory Loan Specialist, Financing Division, D/O	250,000	500,000
(7) Branch Manager, except Fairbanks, B/O	250,000	500,000
(8) Assistant Branch Manager for F&I, Biloxi Branch Office and Springfield B/O only	250,000	500,000
(9) Branch Manager, Fairbanks B/O only	150,000	150,000

* * * * *

Effective date: January 5, 1979.

Date: April 3, 1979.

A. Vernon Weaver,

Administrator.

[Delegation of Authority No. 30, Rev. 15, Amdt. 28]

[FR Doc. 79-10914 Filed 4-6-79; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Baltimore, Maryland, will hold a public meeting at 2:00 p.m. on Monday, May 7, 1979, at the Green Hill Yacht and Country Club, Salisbury, Maryland, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Gerard J. Lang, District Director, U.S. Small Business Administration, Baltimore District Office, 630 Oxford Building, 8600 LaSalle Road, Towson, Maryland 21204—(301) 922-2054.

Dated: April 2, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-10918 Filed 4-6-79; 8:45 am]

BILLING CODE 8025-01-M

Region VIII Advisory Council Meeting

The Small Business Administration Region VIII Advisory Council, located in the geographical area of Casper, Wyoming, will hold a public meeting at 9:00 a.m., on Wednesday, May 2, 1979, in the Conference Room of the Federal Building, Room 4118, 100 East B Street, Casper, Wyoming, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call Paul Nemetz, U.S. Small Business Administration, P.O. Box 2839, Casper, Wyoming 82602—(307)265-5550—Extension 5266.

Dated: April 2, 1979.

K Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-10917 Filed 4-6-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

Principal Aid Officer at Post, Nicaragua

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby further amend Redelegation of Authority No. 99.1.45 dated September 26, 1973 (38 FR 27628) and March 10, 1978 as follows:

Delete the title "Mission Director, USAID/Nicaragua" wherever and whenever it appears and in lieu thereof insert "Principal AID Officer At Post, Nicaragua."

Except as provided herein, the Redelegation of Authority remains unchanged and continues in full force and effect.

Actions within the scope of this delegation and any redelegations hereunder heretofore taken by officials acting in the capacity of Principal AID Officer At Post, following departure of the Mission Director, are hereby ratified and confirmed.

This Redelegation of Authority shall be effective on the date of signature.

Dated: March 30, 1979.

Hugh L. Dwelley,
Director, Office of Contract Management.

[Redelegation of Authority No. 99.1.45, Amdt. 3]

[FR Doc. 79-10896 Filed 4-6-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Equipment Requirements; Windsurfer Personal Flotation Device Exemption

Correction

In FR Doc. 79-9629, published at page 18765, on Thursday, March 29, 1979, the "DATES" section printed "DATES: Comments must be received on or before April 30, 1979." should be corrected to read "DATES: Comments must be received on or before May 29, 1979.".

[CGD-78-163]

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Federal Boat Safety Act of 1971; Exemption to Federal Preemption

AGENCY: Coast Guard, DOT.

ACTION: Proposed Termination of Exemption.

SUMMARY: The Coast Guard is proposing to end the exemption to Federal Preemption of State boating safety laws and regulations that was granted on March 14, 1973.

The Coast Guard is satisfied that existing Federal regulations dealing with associated equipment for boats are reasonable and effective. However, several States continue to impose equipment requirements in excess of Federal requirements. Many of the State requirements appear unjustifiable when balance against the goals of uniformity and comity of the Federal Boat Safety Act of 1971.

Withdrawal of the broad, general exemption to Federal preemption will aid in achieving the desired uniformity and comity. States and local jurisdictions wishing to impose additional requirements could seek exemption from preemption as permitted by the Federal Boat Safety Act of 1971.

DATES: Comments must be received on or before June 8, 1979.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. David R. Gauthier, Office of Boating Safety (G-BLC), Room 4308, Trans Point Building, Department of Transportation, 2100 Second Street, S.W., Washington, D.C. 20590 (202-426-4176).

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment submitted should include the name and address of the person submitting it, identify this notice (CGD-76-180) and the specific section of the proposal to which the comment applies, and give the reason for the comment. All comments received will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the Federal Register if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

Drafting Information

The principal persons involved in drafting this proposal are: Mr. David R. Gauthier, Project Manager, Office of Boating Safety, and Ms. Mary Ann McCabe, Project Attorney, Office of the Chief Counsel.

Discussion of Proposed Action

Section 10 (Federal Preemption) of the Federal Boat Safety Act of 1971 (the Act) provides, in part, that no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, which is not identical to a Federal regulation issued under section 5 of the Act.

Section 10 also recognizes that the Secretary of Transportation may grant exemptions to Federal Preemption under section 9 of the Act. This authority to grant exemptions is delegated to the Commandant at 49 CFR 1.46(n)(1).

Two exemptions to preemption have previously been granted. The first, issued on August 10, 1971 (36 FR 15764, August 18, 1971), exempted all State laws and regulations in effect on the effective date of the Act, August 10, 1971, until new boating safety regulations were issued under the Act. The second, issued on March 14, 1973 (38 FR 6914, March 14, 1973), after Federal boat performance and safety standards had been established, superseded the first and exempted only those State requirements pertaining to associated equipment that were in effect on the effective date of the Act.

Since March 1973 the Coast Guard has examined the need for anchors, dewatering devices (bailers), secondary means of propulsion (paddle), visual distress signals, and additional fire extinguishers. Though all would be carried by the prudent boater, the Coast Guard could justify no need for a Federal regulation except in the area of visual distress signals. The Coast Guard expects that a final rule on visual distress signals will be published in the **Federal Register** prior to the effective date of the proposed termination of exemption.

This proposal would terminate the current exemption to Federal preemption as of 1 January 1980. Instead of having a general exemption, the Coast Guard will entertain applications from the respective States or jurisdictions for specific exemptions from preemption.

Terminating the general exemption while considering more limited exemptions on a case-by-case basis will allow the Coast Guard and the States to achieve two separate but related goals. First, the Coast Guard will have established a program that considers each requested exemption based on its effect on boating safety rather than granting a blanket exemption for associated equipment. The program will provide a management tool of greater precision than the current general exemption.

Second, for the States it offers the flexibility to modify their laws to meet changing conditions. It is possible that several States or their political subdivisions might have addressed problems that are not of sufficient scope to warrant Federal rulemaking. A specific exemption would allow them to promulgate regulations and the Coast Guard to maintain an overview of the results. Then, if it appeared justified, the Coast Guard would examine the possible need for Federal regulations.

Requests for the exemption from preemption of specific laws or regulations would be considered on the basis of whether they would adversely affect boating safety. As part of that

detemination the Coast Guard will consider the effect upon interstate commerce and interstate boater traffic. Further, unless there is shown a substantial risk of personal injury to the boating public, no exemption will be granted for any requirement which would compel substantial alteration of a boat or item of associated equipment which is in existence before the effective date of the requirement.

The following information, along with a draft copy of the proposed regulation or law, must be included in the petition from the State (or political subdivision):

1. *The objective of the requirement subject to preemption.* The petitioner must identify fully the problem which the law or regulation is intended to alleviate, the extent of the problem, the manner in which the problem would be alleviated, and the reasons why the petitioner finds Federal requirements inadequate.

2. *The impact created upon both the boater and industry.* The petitioner shall discuss the economic impact of the requirement. If equipment carriage is required, the petitioner shall identify what guidelines would be used to determine acceptability.

3. *The extent to which the law will affect out-of-State boaters.* There must be no conflict with any of the purposes of the Federal Boat Safety Act of 1971.

Approved exemptions will be published in the **Federal Register.**

The Coast Guard therefore, proposes that the Exemption to Federal Preemption issued March 14, 1973 be terminated at 12:01 A.M. E.S.T., 1 January 1980.

(46 U.S.C. 1458, 1459; 49 CFR 1.46(n)(1))

Dated: April 4, 1979.

J. B. Hayes,

Admiral, U.S. Coast Guard, Commandant.

[CGD 76-180]

[FR Doc. 79-10939 Filed 4-6-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

Rules of the Road Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I), notice is hereby given of a meeting of the rules of the road Advisory Committee to be held Wednesday and Thursday, May 23 and 24, 1979, beginning at 9:00 a.m. each day in the Willamette Room of the Thunderbird Motor Inn at Jantzen Beach, Portland, Oregon.

The agenda for the meeting is as follows:

1. Welcome.
2. Adoption of agenda.
3. Adoption of the minutes of the October 25 and 26, 1978 meeting.
4. Status report on the unification of present Inland, Western Rivers, and Great Lakes Rules.
5. Consideration of the Annexes (I, III, and V) being developed to unify the present Inland, Western Rivers, Great Lakes, and Pilot Rules.
6. Consideration of matters concerning the 72 COLREGS to be presented at the September 1979 meeting of the Intergovernmental Maritime Consultative Organization's Sub-committee on the Safety of Navigation.
7. Consideration of the need for a common frequency and mandatory monitoring of ship/shore communications with drawbridges.
8. Consideration of the need for relocating certain Gulf Coast COLREGS Demarcation Lines.
9. Any other business.

Attendance is open to the public. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements should notify Captain D. B. Charter, Jr., Executive Director, Rules of the Road Advisory committee, c/o Commandant (G-WLE/73), U.S. Coast Guard, 400 Seventh Street, SW., Washington, DC 20590, (202) 426-4958, not later than the day before the meeting. Information about the meeting and any of the agenda items may be obtained from the above address. A member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC., April 3, 1979.

F. P. Schubert,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[CG 79-051]

[FR Doc. 79-10913 Filed 4-6-79; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Delegation of Authority

AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: As required by Executive Order 11787, which was effective September 9, 1974 a two step proposal and effectuation process for adverse actions has been added to the Order.

The Order permits greater latitude to redelegate certain adverse and disciplinary action-related authorities.

This Order delegates disciplinary and adverse action-related authority directly from the Commissioner to the Deputy Commissioner, the Regional Commissioners, Assistant Commissioners, and District and Service Center Directors. Under the previous delegation order, some delegations were direct while others were routed through the ultimate recipient's immediate superiors. Notwithstanding the direct delegation schema of this Order, the authority delegated to the ultimate delegatees also vests with all managers who form the delegatees' chain of immediate superiors.

The authority granted the Commissioner of Internal Revenue by 5 U.S.C. 5108(e) to classify supergrade positions in Employee Plans and Exempt Organizations and delegated to the Director, Personnel Division, is incorporated from Amendedment 1 to Revision No. 9.

The title "Assistant Commissioner (Administration)" is changed to "Assistant Commissioner (Resources Management)" and Regional Director of Appeals is added.

The Director, National Office Resources Management Division, subject to certain limitations, is authorized to approve personnel actions for National Office employees.

The authority vested in the Commissioner of Internal Revenue by Department of Treasury Personnel Bulletin No. 75-10, dated February 14, 1975, to administer the special retirement provisions of law enforcement officers under 5 U.S.C. 8336(c) and delegated to the Director, Personnel Division, is incorporated from Delegation Order No. 150.

Establishment of streamlined districts is recognized.

EFFECTIVE DATE: April 16, 1979.

FOR FURTHER INFORMATION CONTACT: Philip P. Russo, 1111 Constitution Avenue NW., Room 3316, Washington, D.C. 20224, (202) 566-3161 (not toll free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

A. W. D'Amato,

Director, Personnel Division.

Dated: April 16, 1979.

Effective: April 16, 1979.

The authority vested in the Commissioner of Internal Revenue by

Treasury Department Order 177–19, Revision No. 1; Administrative Circular No. 46, Supplement 1, and 5 U.S.C. 5108(e) to propose, make final decisions, and effect adverse actions, disciplinary actions and separations or terminations during probationary period for pre-employment reasons; to make final decisions and effect separations or terminations during probationary period for post-employment reasons, written reprimands, oral admonishments confirmed in writing, oral admonishments, warning letters, letters of caution, closed without action letters, clearance letters, grievances and appeals; to approve personnel actions; to approve outstanding performance ratings and incentive awards; to approve within-grade step increases for acceptable level of competence and within-grade step increases for high quality performance; to approve unsatisfactory performance ratings; and to classify General Schedule and Federal Wage System positions is hereby delegated as indicated in Attachment A and Attachment B.

To the extent that authority previously exercised consistent with this Revision may require ratification, it is hereby affirmed and ratified.

This order supersedes Delegation Order No. 81 (Rev. 9) issued December 15, 1976, and Amendment 1, issued August 25, 1977, and the Delegation Order Transmittals thereto are obsolete.

Delegation Order 150 issued June 17, 1975, is superseded and the Delegation Order Transmittal thereto is obsolete.

Jerome Kurtz,
Commissioner.

BILLING CODE 4830-01-M

DELEGATED AUTHORITY FOR DISCIPLINARY, ADVERSE ACTIONS, AND OTHER ACTIONS

Chart 1. Deputy Commissioner, after obtaining technical assistance from the Director, Personnel Division, or his/her designee

IS DELEGATED AUTHORITY TO:	FOR THE POSITION OF:	POSITIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Propose adverse actions (removals, reductions in grade or pay, suspensions of more than 14 days, furloughs without pay)	1. Regional Commissioner		1. May not be redelegated
	2. Assistant Commissioner, Assistant to the Commissioner (Public Affairs), Assistant to the Commissioner (Equal Opportunity)		2. May not be redelegated
	3. Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs), and Executive Assistant to the Assistant Commissioner (Data Services)		3. May not be redelegated
	4. All employees within the Commissioner's and Deputy Commissioner's immediate offices		4. May not be redelegated
Effect adverse actions	1. Division Director, Assistant Division Director and positions of equivalent level*	Regional Commissioner	1. May not be redelegated
	2. Centralized positions as defined in IRM 0250, exclusive of Inspection employees other than Regional Inspectors	Assistant Commissioner, Assistant to the Commissioner (Public Affairs), Assistant to the Commissioner (Equal Opportunity)	2. May not be redelegated
		Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs), and Executive Assistant to the Assistant Commissioner (Data Services)	
		All employees within the Commissioner's and Deputy Commissioner's immediate offices	
Propose and/or effect a. Separations or terminations during probationary period b. Suspensions of 14 days or less c. Written reprimand d. Oral admonishments confirmed in writing e. Oral admonishments f. Warning letters and letters of caution g. Closed without action letters h. Clearance letters	1. Assistant to the Commissioner (Public Affairs), Assistant to the Commissioner (Equal Opportunity)		1. May not be redelegated
	2. Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs), and Executive Assistant to the Assistant Commissioner (Data Services)		2. The appropriate Assistant Commissioner or Assistant to the Commissioner (Public Affairs)
	3. Division Director, Assistant Division Director and positions of equivalent level*		3. Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs), or Executive Assistant to the Assistant Commissioner (Data Services)
	4. All employees within the Deputy Commissioner's immediate office		4. May not be redelegated
	5. Regional Inspectors		5. Assistant Commissioner (Inspection)
	6. Centralized positions as defined in IRM 0250, exclusive of Inspection employees		6. May be redelegated to: (i) Regional Commissioner (ii) the appropriate Assistant Commissioner or Assistant to the Commissioner (Public Affairs)
* See note on Chart 6			

Chart 2. Regional Commissioners, after obtaining technical assistance from the Chief, Personnel Branch or his/her designee

ARE DELEGATED AUTHORITY TO:	FOR THE POSITION OF:	POSITIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Propose adverse actions (removals, reductions in grade or pay, suspensions of more than 14 days, furloughs without pay)	1. Centralized positions under their jurisdiction as defined by IRM 0250 2. All Regional Office employees under their jurisdiction		1. May not be redelegated 2. May be redelegated to: (i) Assistant Regional Commissioner and Regional Director of Appeals for Regional Office Branch Chiefs and equivalent level positions under their jurisdiction* (ii) Branch Chiefs and equivalent level positions for Regional Office employees under their jurisdiction*
Effect adverse actions	1. All Regional Office employees under their jurisdiction 2. District or Service Center Division Chiefs or positions of equivalent level, and all Regional Office employees under their jurisdiction*	Centralized positions as defined by IRM 0250	1. Assistant Regional Commissioners and Regional Directors of Appeals for all Regional Office employees below the Branch Chief and equivalent level positions under their jurisdiction* 2. May not be redelegated
Propose and/or effect a. Separations or terminations during probationary period b. Suspensions of 14 days or less c. Written reprimands d. Oral admonishments confirmed in writing e. Oral admonishments f. Warning letters and letters of caution g. Closed without action letters h. Clearance letters	1. All Regional Office employees under their jurisdiction	Centralized positions as defined by IRM 0250 unless so delegated by the Deputy Commissioner	1. May be redelegated to: (1) Assistant Regional Commissioners and Regional Director of Appeals for Regional Office Branch Chiefs and equivalent level positions* (ii) Regional Office Branch Chiefs or positions of equivalent level for all employees under their jurisdiction* (iii) Immediate supervisors, in the case of oral admonishments and oral admonishments confirmed in writing, for all employees under their jurisdiction.

* See note on Chart 6

ATTACHMENT A

Chart 3. District Directors, Service Center Directors, Data Center Director, National Computer Center Director, and Director, of International Operations, after obtaining technical assistance from the Chief, Personnel Branch, or his/her designee

ARE DELEGATED AUTHORITY TO:	FOR THE POSITION OF:	POSITIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Propose adverse actions (removals, reductions in grade or pay, suspensions of more than 14 days, furloughs without pay)	1. All employees under their jurisdiction	Centralized positions as defined by IRM 0250	1. May be redelegated to (i) Division Chief and positions of equivalent level for all employees under their jurisdiction* (ii) Section Chiefs or Group Managers (when no Section Chief exists) in streamlined districts for employees under their jurisdiction
*Effect adverse actions	1. All employees under their jurisdiction	Centralized positions as defined by IRM 0250 All Divisions Chiefs and positions of equivalent level*	1. May not be redelegated
Propose and/or effect a. Separations or terminations during probationary period b. Suspensions of 14 days or less c. Written reprimands d. Oral admonishments confirmed in writing e. Oral admonishments f. Warning letters and letters of caution g. Closed without action letters h. Clearance letters	1. All employees under their jurisdiction 2. All employees in the streamlined districts under their jurisdiction	Centralized positions as defined by IRM 0250	1. May be redelegated to (i) Division Chiefs and positions of equivalent level, for all employees under their jurisdiction* (ii) Immediate supervisors, in the case of oral admonishments and oral admonishments confirmed in writing, for all employees under their jurisdiction 2. May not be redelegated except that the authority for oral admonishments and oral admonishments confirmed in writing may be redelegated to immediate supervisors for all employees under their jurisdiction

* See note on Chart 6

Chart 4. All Assistant Commissioners (excluding Assistant Commissioner (Inspection)), and Assistant to the Commissioner (Public Affairs), after obtaining technical assistance from the Director, National Office Resources Management Division, or his/her designee

ARE DELEGATED AUTHORITY TO:	FOR THE POSITION OF:	POSITIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Propose adverse actions (removals, reductions in grade or pay, suspensions of more than 14 days, furloughs without pay)	1. Centralized positions under their jurisdiction as defined in IRM 0250 2. Division Directors and positions of equivalent level, National Office* 3. All other employees under their jurisdiction	Deputy Assistant Commissioners Deputy Assistant to the Commissioner (Public Affairs) Executive Assistant to the Assistant Commissioner (Data Services)	1. May not be redelegated 2. May not be redelegated 3. May be redelegated to: (i) Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs) or Executive Assistant to the Assistant Commissioner (Data Services) for employees in the immediate office of the Assistant Commissioner (ii) Division Directors and equivalent level positions, for Branch Chiefs and equivalent level positions under their jurisdiction* (iii) Branch Chiefs and equivalent level positions, for all employees under their jurisdiction*
Effect adverse actions	1. Division Chiefs, Data Center and National Computer Center, under the authority of the Assistant Commissioner (Data Services) and Division Chiefs, Office of International Operations under the authority of the Assistant Commissioner (Compliance) 2. All other employees under their jurisdiction	Centralized positions as defined in IRM 0250 Division Directors, Assistant Division Directors and positions of equivalent level, National Office* Deputy Assistant Commissioners Deputy Assistant to the Commissioner (Public Affairs) Executive Assistant to the Assistant Commissioner (Data Services)	1. May not be redelegated 2. Division Directors, National Office, for all employees under their jurisdiction, below the level of Branch Chief, or the equivalent level positions*
Propose and/or effect a. Separations or terminations during probationary period b. Suspensions of 14 days or less c. Written reprimands d. Oral admonishments confirmed in writing e. Oral admonishments f. Warning letters and letters of caution g. Closed without action letters h. Clearance letters	1. All employees under their jurisdiction	Centralized positions as defined in IRM 0250, unless so delegated by the Deputy Commissioner	1. May be redelegated to: (i) Deputy Assistant Commissioner, Deputy Assistant to the Commissioner (Public Affairs) or Executive Assistant to the Assistant Commissioner (Data Services) for the position of Division Directors, Assistant Division Directors, and equivalent level positions* (ii) Division Directors and equivalent level positions for Branch Chiefs, and equivalent level positions under their jurisdiction* (iii) Branch Chiefs and equivalent level positions, for all employees under their jurisdiction* (iv) Immediate supervisor in the case of oral admonishments or oral admonishments confirmed in writing, for all employees under their jurisdiction

* See note on Chart 6

Chart 5. Assistant Commissioner (Inspection), after obtaining technical assistance from the Director, National Office Resources Management Division or his/her designee

IS DELEGATED TO:	FOR THE POSITION OF:	POSITIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Propose adverse actions (removals, reductions in grade or pay, suspensions of more than 14 days, furloughs without pay)	1. Regional Inspector 2. Division Directors and Assistant Division Directors (Inspection) National Office 3. All other National Office employees under his/her jurisdiction 4. All other Regional Inspection employees under his/her jurisdiction	Deputy Assistant Commissioner	1. May not be redelegated 2. May not be redelegated 3. May be redelegated to: (i) Deputy Assistant Commissioner for employees in the immediate office of the Assistant Commissioner (ii) Division Directors and equivalent level positions, National Office, for the positions of Branch Chiefs, and the equivalent level, National Office* (iii) Branch Chiefs and equivalent level positions, National Office, for all National Office employees under their jurisdiction* 4. May be redelegated to: (i) Regional Inspectors for the position of Assistant Regional Inspectors and Branch Chief or equivalent level positions* (ii) Branch Chiefs and equivalent level positions, in the Regional Offices for all employees under their jurisdiction*
Effect adverse actions	1. Assistant Regional Inspectors, and equivalent level positions* 2. Branch Chiefs and equivalent level positions, in the Regional Inspection Office* 3. All other National Office employees under his/her jurisdiction 4. All other Regional Inspection employees under his/her jurisdiction	Regional Inspector Division Directors and Assistant Division Directors (Inspection), National Office Deputy Assistant Commissioner	1. May be redelegated to Deputy Assistant Commissioner for Assistant Regional Inspectors or equivalent level positions* 2. May be redelegated to Deputy Assistant Commissioner for Branch Chiefs and equivalent level positions in Regional Inspection Offices* 3. May be redelegated to: (i) Deputy Assistant Commissioner for the positions of Branch Chief and equivalent level positions, National Office* (ii) Division Directors, National Office, for all employees under their jurisdiction below the level of Branch Chief or equivalent level positions* 4. Regional Inspector
Propose and/or effect a. Separations or terminations during probationary period b. Suspensions of 14 days or less c. Written reprimands d. Oral admonishments confirmed in writing e. Oral admonishments f. Warning letters and letters of caution g. Closed without action letters h. Clearance letters	1. All other National Office employees under his/her jurisdiction 2. All other Regional Inspection employees under his/her jurisdiction	Deputy Assistant Commissioner, Regional Inspectors, Division Directors and Assistant Division Directors unless so delegated by the Deputy Commissioner	1. May be redelegated to: (i) Deputy Assistant Commissioner for the positions of Division Director, Assistant Division Director, and equivalent level positions, National Office * ** (ii) Division Directors and equivalent level positions, National Office, for the position of Branch Chief and equivalent level positions, National Office* (iii) Branch Chief and equivalent level positions, National Office for all National Office employees* (iv) Immediate supervisors, in the case of oral admonishments and oral admonishments confirmed in writing, for all employees under their jurisdiction 2. May be redelegated to: (i) Deputy Assistant Commissioner for Regional Inspectors** (ii) Regional Inspectors for the position of Assistant Regional Inspector (iii) Assistant Regional Inspectors, Branch Chiefs, and equivalent level positions for all Regional Inspection employees under their jurisdiction* (iv) Immediate supervisors in the case of oral admonishments and oral admonishments confirmed in writing for all employees under their jurisdiction

* See note on Chart 6

** When so delegated from the Deputy Commissioner to the Assistant Commissioner

Chart 6. Director, Personnel Division

IS DELEGATED AUTHORITY TO:	TO TAKE FINAL ACTION:	MAY REDELEGATE AUTHORITY NO LOWER THAN:
Review any action with regard to adverse and disciplinary cases, taken or approved under authority delegated by this Delegation Order, except actions taken or approved by the Deputy Commissioner and the Assistant Commissioner (Resources Management), and to take, direct or recommend corrective action when he/she determines it to be necessary.	1. For the Internal Revenue Service as the deciding official on grievances for which the Regional Commissioners, Assistant Commissioners and the Assistant to the Commissioner (Public Affairs), (except the Assistant Commissioner (Resources Management)) were appropriate management officials. 2. For the Internal Revenue Service as the appellate official on grievances for which the Regional Commissioners, Assistant Commissioners and the Assistant to the Commissioner (Public Affairs), (except decisions of the Assistant Commissioner (Resources Management)) were deciding officials.	May not be redelegated

NOTE:

For purposes of this delegation, equivalent level position means a supervisory position with a different title reporting directly to the same position to which the one cited reports, e.g. Division Director, or equivalent level position would be any supervisory position reporting directly to the Assistant Commissioner.

DELEGATED AUTHORITY FOR OTHER PERSONNEL MATTERS

CHART 1. DIRECTOR, PERSONNEL DIVISION

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve and effect final action for the Internal Revenue Service for appointments, position changes, and separations: 1. Request for Personnel Action SF-52 2. Notification of Personnel Action, SF-50	Centralized positions as defined in IRM 0250 and National Office positions centralized to the Executive Resources Board	GS-14 and 15 positions in Regional Inspectors' offices; Deputy Commissioner; Assistant Commissioner, Assistant to the Commissioner (Public Affairs)	1. Administrative Assistant to the Executive Resources Board 2. May not be redelegated
Approve personnel actions (including final determinations for the IRS of whether resignations or retirement applications were voluntarily submitted)	Deputy Commissioner; Assistant Commissioners; Assistant to the Commissioner (Public Affairs); Division & Assistant Division Directors; Regional & Assistant Regional Commissioners; Regional Inspector; Regional Director of Appeals; Director & Assistant Director, Service Center; Director & Assistant Director, Data Center; Director & Assistant Director, National Computer Center; Director & Assistant Director of International Operations	Accessions, reassignments, promotions, demotions, removals, suspensions, and any other actions which involve a material change in duties or change in post of duty	May not be redelegated
Administer special retirement provision under 5USC 8336(c) and IRM 0831 for the Internal Revenue Service: With concurrence of OPM, determine creditability of service.	All Law Enforcement Officer positions		May not be redelegated.

DIRECTOR, PERSONNEL DIVISION (Cont'd)

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Classify Positions	1. All General Schedule and Federal Wage System positions covered by IRM 0511, including the position of Chief, National Office Personnel Branch 2. For the Internal Revenue Service, up to 20 positions at GS-16 and 17 as provided for in 5 U.S.C. 5108(e) 3. All standardized positions common to several regions and described by standardized position descriptions (SPDs) and guideline position descriptions (GPDs) 4. All positions where authorized officials request Director, Personnel Division classification action	General Schedule positions thru GS-15 and all Wage Board positions of National Office employees. Those National Computer Center, Data Center, and Office of International Operations positions requiring National Office approval as specified in IRM 0511--including GS-14 and 15 positions in Regional Inspectors' Offices. All positions in Grades 16 and above, or at an equivalent or higher rate of base pay, for which OPM has classification authority.	Designated Position Classifiers or Personnel Specialists assigned position classification responsibilities in the Position Management Branch
Review, take, direct or recommend corrective action in personnel matters when determined to be required. In cases involving:			
1. Retroactive Promotion and Back pay	1. Claims submitted by National Office and field officials for higher level administrative review and determination	Positions centralized to Executive Resources Board	1. May not be redelegated
2. Classification Actions	2. All positions classified under authority delegated by this Delegation Order	Actions taken or approved by the Deputy Commissioner and the Assistant Commissioner (Resources Management)	2. Chief, Position Management Branch

DIRECTOR, PERSONNEL DIVISION (Cont'd)

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
To exercise the special personnel authorities to facilitate redeployment of personnel, including temporary and term appointments and waivers of qualification requirements, granted to the Service by OPM	For the Internal Revenue Service		May not be redelegated
In accordance with Treasury Incentive Awards Regulations and Internal Revenue Manual 0451 (to be revised) to:	All positions centralized to Executive Resources Board		
1. With concurrence of Deputy Commissioner, take final action on and make awards up to and including $1750 to any one individual and $3000 for group contributions--not exceeding $1750 to any member of the group			1. May not be redelegated
2. With concurrence of Deputy Commissioner, take final action on requests for exceptions to standard award scales, up to and including $1750			2. May not be redelegated
3. Concur with and recommend to the Deputy Commissioner those awards exceeding $1750 to an individual; exceeding $3000 for group contributions; and group contributions in which any member is awarded more than $1750			3. May not be redelegated

CHART 2. REGIONAL COMMISSIONERS

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve personnel actions, or take final action for the IRS: 1. Request for Personnel Action, SF-52: a. Part I, Block I	1.a. Employees under their jurisdiction; Employees of streamlined districts	Action involving centralized positions as defined in IRM 0250. Actions requiring prior approval of the Department of the Treasury as defined in IRM 0250. GS-14 and 15 in Regional Inspectors' Offices.	1.a. Branch Chief, or equivalent level, of requesting function; Director, Streamlined district
b. Part II, Block K(6)	1.b.&2 Employees under their jurisdiction; Employees of streamlined districts, GS-13 and below in Regional Inspectors' Offices		b. Senior Technician, Personnel Branch (may be redelegated to prime district to also provide such service for streamlined districts) Section Chief, Regional Personnel Branch
2. Notification of Personnel Actions, SF-50			2. Unit Manager or equivalent level, Personnel Branch (may be redelegated to prime district to also provide such service for streamlined districts)
Approve personnel actions for corrective action involving retroactive promotion and back pay	Employees under their jurisdiction; GS-13 and below in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250	Chief, Personnel Branch Chief, Regional Personnel Branch
Process 6(c) retirements in accordance with IRM 0831.83	Law Enforcement Officer positions under their jurisdiction		Unit Manager or equivalent level, Personnel Branch

REGIONAL COMMISSIONERS (Cont'd)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Classify positions	All General Schedule and Wage Board positions within their regions, including positions at GS-13 and below in Regional Inspectors' Offices Positions in streamlined districts	Those listed in IRM 0511 as requiring Director, Personnel Division classification action	Designated Position Classifiers or Personnel Specialists assigned position classification responsibilities Director of Streamlined district, to implement action, (authorized staff in Prime district may provide personnal services)
Effect wage schedules as authorized by the Department of the Treasury	All Federal Wage System positions within their regions Positions in streamlined districts		Designated Position Classifiers or Personnel Specialists assigned position classification responsibilities Authorized staff in Prime districts may also perform same services for streamlined districts. Director, Streamlined District for implementing action
Approve outstanding performance ratings and additional within-grade increases for high-quality performance	All employees under their jurisdiction	Positions centralized to Executive Resources Board. Employees in Regional Inspectors' Offices	Regional Director of Appeals and Assistant Regional Commissioner for employees of Regional offices. District Director for employees of the District Office. Director, Service Center for employees of the Service Center
Determine that work is or is not of an acceptable level of competence for within-grade step increase	Employees under their jurisdiction	Employees in Regional Inspectors' Offices	Those supervisors who evaluate the work being performed

REGIONAL COMMISSIONERS (Cont'd)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Process approved step increases	Employees under their jurisdiction -- including: a. Employees under their jurisdiction who occupy positions centralized to the National Office b. Regional Inspectors and their employees whose posts of duty are located within the region		Unit Manager, or equivalent level, Personnel Branch
Approve unsatisfactory performance rating	Employees under their jurisdiction	Positions centralized to Executive Resources Board. Employees in Regional Inspectors' Offices	Regional Director of Appeals and ARC for employees of the Regional office; Division Chief for employees of district offices; District Director for employees of streamlined district offices; Division Chief for employees of the Service Center
Approve details of 30 days or less to or from offices under their jurisdiction and another Federal Agency or Department of the Treasury Bureau	Employees under their jurisdiction	Positions centralized to Executive Resources Board	Chief, Regional Personnel Branch

REGIONAL COMMISSIONERS (Cont'd)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
In accordance with Treasury Incentive Awards Regulations and IRM 0451 (to be revised):			
1. Take final action on and make awards up to and including $1750 to any one individual and $3000 for group contributions -- not exceeding $1750 to any member of the group -- for contributions which can be adopted locally	Employees under their jurisdiction	Positions centralized to Executive Resources Board. Employees in Regional Inspectors' Offices.	1. Branch Chief, or equivalent level position, in Regional Office Division Chief Director of Streamlined district
2. Authorize payment of awards for employee contributions national in scope for which written notification has been received that National Office has accepted for use	Employees under their jurisdiction		2. Branch Chief, or equivalent level position, in Regional Office Division Chief Director of Streamlined district
3. Take final action on requests for exceptions to standard award scales up to and including $1750		Positions centralized to Executive Resources Board. Employees in Regional Inspectors' Offices	3. Assistant Regional Commissioner District Director Service Center Director Regional Director of Appeals
4. To concur with & recommend to the Deputy Commissioner thru the Director, Personnel Division, those awards exceeding $1750 to an individual $3000 for group contributions, & group contributions in which any member is to be awarded more than $1750	Employees under their jurisdiction		4. May not be redelegated

CHART 3. DEPUTY COMMISSIONER, ASSISTANT COMMISSIONERS (EXCEPT INSPECTION), and ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve outstanding performance ratings and additional within-grade increases for high quality performance	National Office employees under their jurisdiction	Centralized positions as defined in IRM 0250	Assistant to Deputy Commissioner Deputy Assistant Commissioner Executive Assistant to Assistant Commissioner (Data Services) Division Director, or equivalent level of requesting function Director, Data Center Director, National Computer Center Director of International Operations
Approve unsatisfactory performance ratings	National Office employees under their jurisdiction	Centralized positions as defined in IRM 0250	Assistant to Deputy Commissioner Deputy Assistant Commissioner Executive Assistant to Assistant Commissioner (Data Services) Division Director, or equivalent level of requesting function Division Chief, Data Center Director, National Computer Center Director of International Operations
Determine that work is or is not of an acceptable level of competence for within-grade step increase	National Office employees under their jurisdiction	Centralized positions as defined in IRM 0250	Those supervisors who evaluate the work being performed

DEPUTY COMMISSIONER, ASSISTANT COMMISSIONERS (EXCEPT INSPECTION), and ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS) (CONT'D)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
In accordance with Treasury Incentive Awards Regulations and IRM 0451 (to be revised):			
1. Take final action and make awards up to and including $1750 to individuals and $3000 for group contributions not exceeding $1750 to any member of the group	1. National Office employees under their jurisdiction, including field employees engaged in National Office projects	Positions centralized to the Executive Resources Board	1. Assistant to Deputy Commissioner Deputy Assistant Commissioner Executive Assistant to Assistant Commissioner (Data Services) Division Director, or equivalent level of requesting function Director, Data Center Director, National Computer Center Director of International Operations
2. Take final action on requests for exceptions to standard award scales up to and including $1750 to individuals and $3000 for group contributions not exceeding $1750 to any member of the group	2. National Office employees under their jurisdiction, including field employees engaged in National Office projects	Positions centralized to the Executive Resources Board	2. Assistant to Deputy Commissioner Deputy Assistant Commissioner Executive Assistant to Assistant Commissioner (Data Services) Division Director, or equivalent level of requesting function Director, Data Center Director, National Computer Center Director of International Operations
Deputy Commissioner to approve details of 30 days or less, to or from positions in the Internal Revenue Service and another Federal agency or Treasury Bureau	Positions centralized to the Executive Resources Board		May not be redelegated

DEPUTY COMMISSIONER, ASSISTANT COMMISSIONERS (EXCEPT INSPECTION), and ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS) (Cont'd)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Deputy Commissioner to take final action on and make awards from $1751 up to and including $2500 to individuals and $3001 up to and including $5000 for group contributions which do not provide an amount exceeding $2500 to any member of the group. To take final action on requests for exceptions to standard award scales up to and including $2500. To recommend to Treasury those awards exceeding $2500 for individuals; $5000 for group contributions, & group contributions in which any member is to be awarded more than $2500	For the Internal Revenue Service		May not be redelegated
Deputy Commissioner, as Chairperson, Executive Resources Board, to review and concur in recommendations for all awards to executives	Centralized positions as defined in IRM 0250 and positions centralized to Executive Resources Board		May not be redelegated
Approve Request for Personnel Action: SF-52, Part I, Block I	Employees under their jurisdiction.		Assistant to Deputy Commissioner Deputy Assistant Commissioner Deputy Assistant to Asst. to the Commissioner (Public Affairs) Executive Assistant to Assistant Commissioner (Data Services) Branch Chief, or equivalent level of requesting function

CHART 4. ASSISTANT COMMISSIONER (INSPECTION)

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve outstanding performance ratings and additional within-grade increases for high quality performance	1. National Office employees under his/her jurisdiction 2. Employees in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250 and positions centralized to Executive Resources Board	1. Deputy Assistant Commissioner Division Director 2. Regional Inspector
Approve unsatisfactory performance ratings	1. National Office employees under his/her jurisdiction. 2. Employees in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250 and positions centralized to Executive Resources Board	1. Deputy Assistant Commissioner Division Director 2. Regional Inspector
Determine that work is or is not of an acceptable level of competence for within-grade step increase	National Office employees under his/her jurisdiction, and employees in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250 and positions centralized to Executive Resources Board	Those supervisors who evaluate the work being performed
Approve Request for Personnel Action: SF-52, Part I, Block I	1. GS-14 and 15 positions in Regional Inspectors' Offices 2. Employees in the National Office under his/her jurisdiction 3. Employees in the offices of Regional Inspector GS-13 and below		1. Deputy Assistant Commissioner 2. Division Director 3. Regional Inspector

ASSISTANT COMMISSIONER (INSPECTION) (Cont'd)

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
In accordance with Treasury Incentive Awards Regulations and IRM 0451 (to be revised):			
1. Take final action and make awards up to and including $1750 to individuals and $3000 for group contributions not exceeding $1750 to any member of the group	1.a. National Office employees under his/her jurisdiction, including field employees engaged in National Office projects	Positions centralized to the Executive Resources Board	1.a. Deputy Assistant Commissioner Division Director
	b. Employees in Regional Inspectors' Offices		b. Regional Inspector
2. Take final action on requests for exceptions to standard award scales up to and including $1750 to individuals and $3000 for group contributions not exceeding $1750 to any member of the group	2.a. National Office employees under his/her jurisdiction, including field employees engaged in National Office projects	Positions centralized to the Executive Resources Board.	2.a. Deputy Assistant Commissioner Division Director
	b. Employees in Regional Inspectors' Offices		b. Regional Inspector

CHART 5. DIRECTOR, DATA CENTER; DIRECTOR, NATIONAL COMPUTER CENTER; DIRECTOR OF INTERNATIONAL OPERATIONS

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve personnel actions 1. Request for personnel action, SF-52; a. Part I, Block I b. Part II, Block K (6) 2. Notification of Personnel Action, SF-50	Employees under their jurisdiction	Actions involving centralized positions & personnel actions requiring prior approval of the Department of the Treasury as defined in IRM 0250	1.a. Chief, Resources Management Division, Data Center and National Computer Center; Personnel Officer, Office of International Operations b. Senior Personnel Technician 2. Section Chief, Personnel Branch for employees of Data Center and National Computer Center; Senior Personnel Technician for Office of International Operations
Classify Positions	All General Schedule and Wage Board positions under their jurisdiction	Those positions listed as requiring National Office Classification in IRM 0511	Designated Position Classifiers, or Personnel Specialists assigned position classification responsibilities
Effect Wage Schedules as authorized by the Department of the Treasury	All Federal Wage System positions under their jurisdiction		Designated Position Classifiers, or Personnel Specialists assigned position classification responsibilities
Process 6(c) retirements in accordance with IRM 0831.83	Law Enforcement Officer positions at the Office of International Operations		Personnel Officer, Office of International Operations
Approve details of 30 days or less to or from positions in the Data Center, National Computer Center, Office of International Operations and another Federal Agency or Department of the Treasury Bureau	Employees under their jurisdiction	Positions centralized to Executive Resources Board and centralized positions as defined in IRM 0250	May not be redelegated

DIRECTOR, DATA CENTER; DIRECTOR, NATIONAL COMPUTER CENTER; DIRECTOR OF INTERNATIONAL OPERATIONS (Cont'd)

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve personnel actions for corrective action involving retroactive promotion and backpay	Employees under their jurisdiction	Positions centralized to the Executive Resources Board and centralized positions as defined in IRM 0250	Chief, Personnel Branch, Data Center and National Computer Center Personnel Officer, Office of International Operations

CHART 6. DIRECTOR, NATIONAL OFFICE RESOURCES MANAGEMENT DIVISION

ARE DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve personnel actions or take final action 1. Request for Personnel Action, SF-52: a. Part I, Block I b. Part II, Block K(6) 2. Notification of Personnel Action SF-50	1.a. National Office Resources Management Division employees b. National Office employees and GS-14 and 15 positions in Regional Inspectors' Offices 2. National Office employees and GS-14 and 15 positions in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250 and National Office positions centralized to Executive Resources Board	1.a. Branch Chief, or equivalent level of requesting function b. Team Leader, National Office Personnel Branch 2. Chief, National Office Services Section, National Office Personnel Branch
Classify positions	All General Schedule positions thru GS-15 and all Wage Board positions of National Office employees Those National Computer Center, Data Center, and Office of International Operations positions requiring National Office approval as specified in IRM 0511- including GS-14 and 15 positions in Regional Inspectors' Offices	Those positions listed in IRM 0511 as requiring Director, Personnel Division Classification Action, including Chief, National Office Personnel Branch	Designated Position Classifiers, or Personnel Specialists assigned position classification responsibilities in the National Office Personnel Branch
Effect Wage Schedules authorized by Department of the Treasury	All Federal Wage System positions in the National Office; and GS-14 and 15 positions in Regional Inspectors' Offices		Designated Position Classifiers or Personnel Specialists assigned position classification responsibilities in the National Office Personnel Branch
Process approved step increase	National Office employees		Chief, National Office Services Section, National Office Personnel Branch

DIRECTOR, NATIONAL OFFICE RESOURCES MANAGEMENT DIVISION (Cont'd)

IS DELEGATED AUTHORITY TO:	FOR POSITION OF	POSITIONS OR ACTIONS EXCEPTED FROM THE DELEGATED AUTHORITY	MAY REDELEGATE AUTHORITY NO LOWER THAN
Approve details of 30 days or less, to or from the Internal Revenue Service and another Federal Agency or Treasury Bureau	National Office employees, and GS-14 and 15 positions in Regional Inspectors' Offices	Positions centralized to Executive Resources Board	Chief, National Office Personnel Branch
Process retirement applications provided employees meet requirements for eligibility, including requirement of at least 20 years of service previously determined to be creditable under these provisions	Law Enforcement Officer positions in the National Office		Senior Personnel Technician, National Office Employment Section, National Office Personnel Branch
Approve personnel actions for corrective action involving retroactive promotion with back pay	National Office employees, and GS-14 and 15 positions in Regional Inspectors' Offices	Centralized positions as defined in IRM 0250 and positions centralized to Executive Resources Board	Chief, National Office Personnel Branch

[Delegation Order No. 81; Rev. 103]

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DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Procedure for Data Improvement

AGENCY: Department of the Treasury, Office of Revenue Sharing.

ACTION: Entitlement Period Eleven Data Notice.

SUMMARY: On or about April 3, 1979 the data used by the Office of Revenue Sharing in calculating the revenue sharing allocations for all States and units of local government for Entitlement Period Eleven will be mailed to each recipient government. The definitions of each data element are provided in this notice.

SUPPLEMENTARY INFORMATION: The data used by the Office of Revenue Sharing in calculating the revenue sharing allocations for all State governments and units of local government pursuant to the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919; 31 U.S.C. 1221 et seq.), as amended by the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2347) for Entitlement Period Eleven (October 1, 1979, through September 30, 1980) will be mailed to each recipient government on or about April 3, 1979. The collective data for all State governments and units of local government used in the allocations for Entitlement Period Eleven will be provided to libraries designated as depositories for Government publications pursuant to title 44 U.S.C. 1911 by early summer, 1979.

These data have been compiled by the Bureau of the Census, the Bureau of Economic Analysis, the Internal Revenue Service, and the Bureau of Indian Affairs. The definitions of each data element are provided in this notice.

Additionally, an estimated allocation amount has been provided to each State government, and to each local recipient government on Treas. ORS Form 3233 or TD F 90–18.3 (described below), to aid each recipient government in its data verification efforts. Please note that this allocation amount is an estimate only, and will not be used as the basis for each recipient government's payment for Entitlement Period Eleven. If a recipient government does not believe the estimated allocation amount is approximately correct, it should check its data carefully to find the source of the discrepancy.

In order to assure equitable treatment for each recipient government, the amount of revenue sharing funds each recipient government will actually receive will be determined only after the Office of Revenue Sharing has had an opportunity to review all of the data questioned by May 15, 1979. This process is necessary to validate the data and to correct data found to be erroneous.

The amount of revenue sharing funds each recipient is scheduled to receive for Entitlement Period Eleven will be printed on Statement of Assurances Forms for Entitlement Period Eleven which will be sent to all recipient governments in late July 1979. Quarterly payments for Entitlement Period Eleven will be made in January, April, July, and October 1980. The amount of revenue sharing funds each recipient government will actually receive will differ from the estimated allocation amount appearing on Form 3233 or Form 90–18.3 containing each recipient government's data factors. This is because data which are reviewed and corrected under this data improvement procedure will differ from that used to calculate the estimated allocation amounts. When these revised data are entered into the revenue sharing allocation process, which is competitive in nature, the amount of revenue sharing funds each recipient government actually receives will be subject to change.

Entitlement Period Eleven allocation amounts printed on the Statement of Assurances Forms will be subject to change as a result of a final allocation which will be computed during 1980. Differences between the initial and final allocation amounts for Entitlement Period Eleven will be reflected in the payments at a later date.

After the final allocation, a State or local government (or the Secretary of the Treasury) may make a demand for adjustment on or before September 30, 1981, pursuant to section 102(b) of the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 as amended by section 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (90 Stat. 2347). If a demand for adjustment is made by a recipient government, the demand shall be made in writing and contain evidence and documentation to fully justify the proposed corrections of data. In that event, the adjustment, if any, will affect only the recipient government for which a demand for adjustment has been made.

State Governments

The State data will be mailed to the Governor of each State and to the Mayor of Washington, D.C. For purposes of the revenue sharing program, the District of Columbia is treated as a State.

Each State government will receive a letter showing its data elements. The definitions of each data element are provided in this notice. If State governments believe that there are errors in these data relative to these definitions and effective dates, they should so inform the Office of Revenue Sharing in writing and provide evidence and documentation to fully justify the proposed corrections of data.

The written justification must be received by the Office of Revenue Sharing on or before May 15, 1979, in order that corrections to data elements may be used to calculate allocations on which payments for Entitlement Period Eleven will be determined. The data of record in the Office of Revenue Sharing, will be considered valid for those State governments which do not respond by May 15, 1979. Upon receipt of any written challenge from State governments, the Office of Revenue Sharing, in conjunction with appropriate Federal agencies, will substantiate or correct all data questioned and advise the State governments of its findings.

Units of Local Government

The data for units of local government will be mailed to the official of record for each government. Each recipient unit of local government will be sent either a Form 3233 or a Form 90–18.3. Form 90–18.3 will be sent only to those governments in areas declared major disaster areas since April 1, 1974, under the Disaster Relief Act of 1974 (88 Stat. 143; 42 U.S.C. chapter 58) and whose data were possibly adversely affected by the major disaster. Those local governments, which receive a Form 90–18.3, in order to be eligible for the data stablization benefit of the Disaster Relief Act (which permits them to use their pre-disaster data figures rather than their post-disaster figures) are required to certify that one or more of their data factors were adversely affected by the disaster. Such certification must be received in the Office of Revenue Sharing by May 15, 1979, in order to be used in calculating the government's payments for Entitlement Period Eleven.

Form 3233 will be sent to all other recipient governments. If a recipient government believes that there are errors in these data, relative to these

definitions and effective dates, it should so inform the Office of Revenue Sharing in writing and return the Form 3233 on or before May 15, 1979, with evidence and documentation to fully justify the proposed corrections of data. Governments which receive Form 90–18.3 will also have the opportunity to question their data elements by returning Form 90–18.3 to the Office of Revenue Sharing on or before May 15, 1979, in order that corrections to data elements may be processed in time to be reflected in the Entitlement Period Eleven payments. Recipient governments which do not wish to question their data need not return the form.

The data of record in the Office of Revenue Sharing for those local governments which do not respond by May 15, 1979, will be used to calculate allocations on which payments for Entitlement Period Eleven will be determined. In the case of those local governments sent Form 90–18.3, the post-disaster data of record in the Office of Revenue Sharing will be considered valid for those governments for which the Office of Revenue Sharing has not received a disaster certification by May 15, 1979.

Upon receipt of a written challenge from a recipient government the Office of Revenue Sharing will, as timely as practicable, work with the Bureau of the Census, the Bureau of Indian Affairs, or other appropriate Federal agency, to substantiate or correct all data questioned and to advise the recipient government of its findings.

The definitions of the data elements used in the interstate and intrastate allocation processes for Entitlement Period Eleven are as follows:

State Data Definitions

I. Population

The population of a State for revenue sharing purposes for Entitlement Period 11 is the total resident population as of July 1, 1978 as determined by the Bureau of the Census. The July 1, 1978 State populations are provisional estimates which were published by the Bureau of the Census in *Current Population Reports*, Series P–25. Incorporated in these population totals for the year ending July 1, 1978, are estimates of population change, including migration, which are based on vital statistics, key population indicators, and extrapolations of past trends. For a complete description of the methodology used, please consult the full report in the Bureau of the Census' Series P–25.

II. Urbanized Population

The urbanized population of a State for revenue sharing purposes for Entitlement Period 11 is the 1970 urbanized population of the State as determined by the Bureau of the Census. A State's 1970 urbanized population is that State's 1970 population that was living in territory designated as urbanized areas according to the Bureau of the Census' 1974 Urbanized Area Criteria. The Bureau of the Census revised its definitional criteria for urbanized areas in 1974 to make them more consistent with the criteria for Standard Metropolitan Statistical Areas (SMSAs). Urbanized areas were defined using 1970 census population.

1. An urbanized area must include a central city or cities that qualify under one of the criteria listed below. All population criteria refer to 1970 census population counts (except as specified in item 1a).

a. A city of 50,000 inhabitants or more according to the 1970 census, a special census taken between 1960 and 1970, or the 1960 census: *Provided*, That the city is located in an SMSA and is not included in an existing urbanized area.

b. A city with at least 25,000 inhabitants which, together with those contiguous places (incorporated or unincorporated) having population densities of at least 1,000 persons per square mile, has a combined population of 50,000 and constitutes for general economic and social purposes a single community: *Provided*, That the city is located within an SMSA and is not included in an existing urbanized area.

2. In addition to a central city or cities, an urbanized area includes contiguous territory meeting the following criteria:

a. Incorporated places of 2,500 inhabitants or more, but excluding the rural portions of extended cities.

b. Incorporated places with fewer than 2,500 inhabitants: *Provided*, That each has a closely settled area of 100 housing units or more; and all unincorporated places recognized in the 1970 census.

c. Contiguous small parcels of unincorporated land (delineated as either enumeration districts or block parcels prior to the 1970 census) determined to have a 1970 census population density of 1,000 inhabitants or more per square mile. The areas of large nonresidential tracts devoted to such urban land uses as railroad yards, airports, factories, parks, golf courses, and cemeteries are excluded in computing the population density.

d. Other similar small areas in unincorporated territory without regard to population density provided that they serve—

To eliminate enclaves, or

To close indentations of one mile or less in width across the open end of the urbanized areas in order to eliminate narrow fingers of "rural" area, or

To link outlying areas of qualifying density provided that these are not more than 1½ miles from the main body of the urbanized area.

III. Income

The per capita income (PCI) of a State for revenue sharing purposes for Entitlement Period 11 is the 1975 per capita income of the State as determined by the Bureau of the Census. The per capita income is the estimated mean or average amount of total money income received during calendar year 1975 by all persons residing in the State in April 1976. The 1975 PCI estimates are based on data from the 1970 census and reflect corrections to the census data which have been made since 1970.

Total money income is the sum of:

- Wage and salary income,
- Net nonfarm self-employment income,
- Net farm self-employment income,
- Social Security and railroad retirement income,
- Public assistance income, and
- All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawals of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

The 1970 census PCI data were updated to 1975, based on income data from the 1969 and 1975 Federal income tax returns and State income estimates prepared by the Bureau of Economic Analysis to measure the change from 1969 to 1975.

At the State level, 1975 per capita income estimates were developed by carrying forward the 1970 census aggregate wage and salary income and per capita income for the remaining types of income itemized above, and

dividing the sum of the 1975 aggregates for each State by the estimated April 1976 population. The percent change in wage and salary income as reflected by the IRS data, was used to update the 1970 census wage and salary amount, while the remaining income types were carried forward using the percent change implied in estimates developed by the Bureau of Economic Analysis.

The 1975 PCI estimates were published by the Bureau of the Census in *Current Population Reports*, Series P–25, in State reports numbered in alphabetical sequence from Alabama through Wyoming. The estimates being used for revenue sharing purposes may not agree exactly with the figures in the P–25 reports since corrections have been made to the estimates subsequent to the publication of the reports.

IV. State Individual Income Tax

The State individual income tax data of a State for Entitlement Period 11 of revenue sharing is the total calendar year 1978 collections of the tax imposed upon the income of individuals by such State and described as a State income tax under section 164(a)(3) of the Internal Revenue Code of 1954. These data also include collections of taxes on special types of income (e.g., interest, dividends, income from intangibles, etc.).

Actual calendar year 1978 State individual income tax collections data were obtained from the Bureau of the Census' publication entitled *Quarterly Summary of State and Local Tax Revenue, October-December 1978.* The calendar year 1978 State individual income tax collections data used for revenue sharing may not agree exactly with the figures in the Census Bureau's *Quarterly Summary of State and Local Tax Revenue*, if corrections to these data were made subsequent to its publication.

V. Federal Individual Income Tax Liabilities

The Federal individual income tax liability of a State for revenue sharing purposes is the total annual Federal individual income taxes after credits, attributed to the residents of the State by the Internal Revenue Service. Income tax after credits is determined by subtracting statutory credits from the total of income tax before credits and the tax surcharge. It does not include self-employment tax or tax from recomputing prior year investment credit, nor does it take into account refundable credits.

Income tax before credits is the tax liability computed on taxable income based on:

1. The regular combined normal tax and surcharge including tax from the optional tax tables,
2. Alternative tax, or
3. Tax computed using the income averaging provisions.

Examples of credits which are applied against income taxes are:

1. Retirement income credit,
2. Investment credit,
3. Foreign Tax credit, and
4. Other tax credits.

The most recent Federal individual income tax liabilities available for revenue sharing use in Entitlement Period 11 are the 1977 IRS estimates of Federal individual income tax liabilities of States. These estimated tax amounts for calendar year 1977 are the preliminary 1977 estimates from the Internal Revenue Service's *Statistics of Income.*

VI. State and Local Taxes

The State and local taxes data of a State are the compulsory contributions exacted by the State (or by any unit of local government or other political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes.

State and local taxes data used for revenue sharing purposes in Entitlement Period 11 are the Fiscal Year 1976–77 State and local taxes as reported by the Bureau of the Census in Table 6 of *Governmental Finances 1976–77* (GF 77, No. 5). Fiscal Year 1976–77 is a government's 12-month accounting period that ended between July 1, 1976 and June 30, 1977 except for the State governments of Alabama and Texas (as well as school districts in those States). These latter governments have fiscal years which end at the end of September and August, respectively, and are treated as though they were part of the group with fiscal years ending June 30.

Tax revenue comprises amounts collected from all taxes which are imposed by a government and collected by that government or which are collected for it by another government acting as its agent. This includes interest and penalties but does not include amounts refunded or taxes paid under protest and held in suspense accounts subject to possible refund. These latter amounts are not regarded as revenue except as awarded to the government concerned. For purposes of this definition, local governments and political subdivisions include counties (parishes in Louisiana and boroughs in Alaska), municipalities, townships, school districts, and special districts. A unit of government also includes, in addition to the central authority of the unit, any semiautonomous boards, commissions, or other agencies dependent on it that do not in themselves meet requirements as to fiscal and administrative independence even though as to accounting records and other specific administrative aspects such agencies may operate outside the central accounting and administrative pattern of the unit.

The State government information contained in State and local taxes is based on the annual Bureau of the Census survey of State finances. State finance statistics are compiled by representatives of the Bureau of the Census from official records and reports of the various States. The local government portion of the State and local taxes data are estimates based on information received from all general purpose governments and from a sample of school districts and special districts. The sample consisted of districts whose relative importance in their State based on expenditure or debt was above a specified size, and a random sample of remaining units.

The Fiscal Year 1976–77 State and local taxes data may not agree exactly with the figures in *Governmental Finances 1976–77*, because corrections may have been made to these data subsequent to its publication.

VII. General Tax Effort Factor

The general tax effort factor of a State used for Entitlement Period 11 is the amount of Fiscal Year 1976–77 State and local taxes of the State divided by the aggregate personal income of the State for 1976. State and local taxes for Fiscal Year 1976–77 are as defined above, and as reported by the Bureau of the Census in Table 6 of *Governmental Finances 1976–77* (GF 77, No. 5).

Aggregate personal income of a State in calendar year 1976 is the income of individuals as estimated by the Bureau of Economic Analysis of the Department of Commerce for national income accounts purposes and as reported in "Personal Income By States and Regions," Table 1, *Survey of Current Business*, August 1978, Volume 58, Number 8.

Aggregate personal income represents the total current income received by

persons residing in the State from all sources, including transfers from government and business but excluding transfers among "persons." Not only individuals (including owners of unincorporated enterprises), but also non-profit institutions, private trust funds, and private pension, health and welfare funds are classified as "persons." Personal income is measured on a before-tax basis, as the sum of wages and salary disbursements, other labor income, proprietors' and rental income, interest and dividends, and transfer payments, minus personal contributions for social insurance, etc.

Local Governments Data Definitions

I. Population

Population of Counties, Cities, Towns and Townships.—The population of a unit of government for revenue sharing purposes is the resident population as of July 1, 1977 as determined by the Bureau of the Census. The July 1, 1977 population estimates were published by the Bureau of the Census in *Current Population Reports*, Series P–25, in State reports numbered in alphabetical sequence from Alabama through Wyoming.

The July 1, 1977 estimates of population were derived by the Bureau of the Census using a component procedure whereby components of population change are estimated separately and then added to the enumerated 1970 census populations of the units of local government. The 1970 population base reflects all population corrections made to the data after the initial Bureau of the Census publications as well as changes due to new incorporations, disincorporations and annexations.

The components of population change are:

1. Natural increase, i.e., the excess of births over deaths: Annual births and deaths were compiled from State vital statistics offices supplemented by data from the National Center for Health Statistics. County statistics were available for all States. When vital statistics were not available for all areas within a county, the births and deaths for these areas were estimated and adjusted to agree with county-level figures.

2. Net Migration: This component of population change was estimated for each unit of government by developing net migration rates from Federal income tax return data. Returns were matched from one filing date to another in order to determine mover/nonmover status. For the July 1, 1977 population estimates these rates were derived from 1975 and 1976 returns which were filed in April 1976 and 1977, respectively. The number of those who moved in, minus the number who moved out, yields the net migration. The rate computed from these data was applied to the total nongroup quarters population in an area, which was the population that was not residing in an institution, college, or military barracks. These latter special population groups were accounted for separately, as were immigrants from abroad.

For all areas where special censuses have been conducted by the Bureau of the Census close to the 1977 estimate date, and in selected areas where special censuses are conducted locally, the special census counts were used in the preparation of the estimates. In these cases the special census counts were adjusted to the July 1, 1977, estimate date. In addition, in seven States, the subcounty estimates prepared by the Bureau of the Census were averaged with estimates produced by State agencies participating in the Federal-State Cooperative Program for Local Population Estimates. These States are: California, Florida, New Jersey, Oregon, Vermont, Washington and Wisconsin.

In an effort to provide more reliable estimates, the Bureau of the Census has involved local government officials in the review and evaluation of the population estimates. Through this program, cities and other local governments receive the population estimate for their area directly from the Bureau of the Census, along with materials to assist in the review process. Final figures were then arrived at in conjunction with the Bureau of the Census before being submitted for use in the allocation process. Several State agencies active in the Federal-State Cooperative Program were available to assist the localities in this general review procedure.

The July 1, 1977 population estimates being used for revenue sharing for counties represent the average change between July 1, 1976 and July 1, 1977 administrative record-based estimates derived by the procedures described above, and Component Method II estimates derived from the Federal-State Cooperative Program. This average change was added to the July 1, 1976 county estimates to yield July 1, 1977 county estimates. The county populations were further adjusted to be consistent with State estimates published by the Bureau of the Census in *Current Population Reports*, Series P–25, just as the population estimates for the governments in each county were adjusted to be consistent with the county population figures.

The July 1, 1977 population estimates published by the Bureau of the Census in Series P–25 relate to boundaries as of December 31, 1977. Adjustments to the 1970 population base were made for new incorporations, disincorporations, and annexations.

Population of Indian Tribes and Alaskan Native Villages.—The population of an Indian tribe or Alaskan native village for revenue sharing purposes is the resident population as of July 1, 1977 as determined by the Bureau of Indian Affairs. For Indian tribes, the resident population is the number of Indians living within the boundaries of the tribal reservation plus the number of Indians living on trust land (including public domain allotments) adjacent to the reservation and pertaining to the tribe. The adjacent trust land may be tribally owned or individually owned. Resident non-Indian members of families with an Indian head or spouse are also included in the population estimate.

For Alaskan native villages, the resident population is the number of Indians, Aleuts and Eskimos living within the boundaries of the village. Resident non-Alaskan native members of families with an Alaskan native head or spouse are also included in the population estimate.

The methodology used by the Bureau of Indian Affairs to update the 1970 population of an Indian tribe or Alaskan native village depended on the type of accurate data that was available for that tribe or village. In general, the population estimates were derived using a component procedure incorporating a natural increase rate (births minus deaths) as reported by the Indian Health Service and a net migration rate from Bureau of the Census data. Another example of the type of data used to develop the July 1, 1977 population estimates are lists of residents supplied by the tribe or native village.

II. Per Capita Income

The 1975 per capita income (PCI) is the estimated mean or average amount of total money income received during calendar year 1975 by all persons residing in a given political jurisdiction in April 1976. The 1975 PCI estimates are based on data from the 1970 census and reflect corrections to the census data as well as changes in income, population, and geographic boundaries which have occurred since 1970. The 1975 PCI estimates were published by the Bureau of the Census in *Current Population*

Reports. Series P–25, in State reports numbered in alphabetical sequence from Alabama through Wyoming. The estimates being used for revenue sharing will not agree exactly with all of the figures in the P–25 reports, since corrections have been made to the data subequent to the publication of the reports.

The 1970 census PCI data were updated to 1975 based on income data from the 1969, 1972, 1974, and 1975 Federal income tax returns and State and county money income estimates prepared by the Bureau of Economic Analysis (BEA) to measure the change from 1969 to 1975.

As a result of data revisions developed by BEA, the Bureau of the Census revised the 1975 per capita income estimates in mid-1978. These revisions among other changes, incorporate the results of the 1974 Census of Agriculture and impact mainly upon areas with a high proportion of farm-related income. The 1975 per capita income revisions have been incorporated into the Entitlement Period II data base. For a discussion of these revisions, please see the August 1977 issue of *Survey of Current Business,* "State Personal Income Revisions, 1971–75."

Total money income is the sum of:

- Wage and salary income,
- Net nonfarm self-employment income,
- Net farm self-employment income,
- Social Security and railroad retirement income,
- Public assistance income, and
- All other income such as interest, dividends, veteran's payments, pensions, unemployment insurance, alimony, etc.

The total represents the amount of income received before deductions for personal income taxes, Social Security, bond purchases, union dues, medicare deductions, etc.

Receipts from the following sources are not included as income: Money received from the sale of personal property; capital gains; the value of income "in kind" such as food produced and consumed in the home or free living quarters; withdrawal of bank deposits; money borrowed; tax refunds; exchange of money between relatives living in the same household; gifts and lump sum inheritances, insurance payments, and other types of lump sum receipts.

County Estimates.—At the county level, 1975 PCI estimates were developed by carrying forward the 1970 census per capita amount for each income type listed above. Census wage and salary per capita income amounts were updated using the percent change in the IRS wage and salary per exemption. For the remaining income types, the percent change in the BEA per capita amounts were used. The 1975 per capita amounts for each income type were then multiplied by the April 1, 1976 population estimate, and the resulting county income aggregates were adjusted to State income aggregates. For each county the aggregate amounts for each income type were added to get an estimated 1975 total money income which was then divided by the estimated population to derive the 1975 PCI estimate.

Subcounty Governmental Unit Estimates.—For all townships and municipalities, the updates were also developed using per capita amounts. Updated census estimates of Adjusted Gross Income per capita were developed using the percent change in IRS Adjusted Gross Income per exemption. The estimates for Social Security, public assistance and other forms of transfer income were made by assuming that the 1970 Census per capita amounts for this income type grew at the same rate as that for the county.

The rates of change in per capita income for governmental units with a 1970 population under 1,000 were computed in the same manner as those for larger areas. However, the 1970 census per capita income figures were not used as the base figure for these small area estimates. The 1969 base per capita income estimates for these areas were developed by computing a weighted average of their 1970 Census value and a regression estimate. This procedure was used to improve the statistical accuracy of these estimates.

The PCI estimates for all townships and municipalities outside of townships were adjusted to the county estimates to ensure conformity. The estimates for municipalities located within townships were adjusted to the township estimates.

III. Adjusted Taxes

The adjusted taxes for a unit of local government, as derived from the General Revenue Sharing Survey and Survey of Local Government Finances conducted by the Bureau of the Census in 1978, are the total taxes of the unit of government in Fiscal Year 1978 (that government's 12-month accounting period that ended between July 1, 1977 and June 30, 1978) excluding taxes for schools and other educational purposes. A government's total Fiscal Year 1978 taxes are those which were exacted by that government and which were collected by or for that government during Fiscal Year 1978. Total general purpose taxes include:

1. Property taxes—county, municipal or township taxes levied on the value of real or personal property.

2. Sales taxes—county, municipal or township taxes, either general or specific, on goods and services, measured as a percent of sales or receipts, or as an amount per unit sold.

Sales taxes are of two types:

a. General sales or gross receipts taxes.

b. Selective sales or gross receipts taxes.

Examples of selective sales taxes are:

- Gasoline taxes
- Liquor taxes
- Cigarette and tobacco taxes
- Public utilities excise taxes
- Amusement taxes
- Hotel and motel room occupancy and meals taxes.

3. Licenses, permits and other taxes—county, municipal or township taxes not included in items 1 and 2 above.

Examples of license taxes are:

- Alcoholic beverage licenses
- Business privilege licenses
- Motor vehicle and operators licenses
- Hunting and fishing licenses
- Marriage licenses
- Inspection fees charged in connection with the granting or renewal of a license.

Examples of permits are:

- Building permits
- Permits for a business or nonbusiness privilege

Examples of other taxes are:

- Income, payroll or earnings taxes
- Mortgage transfer and recordation taxes
- Severance taxes
- Fees retained by a government for collecting taxes for other governments.

General purpose taxes do not include receipts from service charges, special assessments, interest earnings or fines.

A tax which is jointly imposed by a State government and units of local government is apportioned in order to determine local tax effort. An example of a jointly imposed tax would be a five percent sales tax of which four percent was imposed by the State government and one percent was imposed by the local government. In such case the amount of revenue realized by virtue of the one percent locally imposed portion will be credited to local tax effort. It is important to distinguish a "jointly imposed tax" from a wholly State imposed tax where part of the tax revenue is shared with local governments. An example of a shared

State tax would be a five percent sales tax wholly imposed by the State, but which provides a 20 percent revenue share to units of local government. A local government's share of a "wholly State imposed tax" is classified as an intergovernmental transfer and not as local tax effort. Thus, in determining local tax effort the point of reference is the government which imposed the tax rather than the government which expended the resulting tax revenue. The one exception to the foregoing definition is that locally collected and retained shares of State taxes (including any collection fees retained) are classified as tax revenue of the government ultimately receiving the proceeds.

Certain sales taxes imposed by counties which meet the requirements of Section 109(e)(2)(B) of the Revenue Sharing Act may be considered to be taxes of the units of local government within the county rather than the county government. The "Memphis Rule," as this section is called, provides for situations whereby a county government imposes a sales tax within the geographic area of local governments within the county, and then shares part or all of the applicable tax revenue with those local governments. These taxes must be transferred by the county government without specifying the purposes for which the local governments may spend the revenues. In such cases, the Governor of the State must certify to the Secretary of the Treasury that the requirements of the "Memphis Rule" are met. This certification must be made by the Governor before the beginning of the entitlement period when the "Memphis Rule" is to take effect. The taxes which are transferred by the county to the units of local government will then be considered for revenue sharing purposes to be taxes of the local governments and not the taxes of the county government.

Amounts in lieu of taxes received by a government from a utility it operates are treated as internal transfers and are excluded from taxes. Amounts in lieu of taxes received from utilities operated by other governments are reported as intergovernmental transfers.

The taxes of a local government are adjusted for revenue sharing purposes to exclude taxes for education. School taxes are tax revenues of a unit of government which are used for school purposes. They consist of taxes levied for current operation, capital outlay and debt service including amounts collected for a governmental unit's schools by the State or a local government acting as a collecting agent.

In some jurisdictions, tax revenues for purposes of education are not separately identifiable, because education is financed by appropriations, transfers or direct expenditures from one or more general-type funds. In such instances, a school tax amount must be derived.

For these governments, school taxes are calculated by taking the ratio of tax revenues to total revenues in the general-type fund and multiplying that ratio by the amount of expenditure or transfer of monies for educational purposes from the general-type fund.

Commencing with the Fiscal Year 1976 General Revenue Sharing Survey, a revised procedure has been used to determine the amount of adjusted taxes for these government. The governments affected are New York City, some places in Alabama, Alaska, Arizona, North Carolina, South Carolina, Tennessee, and generally in Connecticut, Maryland and Virginia. The new procedure is designed to remove certain dedicated funds from the general-type fund(s) prior to calculating adjusted taxes. Dedicated funds are, in general, those funds received or generated with a requirement that they be spent for a specific purpose. Dedicated funds also include amounts received from Federal, State, or other local governments as reimbursement for a specific purpose or activity, whether received in advance of or subsequent to the expenditure of local monies for the specific purpose involved.

IV. Intergovernmental Transfers of Revenue

Intergovernmental transfers are amounts received by a unit of government from other governments in Fiscal Year 1978 (the government's 12-month accounting period that ended between July 1, 1977 and June 30, 1978) for use either for specific functions or for general financial support. This amount is derived from the General Revenue Sharing Survey and Survey of Local Government Finances conducted by the Bureau of the Census in 1978. The figure includes grants, shared taxes, contingent loans and reimbursements for tuition costs, hospital care, construction costs, etc. Intergovernmental revenue does not include amounts received from the sale of property or commodities, utility services to other governments, or Federal general revenue sharing entitlement funds.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E Street, NW., Washington, D.C. 20226, (202) 634-5166.

Dated: April 4, 1979.

Bernadine Denning,
Director, Office of Revenue Sharing.

[FR Doc. 79-10919 Filed 4-6-79; 8:45 am]

BILLING CODE 4810-28-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

Amendments to Auction of 2-year Notes and 9% Treasury Bonds of 1994

April 4, 1979.

Department of the Treasury Circular, Public Debt Series—No. 7-79, dated March 23, 1979, descriptive of an additional issue of 9 percent Treasury Bonds of February 15, 1994, is amended, effective April 2, 1979. The additional issue of 9 percent bonds of 1994, as amended, will be auctioned Tuesday, April 10, 1979, and will accrue interest from Wednesday, April 18, 1979. Payment for the bonds must include accrued interest from January 11, 1979, to April 18, 1979, in the amount of $23.97415 per $1,000 of securities allotted.

The same numbered paragraphs of Department of the Treasury Circular, Public Debt Series—No. 7-79, are hereby amended, and replaced with the following paragraphs. The other terms and conditions remain unchanged.

2. Description of Securities

2.1. The securities offered will be identical to the 9% Treasury Bonds of 1994 (CUSIP No. 912810 CF 3) issued under Department of the Treasury Circular, Public Debt Series—No. 31-78, dated December 28, 1978, except that the interest will accrue from April 18, 1979, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from January 11, 1979. With this exception, the securities are as described in the following excerpt from the above circular: [1]

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Tuesday, April 10, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, April 9, 1979.

[1] The quoted paragraphs, 2.1. through 2.5., from Treasury Circular, Public Debt Series—No. 31-78, remain unchanged.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, April 18, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from January 11, 1979, to April 18, 1979, in the amount of $23.97415 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Tuesday, April 17, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Tuesday, April 17, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the date set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

* * * * *

The foregoing amendment was effected under authority of Sections 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary.

[Dept. Circular, Public Debt Series—No. 7-79]

[FR Doc. 79-11039 Filed 4-5-79; 3:24 pm]

BILLING CODE 4810-40-M

Treasury Notes of March 31, 1981; Series R-1981; Amendment to Auction

April 4, 1979.

Department of the Treasury Circular, Public Debt Series—No. 6-79, dated March 15, 1979, descriptive of Treasury Notes of Series R-1981, is hereby amended, effective April 2, 1979. The notes will be auctioned Thursday, April 5, 1979, and will accrue interest from Monday, April 9, 1979.

The same numbered paragraphs of Department of the Treasury Circular, Public Debt Series—No. 6-79, are hereby amended and replaced with the following paragraphs. The other terms and conditions remain unchanged.

2. Description of Securities

2.1. The securities will be dated April 9, 1979, and will bear interest from that date, payable on a semiannual basis on September 30, 1979, and each subsequent 6 months on March 31 and September 30, until the principal becomes payable. They will mature March 31, 1981, and will not be subject to call for redemption prior to maturity.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., eastern standard time, Thursday, April 5, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, April 4, 1979.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Monday, April 9, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Friday, April 6, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, April 6, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

* * * * *

The foregoing amendment was effected under authority of Sections 18 and 20 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 753, 754b), and 5 U.S.C. 301. Notice and public procedures thereof are unnecessary as the fiscal policy of the United States is involved.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary.

[Dept. Circular Public Debt Series—No. 6-79]

[FR Doc. 79-11040 Filed 4-5-79; 3:24 pm]

BILLING CODE 4810-40-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

April 4, 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 cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 108649 (Sub-11F), Sturm Freightways, Inc., now assigned for hearing on April 17, 1979, at Peoria, Illinois and will be held in Room 201, U.S. District Court, Judges Chambers, Southern District of Illinois.

MC 106873 (Sub-3F), Heavy Hauling Co., Inc., now assigned for hearing on April 25, 1979, at Portland, Oregon and will be held in Room 103, Pioneer Courthouse, 555 S.W. Yamhill Street.

MC 118638 (Sub-5F), GCS AIR Service, Inc., now assigned for hearing on May 15, 1979, (9 days) at Columbus, Ohio, in a hearing room to be later designated.

H. G. Homme, Jr.,
Secretary.

[Notice No. 63]

[FR Doc. 79-10906 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Atchison, Topeka & Santa Fe Railroad Co.; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To: The Atchison, Topeka and Santa Fe Railroad Company, Boston and Maine Corporation, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Chicago, Rock Island and Pacific Railroad Company, Consolidated Rail Corporation, Delaware and Hudson Railway Company, Illinois Central Gulf Railroad Company, Louisville and Nashville Railroad Company, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, Seaboard Coast Line Railroad Company.

It appearing, That the railroads have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing reporting marks assigned to such carriers.

It further appearing, That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing the following reporting marks are exempt from provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Santa Fe Railroad Company
Reporting marks: ATSF, effective August 22, 1976.

Boston and Maine Corporation
Reporting marks: BM, effective January 1, 1979.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Reporting marks: MILW, effective July 15, 1976.

Chicago, Rock Island and Pacific Railroad Company
Reporting marks: RI-ROCK, effective September 12, 1976.

Consolidated Rail Corporation
Reporting marks: BCK-CNJ-CR-DL&W-EL-ERIE-LV-NH-NYC-PAE-PC-[1] PCA-PRR-RDG-TOC, effective November 6, 1977.

Delaware and Hudson Railway Company
Reporting marks: DH, effective January 1, 1979.

Illinois Central Gulf Railroad Company
Reporting marks: ICG-GM&O-IC, effective August 22, 1976.

Louisville and Nashville Railroad Company
Reporting marks: L&N-CIL-MON-NC, effective August 15, 1976.

Missouri-Illinois Railroad Company
Reporting marks: MI, effective July 15, 1976.

Missouri Pacific Railroad Company
Reporting marks: MP-C&EI-KO&G-T&P, effective July 15, 1976.

Seaboard Coast Line Railroad Company
Reporting marks: SCL-ACL-C&WC-SAL, effective August 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the Project participants, and to advise the undersigned.

Effective 12:01 a.m., March 28, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 28, 1979.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[14th Rev. Exemption No. 128]

[FR Doc. 79-10904 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

[1] Addition.

Atlantic & Western Railway; Exemption Under Provision of Rule 19 of the Mandatory Car Service Rules Ordered in Ex Parte No. 241

To all railroads:

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 410, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM" or "XMI," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway
Reporting marks: ATW.

Chicago & Illinois Midland Railway Company
Reporting marks: CIM.

Fonda, Johnstown and Gloversville Railroad Company
Reporting marks: FJG.

Hillsdale County Railway Company Inc.
Reporting marks: HCRC.

Maryland and Pennsylvania Railroad Company
Reporting marks: MPA.

Pickens Railroad Company
Reporting marks: PICK.

XXX

Effective April 1, 1979, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 27, 1979.

Interstate Commerce Commission.

Joel E. Burns,
Agent.

[36th Rev. Exemption No. 12]

[FR Doc. 79-10905 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Rerouting of Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 5 and good cause appearing therefor:

It is ordered,

XXX Wellsville, Addison & Galeton Railroad Corporation deleted.

I.C.C. Order No. 5 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 31, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[AMDT. 1, I.C.C. Order No. 5, S.O. 1344]

[FR Doc. 79-10900 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Rerouting of Traffic

To all railroads:

Upon further consideration of I.C.C. Order No. 4 and good cause appearing therefor:

It is ordered,

I.C.C. Order No. 4 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 31, 1979.

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this amendment shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 31, 1979.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[Amdt. 1, I.C.C. Order 4, S.O. 1344]

[FR Doc. 79-10901 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Rerouting of Traffic

To all railroads

In the opinion of Joel E. Burns, Agent, the Chicago, Rock Island and Pacific Railroad Company is unable to transport promptly all traffic offered for movement to, from, or via Peoria, Illinois, because of flooding.

It is ordered,

(a) *Rerouting traffic.* The Chicago, Rock Island and Pacific Railroad Company being unable to transport promptly all traffic offered for movement to, from, or via Peoria, Illinois, because of flooding, that line and its connection are authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to the order as authority for the rerouting.

(b) *Acceptance of traffic in interchange at Peoria.* In the event the Chicago, Rock Island and Pacific Railroad Company cannot accept traffic in interchange from a connecting carrier at Peoria, the delivering carrier, after establishing such condition, may reroute or divert the traffic via any available route.

(c) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(d) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided for under this order.

(e) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(f) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation appliable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(g) *Effective date.* This order shall become effective at 1:00 p.m., March 27, 1979.

Expiration date. This order shall expire at 11:59 p.m., April 10, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 27, 1979.

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[Rev. I.C.C. Order 32; S.O. 1344]

[FR Doc. 79-10902 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Rerouting of Traffic

To all railroads

In the opinion of Joel E. Burns, Agent, the Southern Pacific Transportation Company (SP) is unable to transport promptly all traffic routed via its lines through the New Orleans, Louisiana, gateway because of a damaged bridge at Berwick, Louisiana. The SP interchanges substantial numbers of cars daily with the Louisville and Nashville Railroad Company (LN) and with Southern Railway Company (SOU). The SP and the LN and SP and SOU have agreed to interchange certain of this traffic via Memphis, Tennessee, using the St. Louis Southwestern Railway Company (SSW), a subsidiary of the SP as an intermediate carrier. Rerouting of this traffic via Memphis will substantially improve the movement of this traffic.

It is ordered,

(a) *Rerouting traffic.* The SP being unable to transport promptly all traffic routed via its lines through the New Orleans, Louisiana, gateway, the SP and the LN and SP and SOU are authorized to reroute via Memphis, Tennessee, and the SSW, traffic routed for direct interchange between the LN and the SP and between SOU and SP at New Orleans, Louisiana, in order to expedite the movement of this traffic. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the paticipation and revenues of other carriers provided in the original routing. The billing

covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained. The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.*

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 1:00 p.m., March 26, 1979.

Expiration date. This order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 26, 1979.

Interstate Commerce Commission,

Joel E. Burns,

Agent.

[I.C.C. Order 33; S.O. 1344]

[FR Doc. 79-10903 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Louisville and Nashville Railroad Co.; Amended System Diagram Map

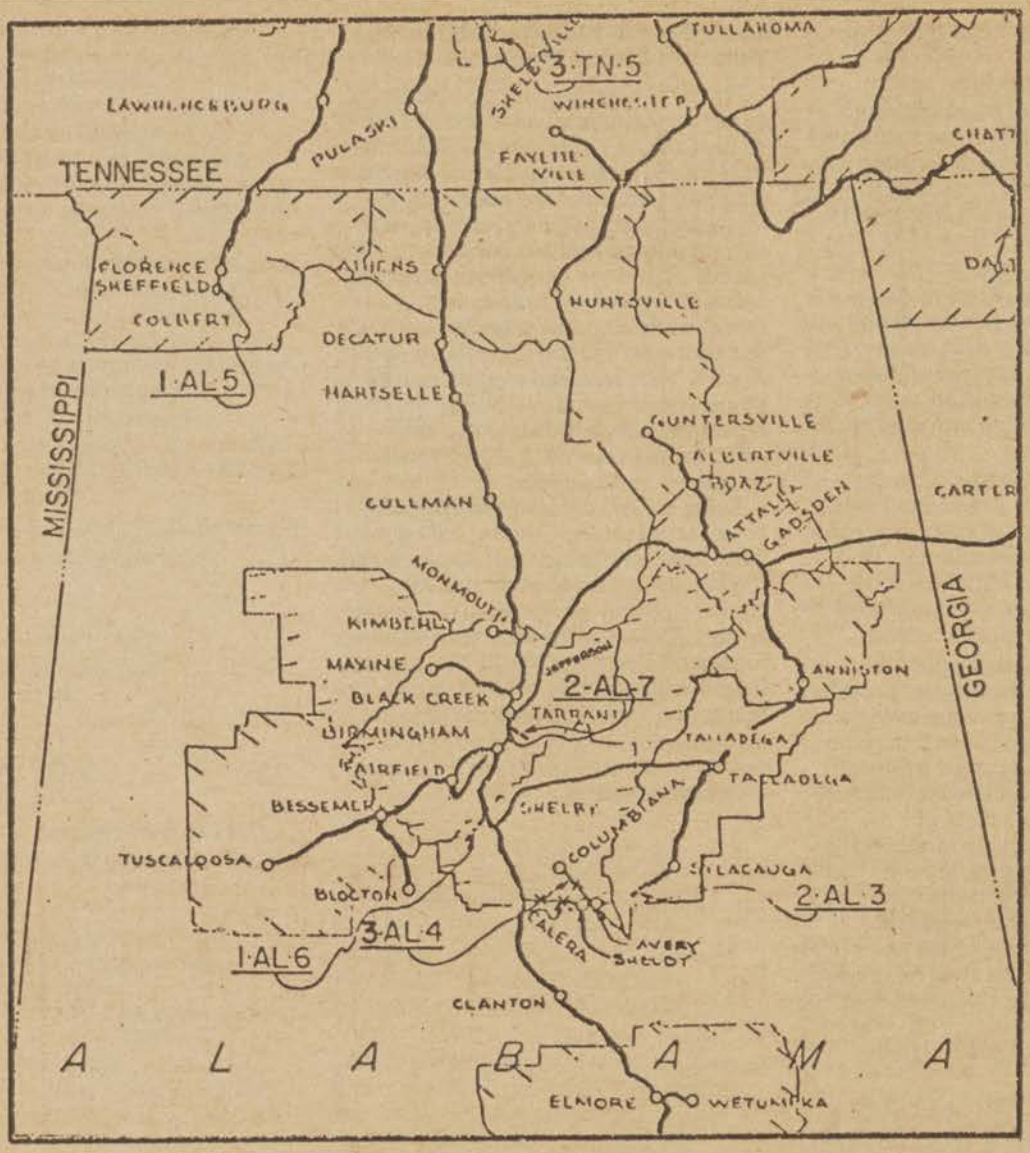
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Louisville and Nashville Railroad Company, has filed with the Commission its amended color-coded system diagram map in docket No., AB 2 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 2, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 2 (SDM).

H. G. Homme, Jr.,

Secretary.

BILLING CODE 7035-01-M



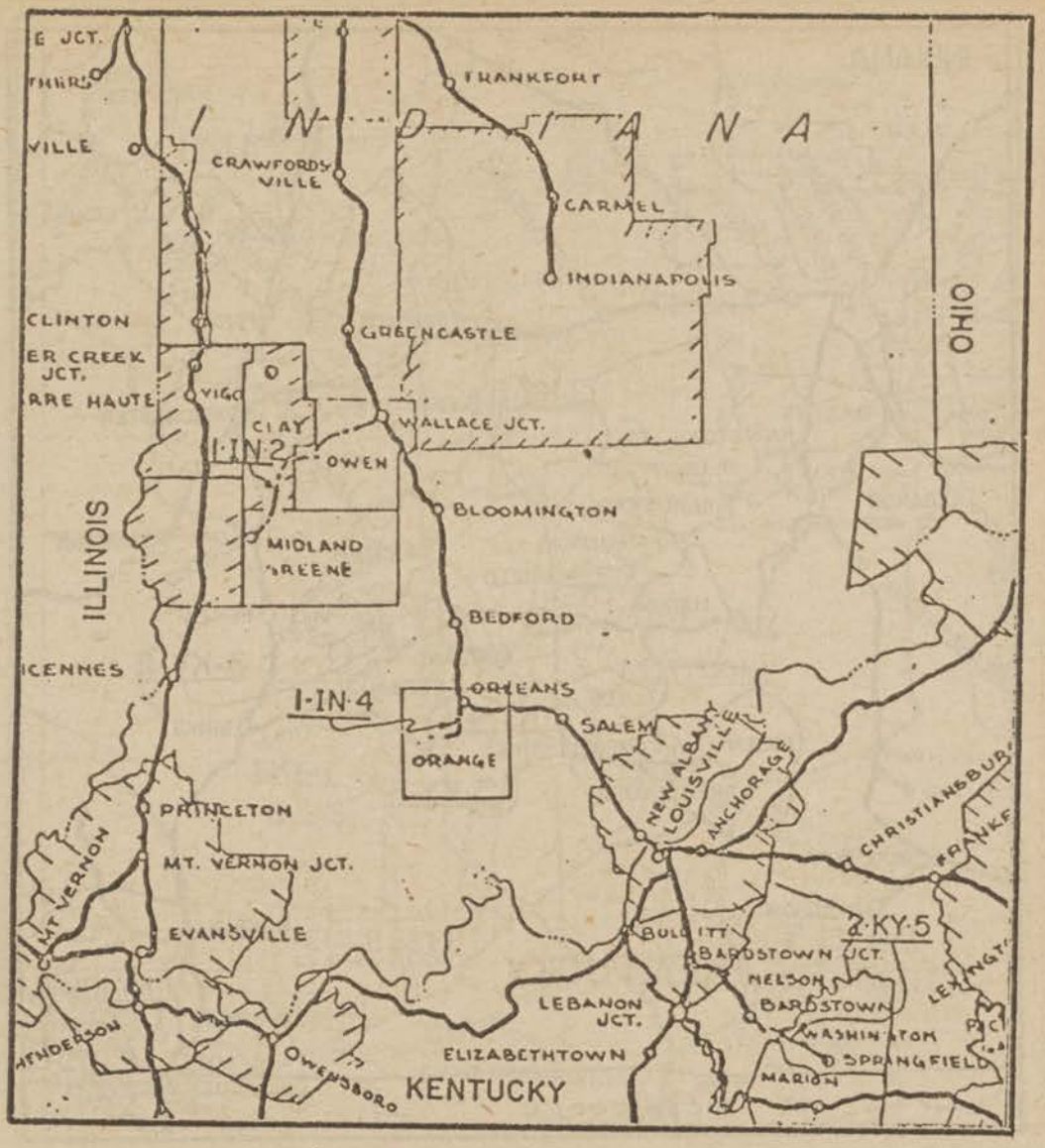
LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTHERN ALABAMA

LEGEND

CATEGORY 1 —·—·—·—
CATEGORY 2 — — — —
CATEGORY 3 —x—x—
CATEGORY 5 ————

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Revised 2-16-79
Revised 11-14-78



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
SOUTHERN INDIANA

LEGEND

CATEGORY 1 ——-——-——
CATEGORY 2 —— —— ——
CATEGORY 5 ————————

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Revised 2-16-79
Revised 11-14-78



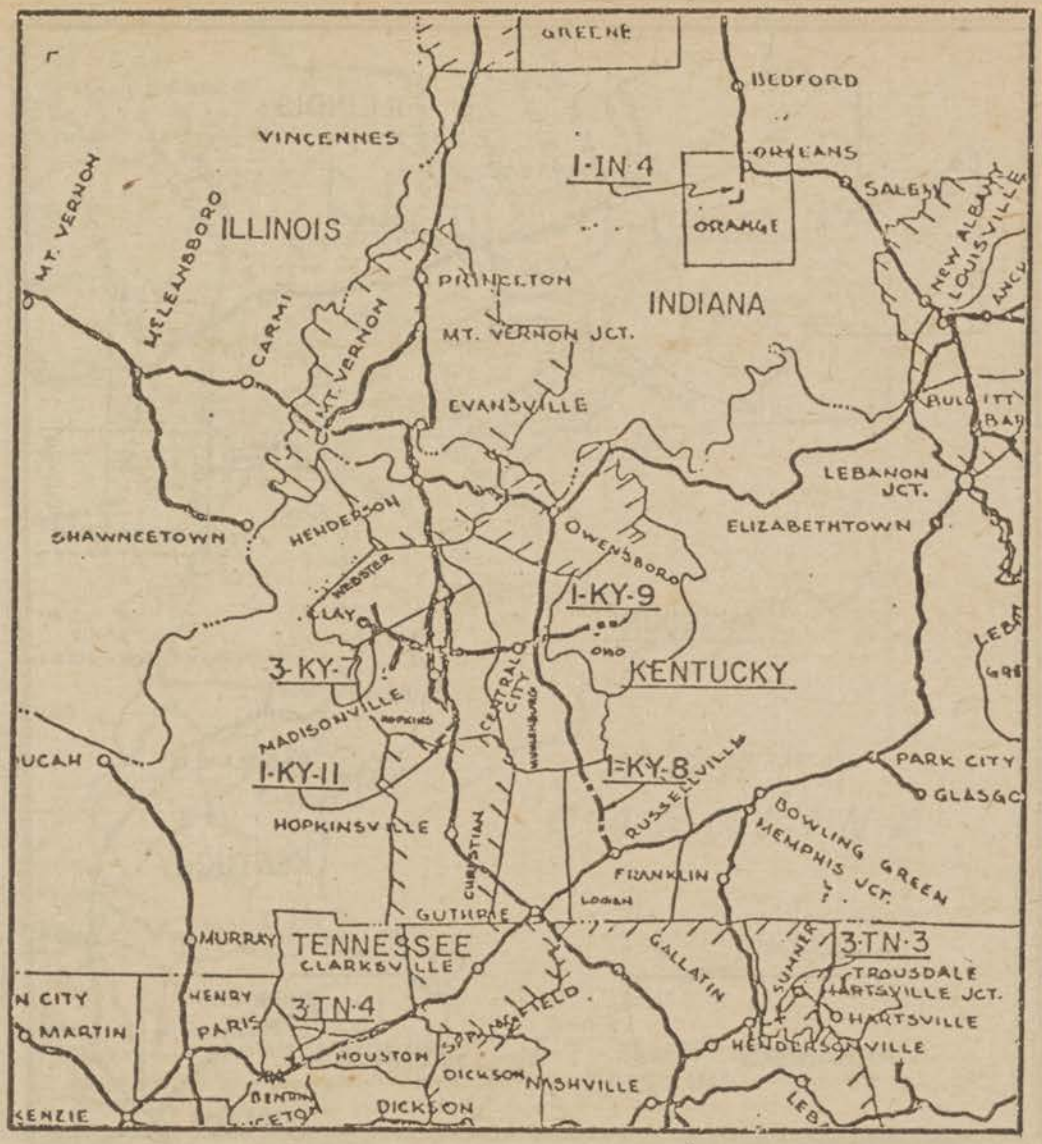
LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
EASTERN KENTUCKY

LEGEND

CATEGORY 1 —·—·—·—·—
CATEGORY 2 — — — —
CATEGORY 3 —x—x—x—
CATEGORY 5 ————————

Population over 5,000 ō
Std. Metrop. Stat. Areas ////////
County Lines ——————
State Lines —·—·—

Revised 2-16-79
Revised 11-14-78

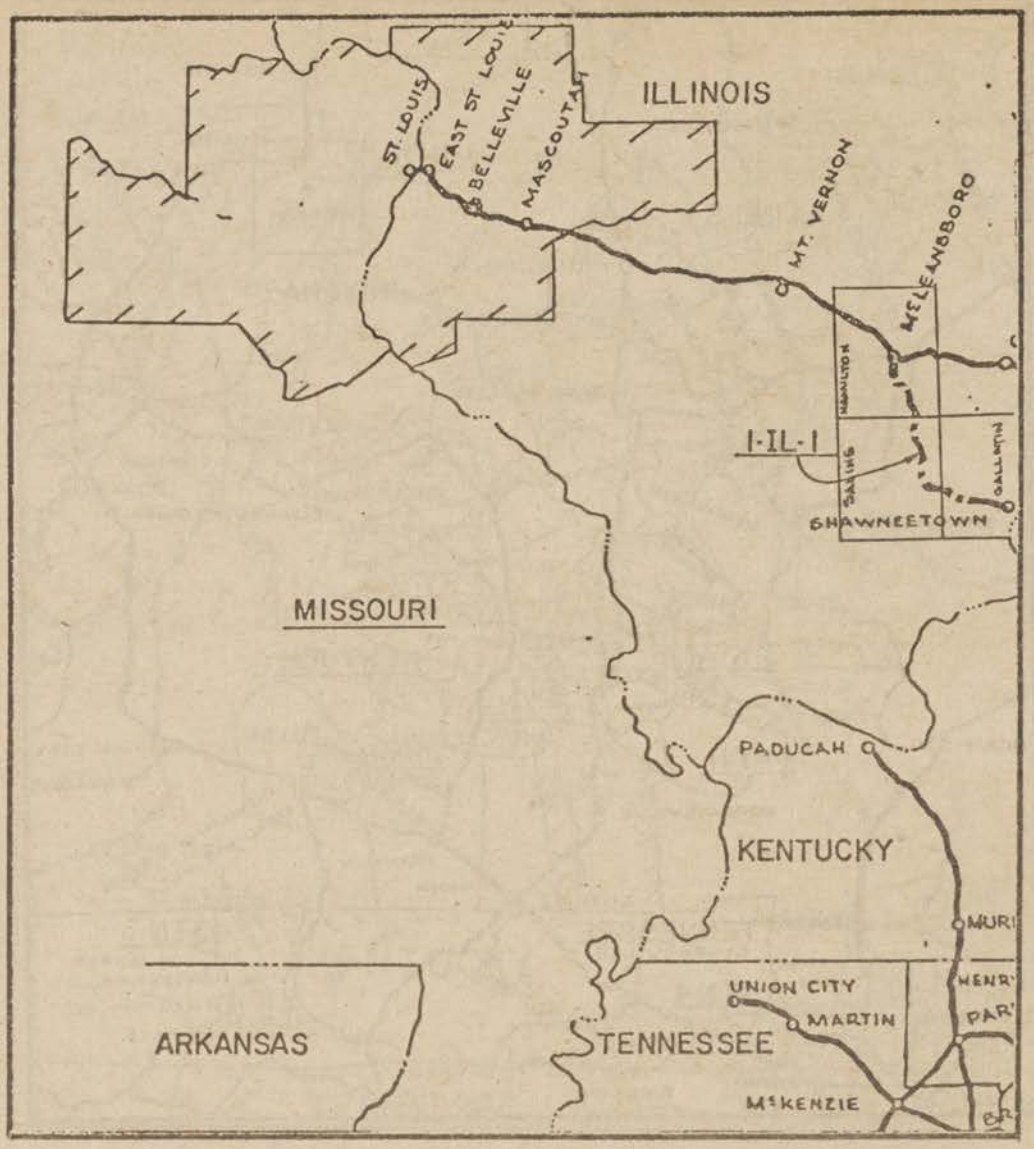


LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
WESTERN KENTUCKY

LEGEND

CATEGORY 1 —·—·—·—
CATEGORY 3 —x—x—x—
CATEGORY 5 ————————

Population over 5,000 ō
Std. Metrop. Stat. Areas ////////
County Lines ————
State Lines —·---·—



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
MISSOURI

LEGEND

CATEGORY 1 —·—·—·—·—
CATEGORY 5 ————————

Population over 5,000 ō
Std. Metrop. Stat. Areas ////////
County Lines ————
State Lines —·——·——

Revised 2-16-79
Revised 11-14-79



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
NORTH CAROLINA

LEGEND

CATEGORY 1 —·—·—
CATEGORY 3 —x—x—
CATEGORY 5 ———

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Rev. 2-16-79



LOUISVILLE & NASHVILLE RAILROAD CO.
I.C.C. DOCKET AB-2
SYSTEM DIAGRAM MAP
EASTERN TENNESSEE

LEGEND

CATEGORY 1
CATEGORY 2
CATEGORY 3
CATEGORY 5

Population over 5,000
Std. Metrop. Stat. Areas
County Lines
State Lines

Revised 2-16-79

BILLING CODE 7035-01-C

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2, or 3

Category: 1, State: Indiana, Segment 4.
1121.21(a) (Designation)—French Lick Branch of Louisville Division.
1121.21(b) (State)—Indiana.
1121.21(c) (Counties)—Orange County.
1121.21(d) (Mile Posts)—D–0.0 to D–8.88, 8.88 miles.
1121.21(e) (Agencies)—Terminal Points: Orleans, IN to Paoli, IN.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 1, State: Illinois, Segment: 1.
1121.21(a) (Designation)—Shawneetown Branch, Evansville Division.
1121.21(b) (State)—Illinois.
1121.21(c) (Counties)—Hamilton, Saline, Gallatin.
1121.21(d) (Mile Posts)—M–384.55 to M–423.04, 38.49 miles.
1121.21(e) (Agencies)—Terminal Points: McLeansboro, Ill. to Shawneetown, Ill.
Agency Stations: Havoline, Ill. (M–388), Broughton, Ill. (M–395), Eldorado, Ill. (M–403), Equality, Ill. (M–412), and Shawneetown, Ill. (M–420) are served by a mobile agency with base station at Carmi, Ill.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2, or 3

CATEGORY: 1, State: Alabama, Segment 5.
1121.21(a) (Designation)—Portion of NF&S Branch, Birmingham Division.
1121.21(b) (State)—Alabama.
1121.21(c) (Counties)—Colbert.
1121.21(d) (Mile Posts)—A–315.13 to A–316.64, 1.51 miles.
1121.21(e) (Agencies)—Terminal Points: Sheffield to end of line.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 1, State: Kentucky, Segment: 8.
1121.21(a) (Designation)—Portion of the O&N Branch, Evansville Division.
1121.21(b) (State)—Kentucky.
1121.21(c) (Counties)—Mohlenberg, Logan.
1121.21(d) (Mile Posts)—D–172.0 to D–145.0, 27.0 miles.
1121.21(e) (Agencies)—Terminal Points: Drakesboro, Ky. to Russellville, Ky.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

Category: 1, State: Kentucky, Segment: 9.
1121.21(a)(Designation)—Portion of the MH&E Branch, Evansville, Division.
1121.21(b)(State)—Kentucky.
1121.21(c)(Counties)—Ohio.
1121.21(d)(Mile Posts)—HE–108.90 to HE–103.67, 5.23 miles.
1121.21(e)(Agencies)—Terminal Points: Centertown, Ky. to Hartford, Ky.
Agency Stations: Hartford, Ky. (HE–104) is a trinalized agency with Central City, Ky. and Owensboro, Ky.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

Category: 1, State, Kentucky, Segment: 10.
1121.21(a)(Designation)—Chenoa Branch, Corbin Division.
1121.(b)(State)—Kentucky.
1121.21(c)(Counties)—Bell.
1121.21(d)(Mile Posts)—CT–204.41 to CT–214.72, 10.31 miles.
1121.21(e)(Agencies)—Terminal Points: Paulsen, Ky. to Olcott, Ky.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

Category: 1, State: Kentucky, Segment: 11.
1121.21(a)(Designation)—Romney Spur, Evansville Division.
1121.21(b)(State)—Kentucky.
1121.21(c)(Counties)—Hopkins.
1121.21(d)(Mile Posts)—HD–261.31 to HD–263.94, 2.63 miles.
1121.21(e)(Agencies)—Terminal Points: Romney, Ky. to Powerfull, Ky.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

Category: 1, State: Kentucky, Segment: 12.
1121.21(a)(Designation)—Portion of the EK Subdivision, Corbin Division.
1121.21(b)(State)—Kentucky.
1121.21(c)(Counties)—Letcher.
1121.21(d)(Mile Posts)—VB–291.50 to VB–298.89, 7.39 miles.
1121.21(e)(Agencies)—Terminal Points: Bastin, Ky. to Fleming, Ky.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

Category: 1, State: Kentucky, Segment: 13.
1121.21(a)(Designation)—Blair Fork Spur, Corbin Division.
1121.21(b)(State)—Kentucky.
1121.21(c)(Counties)—Leslie.
1121.21(d)(Mile Posts)—VO–269.0 to VO–272.03, 3.03 miles.
1121.21(e)(Agencies)—Terminal Points: Jimhill, Ky. to Tilford, Ky.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 1, State: Virginia, Segment: 1.
1121.21(a) (Designation)—Portion of the Black Mountain Railway, Corbin Division.
1121.21(b) (State)—Virginia.
1121.21(c) (Counties)—Lee.
1121.21(d) (Mile Posts)—CH–259.90 to CH–261.89, 1.99 miles.
1121.21(e) (Agencies)—Terminal Points: Pennington, Va. to Pocket, Va.
Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 1, State: Tennessee, Segment: 7.

1121.21(a) (Designation)—Portion of Athens and Tellico Branch, Corbin Division.

1121.21(b) (State)—Tennessee.

1121.21(c) (Counties)—McMinn and Monroe Counties.

1121.21(d) (Mile Posts)—KB–326.3 to KB–341.5, 15.2 miles.

1121.21(e) (Agencies)—Terminal Points: Englewood, Tenn. to Tellico Plains, Tenn.

Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 2, State: Alabama, Segment: 7.

1121.21(a) (Designation)—Gate City Branch, Birmingham Division.

1121.21(b) (State)—Alabama.

1121.21(c) (Counties)—Jefferson.

1121.21(d) (Mile Posts)—LG–389.8 to LG–394.0, 4.20 miles.

1121.21(e) (Agencies)—Terminal Points: Boyles, Ala. to Ruffner No. 2, Ala.

Agency Stations: None.

Louisville & Nashville Railroad Company

AB–2

Description of Lines Shown on System Diagram Map in Categories 1, 2 or 3

CATEGORY: 2, State: Tennessee, Segment: 9.

1121.21(a) (Designation)—Portion of the Nashville & Eastern Branch—Nashville Division.

1121.21(b) (State)—Tennessee.

1121.21(c) (Counties)—Putnam, Cumberland.

1121.21(d) (Mile Posts)—NT–95.50 to NT–129.00, 33.50 miles.

1121.21(e) (Agencies)—Terminal Points: Algood, Tenn. to Crossville, Tenn.

Agency Stations: None.

[AB2 (SDM)]

[FR Doc. 79–10910 Filed 4–6–79; 8:45 am]

BILLING CODE: 7035–01–M

Motor Carrier Temporary Authority Applications

March 29, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 13134 (Sub-61TA), filed February 27, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: Robert W. Gardier, Jr., 100 East Broad St., Columbus, OH 43215. *Iron and Steel articles,* from facilities of Inland Steel Company, at East Chicago, IL, to points in KY, OH and TN; and ex-barge from the facilities of Joliet Barge Terminal at Joliet, IL to points in TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Inland Steel Company, 30 W. Monroe St., Chicago, IL 60603. Send protests to: Ruth F. Stark, Secretary, ICC, Room 3108 Federal Bldg., 500 Quarrier St., Charleston, WV 25301.

MC13134 (Sub-62TA), filed February 28, 1979. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: Robert W. Gardier, Jr., 100 East Broad St., Columbus, OH 43215. *Iron and steel articles,* from the facilities of U.S. Steel Corporation at or near Cleveland, Lorain, Youngstown, OH and Braddock, Clairton, Dravosburg, Duquesne, Homestead, Irvin, Johnstown, McKeesport, McKees Rock, Pittsburgh and Vandergrift, PA to IL, IN and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United States Steel Corporation, G. M. Bleakley, Asst. Mgr., Traffic, Eastern Area, 600 Grant St., Pittsburgh, PA 15230. Send protests to: Ruth F. Stark, Secy., ICC, Room 3108 Federal Bldg., 500 Quarrier St., Charleston, WV 25301.

MC 24784 (Sub-18TA), filed 2/14/79. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Plastic or rubber articles, other than expanded,* from Council Grove, KS, to the commercial zones of Burlington, IA; Greenville, MS and Pilot Rock, OR for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Industrial Plastics Corp., Council Grove, KS 66846. Send protests to: DS John V. Barry, ICC, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC 24784 (Sub-19TA), filed 2/20/79. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. *Feed and feed supplements and ingredients,* from the facilities of Vigortone Products Co. at Fremont, NE to Abilene, KS for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Vigortone Products Co., Division of Beatrice Foods, 943 South Schneider, Fremont, NE 68025. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 24784 (Sub-20TA), filed 3/1/79. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. Fibrous glass products and materials, mineral wool, mineral wool products, and materials, insulated air ducts, insulating products and materials, glass fibre rovings, yarn and strands, glass fibre mats and mattings; and flexible air ducts (except

commodities in bulk), from the facilities of Certain-Teed Products Corp. at Kansas City and Pauline, KS to points in AR, IA, MO, NE, and OK for 180 days. An underlying ETA seeks 90 days. Supporting Shipper(s): Certain-Teed Products Corp., Valley Forge, PA 19482. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC 52704 (Sub-207TA), filed February 23, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202–2200 Century Parkway, Atlanta, GA 30345. *Empty Metal Containers;* from the facilities of Jos. Schlitz Brewing Company, Container Division, at Longview, TX, to the facilities of Jos. Schlitz Brewing Company at Memphis, TN, for 180 days. Supporting Shipper(s): Jos. Schlitz Brewing Company, 235 West Galena, Milwaukee, WI 53212. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616–2121 Building, Birmingham, AL 35203.

MC 97394 (Sub-19TA), filed Feb. 13, 1979. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 1899, Bowling Green, KY 42101. Representative: Walter Harwood, Attorney, P.O. Box 15214, Nashville, TN 37215. 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 Louisville, KY and Cincinnati, OH, and their respective commercial zones, via Interstate Highway 71, serving no intermediate points for 180 days. Supporting Shipper(s): There are approximately 70 supporting shippers. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 97394 (Sub-20TA), filed February 21, 1979. Applicant: BOWLING GREEN EXPRESS, INC., P.O. Box 1899, Bowling Green, Ky. 42101. Representative: Walter Harwood, Attorney, P.O. Box 15214, Nashville, TN 37215. Authority sought to operate as a *common carrier,* over regular routes, to transport: Merchandise sold and dealt in by drug and grocery stores and warehouses, and plastic bottles, between the facilities of Colgate Palmolive Co., Jeffersonville, IN, and Cincinnati, OH, and its commercial zone, over Interstate Highways 65, 71, and 75, and return over the same routes; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): H. Robert Schroeder, Traffic Manager, Colgate Palmolive Company, State & Woerner Sts., Jeffersonville, IN. 47130. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

MC 106074 (Sub-88TA), filed February 27, 1979. Applicant: B AND P MOTOR LINES, INC., Oakland Road and US Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, NE., Atlanta, GA 30342. *Foodstuffs* (except in bulk, in tank vehicles) (1) from the facilities of Carnation Company at Kokomo, IN, to Chattanooga, TN; Mechanicsburg, PA; Elwood, KS; and Rochelle, IL and (2) from the facilities utilized by Carnation Company at Chattanooga, TN to all points in NC and SC, for 180 days. Supporting Shipper(s): Carnation Company, 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd—Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 107064 (Sub-130TA), filed February 20, 1979. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75221. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Petroleum products, in bulk, in tank vehicles* from Abilene, TX to Benson, AZ for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): McDougald Oil, Inc., South Highway 183, Moab, UT. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13612, Dallas, TX 75242.

MC 112304 (Sub-172TA), filed February 26, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same as applicant). Agricultural equipment, machinery and implements, and attachments and parts therefor, from LaPorte, IN, to ND, SD, NE, CO, OK, TX and states east thereof, for 180 days. Supporting Shipper(s): Allis-Chalmers Corporation, Ralph Hallock, Corporate Traffic Manager, 1205 South 70th St., P.O. Box 512, Milwaukee, WI 53214. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 112304 (Sub-173TA), filed February 28, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Fred Schmits (same as applicant). *Agricultural implements and machinery, and parts or attachments thereof,* from the facilities of or used by International Harvester Company at Canton, IL, to points in the states of CT, DE, KY, ME, MD, MA, MI, MN, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, VT, VA, WV, WI and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): International Harvester Co., H.P. Morgan, Import-Export Traffic Manager, 401 North Michigan Ave., Chicago, IL 60611. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 113434 (Sub-124-TA), filed February 14, 1979. Applicant: GRA-BELL TRUCK LINE, INC., 5253 144th Avenue, Holland, MI 49423. Representative: Roger Van Wyk, (same address as above). *Food Stuffs (except in bulk)* (1) From the facilities of Del Monte Corporation at or near; Frankfort, IN to OH, KY, WV except the cities of Cincinnati, Dayton, West Carrolton, Woodlawn and Xenia, OH: Covington, KY, Charleston and Huntington, WV and the commercial zones thereof, (2) From the facilities of Del Monte Corporation at or near Rochelle, Dekalb, and Mendota, IL to MI, OH and that part of PA on and west of US Highway 15. For 180 days. An underlaying ETA seeking authority for 90 days has been filed. Supporting Shipper(s) Del Monte Corporation, Rochelle, IL., 61068. Send protest to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 113434 (Sub-125-TA), filed February 27, 1979. Applicant: Gra-Bell Truck Line, Inc., A-5253 144th Avenue, Holland, Michigan 49423. Representative: Wilhelmina Boersma, 1600 First Federal Building, 1001 Woodward Avenue, Detroit, Michigan 48226. *Canned and preserved foodstuffs,* from the facilities of Heinz U.S.A. at or near Holland, Michigan to the facilities of Heinz U.S.A. at Iowa city, Iowa. Restricted to traffic originating at the named facilities and destined to the named states for 180 days. An underlying ETA seks 90 days authority. Supporting Shipper(s): Heinz U.S.A., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Timothy S. Quinn, Transportation Specialist, Interstate Commerce Commission, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

MC 113784 (Sub-76-TA), filed February 28, 1979. Applicant: Laidlaw Transport Limited, 65 Guise Street, Hamilton, Ontario L8L 4M1. Representative: Douglas R. Gowland (same as applicant). *General Commodities, except those of unusual value, classes A & B explosives,*

household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between Detroit, MI and the International Boundary located at or near Port Huron, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Ford Motor Company, American Road, Dearborn, MI 48126. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo NY 14202.

MC 116164 (Sub-11-TA), filed February 20, 1979. Applicant: Arrow Transportation Company, 1911 N.E. 58th Avenue, Des Moines, IA 50313. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Contract—(1) Brick, tile and clay products except in bulk, from Des Moines and Adel, IA to points in KS; (2) brick tile and clay products except in bulk, from Sergeant Bluff, IA to points in IL, IN, KS, MI, MN, MO, NE, ND, OH, SD and WI; (3) equipment, materials and supplies used in the manufacture of brick and tile and clay products from points in OH to points in IA under contracts with United Brick & Tile Co., Sioux City Brick and Tile Co., Ballou Brick Co., and Minnesota Brick & Tile Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United Brick & Tile, 1200 Thomas Beck Road, Des Moines, IA; Ballou Brick, 504 Y Street, Sergeant Bluff, IA, Sioux City Brick & Tile, 222 Commerce Bldg, Sioux City, IA; Minnesota Brick & Tile Co., 520 W. 86th, Bloomington, MN 55420. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 117274 (Sub-37-TA), filed March 1, 1979. Applicant: Schmidgall Transfer, Inc., P.O. Box 356, Morton, Illinois 61550. Representative: Fred Schmidgall, P.O. Box 356, Morton, Illinois 61550. Steel tubing, pipe, and alloy tubing and complimentary products between Chicago, Illinois on the one hand and on the other (1) points in MO, OK, IA, KS, MN, NB, ND, SD, CO, KY, and TN (2) points of entry on the U.S. and Canadian boundary in MN, ND, MT, ID, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Keystone Tube, 13527 S. Halsted St., Chicago, Illinois. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 117574 (Sub-330TA), filed February 23, 1979. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr., Corporate Traffic Director, P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013; James W. Hagar, Attorney, McNees, Wallace & Nurick, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Prefabricated Log Homes, Prefabricated Log Home parts, materials, accessories, and supplies (except commodities in bulk) used in the erection or installation of prefabricated Log Homes, from Hartland, VT to points in the states of IL, IN, KY, MD, MI, NC, OH, PA, VA, WV, WI, DC, and those points in NY on and west of Interstate Hwy 81, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Vermont Log Buildings, Inc., Hartland, Vermont 05048. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 123074 (Sub-11TA), filed February 16, 1979. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. *Asphalt and asphalt products,* in bulk, in tank vehicles, from Detroit, MI to DeKalb County, IN, for 180 days. Supporting Shipper(s): Marathon Oil Company, 539 S. Main St., Findlay, OH 45840. Send protests to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 123074 (Sub-12TA), filed February 16, 1979. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, MI 48217. Representative: William B. Elmer, 21635 East Nine Mile Rd., St. Clair Shores, MI 48080. *Asphalt and asphalt products,* in bulk, in tank vehicles, from Detroit, MI to Elkhart, LaPorte, Porter and St. Joseph Counties, IN, for 180 days. Supporting Shipper(s): Marathon Oil Company, 539 S. Main St., Findlay, OH 45840. Send protests to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 123294 (Sub-61TA), filed February 7, 1979. Applicant: WARSAW TRUCKING CO., INC., 1102 W. Winona, Warsaw, IN 46580. Representative: H. E. Miller, Jr., South Haven Square, U.S. Hwy 6, Valparaiso, IN 46383. *Corrugated paper products,* from the facilities of Akers Packaging Service, Inc. at Chicago, IL to Muncie, IN, Cincinnati, OH, Dayton, OH, and Middletown, OH for 180 days. An underlying ETA has bewen granted. Supporting Shipper(s): Akers Packaging Service, Inc., 1037 E. 87th St., Chicago, IL 60619. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 124174 (Sub-130TA), filed February 21, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen, Same address as applicant. *(1) Irrigation systems, and parts therefor; solar energy systems, fuelburning heating appliances, parts and accessories used in the installation, operation and maintenance of such systems; or appliances; pipe, tubing, poles, and such materials, equipment, and supplies used in the installation and maintenance thereof; and iron or steel articles; (2) Accessories, equipment, materials and supplies used in the manufacture or assembly of the commodities described in (1) above,* between the facilities of Valmont Industries, Inc., at or near Valley, NE, on the one hand, and, on the other, points in the United States in and east of KS, NE, ND, OK, SD, and TX, including all international border crossing points, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Philip G. William, Valmont Industries, Inc., Valley, NE 68064. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124174 (Sub-131TA), filed February 22, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen, (same address as applicant). *(1) Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the products in (1),* between Clinton and Davenport, IA, on the one hand, and, on the other, points in IL, IN, MI, MO, and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): L. N. Brown, Ralston Purina Company, Checkboard Square, St. Louis, MO. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124174 (Sub-132TA), filed February 23, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Tile, facing or flooring concrete, or terrazzo tile,* from Laredo, TX to Cincinnati and Cleveland, OH; Bowling Green, KY; Lynnwood and Seattle, WA; Moline, IL; Newark, NJ; and Buffalo, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Royce E. Manning, Boiardi Products Corp., 1525 Fairfield Ave., Cleveland, OH 44113. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124174 (Sub-133TA), filed February 27, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen, (same address as applicant). *Iron and steel articles,* from Grante City, IL, to IA, WI, KS, and MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): William Linton, Granite City Steel, 20th & State Street, Granite City, IL 62040. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124554 (Sub-32TA), filed February 20, 1979. Applicant: LANG CARTAGE CORP., P.O. Box 1465, Waukesha, WI 53187. Representative: Richard C. Alexander, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract carrier;* irregular routes; *Such merchandise as is dealt in by retail mail order houses,* from Waukesha, WI to points in Boone, Lake, McHenry and Winnebago Counties, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Stanley Home Products, Inc., 1633 E. Birchwood, Des Plaines, IL 60018. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124964 (Sub-28TA), filed February 15, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier,* over irregular routes transporting *(1) juices, drinks and concentrates, not frozen, and equipment, materials and supplies, used in the manufacturing and sale of juices, drinks and concentrates, (except in bulk) and (2) fruit salads, in mixed loads with the commodities described in (1) above,* between the facilities of Doric Foods Corporation at or near Findlay, OH, on the one hand, and, on the other, points in the US (except AK and HI) under continuing contract with Doric Foods Corporation, Mount Dora, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Doric Foods Corporation, P.O. Box 986, Robie Avenue, Mount Dora, FL 32757. Send protests to: G. H. Fauss, Jr. DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124964 (Sub-29TA), filed February 20, 1979. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract Carrier,* over irregular routes, transporting: *(1) Dry Wall Products, and materials, equipment, and supplies used in the installation thereof (except in bulk),* From Eustis, FL, to points in SC, GA, and AL; *(2) Materials, equipment, and supplies used in the manufacture and sale of Dry Wall Products (except in bulk),* from points in the U.S. east of and including the States of MN, IA, MO, AR, OK, and TX, to Eustis, FL. Under a continuing contract or contracts with Tool World, Inc., for 180 days. Supporting Shipper(s): Tool World, Inc., 300 W. Norton Avenue, Eustis, FL 32726. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 127804 (Sub-10TA), filed February 27, 1979. Applicant: WEINRICH TRUCK LINES, William R. Weinrich d.b.a., P.O. Box 1037, Hinton, IA 51024. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Bentonite clay* in bulk, from the facilities of American Colloid Co. at or near Belle Fourche, SD, and Upton, WY, to points in IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Robert N. Garity, American Colloid Co., P.O. Box 228, Skokie, IL 60077. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 128304 (Sub-2TA), filed February 15, 1979. Applicant: I.T.L., INC., P.O. Box 280, Gering, NE 69341. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Such merchandise as is dealt in by wholesale and retail grocery businessess* (except commodities in bulk), From points in IL, IA, KS, MN, MO, TX, and WI to the facilities of Associated Grocers of Nebraska Cooperative, Inc., at or near Gering, NE. Restriction: Restricted to a transportation service to be performed under a continuing contract(s) with Associated Grocers of Nebraska Cooperative, Inc., of Gering, NE. An underlying ETA has been filed seeking 90 days authority. Supporting Shipper(s): Associated Grocers of Nebraska Cooperative, Inc., P.O. Box 280, Gering, NE 69341. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 128964 (Sub-4TA), filed February 21, 1979. Applicant: REES TRUCKING CO, INC., P.O. Box G, Houston, MO. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO. *Iron and steel articles,* from the plant site of Jones & Laughlin Steel Corp. in Putnam County, IL to points in MO for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Jones & Laughlin Steel Corp., Hennepin, IL. Send protests to: DS John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC 129124 (Sub-17TA), filed February 20, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, Esq., McNees, Wallace & Nurick, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. *Coal,* in bulk, in dump vehicles, from points in the townships of Snyder and Washington, Jefferson County, PA to the facilities of Niagara Mohawk Power Corp. at or near Dunkirk, NY for 180 days. An underlying ETA for 90 days has been filed. Supporting Shipper(s): Doan Coal Company, 733 Jackson Street, Reynoldsville, PA 15851. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburg, PA 15222.

MC 129124 (Sub-18TA), filed February 21, 1979. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: Herbert R. Nurick, Esquire, McNees, Wallace & Nurick, P.O. Box 1166 (100 Pine Street), Harrisburg, PA 17108. (1) *Sand,* in bulk, in dump vehicles, from points at or near Mapleton, PA; Gore, VA and Berkeley Springs, WV to a point at or near Champlain, NY; (2) *Sand,* in bulk, in dump vehicles, from a point at or near Gore, VA to a point at or near Niagara Falls, NY; with the right to interline at all origin and destination points in parts 1 and 2 above, for 180 days. An underlying ETA seeking up to 90 days has been filed. Supporting Shipper(s): Pennsylvania Glass Sand Corporation, 3 Penn Center, Pittsburgh, PA 15235. Consumers Glass Co., Ltd., 777 Kipling Avenue, Toronto, Ontario, Canada M8Z5G6. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, Pittsburgh, PA 15222.

MC 129664 (Sub-5TA), filed February 15, 1979. Applicant: COMET MESSENGER & DELIVERY SERVICE, INC., 2 River Road, Chatham, NJ 07928. Representative: Norman Weiss, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Common irregular; *Wallpaper,* in shipments weighing not more than 250 pounds from one shipper to one consignee in any one day. From Brooklyn, NY to Philadelphia, PA and points in the commercial zone thereof and points in NJ. No duplicating authority sought. For 180 days. An

underlying ETA seeks 90 days authority. Supporting Shipper(s): Washington Wallpaper Co., Inc., 5015 New Utrecht Avenue, Brooklyn, NY 11219. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Rm. 618, Newark, NJ 07102.

MC 129784 (Sub-7TA), filed February 15, 1979. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Tom E. Moore (same address as applicant). *Sodium chlorate solution, in bulk, in tank vehicles,* from the facilities of ERCO Industries, Inc. at or near Rilla, LA to the facilities of International Paper Co., at Pine Bluff, AR; Natchez, MS; and So. Texarkana, TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days. Supporting Shipper(s): International Paper Company, Distribution Operations, P.O. Box 160707, Mobile, AL 36616. Send protests to: Connie A. Guillory, ICC, T–9038, Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 134014 (Sub-2TA), filed January 29, 1979. Applicant: TOM ROBERTS, P.O. Box 297, Ashland, IL. 62612. Representative: Saul J. Morse, Attorney, 1018 Myers Building, Springfield, Illinois 62701. Contract carrier, over irregular routes, to transport coiled drainage tile and, on return, color resins used in the manufacture of coiled drainage tile, between the plantsite of Springfield Plastics, Inc. in Auburn, IL and points in AL, AR, GA, IN, IA, KS, LA, MN, MI, MO, NE, OH, TN, WI and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Springfield Plastics, Inc., R.R. 1, Auburn, IL 62615. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 134084 (Sub-7TA), filed February 26, 1979. Applicant: SHROCK TRUCKING, INC., P.O. Box 428, Hubbard, OR 97032. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, OR 97210. *Lumber* from Amboy, WA to Woodburn, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farwest Fir Sales, P.O. Box 279, Woodburn, OR 97071. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 134404 (Sub-47TA) filed February 22, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. *Contract carrier;* irregular routes (1) *Plumbers' goods and bathroom fixtures;* and (2) *Equipment, materials and supplies* used in the manufacture of plumbers' goods and bathroom fixtures (except commodities in bulk) between the facilities of Universal-Rundle Corporation at or near Monroe and Union Point, GA; Leominster, MA; Salem, OH; Corsicana and Hondo, TX; Ottumwa, IA; Crawfordsville and Rensselaer, IN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK, and TX for 180 days. Supporting Shipper(s): Universal-Rundle Corporation, 217 N. Mill Street, New Castle, PA 16103. Send protests to: Irwin Rosen, TS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 135684 (Sub-87TA), filed February 16, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Ronald L. Knorowski, Same address as applicant. *Chemicals,* and *materials, equipment and supplies* used in the manufacture and distribution of chemicals, except in bulk, from the facilities of National Starch and Chemical Corporation, located at or near Meredosia, IL to points in CT, MA, NJ, NY, PA and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): National Starch & Chemical Co., P.O Box 6500, Bridgewater, NJ 08807. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 135684 (Sub-88TA), filed February 27, 1979. Applicant: BASS TRANSPORTATION CO., INC., P.O Box 391, Flemington, NJ 08822. Representative: Ronald L. Knorowski, Executive Vice President, P.O. Box 391, Old Croton Road, Flemington, NJ 08822. (1) Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except in bulk) and (2) materials, equipment, ingredients and supplies used in the manufacture, distribution and sale of the product in (1) above (except in bulk) between the facilities of the Ralston Purina Company at or near Dunkirk, NY, on the one hand, and on the other, points in PA and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, NJ 08608.

MC 135874 (Sub-159TA), filed February 15, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, same address as applicant. (1) *Alcoholic beverages (except comodities in bulk)* from points in IL, KY, NJ, NY, Boston, MA, St. Louis, MO, Lawrenceburg, IN, Cincinnati and Silverton, OH, Philadelphia and Schenley, PA, Allen Park and Detroit, MI to Hibbing, MN, Fargo, ND, and Rapid City and Sioux Falls, SD; and (2) *Malt beverages (except commodities in bulk) and materials and supplies used in the sale of malt beverages* from Bellevue, IL, LaCrosse and Milwaukee, WI, Minneapolis, St. Paul and New Ulm, MN to Mitchell, SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mayer Distributing Company, 201 South Main, Mitchell, SD 57301. Western Wholesale Liquor Co., P.O. Box 1356, Rapid City, SD 57709. Sunny Hill Distributing, Inc., 1808 5th Avenue East, Hibbing, MN 55746. Northwest Beverages, Inc., 1010 South 11th Street, Fargo, ND 58102. Famous Brands, Inc., Sioux Falls, SD 57107. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135874 (Sub-161TA), filed February 15, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, same address as applicant. *Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A & C of Apppendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides)* from the facilities of Goldberger Foods, Inc., Minneapolis, MN to Wheeling, WV, Noblesville, IN, St. Charles, IL and Chicago, IL and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Goldberger Foods, Inc., 11 West 28th Street, Minneapolis, MN 55408. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135874 (Sub-160TA), filed February 15, 1979. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, same address as applicant. *Dairy products (except commodities in bulk)* from points in WI to Springfield, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protest to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S.

Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 136504 (Sub-4TA), filed February 15, 1979. Applicant: COLORADO-WYOMING TRANSFER CO., INC., Box 4158, Santa Fe Station, Denver, CO 80204. Representative: Charles F. Reynolds (same address as above). *KD Steel Building parts,* from plantsite of Marathon Metallic Building Company, Fort Collins, CO to points in ID, OR, WA and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Marathon Metallic Bldg. Co., 120 N.E. Frontage Road, Fort Collins, Colorado 80521. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 138104 (Sub-67TA), filed February 21, 1979. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Fort Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Mineral filler,* in bulk, in tank vehicles, from Batesville, AR to the facilities of Certainteed Corporation at or near Dallas, TX., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Certainteed Corporation, P. O. Box 8626, Dallas, TX 75216. Send protests to: Robert J. Kirspel, DS, ICC, 819 Taylor St., Room 9A27 Federal Bldg., Fort Worth, TX 76102.

MC 138875 (Sub-142TA), filed February 16, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Representative: F. L. Sigloh (same as above). *Dehydrated potatoes (except commodities in bulk),* From Firth, ID to the facilities of Ore-Ida Foods, Inc. at Plover, WI. Restricted to traffic originating at and destined to named origins and destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 138875 (Sub-143TA), filed February 20, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83705. Representative: F. L. Sigloh (same as above). *Frozen foods (except in bulk),* from Boardman, OR to Mt. Vernon, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): W. H. Mosely Co., Bank of Idaho Bldg., Boise, ID. Send Protest to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 138875 (Sub-144TA), filed February 21, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, Idaho 83705. Representative: F. L. Sigloh (same as above). *Frozen foods (except commodities in bulk),* from the facilities of Ore-Ida Foods, Inc., and Termicold Corporation at or near Plover, WI to points in AL, AK, AR, AZ, CA, CO, CT, DE, FL, GA, ID, IN, KS, KY, LA, MD, MA, MI, MN, MS, MT, MO, NE, NV, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, and WY; restricted to the transportation of traffic originating at the named origins & destined to the indicated destinations, for 180 days. Supporting Shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 140024 (Sub-142TA), filed February 16, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce, As above. *Foodstuffs* from Jersey City, NJ to points in IL, IN, MI and OH for 180 days. Underlying ETA filed seeking 90 days authority. Supporting Shipper(s): C. F. Mueller Co., 180 Baldwin Ave., Jersey City, NJ 07306. Send protests to:: D/S Roger L. Buchanan, ICC 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting Shipper(s): C. F. Mueller Co., 180 Baldwin Ave., Jersey City, NJ 07306. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 140024 (Sub-143TA), filed February 20, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don Bryce, As above. *Foodstuffs (except in bulk) in mechanically refrigerated equipment* from Seabrook, NJ to points in IL, IN, KS, MI, M0, OH and PA for 180 days. Underlying ETA filed seeking 90 days authority. Supporting Shipper: Seabrook Foods, Inc., 5118 E. Clinton Way, Fresno, CA 93727. Send protests to: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, Denver, CO 80202. Supporting Shipper(s): Seabrook Foods, Inc., 5118 E. Clinton Way, Fresno, CA 93727. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 140744 (Sub-8TA), filed February 16, 1979. Applicant: ARCTIC AIR TRANSPORT, INC., 103 North Eau Claire Street, Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. Meat, meat products, meat by-products and articles distributed by meat packinghouses and frozen prepared foods from Eau Claire, WI to points in MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Armour Food Company, P.O. Box 239, South St. Paul, MN 55075. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 141124 (Sub-37TA), filed February 9, 1979. Applicant: EVANGELIST COMMERCIAL CORP., P.O. Box 15000, Wilmington, DE 19850. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. (1) *Zinc, zinc oxide, zinc dust, zinc slabs, zinc dross, residue or skimmings* from facilities of St. Joe Zinc Co. at or near Josephtown, Beaver County, PA to points in OH, IN, IL, KY, NY, MA, NJ, & VA and (2) *commodities used in the manufacture, sale or distribution of the products named in (1) above,* from points in OH, IN, IL, KY, NY, MA, NJ & VA to the facilities of St. Joe Zinc Co. at or near Josephtown, Beaver County, PA, for 180 days. Supporting Shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: T. M. Esposio, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 141774 (Sub-18TA), filed February 16, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Representative: Robert E. Tate, PO Box 517, Evergreen, AL 36401. *Carbonated Beverages* (except alcoholic beverages), from the facilities of Shasta Beverages, Inc. at Birmingham, AL to points in FL., for 180 days. Supporting Shipper(s): Shasta Beverages, Inc., 26901 Industrial Blvd., Hayword, CA 94545. Send protests to: Mabel E. Holston, Transportation Asst., Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 141804 (Sub-175TA), filed February 20, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *New and used electric storage batteries and parts thereof, battery fluid, battery boxes, battery covers and battery vents and machinery, equipment and supplies used in the production of the above,* between points in the United States (except AK and HI), for 180 days. Restricted to traffic originating at or destined to the facilities of Gould, Inc. Supporting Shipper(s): Gould, Inc., P.O. Box 3140, St. Paul, MN 55165. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce

Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 141804 (Sub-174TA), filed February 20, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Furniture and furniture parts,* from points in AL, NC, IN, VA, MN, TN, MS, and TX, to points in AZ, CA, CO, NM, NV, OK, OR, TX, UT and WA. Restricted to traffic destined to the facilities of Grantree Furniture Rental, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Grantree Furniture Rental, 2300 W. First Avenue, Portland, Oregon 97201. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 141804 (Sub-176TA). Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Electrical appliances and parts for electrical appliances,* from Los Angeles and Orange Counties, CA to Forrest City, AR, for 180 days. Restricted to traffic destined to the facilities of Sanyo Manufacturing Company. Supporting Shipper(s): Sanyo Manufacturing Corporation, 3333 Warwick Road, Forrest City, AR 72335. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 141804 (Sub-177TA), filed February 22, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Television sets,* from Portsmouth, VA to points in WA, OR, CA, NV, MT, ID, WY, UT, CO, AZ and NM, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Hitachi Sales Corporation of America, 401 W. Artesia Boulevard, Compton, California 90220. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 141804 (Sub–193TA), filed February 27, 1979. Applicant: WESTERN EXPRESS, Division of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). *Electrical appliances, parts and accessories,* from the facilities of General Electric Company located in Ontario, CA to the facilities of their distributors at Lenexa, KS and Grand Prairie, TX and their respective commercial zones, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): General Electric Company, 234 E. Main Street, Ontario, CA 91761. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 142114 (Sub-6TA), filed February 27, 1979. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. *Such commodities as are dealt in by retail department stores (except commodities in bulk and frozen foodstuffs),* between points in CT, DE, IN, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, TN, AND VA, over irregular routes for 180 days. Supporting shippers(s): King's Department Stores, Inc., 150 California Street, Newton, MA 02158. Send protests to: Glenn Eady, TS ICC, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 142364 (Sub-6TA), filed February 14, 1979. Applicant: KENNETH SAGELY, d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don A. Smith, 510 North Greenwood, P.O. Box 43, Fort Smith, AR 72902. (1) *Iron, steel, zinc, lead,* and *articles or products thereof* (except in bulk), from the facilities of Penn-Dixie Steel Corporation at Kokomo, IN, to points in IL (on and south of Interstate 70), KY, TN (on and west of Interstate 65), TX, MO, AR and OK, and (2) *materials, supplies, and equipment* (except in bulk) used in the manufacture and distribution of commodities named in (1) above, from points in IL (on and south of Interstate 70), KY, TN (on and west of Interstate 65), TX, MO, AR and OK, to the facilities of Penn-Dixie Steel Corporation at Kokomo, IN, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penn-Dixie Steel Corporation, 1109 S. Main Street, Kokomo, IN 46901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142504 (Sub-2TA), filed February 26, 1979. Applicant: JACK T. MOORHEAD, d.b.a. JACK MOORHEAD TRUCKING, Niagara Road, Pleasant Valley, New York 12569. Representative: Jack T. Moorhead, Niagara Road, Pleasant Valley, New York 12569. *Common carrier:* irregular routes *Wallboard,* from the Town of Poughkeepsie (Dutchess County) New York, to Hollywood, Florida. Supporting shipper: T J Wholesale, Inc., 5926 SW., 25th Street, Hollywood, Florida 33023. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201, for 180 days. An underlying ETA seeks 90 days authority.

MC 142864 (Sub-7TA), filed February 20, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Representative: Jerry B. Sellman, Muldoon, Pemberton & Ferris, 50 West Broad Street, Columbus, Ohio 43215. *Canned and preserved foodstuffs* from the facilities of Heinz U.S.A. at or near Muscatine, IA, to the facilities of Heinz U.S.A. at Harrison, NJ, Toledo, OH and Pittsburgh, PA for 180 days. Supporting shipper(s): Heinz U.S.A. Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 143084 (Sub-2TA), filed February 1, 1979. Applicant: OKLAHOMA WESTERN LINES, INC., Route 2, Checotah, OK 74426. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Scrap and recycled materials,* between points in AL, AZ, AR, CA, CO, FL, GA, IL, ID, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beaman Metal Company, Inc., 3409 East 5th Street, Austin, TX 78702; Scrap Corp. of America, 666 N. Lake Shore Drive, Chicago, IL 60611; Atlas Scrap Iron & Metal Company, 9506 S. Central, Dallas, TX 75215; Atlas Industries, 104 S. Michigan Ave., Suite 517, Chicago, IL 60603. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 143274 (Sub-4TA), filed February 21, 1979. Applicant: BILLY P. RUPPE, d.b.a. RUPPE MOTOR LINES, 309 Kraft Street, Gaffney, SC 29340. Representative: George W. Clapp, Registered Practitioner, P.O. Box 836, Taylors, SC 29687. Contract carrier, irregular routes: (1) *Bathroom cabinets, plastic articles and materials, equipment and supplies used in the manufacture and sale of bathroom*

cabinets and plastic articles, between Norcross, GA, and points in its commercial zone, on the one hand, and, on the other, Gaffney, Greenville and Inman, SC and points in their commercial zones; and (2) *Bathroom cabinets and plastic articles,* from Norcross, GA, Gaffney, Greenville and Inman, SC and points in their commercial zones, and (2) *Bathroom cabinets and plastic articles,* from Norcross, GA, Gaffney, Greenville and Inman, SC and points in their commercial zones, to points in AZ, CA, MN and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeastern-Kusan, Inc., P.O. Box 5476, Greenville, SC 29606. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 144364 (Sub-3TA), filed February 27, 1979. Applicant: ART BETZ, P.O. Box 955, South Sioux City, NE 68776. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 TenMain Center, Kansas City, MO 64141. *Meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from the facilities of Spencer Foods, Inc., at or near Schuyler and Fremont, NE to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Don Brink, Spencer Foods, Inc., P.O. Box 544, Schuyler, NE 68661. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 144824 (Sub-2TA), filed February 13, 1979. Applicant: GARY L. JOHNSON, d.b.a. GARY L. JOHNSON TRUCKING, 11211 Sherman Avenue, Dallas, TX 75220. Representative: D. Paul Stafford, Winkle and Wells, P.O. Box 45538, Suite 1125 Exchange Park, Dallas, TX 75245. *Contract carrier:* irregular routes: *(1) meat, cheese and agricultural commodities, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with meat and cheese,* from the facilities of Skaggs Super Center at Richardson, TX to facilities of Skaggs Super Center at Oklahoma City and Tulsa, OK, Albuquerque, NM, Lafayette and Baton Rouge, LA, and Little Rock, AR; (2) *meat and cheese* from Carthage, MO to the facilities of Skaggs Super Center at Richardson, TX; (3) *meat* from Wichita, KS and Roswell, NM to the facilities of Skaggs Super Center at Richardson, TX; (4) *bananas* from Gulfport, MS to the facilities of Skaggs Super Center at Richardson, TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Skaggs Super Center, Inc., 970 Security Row, Richardson, TX 75080. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 145044 (Sub-1TA), filed February 9, 1979. Applicant: FOREDECK TRANSPORTATION, INC., Whitewood Lane, Oak Ridge, NJ 07438. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Common; irregular. *Deodorants, disinfectants, breath fresheners, cleaning compounds, swimming pool treatment compounds, and insecticides,* and materials, equipment and supplies used in the manufacture and sale of the foregoing commodities (except commodities in bulk in tank vehicles), between points in the states of CA, WA, UT, CO, TX, MO, MN, WI, MI, IL, IN, OH, NJ, RI, MA, NY, MD, FL, TN and GA. Restricted to the transportation of shipments destined to the facilities used by Airwick Industries, Inc., for 180 days. Supporting shipper(s): Airwick Industries, Inc., 111 Commerce Road, Carlstadt, NJ 07072. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Newark, NJ 07102.

MC 145054 (Sub-11TA). Applicant: COORS TRANSPORTATION CO., 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. *Candy and confectionaries,* from the facilities of Switzer Candy Co., a division of Beatrice Food Co., St. Louis, MO to Kansas City, KS, Lincoln and Omaha, NE and Wheatridge, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Switzer Candy Co., 1600 N. Broadway, St. Louis, MO 63102. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 145274 (Sub-1TA), filed February 16, 1979. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243, Alcoa, TN 37701. Representative: John G. Hardeman, 618 United American Bank Building, Nashville, TN 37219. *Carbonated beverages and containers* between Knoxville, TN, on the one hand, and points in GA, KY, NC, SC, and VA, on the other, for 180 days. Supporting shipper(s): Appalachian Packaging Corporation, 2708 National Drive, Knoxville, TN 37914. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146264 (Sub-1TA), filed February 20, 1979. Applicant: J. HOWARD and DORIS M. JONES, d.b.a. R.F.P. TRANSPORT, P.O. Box 1697, Pendleton, OR 97801. Representative: Howard Jones, Rt. 2, Box 90, Pendleton, OR 97801. *Lumber,* from the facilities of Tru Stud, Inc., at North Powder, OR to points in WA, CA, MT, ID, NV, UT, WY, CO, AZ, NM, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tru-Stud, Inc., P.O. Box 289, North Powder, OR 97867. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 145384 (Sub-23TA), filed February 6, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Reinforced fiberglass plastic panels* from the facilities of Ornyte Fiberglass Co. at or near Santa Monica, CA to points in AZ, IL, IA, IN, LA, MO, OH, TX and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ornyte Fiberglass Co., 711 Olympic Blvd., Santa Monica, CA 90406. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub-24TA), filed February 16, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. *Resin compound in containers, and fiberglass woven roving, matting and cloth,* from the facilities of Erskine-Johns Co. at or near Los Angeles, CA to Portland, OR and Seattle, WA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erskine-Johns Co., 4677 Worth Street, Los Angeles, CA 90063. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145384 (Sub–26TA), filed February 13, 1979. Applicant: ROSE-WAY, INC., 1914 East Euclid, Des Moines, IA 50306. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Iron and steel articles,* from the facilities of Inland Steel Company at East Chicago, IN, to points in IA, MN, MO, NE, and Adams, Rock Island and Whiteside Counties, IL, for 180 days. An underlying ETA for 90 days was filed. Supporting shipper(s): Inland Steel Company, 30 W. Monroe Street, Chicago, IL 60603. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145904 (Sub–3TA), filed February 6, 1979. Applicant: SOUTH WEST LEASING, INC., 170 W. 18th St., Waterloo, IA. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Meats, meat products, meat by-products and articles distributed by meat packing-houses as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk),* from the facilities utilized by John Morrell & Co. at or near Sioux Falls, SD; Estherville and Sioux City, IA; to points in IL, MO and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145944 (Sub–1TA), filed December 18, 1978. Applicant: H & N TRANSPORT, INC., P.O. Box 148, Cottage Grove, WI 53527. Representative: James A. Spiegel, 6425 Odana Rd., Madison, WI 53719. Contract carrier; irregular routes; *Liquid and dry fertilizer and agricultural lime, in bulk and in bags,* from points in IA, IL & MN to points in WI, under a continuing contract(s) with Hartung Bros., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hartung Bros., Inc., P.O Box 179, Cottage Grove, WI 53527. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146184 (Sub–1TA), filed February 22, 1979. Applicant: RUSS TAYLOR TRUCKING, INC., R.R. 6, Watertown, WI 53094. Representative: James A. Spiegel, 6425 Odana Rd., Madison, WI 53719. Contract carrier; irregular routes; *Truck semi-trailers (except those designed to be drawn by passenger automobiles)* in initial movements in truck away service, from Edgerton, WI to points in the Chicago, IL Commerical Zones, as defined by the Commission in 41 F.R. 56652), under a continuing contract(s) with Dorsey Trailers, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dorsey Trailers, Inc., 405 E. Fulton St., Edgerton, WI 53534. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146284 (Sub–1TA), filed February 27, 1979. Applicant: JAMES A. GOULD, 3663 Mavis Road, Unit No. 15, Mississauga, Ontario L5A 2Y9. Representative: William J. Hirsch, Atty., Suite 1125, 43 Court Street, Buffalo, NY 14202. Contract carrier-irregular routes. *Brick, bagged shale, groung shale and fire clay,* from ports of entry on the International Boundary line between the United States and Canada located in MI and NY to points in the states of MI, NY, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Domtar Construction Materials, Ltd., 2001 University Street, P.O. Box 6138, Montreal, Quebec, Canada H3C 3K4. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 West Huron Street, Buffalo, NY 14202.

MC 146307(Sub-1TA), filed February 20, 1979. Applicant: FRONTIER PROVISIONERS, INC., 409 East Emma St., Lafayette, CO 80026. Representative: C. Dean Bott, As above. *(1) Malt beverages and related advertising material and (2) empty used beverage containers for recycling and materials and supplies used in and dealt with by breweries,* from Jefferson County, CO to points in IA, KS and MO for 180 days. Underlying ETA seeks 90 days authority. SUPPORTING SHIPPER: Adolph Coors Co., Golden, CO. SEND PROTESTS TO: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting Shipper(s): Adolph Coors Co., Golden, CO 80401. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO. 80202.

MC 146324 R (Sub-1TA), filed February 23, 1979. Applicant: R & B ENTERPRISES, INC., 45 North Broadway, East Providence, RI 02916. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852. *Rock salt, in bags,* from the facilities of International Salt Company, Retsof, NY, to Danbury, Enfield, Hartford and Stamford, CT, Boston, Billerica, Norwood, Taunton, Woburn and Worcester, MA, Salem and Manchester, NH, Brattleboro, Rutland and Winooski, VT, Portland, Augusta, Brewer Junction, Auburn, Presque Isle and Detroit, ME, East Providence, Providence, Wakefield and Warwick, RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): International Salt Company, 30 Buxton Farm Road, Stamford, CT, 06905. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence RI 02903.

MC 146374, filed February 15, 1979. Applicant: PRANA LTD, P.O. Box 738, Mt. Shasta, CA 96067. Representative: Mark B. Derby, Rt. 2, Box 107 Azalea, Mt. Shasta, CA 96067. Contract carrier, irregular routes: *Yoghurt and dairy products* from Springfield, OR to points in CA, for 180 days. Supporting Shipper(s): Springfield Creamery, Inc., 145 N. Third, Springfield, OR 97477. Send protests to: A. J. Rodriguez, District Supervisor, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146364, filed February 20, 1979. Applicant: VAN DYKE TRUCK LINES OF OREGON, INC., 487 Pacific Highway 99 N, Eugene, OR 97502. Representative: Same. *Lumber and lumber mill products,* from Lane, Linn, and Douglas Counties, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Far West Fir Sales, P.O. Box 1970, Huntington Beach, CA 92647. Wood Products Sales, P.O. Box 694, Springfield, Or 97477. John Reid Forest Products, 2814 K Street, Sacramento, CA 95816. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 146364 (Sub-1TA), filed February 20, 1979. Applicant: VAN DYKE TRUCK LINES OF OREGON, INC., 487 Pacific Highway 99 N, Eugene, OR 97402. Representative: Same. *Shakes, shingles, lumber, and lumber mill products,* from points in Clallam, Grays Harbor, Lewis, Pacific, and Cowlitz Counties, WA to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Oregon Pacific Industries, 2280 Diamond Boulevard, Suite 520, Concord, CA. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland,OR 97204.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[Notice No. 46]

[FR Doc. 79-10909 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications

March 29, 1979.

Petitions for Modification, Interpretation or Reinstatement of Operating Rights Authority

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247)* and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

MC 59241 (Sub-5) (M1F) (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE) CORRECTION previously notice in the FR issue of March 15, 1979. Petitioner: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, PA 19013. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Petitioner holds motor *common carrier* Certificate in No. MC–59241 (Sub-No. 5) issued September 14, 1978 authorizing transportation over irregular routes of: (1) *Cleaning products,* (2) *nutritional foods,* and (3) *materials, supplies,* and *equipment* used in the manufacture, distribution, or sale of the commodities in (1) and (2) above (except in bulk), between the facilities or Drackett Products Company at or near East Stroudsburg, PA, on the one hand, and, on the other, points in CT, MA, and RI. This certificate may not be joined or tacked with the carrier's other irregular route authority.

By the instant petition, petitioner seeks the removal of the plant site restriction by deleting the phrase "the facilities of Drackett Products Company at or near" and the removal of the restriction against tacking the Sub-No. 5 certificate to petitioner's existing grants of authority. By deleting the tacking restriction, the following tacking possibility exists: MC 59241 Sub 5 and Sub 1 may be tacked at East Stroudsburg, PA, provide a thru service between CT, MA, and RI, on the one hand, and, on the other, points in DE, MD, NJ, and DC.

Note.—The purpose of this correction is to indicate the correct tacking possibility.

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Republications of Grants of Operating Rights Authority Prior To Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 18088 (Sub-55) (2nd Republication), filed December 3, 1973, published in the **Federal Register** issues of April 11, 1974 and October 19, 1974, and republished this issue. Applicant: FLOYD & BEASLEY TRANSFER CO., INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203. A decision of the Commission, decided February 14, 1979, and served February 16, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over regular routes, in the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment): (1) Between Pell City, AL, and Corinth, MS; (a) From Pell City over U.S. Hwy 78 to Tupelo, MS, thence over U.S. Hwy 45 to Corinth MS, and return over the same route; serving intermediate points in MS, and serving the off-route points of Birmingham, AL, the plantsites and warehouses of Winfield Cotton Mills at or near Winfield, AL, and the plantsites and warehouses of Fayette Cotton Mills at or near Fayette, AL; and (b) from Pell City over U.S. Hwy 231 to junction AL Hwy 67, thence over AL Hwy 67 to junction Alternate U.S. Hwy 72, thence over Alternate U.S. Hwy 72 to junction U.S. Hwy 72 at or near Tuscumbia, AL thence over U.S. Hwy 72 to Corinth, MS, and return over the same route, serving intermediate points in MS, and Alcorn, Tishomingo, Tippah, Panola, Prentiss, Lafayette, Union, Itawamba, Pontotoc, Lee, Chickasaw, Monroe, Clay, Lowndes, Noxubee, Winston, Oktibbeha, and Webster Counties, MS, and Coosa and Clay Counties, AL as off-route points; (2) Between the junctions of U.S. Hwys 278 and 78 at or near Guin, AL and Corinth, MS: From the junction of U.S. Hwys 278 and 78 at or near Guin, AL over U.S. Hwy 278 to the junction of U.S. Hwy 45 and 45W at or near Nettleton, MS, thence over U.S. Hwy 45 to Corinth, MS and return over the same route as an alternate route for operating convenience only; (3) Between Pell City, AL and Columbus, MS: From Pell City over U.S. Hwy 231 to Harpersville, AL, thence over AL Hwy 25 to Centerville, AL, thence over U.S. Hwy 82 to Columbus, MS, serving Vincent, AL as an intermediate point for purpose of joinder only and serving points in Monroe, Chickasaw, Lowndes, Clay, Webster, Oktibbeha, Choctaw, Winston, Noxubee, Kemper, Lauderdale, Newton and Neshoba Counties, MS and the plantsite and warehouse facilities of Aliceville Cotton Mills at or near Aliceville, AL, as off-route points, and return over the same route; (4) Between Pell City, AL and Meridian, MS: From Pell City over U.S. Hwy 231 to Rockford, AL, thence over AL Hwy 22 to Selma, AL, thence over U.S. Hwy 80 to Meridian, MS, serving all intermediate points in AL, and serving those off-route points south of U.S. Hwy 80 in MS (except those excluded by restriction below); restricted in (1) through (4) above against: (a) service to, from or between points in MS located on or within 2 miles of either U.S. Hwy 80 or U.S. Hwy 90; (b) service between points in MS located on or within 2 miles of U.S. Hwy 80 between Clinton, MS and Meridian, MS including Clinton and Meridian and points within their respective Commercial Zones; on or within 2 miles of U.S. Hwy 49 between Jackson, MS and Hattiesburg, MS and their respective Commercial Zones; on or within 2 miles of U.S. Hwy 11 between Hattiesburg, MS and Meridian, MS, including Hattiesburg and Meridian, and their respective Commercial Zones; on or within 2 miles of U.S. Hwy 98 between Hattiesburg, MS, and the AL-MS State line, including Hattiesburg, MS, and its Commercial Zone; on or within 2 miles of U.S. Hwy 45 between Meridian, MS, and the AL-MS State line, including Meridian and its Commerical Zone; and points in Wayne, Greene,

Perry, George, Stone, Harrison, and Jackson Counties, MS, on the one hand, and, on the other, Atlanta, GA, and points within 15 miles of Atlanta, GA; Birmingham, AL and its Commercial Zone; and points in AL located on and south of U.S. Hwy 80 (except service will be provided at points on U.S. Hwy 80 between Selma, AL, and the AL-MS State line, including Selma and its Commerical Zone); and (c) service between that part of AL on and north of a line beginning at Birmingham (except Birmingham and its Commercial Zone) and extending along U.S. Hwy 11 and/or IHwys 20 and 59 to Tuscaloosa, thence along U.S. Hwy 82 to the AL-MS State line, and on and west of U.S. Hwy 31 and/or IHwy 65 between Birmingham and the AL-TN State line (except Birmingham and its Commercial Zone), on the one hand, and, on the other, the area in MS described in this application (except service will be rendered to and from the plantsites, warehouses and storage facilities of the Fayette Cotton Mills located at or near Fayette, AL, and the Winfield Cotton Mills located at or near Winfield, AL as requested in Part (1)(a), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the applicant's intent to tack the applied-for authority with its existing authorities.

MCC 8879, Bowman Transportation, Inc. et al. v. Central Motor Express, Inc. (MC–38320 (Sub-No. 13)). Respondent: CENTRAL MOTOR EXPRESS, INC., P.O. Box C, Campbellsville, KY 42718. Respondent's Representatives: Louis J. Amato, P.O. Box "E", Bowling Green, KY 42101. Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th St., NW, Washington, DC 20004. Notice: Pursuant to order of the Commission, Division 2, served May 17, 1978, this is to give notice that Central Motor Express, Inc. in MC–38320 (Sub-No. 13) holds authority to operate in interstate or foreign commerce, as a common carrier, by motor vehicle, 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, commodities requiring special equipment and those injurious or contaminating to other lading, between the plant site and storage facilities of the Ingersoll-Rand Company, Campbellsville, KY, on the one hand, and, on the other, points in AL, GA, IL, IN (except Anderson, Fort Wayne, Indianapolis, and Marion), LA, MS, MO, NC, OH (except Cincinnati and Dayton) PA, SC, TN, VA, WV, and WI. This is to give notice that respondent does and intends to tack the authority set forth above with its existing certificates in MC 38320 and subs thereunder to render a through service to and from points in Kentucky authorized to be served by it. HEARING: May 14, 1979 (1 week), at 9:30 a.m. Local Time, at Louisville, KY, in a hearing room to be later designated.

MC 141600 (republication), filed December 8, 1975, published in the FR issues of January 22, 1976 and March 8, 1979, and republished this issue. Applicant: BARKER'S SCHOOL BUS SERVICE, INC., 2323 W. 47th Avenue, Gary, IN 46408. Representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN 46304. A Decision of the Commission, decided November 9, 1978, and served November 29, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *Passengers and their baggage*, in round-trip charter operations, beginning and ending at points in Lake, La Porte, and Porter Counties, IN, and extending to points in IL, KY, the Lower Peninsula of Michigan, OH, WI, and those points in MO on and east of U.S. Hwy 63 and on and north of U.S. Hwy 60, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations.

Note.— The Commission's November 1978 decision found unnecessary a restriction proposed in Barker's School Bus Service's application which would have limited service to that performed in school buses. As a result, the restriction has been removed. Before applicant is issued its certificate of public convenience and necessity, any interested person not already a party to this proceeding may file a petition seeking leave to intervene. Any such petition must be filed within 30 days of the date of this **Federal Register** notice and must demonstrate in specific detail the manner in which the petitioner has been materially adversely affected by the deletion of the school bus restriction.

Finance Applications

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC–F–13942F. Applicant: THE O.K. TRUCKING COMPANY, 3000 East Crescentville Road, Cincinnati, OH 45241. Representatives: JACK B. JOSSELSON, ESQ., 700 Atlas Bank Building, Cincinnati, OH 45202, and IRVING KLEIN, ESQ., 371 Seventh Avenue, New York, NY 10001. Authority sought for purchase by THE O.K. TRUCKING COMPANY, 3000 East Crescentville Road, Cincinnati, OH 45241 of a portion of the operating rights of COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960 and for acquisition of control of such rights by HAROLD L. HOLMES, ARTHUR C. LITTON II and ARTHUR C. MENNE, all of 3000 East Crescentville Road, Cincinnati, OH 45241. Operating rights sought to be transferred: That portion of Certificate No. MC–35334 (Sub 51) authorizing the transportation of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading) as a *common carrier* over regular routes as follows: (1) between Wheeling, WV and Cleveland, OH, serving all intermediate points, and serving the off-route points of Twinsburg, Scio and Salineville, OH: From Wheeling across the Ohio River to Bridgeport, OH, then over OH Hwy 7 to Youngstown, OH, then over U.S. Hwy 422, to Warren, OH, then over OH Hwy 82 to Mantua Corners, OH, then over OH Hwy 44 via Chardon, OH, to Painesville, OH, then over U.S. Hwy 20 via Willoughby, OH, to Cleveland and return over the same route. From Wheeling to Chardon as specified next

above, then over U.S. Hwy 6 to junction OH Hwy 306, then over OH Hwy 306 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Cleveland, and return over the same route. From Wheeling over U.S. Hwy 250 to New Philadelphia, OH, then over OH Hwy 8 to Cleveland, and return over the same route. (2) Between Wheeling, WV, and Shadyside, OH, serving all intermediate points: From Wheeling over U.S. Hwy 40 to Bridgeport, OH, then over OH Hwy 7 to Shadyside, and return over the same route. (3) Between Canton, OH, and Harrisville, OH, serving all intermediate points, and serving off-route points within ten miles of Adena, OH: From Canton over OH Hwy 43 to East Springfield, OH, then over unnumbered Hwy via Bloomingdale, Smithfield, and Adena, OH, to Harrisville, and return over the same route. (4) Between Pittsburgh, PA, and Elkins, WV, serving all intermediate points, and serving off-route points in PA on the Ohio and Beaver Rivers between Pittsburgh and Beaver Falls, those on the Allegheny River between Pittsburgh and Kittanning, and those on the Monongahela River between Pittsburgh and Charleroi: From Pittsburgh over U.S. Hwy 19 to Weston, WV, then over U.S. Hwy 33 to Elkins, and return over the same route. (5) Between Waynesburg, PA and Wheeling, WV, serving all intermediate points: From Waynesburg over PA Hwy 21 to the PA-WV State line, then over WV Hwy 89 to junction U.S. Hwy 250, then over U.S. Hwy 250 to Wheeling, and return over the same route. (6) Between Washington, PA, and Wheeling, WV, serving all intermediate points: From Washington over U.S. Hwy 40 to Wheeling, and return over the same route. (7) Between Norton, WV, and Fairmont, WV, serving all intermediate points: From Norton over U.S. Hwy 250 to Fairmont, and return over the same route. (8) Between junction WV Hwy 57 and U.S. Hwy 119, and Craigmoor, WV, serving all intermediate points: From junction WV Hwy 57 and U.S. Hwy 119, over WV Hwy 57 to Craigmoor, and return over the same route. (9) Between Morgantown, WV and Buckhannon, WV, serving all intermediate points: From Morgantown over U.S. Hwy 119 to Buckhannon, and return over the same route. (10) Between Craigmoor, WV, and junction WV Hwy 20 and U.S. Hwy 119, serving all intermediate points: From Craigmoor over WV Hwy 20 to junction U.S. Hwy 119, and return over the same route. (11) Between Clarksburg, WV and junction U.S. Hwys 50 and 250, serving all intermediate points: From Clarksburg over U.S. Hwy 50 to junction U.S. Hwy 250, and return over the same route. (12) Between Waynesburg, PA, and Hundred, WV, serving all intermediate points: From Waynesburg over PA Hwy 18 to the PA-WV State line, then over WV Hwy 69 (formerly WV Hwy 70) to Hundred, and return over the same route. (13) Between Fairmont, WV and Cameron WV, serving all intermediate points: From Fairmont over U.S. Hwy 250 to Cameron, and return over the same route. (14) Between Clarksburg, WV and Ellenboro, WV serving all intermediate points: From Clarksburg over U.S. Hwy 50 to Ellenboro, and return over the same route. (15) Between Ellenboro, WV, and Millstone, WV, serving all intermediate points: From Ellenboro over WV Hwy 16 to Millstone, and return over the same route. (16) Between Weston, WV, and Spencer, WV, serving all intermediate points: From Weston over U.S. Hwy 119 to Spencer, and return over the same route. (17) Between Weston, WV, and Gassaway, WV serving all intermediate points: From Weston over U.S. Hwy 19 to Sutton, WV, then over WV Hwy 4 to Gassaway, and return over the same route. (18) Between Buckhannon, WV and Webster Springs, WV serving all intermediate points: From Buckhannon over WV Hwy 20 to Webster Springs, and return over the same route. (19) Between Webster Springs, WV and Valley Head, WV serving all intermediate points: From Webster Springs over WV Hwy 15 to Valley Head, and return over the same route. (20) Between Valley Head, WV and Davis, WV, serving all intermediate points: From Valley Head over U.S. Hwy 219 to Thomas, WV, then over WV Hwy 32 to Davis, and return over the same route. (21) Between Morgantown, WV, and Terra Alta, WV, serving all intermediate points: From Morgantown over WV Hwy 7 to Terra Alta, and return over the same route. (22) Between Grafton, WV and Glade Farms, WV, serving all intermediate points: From Grafton over U.S. Hwy 250 to junction U.S. Hwy 50, thence over U.S. Hwy 50 to Macomber, WV, then, over WV Hwy 72 to Kingwood, WV, then over WV Hwy 26 to Glade Farms, and return over the same route. Alternate route for operating convenience only: *General commodities,* except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment. Between Wheeling, WV, and Pittsburgh, PA serving no intermediate points: From Wheeling over WV Hwy 2 to Hollidays Cove, WV, then over U.S. Hwy 22 to Pittsburgh, and return over same route. The authority granted herein to the extent that it duplicates any authority heretofore granted to or now held by the vendee shall not be construed as conferring more than one operating right. The vendee is authorized to operate pursuant to Certificate No. MC–2245 as a common carrier of general and specified commodities in the States of IL, IN, KY, OH, WV, and WI. The vendee proposes to tack the above operating rights with those of its existing authority. Application has not been filed for temporary authority under Section 210a(b). Hearing site: Washington, DC.

MC–F–13947F. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207, of a portion of the operating rights of RITEWAY TRANSPORT, INC., P.O. Box 6849, 2131 West Roosevelt, Phoenix, AZ 85005, and for acquisition of control of such rights by GEORGE E. POWELL, JR., 10990 Roe Avenue, Shawnee Mission, KS 66207, through the purchase. Applicant's Attorneys: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603, John M. Records, 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207, and Robert R. Digby, P.O. Box 6849, Phoenix, AZ 85005. Operating rights sought to be transferred are as a *common carrier,* over regular routes transporting: (A) *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 Salt Lake City, UT and Blanding, UT, serving no intermediate points: From Salt Lake City over U.S. Hwy 91 to Springville, UT, then over U.S. Hwy 89 to Thistle, UT, then over U.S. Hwy 6 to Crescent Junction, UT, then over U.S. Hwy 160 to Monticello, UT, then over UT Hwy 47 to Blanding, and return over the same route. *Restriction:* The operations authorized hereinabove are restricted as follows: (1) no traffic may be moved which originates at Salt Lake City, UT, or points beyond, and is destined to authorized service points in AZ on U.S. Hwy 89, or any points beyond; and (2) no traffic may be moved which originates at authorized service points in AZ on U.S. Hwy 89 or any points beyond, and is destined to Salt Lake City, or points beyond. (B) *General commodities,* except those of unusual value, high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, Between

Blanding, UT, and Grand Junction, CO, serving no intermediate points: From Blanding over UT Hwy 47 to Monticello, UT, then over U.S. Hwy 160 to Crescent Junction, UT, and then over U.S. Hwy 50 to Grand Junction, CO, and return over the same route. (C) *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, Between Monticello, UT and Blanding, UT, serving all intermediate points: From Monticello over UT Hwy 47 to Blanding, and return over the same route. *Restriction:* Service at Monticello is restricted to interchange only at that point in connection with traffic transported to and from all other points on the immediately above-described route. Vendee is authorized to operate as a common carrier in AZ, AR, CA, CO, CT, DE, DC, GA, IL, IN, IA, KS, KY, MD, MI, MS, MN, MO, NE, NV, NJ, NY, OH, PA, SC, TN, TX, UT, VA, WI, OK, ME, NH, RI, VT. Common control may be involved. Hearing Site: Phoenix, AZ. Application has not been filed for temporary authority under section 210a(b) of the Act.

MC–F–13950F. Authority sought for control by LEICHT TRANSFER & STORAGE CO., 1401 State Street, Green Bay, WI., 54306, of GEORGE CLARK TRANSIT CO., 2902 Calumet Avenue, Manitowoc, WI., 54220, and for approval of control of GEORGE CLARK TRANSIT CO. by the Leicht Transfer & Storage Co. Voting Trust, the Marion Leicht Voting Trust, Eugene W. Leicht, Theodore M. Leicht, Raymond D. Leicht, Thomas R. Leicht and Russell G. Leicht as controlling stockholders of applicant. Applicant's attorney: John L. Bruemmer, 121 West Doty Street, Madison, WI., 53703. Operating rights sought to be controlled: Contract motor carrier permits authorizing transportation of (1) Silica sand, in bulk, from points in Green Lake County, WI, to Minneapolis, MN under continuing contract with Fairwater Silica, Inc., of Fairwater, WI (2) phenolic coated resin sand, from points in Green Lake County WI, to points in MN and MI, under continuing contract with Faskure coated Sand Division of Aurora Metal Company, of Fairwater, WI, and (3) silica sand, from points in Green Lake and Jackson Counties, WI, to points in IL, IN, IA, MI, ND, SD, WI, and MN (except Minneapolis), under continuing contract with Fairwater Silica, Inc., of Fairwater, WI. The grants of (2) and (3) above were conditioned upon the persons controlling GEORGE CLARK TRANSIT CO. applying for approval thereof by the Interstate Commerce Commission as required by Section 5(2) of the Interstate Commerce Act. The instant application is made to comply with that condition. Vendee is authorized to operate as a common carrier within the states of WI, IL, MN, MI, IA, and IN. Application has not been filed for temporary authority under section 210a(b) of the Act.

MC–F–13951F. Authority sought for purchase by CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077, of the operating rights of DeCasper Bros. Freight Lines, Inc., P.O. Box 16, Lewis Run, PA 16738 and for acquisition of control of such rights by T. J. Moroun and M. J. Moroun, both of 34200 Mound Road, Sterling Heights, MI 48077, through the purchase. Applicant's Attorney: Jack Goodman, 39 South LaSalle Street, Chicago, IL 60603. Operating rights sought to be transferred are as a *common carrier*, over irregular routes as follows: (A) *Composition cans* and *closures* for composition cans, From the plant site of R. C. Can Company at Bradford, PA to Dundee, NY; and *returned shipments* of composition cans and closures for composition cans, From Dundee, NY, to the plant site of R. C. Can Company at Bradford, PA. (B) *General Commodities*, except classes A and B explosives, commodities of unusual value, commodities in bulk, commodities requiring special equipment, household goods as defined by the Commission, brick tile, and clay products, Between Bradford, Farmers Valley, and Kane, PA; Between Bradford, Farmers Valley, and Kane, PA on the one hand, and, on the other, points in McKean County, PA, and points in that part of Warren County, PA located north and east of a line beginning at the NY-PA State line and extending south along U.S. Hwy 62 to Junction U.S. Hwy 6, and then southeast along U.S. Hwy 6 through Sheffield, PA, to Warren County-McKean County line, including points on the said hwys. (C) *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, Between Honeoye, NY, points in Livingston County, NY (except Retsof, NY), and points in Wyoming County, NY (except Silver Springs, NY), on the one hand, and, on the other, points in McKean County, PA, and points in that part of PA on and south and west of a line beginning at the OH-PA State line and extending eastward along U.S. Hwy 422 to Junction U.S. Hwy 219 at or near Ebensburg, PA, and then south along U.S. Hwy 219 from Ebensburg, PA, to the MD-PA State line. Central Transport, Inc. is authorized to operate as a common carrier in IL, IN, KY, MI, OH, PA, WV, and WI. Hearing site: Pittsburgh, PA. Application has not been filed for temporary authority.

Operating Rights Application(s) Directly Related To Finance Proceedings

Notice

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

An original and one copy of protests to the granting of the authorities must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protests shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 57393 (Sub-9F), filed January 15, 1979. Applicant: WINTERS TRUCK LINE, INC., 2620 McCormick, Wichita, KS 67202. Representative: Charles J. Kimball, 350 Capitol Life Center, Denver, Co 80203. Authority sought to operate as a *common carrier*, over regular routes, by motor vehicles, transporting: *General commodities*, with no exceptions, (1) between Wichita, KS and Garden City, KS, and points within 10 miles of Garden City, KS. From Wichita over U.S. Hwy 54 to its junction with U.S. Hwy 154, then over U.S. Hwy 154 to its junction with U.S. Hwy 50, then over U.S. Hwy 50 to Garden city, and return over the same route serving all intermediate and off-route points, within 10 miles of Garden City, KS. (2) Between Wichita, KS, and Liberal, KS; and points within 10 miles of Liberal, KS: From Wichita, KS, over U.S. Hwy 54 to Liberal, KS, and return over the same route, serving all intermediate and off-route points within 10 miles of Liberal,

KS. (3) Between Liberal, KS and Garden City, KS: From Liberal, KS to Garden City, KS, over U.S. Hwy 83, and return over the same route, serving all intermediate and off-route points within 10 miles of Liberal, KS and Garden City, KS. (Hearing site: Wichita, KS or Liberal, KS).

Note.—The purpose of this application is to convert a certificate or registration to a certificate of public convenience and necessity. This application is directly related to MC-F-13670F published October 26, 1978.

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Property

MC 29555 (Deviation No. 28), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 1, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cedar Rapids, IA over Interstate Hwy 380 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, IN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cedar Rapids, IA over US Hwy 30 to junction Alt. US Hwy 30, then over Alt. US Hwy 30 to the Chicago, IL Commercial Zone, then over US Hwy 41 to junction US Hwy 52, then over US Hwy 52 to junction IN Hwy 43, then over IN Hwy 43 to junction IN Hwy 32, then over IN Hwy 32 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN and return over the same route.

Note.—A portion of this deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the authority expires, this deviation, if authorized, will likewise expire.

MC 29555 (Deviation No. 29), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed March 1, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, IA over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Indianapolis, IN, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Des Moines, IA over US Hwy 6 to junction IL Hwy 92, then over IL Hwy 92 to junction US Hwy 34, then over US Hwy 34 through the Chicago Commercial Zone to junction US Hwy 41, then over US Hwy 41 to junction US Hwy 52, then over US Hwy 52 to junction IN Hwy 43, then over IN Hwy 43 to junction IN Hwy 32, then over IN Hwy 32 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Indianapolis, IN, and return over the same route.

Note.—A portion of this deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the authority expires, this deviation, if authorized, will likewise expire.

MC 69116 (Deviation No. 45), SPECTOR FREIGHT SYSTEM, INC., 1050 Kingery Hwy., Bensenville, IL 60106, filed March 1, 1979. Carrier's representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction US Hwy 40 and Interstate Hwy 70 near Norwich, OH over Interstate Hwy 70 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction US Hwy 48, then over US Hwy 48 to junction US Hwy 40, then over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Baltimore, MD, (2) From junction US Hwy 40 and Interstate Hwy 70 near Norwich, OH, over Interstate Hwy 70 to junction US Hwy 40, then over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Baltimore, MD, (3) From junction US Hwy 40 and Interstate Hwy 70 near Norwich, OH over Interstate Hwy 70 to junction Interstate Hwy 79, then over Interstate Hwy 79 to junction US Hwy 48, then over US Hwy 48 to junction US Hwy 40, then over Interstate Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to Washington, DC, (4) From junction US Hwy 40 and Interstate Hwy 70 near Norwich, OH over Interstate Hwy 70 to junction US Hwy 40, then over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to Washington, DC, (5) From junction US Hwy 30 and Interstate Hwy 79 near Pittsburgh, PA over Interstate Hwy 79 to junction US Hwy 48, then over US Hwy 48 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Baltimore, MD, (6) From junction US Hwy 30 and Interstate Hwy 79 near Pittsburgh, PA, over Interstate Hwy 79 to junction US Hwy 40, then over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to Baltimore, MD, (7) From junction US Hwy 30 and Interstate Hwy 79 near Pittsburgh, PA, over Interstate Hwy 79 to junction US Hwy 48, then over US Hwy 48 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to Washington, DC, and (8) From junction US Hwy 30 and Interstate Hwy 79 near Pittsburgh, PA, over Interstate Hwy 79 to junction US Hwy 40, then over US Hwy 40 to junction Interstate Hwy 70, then over Interstate Hwy 70 to junction Interstate Hwy 270, then over Interstate Hwy 270 to Washington, DC, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From junction US Hwy 40 and Interstate Hwy 70 near Norwich, OH, over US Hwy 40 to Cambridge, OH, then over US Hwy 22 to junction unnumbered hwy (formerly US Hwy 22), then over unnumbered hwy via Moon Ran and Crafton, PA to Pittsburgh, PA, then over US Hwy 22 to Harrisburg, PA, then over US Hwy 230 to Lancaster, PA, then over US Hwy 30 to Philadelphia, PA, then over US Hwy 13 to junction US Hwy 40, then over US Hwy 40 to junction US Hwy 1, then over US Hwy 1 to Baltimore, MD, (2) From junction US Hwy 40 and Interstate Hwy 70 over the routes desribed in (1) above to junction US Hwy 1, then over US Hwy 1 to Washington, DC, (3) From junction US Hwy 30 and Interstate Hwy 70 over US Hwy 30 to Pittsburgh, PA, then over US Hwy 22 to Harrisburg, PA, then over US

Hwy 230 to Lancaster, PA, then over US Hwy 30 to Philadelphia, PA, then over US Hwy 13 to junction US Hwy 40, then over US Hwy 40 to Baltimore, MD, and (4) From junction US Hwy 30 and Interstate Hwy 79 over the routes described in (3) above to junction US Hwy 40, then over US Hwy 40 to junction US Hwy 1, then over US Hwy 1 to Washington, DC, and return over the same routes.

MC 78786 (Deviation No. 16), PACIFIC MOTOR TRUCKING COMPANY, 1766 El Camino Real, P.O. Box 990, Burlingame, CA 94010, filed March 9, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Hwy. 5 and U.S. Hwy. 97 at Weed, CA, over U. S. Hwy. 97, via Kalamath Falls, OR, to junction OR Hwy. 58, then over OR Hwy. 58 to junction Interstate Hwy. 5, near Goshen, OR, then over Interstate Hwy. 5 to Eugene, OR, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Weed, CA, over Interstate Hwy. 5 to Eugene, OR, and return over the same route.

MC 87909 (Deviation No. 1), KROBLIN TRANSPORTATION SYSTEMS, INC., P.O. Box 5000, Waterloo, IA 50704, filed March 1, 1979. Carrier propose to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Chicago, IL ove Interstate Hwy 90 to Rochester, MN and (2) From Chicago, IL over Interstate Hwys 94 to junction Interstate Hwy 90, then over combined Interstate Hwy. 90–94 to junction Interstate Hwy 90, then over Interstate Hwy 90, to Rochester, MN and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, IL over Alternate US Hwy 30 to junction US Hwy 30, then over US Hwy 30 to Cedar Rapids, IA, then over IA Hwy 150 to Independence, IA, then over US Hwy 20 to Waterloo, IA, then over US Hwy 63 to junction IA Hwy 3, then over IA Hwy 3 to Waverly, IA, then over US Hwy 218 to Osage, IA, then over IA Hwy 9 to junction US Hwy 63, then over US Hwy 63 to Rochester, MN, and return over the same route.

Note.—A portion of this deviation is premised on a grant of temporary authority under section 210(a)(b). If applicant's right to operate all or part of the authority expires, this deviation, if authorized, will likewise expire.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes, therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

New York Docket T–863, filed March 12, 1979. Applicant: SHAY'S SERVICE, INC., North Main Street, Dansville, NY 14437. Representative: Herbert M. Canter, Esq., Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of: *General Commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in the following New York Counties: Alleghany, Broome, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Steuben, Tioga, Wayne, Wyoming and Yates.

Note.— The instant application seeks to remove the service restrictions which now apply to Paragraph "D" of applicant's present authority and to merge authority to serve the involved counties of Orleans, Wayne and Yates with Paragraph "C" of its present authority. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus, Building #4, Room G–21, Albany, NY 12232, and should *not* be directed to the Interstate Commerce Commission.

New York Docket T–3147, filed March 14, 1979. Applicant: SEAWAY MOTOR EXPRESS, INC., 6412 Coffeen Street, Watertown, NY 13601. Representative: Herbert M. Canter, Esq., Benjamin D. Levine, Esq., 305 Montgomery Street, Syracuse, NY 13202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities*, as defined in Section 800.1 of Title 17 of the Official Compilation of Codes, Rules and Regulations of the State of New York: Between all points in the following territory: Albany, Cayuga, Franklin, Fulton, Herkimer, Jefferson, Lewis, Madison, Monroe, Montgomery, Oneida, Onondaga, Ontario, Oswego, St. Lawrence, Schenectady and Seneca Counties, the Cities of Troy and New York and the Village of Webster (Wayne County).

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportaion, 1220 Washington Avenue, State Campus, Building #4, Room G–21, Albany, NY 12232, and should *not* be directed to the interestate Commerce Commission.

Note.—Applicant states that the purpose of this application is to "convert" all of applicant's present regular-route authority to non-radial irregular route authority. Intrastate, interstate and foreign commerce authority sought.

Oklahoma Docket MC 37832 (Sub-5), filed March 1, 1979. Applicant: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, OK 73034. Representative: GREG E. SUMMY, P.O. Box 1540, Edmond, OK 73034. Certificate of Public Convenience and Necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities* (except Classes A and B explosives, commodities in bulk, articles of unusual value, household goods as defined by the Commission, and commodities requiring special equipment). (1) Between Oklahoma City, OK and Canton, OK, serving all intermediate points: From Oklahoma City over Interstate Hwy. 40 to junction U.S. Hwy. 270, then over U.S. Hwy. 270 to junction OK Hwy. 58, then over OK Hwy. 58 to Canton, and return over the same route. (2) Between Canton, OK and Fairview, OK, serving all intermediate points: From Canton over OK Hwy. 58 to Fairview, and return over the same route. (3) Between Fairview, OK and Alva, OK, serving all intermediate points: From Fairview over U.S. Hwy. 60 to junction OK Hwy. 8, then over OK Hwy. 8 to junction U.S. Hwy. 64, then over U.S. Hwy. 64 to Alva, and return over the same route. (4) Between Alva, OK and Woodward, OK, serving all intermediate points: From Alva over U.S. Hwy. 281 to junction OK Hwy. 15,

then over OK Hwy. 15 to Woodward, and return over the same route. (5) Between Canton, OK and Fairview, OK, serving all intermediate points, and the off-route points of Southard, Homestead, and Isabella: From Canton over OK Hwy. 51 to Okeene, then over OK Hwy. 8 to Fairview, and return over the same route. (6) Between junction U.S. Hwy. 283 and U.S. Hwy. 64, and Gate, OK, serving all intermediate points: From junction U.S. Hwy. 283 and U.S. Hwy. 64 over U.S. Hwy. 64 to Gate, and return over the same route. (7) Serving the off-route points of Mutual, Fargo, Sharon, and the facilities of Houston Chemical Company, located 8 miles north and 3 miles east of Woodward, OK, in connection with applicant's existing service route between Oklahoma City, OK and Woodward, OK. Intrastate, interstate, and foreign commerce authority requested. Hearing: May 3, 1979, 9:00 A.M., Referee's Court Room, Second Floor, Jim Thorpe Office Building, Oklahoma City, OK. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 004442A1N, Amendment (partial amendment) filed October 2, 1978, published in the **Federal Register** October 26, 1978, and republished as corrected this issue. Applicant: CENTRAL EXPRESS, INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillip Robinson, Robinson, Felts, Meyers, Starnes & Latting, P.O. Box 2207, Austin, TX 78768.

Note.—The purpose of this partial amendment is to add the following additional routes:

55. Between Gregory, TX, and Port Aransas, TX, as follows: From Gregory, TX, over TX Hwy 361 to Port Aransas, TX, and return over the same route, serving the termini and all intermediate points.

56. Between Seguin, TX, and Junction, TX Hwy 123 and U.S. Hwy 181, as follows: From Sequin, TX, over TX Hwy 123 to Junction, TX, Hwy 123 and U.S. Hwy 181, near Karnes City, TX, and return over the same route, serving the termini and serving no intermediate points except Stockdale, TX.

57. Between Luling, TX, and Junction, TX Hwy 80 and U.S. Hwy 181, as follows: From Luling, TX, over TX Hwy 80 to Junction, TX Hwy 80 and U.S Hwy 181, near Karnes City, TX, and return over the same route, serving the termini and no intermediate points except Nixon, TX.

The rest remains the same. Intrastate, interstate, and foreign commerce authority requested. Hearing: July 9, 1979, 1:30 P.M., in Austin, TX. Requests for procedural information should be addressed to Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Volume No. 13]

[FR Doc. 79-10908 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Transportation of Government Traffic

AGENCY: Interstate Commerce Commission.

ACTION: Notice of a report by the Commission's Office of Policy and Analysis, entitled "Economic Impact of New Motor Carrier Entry for the Transportation of Government Traffic."

SUMMARY: This report, which was prepared by the Commission's Office of Policy and Analysis, is a study of the potential economic impact of the proposal in Ex Parte No. MC-107, *Transportation of Government Traffic*, 129 M.C.C. 623 (1978). The proposal contemplates a general finding of public convenience and necessity for the motor carrier licensing of all qualified applicants for the transportation of government traffic. Opposition by parties protesting applications for operating authority would be limited solely to the issue of an applicant's fitness. The simplified and expedited application procedures proposed would be similar in scope to recommendation No. 17 of the Staff Task Force Report, "Improving Motor-Carrier Entry Regulation", dated July 6, 1977. In an interim decision, the Commission has noted its intention to focus more fully on the economic impact of the proposal upon the transportation industry, the public, and the Commission, prior to reaching a final decision.

The report is being issued to elicit comments. Both the report and the comments received will be made part of the record in the proceeding.

Copies of the report may be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

DATES: Written comments on the report should be submitted to the Commission on or before May 24, 1979.

ADDRESSES: An original and 10 copies, if possible, of each submission should be forwarded to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Jerold B. Muskin, 202-275-7256 or Donald J. Shaw, Jr., 202-275-7292.

Decided March 29, 1979.

By the Commission, Acting Chairman Brown.

H. G. Homme, Jr.,
Secretary.

[Ex Parte No. MC-107]

[FR Doc. 79-10907 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-M

Union Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Union Pacific Railroad Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 33 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets, by requesting docket No. AB 33 (SDM).

H. G. Homme, Jr.,
Secretary.

BILLING CODE 7035-01-M

SYSTEM DIAGRAM MAP of the UNION PACIFIC RAILROAD AB No. 33 prepared in conjunction with I.C.C. Order Ex Parte No. 274 (Sub-No. 2) and Title 49 of the code of Federal Regulation 1121.

* L E G E N D *

Lines or portions of lines anticipated to be the subject of an abandonment or discontinuance application within three years shown ---- (1)

Lines or portions of lines potentially subject to abandonment which are under study and which may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues shown -- (2)

Lines or portions of lines for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission shown ---------- (3)

Lines or portions of lines which are being operated under rail service continuance provisions shown ---------- (4)

All other Union Pacific Railroad Company lines shown --

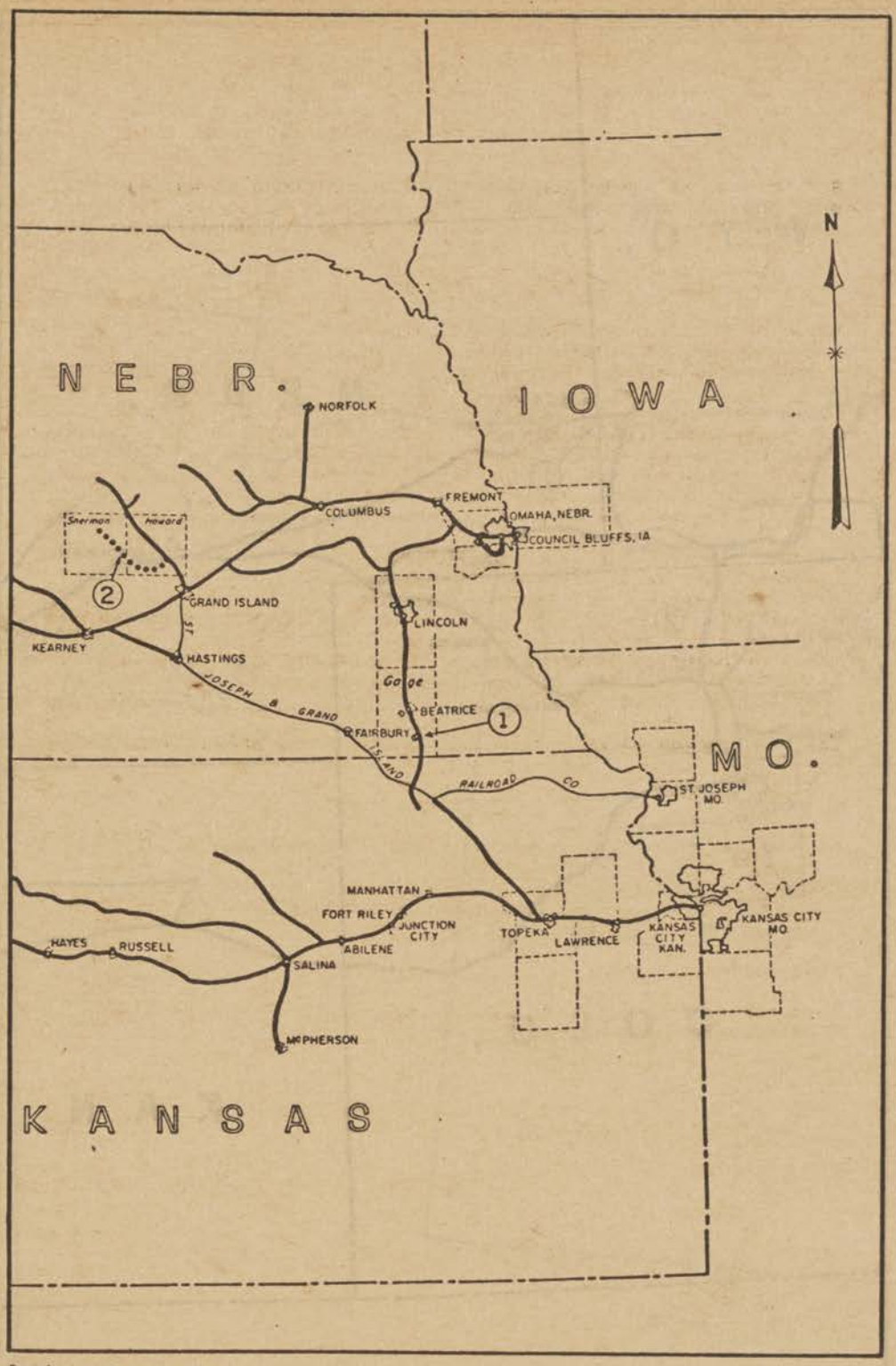
0 50 100
SCALE IN MILES

Standard Metropolitan Statistical Area (SMSA) shown ----

City outside of an (SMSA) with a population of 5,000 or more persons according to 1970 U.S. Census reports shown ----------

State boundaries shown ----------

Boundaries of counties in which proposed abandonments are located shown ---------- County

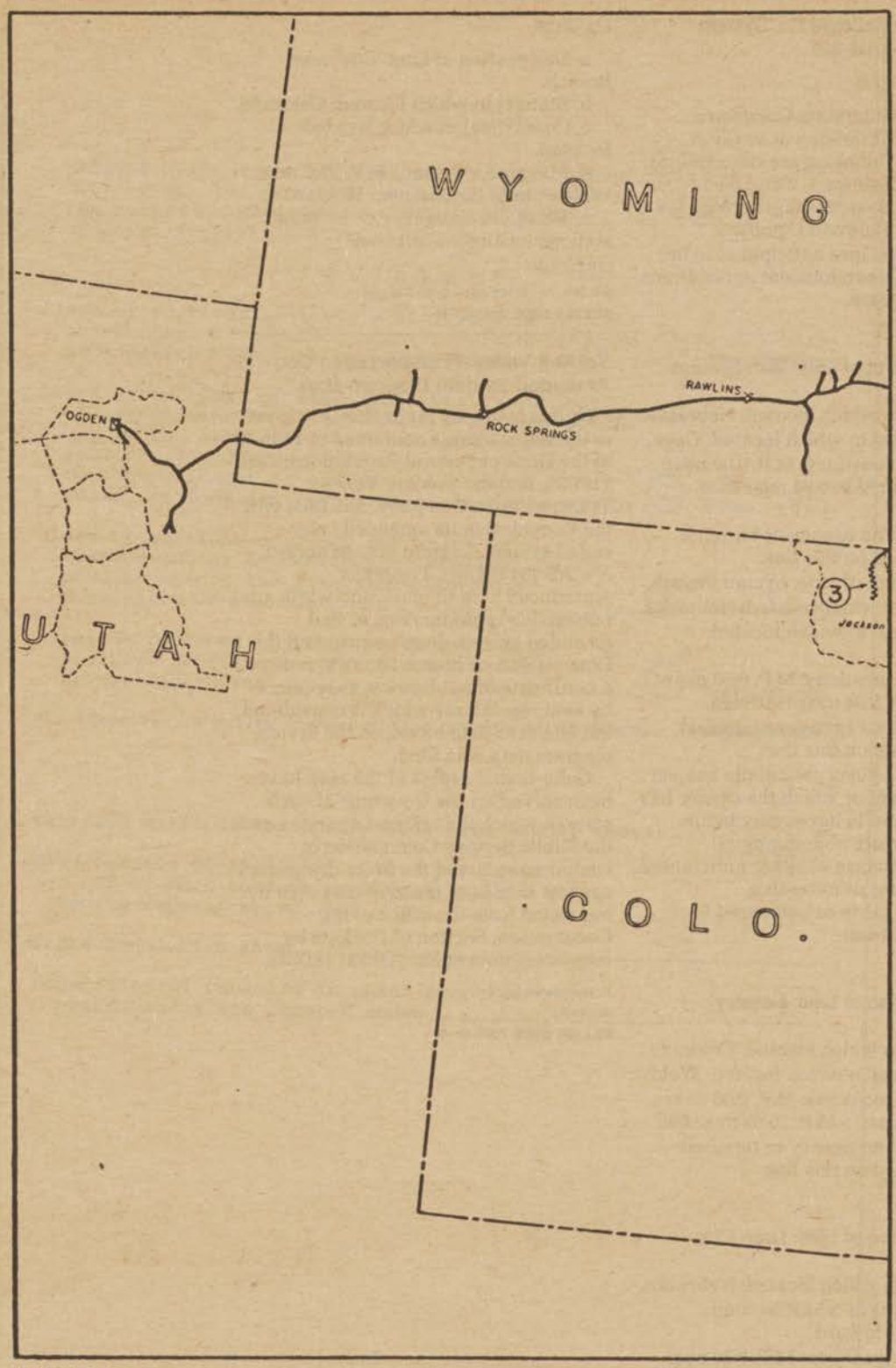


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of the original document

G. M. Tabor



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of the original document
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BILLING CODE 7035-01-C

Union Pacific Railroad Co. System Diagram Map (AB–33)

Line Descriptions

Pursuant to Interstate Commerce Commission regulations at 49 C.F.R. § 1121.23, the following are descriptions of lines in Categories 1, 2 and 3 as shown on the System Diagram Map for Union Pacific Railroad Company.

Category 1—Lines anticipated to be the subject of abandonment applications within three years.

Nebraska

a. Designation of Line: Blue Springs Branch.
b. State(s) in which located: Nebraska.
c. County(ies) in which located: Gage.
d. Milepost locations: M.P. 0.00 near Blue Springs to M.P. 0.64 near Blue Springs.
e. There are no agency or terminal stations located on this line.
a. Designation of Line: Lyman Branch.
b. State(s) in which located: Nebraska.
c. County(ies) in which located: Scottsbluff.
d. Milepost locations: M.P. 0.00 near Lyman to M.P. 5.04 near Hartman.
e. There are no agency or terminal stations located on this line.

Category 2—Lines potentially subject to abandonment or which the carrier has under study and believes may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

Colorado

a. Designation of Line: Greeley Branch.
b. State(s) in which located: Colorado.
c. County(ies) in which located: Weld.
d. Milepost locations: M.P. 0.00 near Greeley Junction to M.P. 10.86 near Gill.
e. There are no agency or terminal stations located on this line.

Nebraska

a. Designation of Line: Loup City Branch.
b. State(s) in which located: Nebraska.
c. County(ies) in which located: Sherman and Howard.
d. Milepost locations: M.P. 0.20 near St. Paul to M.P. 39.60 near Loup City.
e. There are no agency or terminal stations located on this line.

Category 3—Lines for which abandonment applications are pending before the Interstate Commerce Commission.

Colorado

a. Designation of Line: Coalmont Branch.
b. State(s) in which located: Colorado.
c. County(ies) in which located: Jackson.
d. Milepost locations: M.P. 93.0 near Walden to M.P. 108.0 near Hebron.
e. There are no agency or terminal stations located on this line.

[AB 33 (SDM)]

[FR Doc. 79–10912 Filed 4–6–79; 8:45 am]
BILLING CODE 7035–01–M

Yakima Valley Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Yakima Valley Transportation Company, has filed with the Commission its amended color-coded system diagram map in docket No. AB 131 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 30, 1979, received a certificate of publication as required by said regulations which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the office of the Commission, Section of Dockets by requesting docket No. AB 131 (SDM).

H. G. Homme, Jr.,
Secretary.

BILLING CODE 7035–01–M

SYSTEM DIAGRAM MAP of the YAKIMA VALLEY TRANSPORTATION CO. AB No. 131 prepared in conjunction with I.C.C. Order Ex Parte No. 274 (Sub-No. 2) and Title 49 of the code of Federal Regulation 1121.

* L E G E N D *

Lines or portions of lines anticipated to be the subject of an abandonment or discontinuance application within three years shown ---------- (1)

Lines or portions of lines potentially subject to abandonment which are under study and which may be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs, as compared to potential revenues shown -- (2)

Lines or portions of lines for which an abandonment or discontinuance application is pending before the Interstate Commerce Commission shown ---------- (3)

Lines or portions of lines which are being operated under rail service continuance provisions shown ---------- (4)

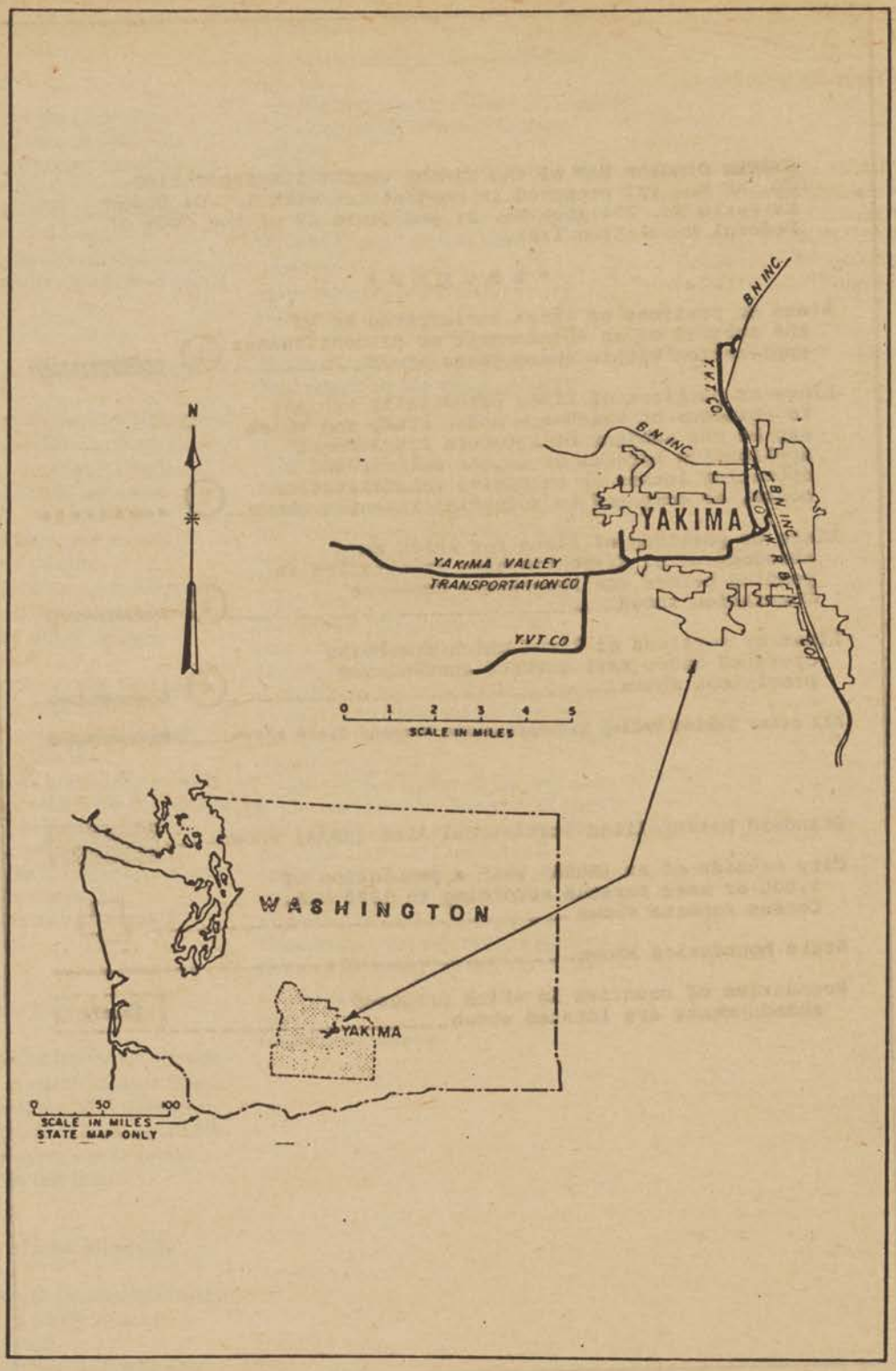
All other Yakima Valley Transportation Company lines shown ----

Standard Metropolitan Statistical Area (SMSA) shown ----

City outside of an (SMSA) with a population of 5,000 or more persons according to 1970 U.S. Census reports shown ----------

State boundaries shown ----------

Boundaries of counties in which proposed abandonments are located shown ---------- County



[AB 131 (SDM)]

[FR Do. 79-10911 Filed 4-6-79; 8:45 am]

BILLING CODE 7035-01-C

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79–3886, appearing at page 7298 in the **Federal Register** for Tuesday, February 6, 1979, on page 7304, under "PASSENGER AUTHORITY", the paragraph beginning "MC 10514 (Sub-11TA)" should begin "MC 105154 (Sub-11TA)".

[Notice No. 16]

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 69
Monday, April 9, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., April 11, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Dockets 33236, 33437, 33460, 33530, 33591, 33598, 33599, 34080, 34946, 34951, 34955, 34957, 34959, 34960, 34961, 34963, and 35025—Applications for *Atlanta-Dallas/Fort Worth/Houston/Denver authority (BPDA).*

3. Dockets 31213, 31529, 33222, 34678, 34699, 34701, 34702, 34703—Service to Fort Myers (Memo 8233-B, BPDA).

4. Docket 34681, Interim Essential Air Transportation at Massena, Ogdensburg, Plattsburgh, Saranac Lake/Lake Placid, Watertown, and Rutland (BPDA).

5. Dockets 34429 and 34441—National's 401(j)(2) Notice of Intent to terminate service; Docket 34636—National's petition for reconsideration of Order 79-3-17 denying request for an exemption from section 401(j)(2) to implement suspension on less than prescribed 60 days notice (Memo 8558-A, BPDA, OCCR).

6. Docket 34617—PSA's notice of intent to terminate service at Monterey and South Lake Tahoe, California under section 401(j) (Memo 8666, BPDA, OCCR).

7. Dockets 26645, 34538, 34599—Allegheny's request for renewal of its suspension authority at Grand Rapids and South Bend; Allegheny's 90-day Notice to Terminate Service at South Bend; and Allegheny's 90-day Notice to Terminate Service at Grand Rapids (Memo 8670, BPDA, OCCR).

8. Docket 34873—Delta's notice to suspend service in three markets (BPDA, OCCR) (Memo 8672).

9. Docket 34870—Pacific Southwest's notice to suspend service between Fresno and Stockton (Memo 8669, BPDA, OCCR).

10. Docket 35122—Notice of intent under section 408(b) of Chalk International Airlines, and air taxi, to acquire Antilles Air Boats, Inc., another air taxi, (Memo 8668, BPDA).

11. Docket 32660—IATA agreement establishing U.S.-Africa fares for the period April 1979—March 1980 (BPDA, BIA).

12. Docket 34676—Complaint of American Leadership Study Groups, Inc. (ALSG) against increased transatlantic 7/8-day group inclusive tour (GIT) fares proposed by Pan American World Airways, Inc. and Trans World Airlines, Inc. (Memo 8671, BPDA, BIA).

13. Docket 33418—Application of the Airline Tariff Publishing Company (ATPCO) to engage in carrier discussions on joint fares (BPDA).

14. Annual Review of Outstanding Delegations to the Office of General Council (OGC).

15. H.R. 148—A bill to prohibit certain government acquisition officers from accepting compensation from contractors after leaving government employement (Memo 8665, OGC).

16. Docket 32965—*Northwest Airlines, Inc. Enforcement Proceeding,* discretionary review, on BCP petition, of initial decision denying BCP motion for summary judgment and granting Northwest motion to dismiss (OGC).

17. Docket 32090, *Mark Kodish* v. *United Airlines* (Memo 8551-B, 8551-A, OGC, BCP).

18. Dockets 32694, 32353, 33393, 33446, and 33626—Applications of TIA, DHL Airways, Braniff, Flying Tiger, and Continental/Air Micronesia for transpacific exemption authority to provide scheduled air transportation (BIA).

19. Docket 34460—Application of Aeromar, C. por A. for an exemption to operate nonscheduled individually waybilled cargo flights and off-route charter flights (BIA, OGC, BALJ).

20. Dockets 32686, 33464, 32523, 34036, 34038, 33709, 33210, 33587, 33640, and 33637—Braniff Airways, petitions for reconsideration of Orders 78-11-156 and 79-1-73; Trans International Airlines, petition for reconsideration of Order 79-1-73 and Seaboard World Airlines, petition for reconsideration of Order 79-1-73 (BIA, BPDA, OGC, OEA, BCP, BALJ).

Closed

21. Negotiating position for U.S.-Canada Consultations Scheduled for April 18-20, 1979 in Washington (BIA).

STATUS: 1 thru 20 open; 21—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: This memo concerns strategy and positions that have been taken and may be taken by the United States in negotiations with foreign countries. Public disclosures, particularly to foreign governments, of opinions, evaluations and strategies relating to the issues could seriously compromise the ability of the United States Delegation to achieve agreements which would be in the best interest of the United States. Accordingly, the following Members have voted that the meeting on this subject would involve matters the premature dislosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C 552b (c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that any meeting on this item should be closed:

Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Persons Expected To Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; and Member, Gloria Schaffer.

Assistants to Board Members.—Mr. David M. Kirstein, Mr. Stephen H. Lachter, and Mr. James L. Deegan.

Acting Managing Director.—Mr. Sanford Rederer.

Executive Assistant to Managing Director.—Mr. John R. Hancock.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Herbert P. Aswall, Mr. Doug Leister, Mr. John Kiser, and Mr. Keith Shangraw.

Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Francis Murphy, and Mr. Robert Mallalieu.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michail Schopf, and Ms. Carol Light.

Bureau of Consumer Protection.—Mr. Reuben Robertson and Ms. Patricia Kennedy.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section

310b.5(9)(B) and that the meeting may be closed to public observation.

Philip J. Bakes, Jr.,
General Counsel.

[S-689-79 Filed 4-5-79; 3:52 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD.

Notice of Addition of closure and short notice of April 2, 1979, meeting.

TIME AND DATE: At close of oral argument scheduled to begin at 1:30, April 2, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 2. U.S.–U.K. negotiations.

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Chairman Cohen on April 3, 1979, will meet with the Inter-Agency Council, on the ongoing U.S.–U.K. negotiations. Accordingly, the following Members have voted that agency business requires that the board meet on this item on less than seven days' notice and that no earlier announcement of the meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

This meeting will concern the Board's view on the ongoing U.S.–U.K. negotiations. Premature public disclosure of the options, plans and opinions of the Board could seriously compromise the United States' ability to successfully resolve this issue in the best interest of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting will be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer.

Persons Expected to Attend

Board Members.—Chairman, Marvin S. Cohen; Member, Richard J. O'Melia; Member, Elizabeth E. Bailey; and Member Gloria Schaffer

Assistants to Board Members.—Mr. David M. Kirstein and Mr. Stephen H. Lachter.

Acting Managing Director.—Mr. Sanford Rederer.

Executive Assistant to Managing Director.—Mr. John R. Hancock.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Herbert P. Aswall, Mr. Doug Leister, Mr. John Kiser, and Mr. Keith Shangraw.

Bureau of International Affairs.—Mr. Donald A. Farmer, Jr., Mr. Donald L. Litton, and Mr. Anthony M. Largay.

Office of the General Counsel.—Mr. Philip J. Bakes, Jr., Mr. Gary J. Edles, Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Ms. Carol Light.

Bureau of Consumer Protection.—Mr. Ruben Robertson and Ms. Patricia Kennedy.

Office of Economic Analysis.—Mr. Robert H. Frank and Mr. Larry Manheim.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip J. Bakes, Jr.,
General Counsel.

[S-680-79 Filed 4-5-79; 3:52 pm]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the April 6, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., April 6, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 46. Docket 34015, Petition by the Air Transport Association of America for rulemaking to eliminate a requirement to file balance sheets and income statement on a monthly basis (Memo 8653, OEA, OGC, BCAA, BIA, BPDA, OC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Further staff consideration of the recommendation is necessary before going to the Board for a decision. Accordingly, the following Members have voted that Item 46 be deleted from the April 6, 1979 agenda and that no earlier announcement of this deletion was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-691-79 Filed 4-5-79; 3:52 pm]

BILLING CODE 6320-01-M.

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S–668–79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, April 10, 1979.

CHANGES IN THE MEETING: The following matters are added to the agenda for the open portion of the meeting:

1. Proposed contract for preparation of equal employment survey form labels.
2. Final Office of Personnel Management regulations for a special Federal recruitment program.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required these changes and that no earlier announcement was possible.

In favor of changes: Eleanor Holmes Norton, Chair; Daniel E. Leach, vice Chair; Ethel Bent Walsh, Commissioner; Armando M. Rodriguez, Commissioner; and J. Clay Smith, Jr., Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634—6748.

This notice issued April 4, 1979.

[S-680-79 Filed 4-5-79; 9:59 am]

BILLING CODE 6570-06-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on April 3, 1979, the Corporation's Board of Directors met in open session, by telephone conference call, to consider certain matters which it determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), and concurred in by Director John G. Heimann (Comptroller of the Currency), required its consideration on less than seven days' notice to the Public. The Board of Directors then adopted a resolution, on motion of Director Heimann, seconded by Director Isaac, and concurred in by Chairman Sprague, authorizing the publication for comment of proposed amendments to sections 329.4, 329.6, and 329.7 of Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," as it relates to the payment of interest by insured nonmember banks.

The Board further determined, by the same majority vote, that no earlier notice of the meeting was practicable.

Dated: April 3, 1979.

Federal Deposit Insurance Corporation,
Hoyle L. Robinson,
Acting Executive Secretary.

[S-681-79 Filed 4-5-79; 10:08 am]
BILLING CODE 6714-01-M.

6

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., April 11, 1979.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information.

Power Agenda—253d Meeting, April 11, 1979, Regular Meeting (10:00 a.m.)

CAP-1. Project No. 2114, Public Utility District No. 2 of Grant County, Wash. Project Nos. 943 and 2145, Public Utility District No. 1 of Chelan County, Wash. Project No. 2149 Public Utility District No. 1 of Douglas County, Wash. Docket No. E-9569, *State of Washington Department of Fisheries* v. *Public Utility District No. 2* of Grant County, Wash.

CAP-2. Project No. 2709, Monongahela Power Co., West Penn Power Co. and Potomac Edison Co.

CAP-3. Docket No. ER-107, Upper Peninsula Power Co.

CAP-4. Docket No. ER79-208, Mid-Continent Area Power Pool.

CAP-5. Docket No. EP79-365, Consolidated Edison Co.

CAP-6. Docket No. ER79-198, Indiana & Michigan Electric Co., Consumers Power Co., and the Detroit Edison Co.

CAP-7. Docket No. ER79-205, Indiana & Michigan Electric Co.

CAP-8. Docket No. ES79-31, Interstate Power Co.

Gas Agenda—253d Meeting, April 11, 1979, Regular Meeting

CAG-1. Docket No. RP74-41, Texas Eastern Transmission Corp.

CAG-2. Docket No. RP74-91, Montana-Dakota Utilities Co.

CAG-3. Docket No. RP72-6 (Environmental), El Paso Natural Gas Co.

CAG-4. Docket No. CP78-505 and CP78-516, Northen Natural Gas Co., Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.

CAG-5. Docket No. CP71-68, et al., Columbia LNG Corp.

GAG-6. Docket No. CP79-88, Arkansas Louisiana Gas Co. Docket No. CP79-93, Lone Star Gas Co.

CAG-7. Docket No. CP78-407, Northern Natural Gas Co. and Panhandle Eastern Pipe Line Co. Docket No. CP78-510, Trunkline Gas Co.

CAG-8. Docket No. CP78-262, Sea Robin Pipeline Co., United Gas Pipe Line Co., Southern Natural Gas Co. and Natural Gas Pipeline Co. of America.

CAG-9. Docket No. CP78-388, Phillips Petroleum Co.

CAG-10. Docket No. CP77-604, El Paso Natural Gas Co., Docket No. CP77-658, Transwestern Pipeline Co.

CAG-11. Docket No. CP79-153, Texas Gas Transmission Corp.

CAG-12. Docket No. CI78-1207, Estate of H.L. Hunt.

CAG-13. Docket No. CI78-647, Sun Oil Co.

CAG-14. Docket No. CI77-567, Union Oil Co. of California.

CAG-15. Docket Nos. G-8920, et al., The Superior Oil Co. (Successor to Austral Oil Co.; Inc.) et al.

CAG-16. Docket No. CP76-491, Northwest Pipeline Corp.; Docket No. CP78-183, Northwest Pipeline Corp.; Docket No. CP78-239, El Paso Natural Gas Co.; Docket No. CP78-263, Natural Gas Pipeline Co. of America.

Miscellaneous Agenda—253rd Meeting, April 11, 1979, Regular Meeting

CAM-1. Docket No. RA79-17, City of Long Beach, Calif.

Power Agenda—253rd Meeting, April 11, 1979, Regular Meeting

I. Electric Rate Matters

ER-1. Docket Nos. ER77-354 and ER78-14, Missouri Utilities Co.

ER-2. Docket No. EL78-6, Illinois Power Co.

Gas Agenda—253rd Meeting, April 11, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP73-65 (PGA79-1) (AP79-1), Columbia Gas Transmission Corp.

II. Producer Matters

CI-1. Docket No. RI78-18, Natural Gas Pipeline Co. of America

III. Pipeline Certificate Matters

CP-1. Docket No. RP75-79, *Lehigh Portland Cement Co.* V. *Florida Gas Transmission Co.*

CP2. Docket No. CP76-16, Tenneco LNG, Inc.

CP3. Docket No. CP78-123 et al., Northwest Alaskan Pipeline Co.; Docket No. CP79-56, Northwest Pipeline Corp.; Docket No. CP79-57, El Paso Natural Gas Co.; Docket No. CP79-58, Pacific Interstate Transmission Co.; Docket No. CP79-59, Northwest Alaskan Pipeline Co.; Docket No. CP79-60, Pacific Gas Transimission Co.; Docket No. CP79-170, Northwest Alaskan Pipeline Co.; Docket No. CP78-124, Northern Border Pipeline Co.

Miscellaneous Agenda—253rd Meeting, April 11, 1979, Regular Meeting

M-1. Docket No. RM79-35, Exemptions for Small Conduit Hydroelectric Facilities.

M-2. Docket No. RM79-3, Interim Regulations Implementing the Natural Gas Policy Act of 1978.

M-3. Docket No. RM79- , Final Part 273 Regulations Under the Natural Gas Policy Act of 1978.

M-4. Docket No. RM79- , Proposed Rule To Revise Limits, Definitions and Authorization Time Periods of Budget-Type Certificate Applications-gas Purchase Facilities.

M-5.Recommendation Relating to the Exemption From the Natural Gas Act Regulation Granted by Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978.

M-6. Docket No. RA79-4, Arizona Fuels Corp.

M-7. Docket No. RM79-15, Proposed Regualtion for the Implementation of Section 401 of the NGPA of 1978.

Kenneth F. Plumb
Secretary.

[S-682-79 Filed 4-5-79; 12:19 pm]
BILLING CODE 6740-02-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 3 p.m., April 5, 1979.

PLACE: 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

STATUS: Closed.

MATTERS TO BE CONSIDERED: An additional matter relating to civil litigation is added to the previously scheduled closed meeting.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, telephone (202) 275-4166.

[S-683-79 Filed 4-5-79; 1:09 pm]
BILLING CODE 6740-02-M

8

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 20547, April 5, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: April 10, 1979.

CHANGES IN THE MEETING: Addition of the following items to the open session:

2. Bunker surcharges in the domestic offshore trades.

3. Bunker surcharges in the foreign commerce of the United States.

[S-688-79 Filed 4-5-79; 3:16 pm]

BILLING CODE 6730-01-M.

9

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., April 11, 1979.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following agenda items:

Burgess Mining and Construction Corp., BARB 78-541, etc. (Petition for Discretionary Review).

Kentland-Elkhorn Coal Corp., PIKE 78-399 (Petition for Discretionary Review).

Magma Cooper, DENV 78-533-M (Petitions for Discretionary Review).

Procedural Rules implementing Executive Order 11222.

It was determined by unanimous vote of the Commissioners that Commission business required that these matters be immediately scheduled for a Commission meeting and that no earlier announcement of this action was possible.

CONTACT PERSON FOR MORE INFORMATION: Joanne Kelley, 202-653-5632.

[S-687-79 Filed 4-5-79; 3:00 pm]

BILLING CODE 6820-12-M

10

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, April 17, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D. C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Stainless steel and alloy tool steel (Inv. TA-203-5)—Briefing and vote.
6. Perchloroethylene from Belgium, France, and Italy (Invs. AA1921-194, -195, and -196)—Briefing and vote.
7. Any items left over from previous agenda: Resistor chips (Docket No. 561).

Portions closed to the public:

8. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, 202-523-0161.

[S-679-79 Filed 4-5-79; 9:47 am]

BILLING CODE 7020-02-M

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday, March 30, 1979 (additional item).

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Closed (tentative).

MATTERS TO BE CONSIDERED:

Friday, March 30

The meeting of March 28 regarding the incident at Three-Mile Island was continued today. Additional sessions will be held while the investigation continues. The series of meetings is closed under exemption 9.

Additional Information:

The meetings previously announced for March 30 (IAEA Safeguards and Personnel Matter) were cancelled.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

Walter Magee,

Office of the Secretary.

[S-684-79 Filed 4-5-79; 1:24 pm]

BILLING CODE 7590-01-M

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 2, 1979 (changes).

PLACE: 4350 East-West Hwy, Bethesda, Md; and 1717 H St., NW, Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Tuesday, April 3

The following items scheduled for Tuesday, April 3 are cancelled:

10:30 a.m. 1. Briefing on steam generator denting and replacement (public).

1:30 p.m. 1. Briefing on regulatory reform legislation (public meeting).

2. Discussion of legislative proposals (siting and licensing, public meeting).

3. Meeting on possible litigation in Sheffield (closed—Ex. 10).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Additional Information

The Commission continued to meet on March 31, April 1 and April 2 on the subject "Discussion of Incident at Three Mile Island." The series of meetings is closed to public attendance under exemption 9. Additional sessions will be held while the investigation continues.

Walter Magee,

Office of the Secretary.

[S-685-79 Filed 4-5-79; 1:24 pm]

BILLING CODE 7590-01-M

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 2, 1979 (changes). Week of April 9, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Thursday, April 5 (9:30 a.m.)

The following item scheduled for Thursday, April 5 is cancelled:

Continuation of discussion of "Regulation of Federal Radioactive Waste Activities" is cancelled (public meeting).

Tuesday, April 10 (9:30 a.m.)

1. Initial discussion of upgrade rule and supporting guidance (open—portions may be closed—exemption 1).

Wednesday, April 11 (9:30 a.m.)

1. Briefing on Mark I Containment (tentative, approximate 1 hour, public meeting).

2. Briefing on Resident Inspector Program (tentative, approximate 1 hour, public meeting).

3. Affirmation session (approximate 10 minutes, public meeting): Appointment of ACRS Member.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Additional Information

The Commission continued to meet on April 3 and April 4 on the subject "Discussion of Incident at Three Mile Island." The series of meetings is closed to public attendance under exemption 9. Additional sessions will be held while the investigation continues.

Walter Magee,

Office of the Secretary.

[S-686-79 Filed 4-5-79; 1:24 pm]

BILLING CODE 7590-01-M

14

POSTAL SERVICE (Board of Governors).

During its April 3, 1979, meeting the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the meeting. The portion to be closed was to involve a discussion concerning a proposal to purchase the currently leased post office building at 335 Merchant Street in Honolulu, Hawaii, and nearby parking lot.

The Board determined, pursuant to 5 U.S.C. 552b(c)(9)(B), that the portion of

the meeting to be closed was exempt from the open meeting requirement of the Sunshine Act on the grounds that the public interest did not require otherwise and that the portion to be closed was likely to disclose information whose premature disclosure would be likely to significantly frustrate the negotiation of the proposed purchase.

The members of the Board voting in favor of closing this portion of the meeting were: Messrs. Wright, Ching, Hardesty, Robertson, Sullivan, Bolger, and Conway.

Prior to the April 3 meeting, the Board of Governors gave due public notice of its intention to hold the meeting, the notice and the proposed agenda for the meeting having been published in the **Federal Register** on March 28, 1979 (44 FR 18586). On April 3, the Board determined by a unanimous vote that a change in the earlier plan to conduct the entire meeting in the open was required by the business of the Board and that no earlier announcement of the change was possible.

In accordance with 5 U.S.C. 552b(f)(1), the General Counsel of the United States Postal Service certified that in his opinion the portion of the meeting to be closed might properly be closed to public observation pursuant to 5 USC 552b(c)(9)(B).

The persons who attended this closed portion of the meeting were Board Members Wright, Ching, Hardesty, Robertson, Sullivan, Bolger, and Conway; Secretary to the Board Cox; and the Senior Assistant Postmaster General for Administration Biglin.

W. Allen Sanders,
Acting Deputy General Counsel.

[S-678-79 Filed 4-5-79; 9:00 am]

BILLING CODE 7710-12-M

federal register

Monday
April 9, 1979

Part II

Securities and Exchange Commission

Closeout or Completion of Open Contractual Commitments In Liquidations

SECURITIES AND EXCHANGE COMMISSION

Securities Investor Protector Corp.; Order Approving Proposed Rule Changes

March 30, 1979.

In the matter of Securities Investor Protection Corporation, 900 17th Street, N.W., Washington, D.C. 20006.

On June 23, 1978, the Securities Investor Protection Corporation ("SIPC") filed with the Commission, pursuant to Section 3(e) (2) of the Securities Investor Protection Act of 1970, as amended, (the "Act") proposed rule changes designated the Series 300 rules (File No. SIPC–78–3). These proposed rules set forth requirements and procedures for the closeout or completion of open contractual commitments for the purchase or sale of securities in the ordinary course of business between a SIPC member undergoing liquidation and other broker-dealers. The rule changes were adopted by SIPC pursuant to Section 8(e)(1) of the Act.

Notice of the proposed rule changes together with the terms of substance was given by the Commission on July 10, 1978, in Release No. SIPC–72, which appeared in the **Federal Register** on July 18, 1978 (43 FR 30954). The public was invited to comment on the submission, but no comment letters were received. The Commission issued an order extending the time for Commission consideration of those rules on November 2, 1978 (Release No. SIPA–80). That order also was published in the **Federal Register** (43 FR 52318, November 9, 1978).

Section 6(d) of the SIPC Act, as enacted in 1970, required the trustee of a broker-dealer undergoing SIPC liquidation to complete the insolvent broker-dealer's open contractual commitments with other broker-dealers if those commitments arose from transactions in securities made in the ordinary course of business. In 1973, the Commission adopted Rule S6d–1 (17 CFR 240.206d–1) and related forms (17 CFR 249a.6d–1 to 249a.6d–4a2) governing the completion of open contractual commitments by trustees (Release No. SIP–5, July 25, 1973; 38 FR 21251, August 7, 1973).

On May 21, 1978, the SIPC Act was amended by the SIPC Act Amendments of 1978. Section 8(e) of the amended SIPC Act, which superseded Section 6(d), also authorizes the closeout or completion of open contractual commitments between an insolvent SIPC member and other broker-dealers. That section, however, gives SIPC and not the Commission the authority to prescribe rules governing the closeout or completion of open contractual commitments.

In the November order extending the time for commission consideration of the proposed rules, the Commission raised the question of the scope of the Commission's role in determinations under proposed Rule 306. That rule, which is SIPC's adaptation of Commission Rule 6d–1(h), is a provision under which the closeout or completion of open contractual commitments that would not otherwise be allowed by the proposed rules can be authorized. In particular, such action is available under Rule 306 if failure to permit the closeout or completion would have a substantial detrimental impact on the financial condition of one or more broker-dealers. Unlike the current Commission rule, however, under Rule 306 as originally proposed SIPC and not the Commission would have made the requisite determinations. After further discussions, the SIPC Board adopted and submitted as an amendment to proposed Rule 306 a requirement that SIPC consult with the Commission prior to making any determination under that rule. The Commission believes that amendment will provide the Commission with appropriate input into determinations under that rule. SIPC also submitted certain technical amendments to the proposed rules.

The proposed rules, in general, are modeled after Commission Rule S6d–1 except for some revisions to conform the rules to amendments of the SIPC Act and for certain other minor modifications. Commission Rule S6d–1 generally has worked well in the past. The Commission believes that the proposed SIPC rules, which contain certain modifications designed to echance customer protection and reduce the burden on broker-dealers, likewise will prove effective. Accordingly, the Commission finds that the proposed SIPC rules as amended are in the public interest and are consistent with the purposes of the Act.

It is therefore ordered, pursuant to Section 3 (e) (2) of the Act, that the above-mentioned proposed rule changes be approved. In accordance with Section 3(e)(2) of the Act, the approved rule changes shall be given force and effect as if promulgated by the Commission.

By the Commission.

George A. Fitzsimmons,
Secretary.

[Release No. 86; SIPC–78–3]

[FR Doc. 79–10816 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 300, 301

Securities Investor Protection Corporation; Close Out or Completion of Open Contractual Commitments

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission approves a series of rules and related forms which were submitted by the Securities Investor Protection Corporation ("SIPC") pursuant to the Securities Investor Protection Act of 1970, as amended (the "Act"). Those rules set forth the requirements and procedures for closing out or completing open contractual commitments for the purchase or sale of securities between a SIPC member undergoing liquidation and other broker-dealers. Because SIPC rules approved by the Commission have the force and effect as if promulgated by the Commission, those rules are published in this title of the Code of Federal Regulations. A new part, which will contain descriptions of the forms established by SIPC rules, also is being added to this title of the Code of Federal Regulations ("CFR").

EFFECTIVE DATE: March 30, 1979.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 376-8127.

SUPPLEMENTARY INFORMATION: The Commission has approved by separate order the Series 300 rules and related forms pursuant to Section 3(e)(2) of the Act. [1] Those rules set forth the requirements and procedures for closing out or completing open contractual commitments for the purchase or sale of securities between a SIPC member undergoing liquidation and other broker-dealers. SIPC adopted the Series 300 rules and forms under Section 8(e)(1) of the Act. The Commission published Notice of the filing with the terms of substance of the proposed rules. [2] No comments were received.

SIPC is a non-profit membership corporation providing certain protection to customers of member broker-dealers that experience financial difficulty. The Act authorizes SIPC to adopt rules regarding certain matters, subject to an opportunity for public comment and Commission approval. Although SIPC is neither an agency nor an establishment of the United States, SIPC rules approved by the Commission have the same force and effect as if promulgated by the Commission. [3]

To provide public notice of SIPC's rules, they are published under the recently established Part 300 of 17 CFR Chapter II. [4] A new Part 301 is not added to that Chapter to identify and describe the forms that are required by rules in Part 300. Interested persons may obtain copies of forms prescribed in Part 301 by contacting either SIPC at 900 Seventeenth Street, N.W., Washington, D.C. 20006, or the trustee appointed in a liquidation proceeding under Section 5 of the Act.

Accordingly, 17 CFR Chapter II is amended as follows:

1. By amending Part 300 to read as follows:

PART 300—RULES OF THE SECURITIES INVESTOR PROTECTION CORPORATION

Sec.

* * * * *

Closeout or Completion of Open Contractual Commitments

300.300 Definitions.
300.301 Contracts to be closed out or completed.
300.302 Mechanics of closeout or completion.
300.303 Report to trustee.
300.304 Retained rights of brokers or dealers.
300.305 Excluded contracts.
300.306 Completion or closeout pursuant to SIPC direction.
300.307 Completion with cash or securities of customer.

Authority Sec. 3, 6(d), Pub. L. 91-598, 84 Stat. 1636 (15 U.S.C. 78ccc, 78fff(d)), as amended by secs. 3, 5, 9, Pub. L. 95-283, 92 Stat. 249.

Closeout or Completion of Open Contractual Commitments

§ 300.300 Definitions.

For the purpose of these rules, adopted pursuant to section 8(e) of the Securities Investor Protection Act of 1970, as amended (hereinafter referred to as "the Act"):

(a) The term "failed to receive" shall mean a contractual commitment of the debtor made in the ordinary course of business to pay to another broker or dealer the contract price in cash upon receipt from such broker or dealer of securities purchased: *Provided,* That the respective obligations of the parties remained outstanding until the close of business on the filing date as defined in section 16(8) of the Act (hereinafter referred to as the "filing date").

(b) The term "failed to deliver" shall mean a contractual commitment of the debtor, made in the ordinary course of business, to deliver securities to another broker or dealer against receipt from such broker or dealer of the contract price in cash: *Provided,* That the respective obligations of the parties remained outstanding until the close of business on the filing date.

(c) The term "open contractual commitment" shall mean a failed to receive or a failed to deliver which had a settlement date prior to the filing date and the respective obligations of the parties remained outstanding on the filing date or had a settlement date which occurs on or within five business days subsequent to the filling date: *Provided, however,* That the term "open contractual commitment" shall not include any contractual commitment for which the security which is the subject of the trade had not been issued by the issuer as of the trade date.

(d) The term "customer" shall mean a person (other than a broker or dealer) in whose behalf a broker or dealer has executed a transaction out of which arose an open contractual commitment with the debtor, but shall not include any person to the extent that such person at the filing date (1) had a claim for property which by contract, agreement of understanding, or by operation of law, was a part of the capital of the broker or dealer who executed such transaction or was subordinated to the claims of creditors of such broker or dealer, or (2) had a relationship with the debtor which is specified in section 9(a)(4) of the Act.

§ 300.301 Contracts to be closed out or completed.

An open contractual commitment shall be closed out or completed if:

(a) The open contractual commitment:

(1) Arises from a transaction in which a customer (as defined in § 300.300) of the other broker or dealer had an interest. For the purposes of this rule a customer is deemed to have an interest in a transaction if (i) the other broker was acting as agent for the customer or (ii) the other dealer was not a market maker in the security involved, to the extent such other dealer held a firm order from the customer and in connection therewith: In the case of a buy order, prior to executing such customer's order purchased as principal the same number of shares or purchased

[1] Release No. SIPA-86 (March 30, 1979), this issue.

[2] Release No. SIPA-72 (July 10, 1978), 43 FR 30954. *See also* Release No. SIPA-80 (November 2, 1978), 43 FR 52318.

[3] Sections 3(a)(1)(A) and 3(e)(2)(D) of the Act.

[4] Release No. SIPA-83 (January 17, 1979), 44 FR 5077.

shares to accumulate the number of shares necessary to complete the order; or in the case of a sell order, prior to executing such customer's order sold the same number of shares or a portion thereof; and

(2)(i) Had a settlement date on or within 30 calendar days prior to the filing date and the respective obligations of the parties remained outstanding on the filing date or had a settlement date which occurs on or within five business days subsequent to the filing date; and

(ii) Had a trade date on or within five business days prior to such settlement date; and

(b) The other broker or dealer can establish to the satisfaction of the trustee through appropriate documentation that:

(1) In the case of a broker or dealer who maintains his records on a specific identification basis:

(i) The open contractual commitment arose out of a transaction in which his customer had such an interest, and

(ii) In the case of a failed to deliver of the debtor, as of the filing date such broker's or dealer's customer's interest had not been sold to such broker or dealer; or

(2) In the case of a broker or dealer who maintains his records other than on a specific identification basis, he has determined that a customer had such an interest in a manner consistent with that used by such broker or dealer prior to the filing date to allocate fails to receive and fails to deliver in computing the special reserve bank account requirement pursuant to the provisions of Rule 15c3–3 under the Securities Exchange Act of 1934 (17 CFR 240.15c3–3); or

(3) In the case of a broker or dealer not described in paragraph (b)(1) or (b)(2) of this section, he has made the determination in a manner which the trustee finds to be fair and equitable.

§ 300.302 Mechanics of closeout or completion.

(a) The closeout or completion of an open contractual commitment meeting the requirements of § 300.301 shall be effected only:

(1) By the buy-in or sell-out of the commitment by the other broker or dealer in accordance with the usual trade practices initiated by the other broker or dealer within or promptly upon the expiration of a period of 30 calendar days after settlement date; or

(2) At the option of the trustee by the delivery of securities against receipt of the contract price or payment of the contract price against the receipt of the securities at any time within 30 calendar days after settlement date unless the commitment previously has been bought-in or sold-out in accordance with paragraph (a)(1) of this section; or

(3) In the event of the refusal of the other broker or dealer to accept completion of an open contractual commitment in accordance with paragraph (a)(2) of this section, or the failure of the other broker or dealer to promptly buy-in or sell-out a commitment in accordance with paragraph (a)(1) of this section, or in the event of the failure of the other broker or dealer to provide the trustee with appropriate documentation as required by § 300.303, by delivery of securities against receipt of the contract price or payment of the contract price against receipt of securities, or the buy-in or sell-out of the commitment or cancellation of the commitment or otherwise, as may be appropriate, as the trustee in his discretion will most benefit the estate of the debtor.

(b) In the event of a close-out of an open contractual commitment pursuant to paragraph (a)(1) of this section, the money differences resulting from such close-out shall be payable by the other broker or dealer to the trustee or by the trustee to the other broker or dealer, whichever would be entitled to receive such difference under the usual trade practices: *Provided, however,* (1) That prior to the payment of any such money difference by the trustee to such other broker or dealer with respect to transactions executed by such other broker or dealer for any separate customer account, all open contractual commitments with respect to such account which meet the requirements of § 300.301 must have been completed by delivery of securities against receipt of the contract price or by payment of the contract price against receipt of the securities in conformity with paragraph (a)(2) of this section, or by buy-in or sell-out in conformity with paragraph (a)(1) of this section, and (2) that the net amount so payable by the trustee to the other broker or dealer shall not exceed $40,000 with respect to any separate customer account.

§ 300.303 Report to trustee.

Promptly upon the expiration of 30 calendar days after the filing date, or if by the expiration of such 30-day period notice pursuant to section 8(a) of the Act of the commencement of proceedings has not been published, then as soon as practicable after publication of such notice, a broker or dealer who had executed transactions in securities out of which arose open contractual commitments with the debtor shall furnish to the trustee such information with respect to the buy-in, sell-out or other status of open contractual commitments as called for by Forms 300–A, B and C (§§ 301.300a–301.300c of this chapter) including appropriate supporting documentation and schedules.

§ 300.304 Retained rights of brokers or dealers.

(a) Nothing stated in these rules shall be construed to prejudice the right of a broker or dealer to any claim against the debtor's estate, or the right of the trustee to make any claim against a broker or dealer, with respect to a commitment of the debtor which was outstanding on the filing date, but (1) which is not described in § 300.300(c), or (2) which, although described in § 300.300(c), does not meet the requirements specified in § 300.301 or was not closed out of completed in accordance with § 300.302 or was not reported to the trustee in conformity with § 300.303 or was not supported by appropriate documentation.

(b) Nothing stated in these rules shall be construed to prejudice the right of a broker or dealer to a claim against the debtor's estate for the amount by which the money difference due the broker or dealer upon a buy-in or sell-out may exceed the amount paid by the trustee to such broker or dealer.

§ 300.305 Excluded contracts.

Notwithstanding the fact that an open contractual commitment described in § 300.300(c) meets the requirements of § 300.301 and the other requirements of these rules, a court shall not be precluded from canceling such commitment, awarding damages, or granting such other remedy as it shall deem fair and equitable if, on application of the trustee or SIPC, it determines that such commitment was not entered into in the ordinary course of business or was entered into by the debtor, or the broker or dealer or his customer, for the purposes of creating a commitment in contemplation of a liquidation proceeding under the Act. Such a determination shall be made after notice and opportunity for hearing by the debtor, such broker or dealer, or such customer, and may be made before or after the delivery of securities or payment of the contract price or before or after any buy-in or sell-out of the open contractual commitment, or otherwise.

§ 300.306 Completion or closeout pursuant to SIPC direction.

In its discretion SIPC may, in order to prevent a substantial detrimental impact

upon the finanical condition of one or more brokers or dealers, direct the closeout or completion of an open contractual commitment, irrespective of whether it is described in § 300.300(c) or meets the requirements of § 300.301 or has been reported in conformity with § 300.303 or is supported by appropriate documentation. SIPC shall consult with the Securities and Exchange Commission before SIPC makes any determinations under this section.

§ 300.307 Completion with cash or securities of customer.

The trustee may, if authorized by the court, complete an open contractual commitment of the debtor, regardless of whether it is described in § 300.300(c) or meets the requirements of § 300.301 or has been reported to the trustee in conformity with § 300.303, to the extent that such commitment is completed with customer name securities of the customer of the debtor for whose account the commitment was made, or with cash or securities paid or delivered by or for the account of such customer to the debtor or trustee after the filing date.

(Secs. 3, 6(d), Pub. L. 91–598, 84 Stat. 1636 (15 U.S.C. 78ccc, 78fff(d)), as amended by Secs. 3, 5, 9, Pub. L. 95–283, 92 Stat. 249)

2. By adding Part 301 to read as follows:

PART 301—FORMS, SECURITIES INVESTOR PROTECTION CORPORATION

Sec.

301.0–1 Availability of forms.

FORMS FOR CLOSEOUT OR COMPLETION OF OPEN CONTRACTUAL COMMITMENTS

301.300a Form 300–A, for summary of buy-ins or sell-outs of all open contractual commitments.

301.300b Form 300–B, for report of all fails to deliver.

301.300c Form 300–C, for report of all fails to receive.

Authority: Sec. 3, 84 Stat. 1636 (15 U.S.C. 78ccc), as amended by Sec. 3, Pub. L. 95–283, 92 Stat. 249.

Note.—Pursuant to Section 3(e)(2)(D) of the Securities Investor Protection Act of 1970 (the "Act"), the Securities and Exchange Commission ("Commission") shall approve a proposed rule change submitted by the Securities Investor Protection Corporation ("SIPC") if the Commission finds the rule change is in the public interest and is consistent with the purposes of the Act. Any rule change so approved shall be given force and effect as if promulgated by the Commission. The forms described in this part have been so approved.

§ 301.0–1 Availability of forms.

The forms prescribed for use under the Securities Investor Protection Act of 1970, as amended, (the "Act") and under Part 300 of this chapter are identified and described in this part. Copies of these forms may be obtained upon request to, as appropriate, the Securities Investor Protection Corporation ("SIPC") at 900 Seventeenth Street, NW., Washington, D.C. 20006, or the trustee appointed in a liquidation proceeding under Section 5 of the Act.

FORMS FOR CLOSEOUT OR COMPLETION OF OPEN CONTRACTUAL COMMITMENTS

§ 301.300a Form 300–A, for summary of buy-ins or sell-outs of all open contractual commitments.

This form shall be filed as required by § 300.303 of this chapter with the trustee in a proceeding under Section 5 of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by § 300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to summarize the buy-ins and sell-outs of those open contractual commitments and shall be accompanied by the forms described in §§ 301.300b and 301.300c.

§ 301.300b Form 300–B, for report of all fails to deliver.

This form shall be filed as required by § 300.303 of this chapter with the trustee in a proceeding under § 5 of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by § 300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to report all the fails to deliver, as defined by § 300.300(b) of this chapter, that were open on the filing date, as well as any subsequent closeouts. This form shall accompany the form described in § 300.300a.

§ 301.300c Form 300–C, for report of all fails to receive.

This form shall be filed as required by § 300.303 of this chapter with the trustee in a proceeding under § 5 of the Act by a broker-dealer who executed transactions out of which arose open contractual commitments, as defined by § 300.300(c) of this chapter, with the debtor in the proceeding. The form shall be used to report all the fails to receive, as defied by § 300.300(a) of this chapter, that were open on the filing date, as well as any subsequent closeouts. This form shall accompany the form described in § 300.300a.

By the Commission.

March 30, 1979.

George A. Fitzsimmons,

Secretary.

[Release No. SIPA–87; File No. SIPC–78–3]

[FR Doc. 79–10815 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

7 CFR Parts 240, 249a

Completion of Open Contractual Commitments

AGENCY: Securities and Exchange Commission.

ACTION: Removal of a rule.

SUMMARY: This document removes from the *Code of Federal Regulations* a Commission rule and related forms governing the completion or closeout of open contractual commitments between a broker-dealer undergoing liquidation under the Securities Investor Protection Act of 1970 ("SIPC Act")[1] and other broker-dealers. The Commission rule and related forms have been superseded by rules adopted by the Securities Investor Protection Corporation ("SIPC") under the SIPC Act.[2] Those SIPC rules today were approved by the Commission in a separate action, Release No. SIPA–87 appearing elsewhere in this separate part of the **Federal Register.**

EFFECTIVE DATE: March 30, 1979.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Attorney, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549; (202) 376–8127.

SUPPLEMENTARY INFORMATION: Section 6(d) of the SIPC Act, as enacted in 1970, required the trustee of a broker-dealer undergoing SIPC liquidation to complete the insolvent broker-dealer's open contractual commitments with other broker-dealers if those commitments arose from transactions in securities made in the ordinary course of business. In 1973, the Commission adopted Rule S6d–1 (17 CFR 240.206d–1) and related forms (17 CFR 249a.6d–1–249a.6d–4a2) governing the completion of open contractual commitments by trustees.[3]

On May 21, 1978, the SIPC Act was amended by the SIPC Act Amendments of 1978. Section 8(e) of the amended SIPC Act, which superseded Section 6(d), also authorizes the closeout or

[1] 15 U.S.C. § 78aaa–78*lll*.

[2] Pub. L. No. 95–283, 92 Stat. 249.

[3] Release No. SIPA–5 (July 25, 1973); 38 FR 21251 (August 7, 1973).

completion of open contractual commitments between an insolvent SIPC member and other broker-dealers. That section, however, gives SIPC and not the Commission the authority to prescribe rules governing the closeout or completion of open contractual commitments. Section 8(e) also provides that, until such time as SIPC adopts rules with respect to completions or closeouts, Commission Rule S6d–1 shall remain in effect.

In June 1978, SIPC adopted rules and related forms under Section 8(e).[4] The Commission today approved those rules in a separate action.[5]

The statutory authority for Rule S6d–1 thus has terminated and the Commission is removing that rule and related forms from the *Code of Federal Regulations*.

§§ 240.206d–1, 249a.6d–1 to 249a.6d–4a2 [Removed]

In accordance with the foregoing, 17 CFR 240.206d–1, Completion of open contractual commitments, and 17 CFR §§ 249a.6d–1 to 249a.6d–4a2, related forms, are hereby removed.

By the Commission.

George A. Fitzsimmons,
Secretary.

March 30, 1979.

[Release No. SIPA–88; File No. 57–466]

[FR Doc. 79–10814 Filed 4–6–79; 8:45 am]

BILLING CODE 8010–01–M

[4] The Commission gave notice of SIPC's rule submission, referenced as File No. SIPC–78–3, by Release No. SIPC–72 on July 10, 1978. 43 FR 30594 (July 18, 1978).

[5] Release Nos. SIPA–86, 87 (March 30, 1979) this issue.

federal register

Monday
April 9, 1979

Part III

Department of Housing and Urban Development

Federal Disaster Assistance Administration

Federal Disaster Assistance; Hazard Mitigation

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[24 CFR Part 2205]

Federal Disaster Assistance; Hazard Mitigation

AGENCY: Federal Disaster Assistance Administration; HUD.

ACTION: Proposed Rule.

SUMMARY: This proposed rule adds a new Subpart to the Federal Disaster Assistance Administration (FDAA) regulations in order to expand those portions which deal with the evaluation and mitigation of natural disasters. Field implementation of section 406, Pub. L. 93–288, as amended, is being amplified as a means of supplementing FDAA's current efforts to stimulate and encourage comprehensive hazard identification, evaluation and mitigation at all levels of government, and to enforce the current requirement for mitigation of natural hazards as a condition for Federal Disaster Assistance. Basic policy guidance for hazard mitigation under section 406 will be provided by the hazard mitigation element in the Federal Emergency Management Agency (FEMA).

DATE: Comments due or or before June 8, 1979.

ADDRESS: All comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th St., SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Charles Stuart, Office of Public Assistance, FDAA/HUD, Washington, D.C. 20410. Phone 202/634–7835.

SUPPLEMENTARY INFORMATION: On July 12, 1978, the Administrator issued an advance notice of proposed rulemaking (43 FR 30030). The advance notice indicated FDAA's interest in developing revised regulations to supplement its current efforts to encourage comprehensive hazard evaluation and mitigation. The advance notice requested advice and information from interested parties prior to the preparation of more specific rules and regulations.

A direct request for comments was sent to over 500 Federal and State officials, organizations, and specific individuals whose experience and backgrounds would provide valuable insight and recommendations. Additionally, the general public was informed of the opportunity to comment. News releases were sent to some 1,600 news outlets, editions of daily newspapers, TV stations, and "all news" radio stations.

Both the advance notice of proposed rulemaking and the news release emphasized the fact that many communities were needlessly exposing people and property to repeated threats of loss of life, injury and destruction of personal and private property and oftentimes devastation to the environment because of poor land-use and construction practices. In addition to citing the tremendous burden to the taxpayer—some 900 million dollars in Federal funds for 1977—the Administrator identified over 640 counties in 39 States that have been designated disaster areas two or more times in the last ten years.

A series of seven questions were submitted in the advance notice in order to solicit general information and advice about alternative methods of encouraging comprehensive hazard identification, evaluation and mitigation. The seven questions, along with a summary of responses to each, follow:

1. Certain departments and agencies of the Federal Government have expertise in evaluating various natural hazards. Under Section 406; what should be the Federal role in the identification of hazards and of appropriate mitigation measures? What is the best way of making available and coordinating Federal technical resources?

Almost all comments were supportive of the intent of the proposed rulemaking: the implementation of Section 406 to achieve an increase in hazard mitigation measures concurrent with disaster relief efforts as the result of a major disaster. Comments were divided as to whether the timing of hazard mitigation efforts should be emphasized before or after a disaster. As pointed out in the Advance Notice of Proposed Rulemaking, hazard mitigation is an ongoing function that will be emphasized both before and after the occurrence of a major disaster. However, participation by local, state, and other Federal agencies in the implementation of Section 406 begins with a declaration of a major disaster.

There was a broad agreement among the comments that the Federal government should take the lead in the coordination of hazard identification and evaluation. While many States and local governments have developed innovative hazard mitigation programs related to specific types of hazards, many comments suggested that the Federal government provide technical expertise and comprehensive program resources which would supplement State and local capabilities. Provision has been made in the proposed rule for technical assistance such as supplying hazard mitigation publications, model regulations, building codes and construction standards. Other appropriate technical assistance will be provided to State and local agencies upon request. (See § 2205.404(b))

Throughout the comments on the Federal role, there was general agreement that a single Federal agency should coordinate with a single State agency on hazard mitigation matters. This consensus recognizes the value of the current roles of Regional Directors and the Governor's Authorized Representatives in the administration of disaster assistance. (See § 2205.403)

Several comments suggested that FDAA should take the lead in coordinating the hazard mitigation efforts of other Federal agencies. Again, the Federal Hazard Mitigation Coordinator (FHMC) and the State Hazard Mitigation Coordinator (SHMC), working together, would provide the suggested local point after a major disaster. However, the responsibility for management of specific Federal hazard mitigation programs will continue to rest with individual Federal agencies.

After the establishment of the Federal Emergency Management Agency (FEMA), scheduled for early 1979, the FEMA hazard mitigation element will have broad responsibilities for all aspects of hazard mitigation. That FEMA office will establish basic policies for hazard mitigation to be implemented after a major disaster by the FEMA response and recovery section. The proposed rules contemplate that the FHMC will arrange for FEMA technical advice and assistance as necessary to assure effective Federal participation in hazard mitigation directly resulting from a declared major disaster.

Additional comments suggested that a national council, similar in nature to the Water Resources Council, be established for the purpose of coordinating Federal hazard mitigation policy. It is not within the scope of this proposed rule to propose such a policymaking body.

Another comment relating to the provision of Federal technical resources suggested that a system be established that could notify all residents in hazard prone areas of potential hazards and hazard mitigation measures that should be taken. Such a comprehensive planning function is not within the scope of this proposed rule, which is primarily directed toward specific hazards

identified as the result of a major disaster.

2. It is the intention of FDAA to encourage cooperation among all levels of government (Federal-State-local, State-State, and local-local cooperation) and make use of existing regional organization and agencies; how may this best be accomplished?

Comments only addressed the issue of Federal-State-local relationships and did not address State-State or local-local cooperation at all. Again, as in Question 1, the overall thrust of the comments received concerning cooperation emphasized the type of coordination and cooperation among all levels of government that is currently used to provide disaster relief.

Among the specific suggestions for enhancing Federal-State local cooperation were:

(a) Hazard Mitigation Teams. Several comments suggested that hazard mitigation teams composed of Federal, State and local representatives by utilized to further intergovernmental cooperation.

The proposed rule specifies that FHMC and the SNMC form a survey team that will accomplish the desired coordination and obtain cooperation from all governmental agencies involved in Federal disaster assistance after a major disaster. (See § 2205.403(b))

(b) Seminars and on-site workshops. Additional comments suggested that FDAA should conduct hazard mitigation seminars or on-site workshops for State and local officials, and other interested parties. The survey team will consider the use of seminars or workships where sufficient interest is expressed and where beneficial results can be expected. The FHMC or the SHMC would arrange for seminars or workshops through coordination with other Federal or State agencies. (See § 2205.409(b))

(c) Interagency councils or committees. A few comments suggested that interagency committees or councils be established for hazard mitigation purposes. It is anticipated that existing committees or councils dealing with hazard mitigation issues could be consulted on an ad hoc basis after the declaration of a major disaster. However, it is anticipated that the hazard mitigation element of FEMA would take the initiative to establish post disaster committees or councils for hazard mitigation when desirable. The survey team would coordinate with such councils or committees, if available.

Many comments attempted to define broad roles for each level of government in regard to coordination and cooperation. The general thrust of these comments suggested that implementation of hazard mitigation measures by accomplished at the local level while State and Federal governments should act in a planning, advisory, assisting, and coordinating role. These comments are reflected in the descriptions of roles and responsibilities for each level of government have been included in the proposed rule in § 2205.403.

3. Adoption and enforcement of standards for hazard mitigation are normally functions of local or State governments. To assure future enforcement on nonfederally funded projects, should the FDAA Administrator require that local or State governments adopt and enforce any standards which he may prescribe for purposes of Section 406?

Many comments suggested that it is not a proper function of the Federal government to usurp State and local prerogatives in the development and enforcement of land-use planning and construction standards. However, some Federal agencies and private groups dissented from this view and suggested that mandatory standards be developed that are flexible enough to allow for varying conditions of hazard risk and vulnerability. The proposed rule does not provide for blanket minimum standards for land-use planning and construction, but strongly encourages States and local governments to adopt and enforce appropriate land-use policies.

Some comments further suggested that the adoption and enforcement of minimum standards be made a condition of disaster relief funding. The proposed rule provides that the Administrator may prescribe hazard mitigation regulations and safe construction practices and standards as a condition of Federal grants or loans approved and administered by FDAA as a result of a major disaster. (See § 2205.408(b))

Some comments also suggested that the development of guidelines or model legislation by the Federal government for land-use planning and for safe construction would be desirable. It was also suggested that the development of any guidelines or model legislation should provide for extensive involvement from standards writing bodies and related professional groups. It is anticipated that guidelines and model legislation for hazard mitigation will be developed on an ongoing basis by the hazard mitigation element within FEMA. In order to insure timely delivery of disaster assistance, existing model regulations, codes, specifications or standards will be the primary source used by the FHMC and the SHMC in the work of the survey team after a major disaster. (See § 2205.408(b))

4. How should FDAA insure that there is "adequate consultation with appropriate elected officials of general purpose local governments"? What should be the involvement of the States in this regard?

Several comments suggested a number of ways to ensure that adequate consultation with local elected officials is accomplished, including the use of the following mechanisms:

(a) Intergovernmental task force. Within the proposed rule, it is intended that the survey team will be the primary intergovernmental mechanism for consultation with both State and local officials.

(b) Briefings. It is anticipated that briefings will be utilized extensively to provide hazard mitigation information to local officials and to solicit feedback on possible hazard mitigation actions. (See § 2205.409)

(c) Public notices, workshops, seminars, and training sessions. These consultation mechanisms will be used in appropriate circumstances by the survey team or when requested by local officials. The use of these mechanisms will be tailored to the requirements of the situation.

Some comments suggested that direct Federal-local consultation would give local governments a more equitable part in the development and implementation of hazard mitigation measures. The proposed rule more clearly defines the roles and responsibilities of each level of government within the existing framework of Federal-State-local consultation. Direct consultation between Federal and local officials may be undertaken in order to assist in the timely implementation of hazard mitigation measures. Such direct consultation on an as-needed basis should not detract from the State role as focal point for hazard mitigation coordination and would normally be coordinated in advance between the FHMC and the SHMC. (See § 2205.409)

5. According to Section 406, the State shall furnish such evidence of compliance as the Administrator requires. Should the State prepare a comprehensive report with the cooperation of affected local governments? If so, how should local government cooperation be insured? Alternatively, should the state merely be a conduit for local government reports? What time limitations would be appropriate for local government reports? What time limitations would be

appropriate for submission of evidence of compliance?

Comments were divided as to whether the State or local governments should have primary responsibility for reporting evidence of compliance. Most favored having the State prepare the report with local cooperation, while a substantial number favored having local governments prepare reports with State review. Only two comments suggested that the State should merely be a conduit for local reports. This rule proposes that the State prepare the report because the State is the existing focal point for coordination of disaster assistance.

Local cooperation could be ensured in a number of ways. Some comments suggested that evidence of compliance should be a condition of final payment for disaster projects.

Alternatively, some comments suggested that spot inspections for compliance by Federal or State officials would be more desirable and effective than the preparation of a comprehensive report. The proposed rule requires that the State prepare hazard mitigation reports with local input. In addition, the State is responsible for State inspection or audit to verify compliance with approved hazard mitigation measures or plans. Some flexibility in follow-up actions is provided in recognition of the varying requirements for evidence of compliance. (See § 2205.410)

6. What are noteworthy examples of standards for safe land-use and construction practices which should be given priority consideration in promoting hazard mitigation in disaster-prone areas?

Most noteworthy standards cited were State or locally promulgated standards which addressed specific types of hazard conditions. Included among the examples were: Building and land-use standards for earthquake hazard mitigation, standards designed to mitigate the effects of tornadoes or high winds (including tie-downs and tornado shelters within mobile home parks), and land-use planning and building standards for hurricane hazard areas. Provision has been made in the proposed rule for the Administrator to prescribe regulations or standards after adequate consultations with elected officials of State and local governments that may be appropriate for hazard mitigation actions. The proposed rules do not provide for each such prescribed regulations or standard be included in this Federal regulation. Since some may be locally applicable and not nationwide in scope, the administrator expects to publicize each prescribed standard adequately to inform potential users and other interested parties. (See § 2205.408)

Many comments related to flood hazard mitigation cited specific provisions of the National Flood Insurance Program (NFIP). Most frequently mentioned were the criteria for land management and use outlined in Part 1910, Chapter X, 24 CFR. The FHMC and the SHMC will consider these criteria specifically in their survey team activities.

7. It is the desire of FDAA in any proposed changes to its regulations for these purposes to integrate its policies and procedures for implementing Section 406 with related programs of hazard mitigation already provided by other interested parties. How can this best be done?

The response to this question was similar to the comments to Questions 1 and 2. Many comments reinforced the concept of coordination between a single Federal agency and a single State agency on hazard mitigation measures. As previously mentioned, this proposed rule provides that the FHMC and the SHMC are expected to provide the necessary coordination and follow-up to achieve the objectives of hazard mitigation after a declaration of major disaster. Their work as a survey team provides the basis for decision making on appropriate hazard mitigation measures. (see § 2205.411(c))

The same coordinating process by the survey team will be used to develop and implement hazard mitigation measures. Several comments mentioned other Federal programs that could be incorporated into these hazard mitigation activities. Among these programs were Community Development Block Grants, programs administered by the Economic Development Administration, Coastal Zone Management programs, and Section 701 Comprehensive Planning Grants. We anticipate that the hazard mitigation element of FEMA will provide technical advice and assistance to assure appropriate coordination.

States and localities are encouraged to utilize these and other potential sources of Federal aid and expertise in developing hazard mitigation measures. The role of FDAA within the scope of the proposed rule is field implementation of Section 406 concurrently with providing Federal grant assistance. Internal management of related Federal programs rests with the respective agencies.

Interested parties and government agencies are encouraged to submit written comments, suggestions, data or arguments regarding this rulemaking to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All submissions received on or before June 8, 1979 will be evaluated. All comments shall be available for inspection at the Office of the Rules Docket Clerk. All such comments and program experiences will be evaluated prior to development of a final rule.

A Finding of Inapplicability of Section 102(2)(c) of the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1 (38 FR 19182). Interested parties may obtain and inspect copies of this Finding of Inapplicability at the Office of the Rules Docket of the Department of Housing and Urban Development in Washington, D.C. 20410.

Accordingly, it is proposed that the Disaster Assistance regulations, 24 CFR Part 2205, be amended to add a new Subpart M as follows:

Subpart M—Hazard Mitigation

Sec.

2205.400 General.
2205.401 Definitions.
2205.402 Implementing actions.
2205.403 Responsibilities.
2205.404 Surveys.
2205.405 Hazard mitigation plans.
2205.406 Hazard mitigation measures.
2205.407 Land use regulations.
2205.408 Construction practices.
2205.409 Consultations.
2205.410 Compliance.
2205.411 Evaluation.

Authority: Section 406, Pub. L. 93–288, 88 Stat. 150 (42 U.S.C. 5150), Executive Order 11795 as amended by Executive Order 11910, 39 FR 25939, Delegation of Authority, 39 FR 28227.

Subpart M—Hazard Mitigation

§ 2205.400 General.

(a) *Purpose.* The purpose of this subpart is to prescribe the actions and procedures for implementing Section 406, Pub. L. 93–288, as amended. Any conflicting provisions elsewhere in 24 CFR Part 2205 are superseded by this subpart. It is also the purpose of this subpart to clarify the responsibilities for hazard mitigation of the various Federal agencies and State and local governments as the result of a major disaster declared by the President.

(b) *Scope.* This subpart covers actions, procedures, standards, and criteria for accomplishing optimum results in reduction, avoidance and mitigation of all types of future disasters. These regulations are intended for the use of Federal, State and local governments, as

well as organizations and individuals administering or receiving Federal grant or loan assistance as the result of a major disaster. They are also intended to complement and reinforce implementation in other subparts of these regulations of: (1) The President's Executive Order 11988 on Floodplain Management and Executive Order 11990 on Control of Wetlands; and (2) the National Environmental Policy Act, of 1969 Pub. L. 91–190. When a major disaster occurs, the hazard mitigation actions to cope with those hazards identified as the result of the major disaster shall receive highest priority.

§ 2205.401 Definitions.

In this subpart reference is frequently made to such words as hazard reduction, avoidance, and mitigation; land use and construction regulations; and disaster proofing. As used in this subpart:

(a) Hazard means any source of danger or element of risk identified following a major disaster.

(b) Mitigation means to alleviate by softening and making less severe the effects of a major disaster and of future disasters in the affected areas, including reduction or avoidance.

(c) Reduction means to diminish in strength and intensity or to restrict or lessen the size, amount and extent of damage resulting from the major disaster or to be expected as the result of future disasters.

(d) Avoidance means to eliminate a hazard through measures such as relocation or prohibition of construction within an area susceptible to risk or danger.

(e) Land use regulations include zoning for nonstructural purposes and both preventive and corrective restrictions on construction, repairs, or alterations of facilities within specified areas. Preventive restrictions provide regulation of new land use, i.e., non-structural disaster control measures such as use of high hazard areas for parks, farms, and recreational areas. Corrective restrictions include: (1) Floodproofing (2) acquisition of damaged property (3) insurance and (4) removal of non-conforming uses.

(f) Disaster proofing consists of those minimum alterations or modifications to damaged facilities that could be expected to prevent or substantially reduce future damages to the repaired or reconstructed facility, or to make it disaster-resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs. The Regional Director shall determine what disaster proofing will be approved.

(g) Construction practices means codes, standards, and specifications applicable to repairs, or to alterations or new construction of a facility or structure.

§ 2205.402 Implementing actions.

(a) As the result of a major disaster, the Federal Disaster Assistance Administration shall provide technical advice and assistance for hazard mitigation to local or State governments and to certain private non-profit organizations eligible for grant assistance under Section 402(b), Pub. L. 93–288. Such technical advice and assistance shall be supplementary to that available from any other State or Federal agencies under their existing programs. Technical advice may also be provided for water conservation measures in affected areas short of water as the result of the major disaster.

(b) FDAA shall encourage local or State governments to adopt safe land use regulations and construction practices or standards. When such action is taken, after the declaration of a major disaster, the Administrator may approve such regulations, practices or standards as applicable deviations as a condition for any Federal grants or loans under Section 402 of the Act. When such action is not taken, the Administrator may prescribe appropriate standards as applicable to Federally-assisted projects under Section 402 of the Act.

(c) Local governments usually have the decisionmaking responsibility within their jurisdictions for hazard mitigation measures, including sound land-use regulations and safe construction practices. The State has the central role in resource management and in hazard mitigation throughout the State. Federal technical advice and assistance is supplementary.

(d) FDAA recognizes the heavy administrative workloads of local and State governments in coping with major disasters. And in initiating any hazard mitigation programs it will be sensitive to these existing workloads. In developing any proposed implementation plan and procedures, FDAA's emphasis is to focus the efforts of all participants on achieving positive results in hazard mitigation. It shall encourage initiative by State and local governments within the context of their laws, regulations, and customs.

(e) For all major disasters involving actions in the floodplain or critical actions in the 500-year floodplain, appropriate hazard mitigation measures shall be taken as required by Subpart N Floodplain Management of these regulations.

(f) Nonstructural disaster protection methods or measures shall be fully considered and emphasized where consistent with primary program purposes of Pub. L. 93–288, as amended.

(g) As a condition for any grant for Federally assisted projects under Section 402, Pub. L. 93–288, the Administrator has prescribed Floodplain Management standards proposed by the Federal Insurance Administrator for adoption by local or State governments but not yet accepted by them.

(h) During hazard mitigation actions involving water resources under this subpart, the State shall be the focal point for water resource management.

(i) As a condition for any grant or loan under the Act for municipal water supply or waste water treatment facilities or systems, appropriate water conservation requirements shall be included and any disincentives to water conservation shall be removed.

§ 2205.403 Responsibilities.

(a) *General.* After a declaration of major disaster, coordinated effort of all participants is required to identify the significant hazards and appropriate mitigation measures to cope with those hazards.

(b) *FDAA.* The Regional Director shall include appropriate provision for hazard mitigation under this subpart in the Federal/State Agreement. He/she shall coordinate with the Governor's Authorized Representative to provide for a joint Federal/State team to survey the disaster affected area soon after a major disaster declaration for these purposes:

(1) Identify significant hazards in the affected area, giving priority to disaster-related hazards. (2) Evaluate the impacts of these hazards and measures which will mitigate these impacts. (3) Recommend appropriate hazard mitigation measures. The Regional Director shall designate an FDAA staff member to serve as Hazard Mitigation Coordinator (HMC) on the FDAA/State survey team and to confer with local, State and Federal officials concerning these hazards and hazard mitigation measures. Based on these consultations by the FDAA HMC and the Regional Director and on decisions by local or State agencies which may establish new or modified land use regulations or standards, the Regional Director may recommend that the Administrator prescribe appropriate standards as applicable to Federal grants or loans approved and administered by FDAA as the result of the major disaster. Through the FDAA/State survey team, the Regional Director may provide technical

advice and assistance to local or State agencies for the purpose of accomplishing hazard mitigation activities under this subpart. The Regional Director shall review State evidence of compliance of approved hazard mitigation activities and shall provide to the Administrator an after-action report when all such hazard mitigation activities are completed or terminated. As a condition for approval of a Federal grant, administered by FDAA, the Regional Director shall require that each applicant take appropriate hazard mitigation measures. He/she shall follow up with the State to recover Federal funding whenever an applicant fails to satisfy any conditions upon which the approval of the grant was based. The Regional director may arrange for other Federal agencies to participate in hazard mitigation activities under this subpart.

(c) *State.* The Governor's Authorized Representative is responsible for State performance of hazard mitigation activities under the Federal/State Agreement and this subpart. He/she shall designate a State Hazard Mitigation Coordinator (HMC) to serve on the FDAA/State survey team. The Governor's Authorized Representative shall arrange for State and local participation in FDAA/State surveys of the affected areas of the State for the purposes stated above. The State HMC shall arrange for consultations on the findings and recommendations from the joint survey and shall follow up to assure that timely, adequate local and State hazard mitigation actions are taken. Whenever appropriate, he/she shall arrange for State funding or technical assistance to eligible applicants for the purposes of accomplishing State-approved hazard mitigation actions. He/she shall assist the eligible applicants to prepare grant applications and to provide assurances to accompany the grant applications. He/she shall advise the Governor's Authorized Representative on approval or disapproval of each grant application prior to submittal of the approved applications to the Regional Director for approval and Federal funding. He/she shall arrange for State inspection or audit to verify compliance with approved hazard mitigation measures or plans. When these activities are completed in accordance with the Federal/State Agreement, the FDAA/State survey team shall provide a final report and evaluation of the completed hazard mitigation plans and actions to the Governor's Authorized Representative with a copy to the Regional Director.

(d) *Local.* The applicant's Local Authorized Representative is responsible for local performance of hazard mitigation measures under the Federal/State agreement and this subpart. Each applicant shall designate a local Hazard Mitigation Coordinator (HMC) to work with the FDAA/State survey team as required by the State HMC. The local HMC will assess the damages within the local jurisdiction working with FDAA/State Survey team. The local HMC shall arrange for local participation in consultations with FDAA/State survey teams about hazard mitigation actions under this subpart. The local HMC is responsible for informing local officials and interested citizens about the Survey Team's activities and for disseminating the contents of the minutes of the critique to all interested parties prior to the completion of the Final Survey Team Report. He/she shall also collect any local comments on these matters and report them to the State HMC. Upon receipt of the final Survey Team Report, he/she shall inform interested local officials and individuals of its contents. With any project application, each applicant shall submit adequate assurances that any required hazard mitigation measures have been taken or will be completed. The applicant is responsible for implementing and enforcing land use regulations and safe construction practices as agreed upon with the FDAA/State survey team. The applicant shall provide evidence of compliance with the Federal/State Agreement and with this subpart as required by the Governor's Authorized Representative.

(e) *Federal/State Agreement.* When necessary to clarify responsibilities under this subpart for a major disaster, clarification shall be provided by amendment to the Federal/State Agreement. The following subparagraph shall be included in each Federal/State Agreement, except that Item (4) may be deleted when authorized by the Administrator:

Hazard-Mitigation Clause Added to Federal-State Agreement

The State agrees: (1) To review and update as necessary disaster-mitigation portions of the State emergency plans; (2) that, as a condition for any Federal loan or grant, the applicant shall evaluate the natural hazards in the areas in which the proceeds of the grants or loans are to be used and shall take appropriate action to mitigate such hazards, including safe land-use and construction practices; (3) to follow up with applicants, within State capabilities, to assure that appropriate hazard-mitigation actions are taken, and (4) to prepare and submit within 90 days to the FDAA Regional Office for concurrence a specific hazard-mitigation plan for those areas which shall consist of (a) identification of the hazards and magnitude of the potential damage, (b) description of actions to be taken to mitigate such hazards and (c) a plan for implementing those actions.

§ 2205.404 Surveys.

(a) *Damage Assessments.* Prior to a declaration of a major disaster, local, State and Federal preliminary assessments of damage may identify major hazards and opportunities for hazard mitigation actions. Each applicant is expected to use its resources and capabilities immediately as necessary to perform emergency work, including debris removal to save lives and to protect public health and safety. These preliminary assessments and the emergency work may result in significant hazard mitigation. After a declaration of a major disaster, the Governor's Authorized Representative shall schedule a briefing for State and Federal staff members about their participation in FDAA/State survey team activities.

(b) *Joint Survey.* Subsequent meetings and briefings shall be held by the survey team with the involved local governments. Team members shall visit the site of each significant hazard and shall review applicable land use regulations, construction standards and other information related to hazard mitigation. The FDAA HMC shall supply model regulations and standards and other pertinent references for use by the survey team. For each significant identified hazard the survey team shall submit appropriate recommendations concerning hazard mitigation measures.

§ 2205.405 Hazard mitigation plans.

(a) *Plans.* For each hazard-prone area, the survey team shall review and evaluate existing local or State plans for hazard mitigation. Particular attention shall be given to the adequacy of plans for warning and evacuation. In those cases where no such plans exist, the survey team shall report its findings and recommendations concerning specific needs to develop and maintain such plans. Through the survey team the Regional Director or the Governor's Authorized Representative may provide technical advice and assistance to State agencies or local governments in developing new plans or updating existing plans to mitigate hazards identified as the result of the major disaster within the affected areas. Long-term development or updating of hazard mitigation plans is beyond the scope of FDAA implementation of Section 406 of the Act.

(b) *Objectives.* The identification of hazards following a major disaster and accomplishment of appropriate hazard mitigation measures are the short-term planning objectives to be required by the Federal/State Agreement. The Regional Director and the Governor's Authorized Representative shall focus with highest priority on these objectives in verifying compliance with the Agreement as a condition for Federal loans or grants. When the Federal/State Agreement is terminated, the Regional Director shall review the status of uncompleted hazard mitigation measures and report his/her finding and recommendations to the Administrator for followup by interested Federal, State and local agencies.

(c) *Schedules.* In its recommendations of appropriate hazard mitigation measures, the survey team shall suggest target dates and schedules for accomplishment of each recommended measure. Local and State plans for hazard mitigation shall include such scheduling when submitted through the survey team to the Regional Director for review in considering requests for approval of Federal grants or loans administered by FDAA.

§ 2205.406 Hazard mitigation measures.

(a) *General.* Certain types of actions may be taken to achieve hazard mitigation including (1) avoidance, (2) reduction and (3) adoption and enforcement of land use regulations and of safe construction practices.

(b) *Avoidance.* For siting new construction of facilities or structures, location outside of high hazard areas is the preferred solution. For each hazard identified following a major disaster, the survey team shall assess the feasibility of avoidance of high hazard areas in new construction, alteration, or major repairs for restoration of damaged or destroyed facilities. The survey team shall make specific recommendations concerning land use regulations and rezoning whenever appropriate.

(c) *Reduction.* In some cases hazard mitigation may be achieved by such measures as installing check valves in utility lines crossing faults in earthquake-prone areas or by beach restorative work in coastal high hazard areas. Flood control projects, such as dams, levees, floodwalls, or channel improvements may be the only practical measures to protect facilities or structures already located in floodplains. Firebreaks and access roads may be provided to alleviate the threat of forest or brush fires. In some cases, disaster proofing of a facility or structure may be feasible, such as the installation of shear walls or bracing in hospitals, tie downs for mobile homes, and the conversion of basement areas to non-hazardous uses.

§ 2205.407 Land use regulations.

(a) *Local zoning.* Regulation of land use is normally a function of local government within its jurisdiction. In some cases the local government may have already adopted land use regulations or zoning prior to a major disaster. Modification or updating based on current maps and model regulations may be necessary. Some re-mapping may frequently be required. In certain cases the existing land use regulation may be adequate to cope with the identified hazards, if properly enforced. State, Federal or private interests may propose model zoning regulations, but adoption and enforcement of such regulations remain with the local government. Certain State or Federal restrictions may be locally adopted and enforced by mutual agreement, or as a condition for certain types of financial assistance. The survey team shall make its recommendations based on field observations and evaluations of hazards within the affected areas. Consultations with the applicant, the State HMC and the FDAA HMC may then be necessary to identify the options for decision-making by the applicant. The State of FDAA HMC shall provide encouragement, technical advice and assistance to the applicant to adopt and enforce appropriate land use regulations. After reviewing a project application in accordance with Subpart N Floodplain Management of these regulations, the Regional Director may determine that no practicable alternative to locating in the floodplain exists. The Regional Director may require appropriate measures to minimize harm to the facility and to preserve and restore the natural and beneficial values of the floodplain. Non-structural uses of floodplains and wetlands, such as open space and parks, shall be encouraged whenever practicable.

(b) *State Land Use Regulations.* For State-owned properties outside of local jurisdictions, the responsible State agency adopts and enforces land use regulations. In some cases, these State regulations may serve as model regulations for local governments. The State may require local adoption of Statewide land use regulations as a condition for State aid, such as grants, loans or technical assistance.

(c) *Federal Land Use Regulations.* For Federally owned lands outside of local or State jurisdictions, the responsible Federal agency adopts and enforces land use regulations, which may serve as models for local or State regulations in like circumstances. A Federal agency may require local or State governments to adopt and enforce certain hazard mitigation regulations as a condition for Federal assistance or participation in Federally-assisted programs. For example, the National Flood Insurance Program requires certain minimum floodplain management regulations for participation by State or local government. Executive Order 11988 imposes additional constraints on Federal grants or loan assistance within floodplains. Coastal zone management plans impose similar requirements for local, State, and Federal floodplain management regulation. As model hazard mitigation regulations become available to cope with other types of major disasters including earthquakes, windstorms and fires, the survey team may recommend them as requirements for Federally assisted projects, or for adoption and enforcement by applicant for Federal grant or loan assistance. Survey teams shall make findings and recommendations as appropriate for development or updating of model hazard-mitigation regulations by various Federal agencies for mitigation of hazard identified following a major disaster. The FDAA HMC may arrange for Federal technical advice and assistance to local or State governments in modifying model land use regulations to satisfy local requirements.

(d) *Mapping.* The survey team shall verify the impact of the major disaster on disaster frequencies computed prior to the major disaster through contacts with agencies maintaining such records. The survey team shall also consider the advisability of redefining boundaries of high hazard areas as the result of their findings. The survey team shall make recommendations on needs for new mapping or re-mapping of high hazard areas when appropriate.

(e) *FDAA Hazard Mitigation Regulations.* As the result of a major disaster, the Regional Director may determine that there is no practicable alternative to approval of a grant or loan for an action within a high hazard area. For example, refer to 24 CFR 2205.506 covering the eight-step decision-making process for floodplain management. In those cases where a practicable alternative exists outside the base floodplain, the Regional Director may decline to approve a grant or loan administered by FDAA unless the facility or structure is relocated. The Regional Director may take similar action for other types of disasters, such

as tornadoes or earthquakes, where appropriate hazard mitigation regulations are locally applicable. Under the Act, the Administrator may prescribe appropriate hazard mitigation regulations as applicable for Federally-assisted projects as the result of a major disaster. The Regional Director shall require compliance with hazard mitigation regulations prescribed by the Administrator as a condition for approval of a grant or loan for any project. However, the local or State government requesting the Federal assistance must decide whether or not to adopt and enforce such hazard mitigation regulations for non-Federally-assisted projects within its jurisdiction. When the Regional Director determines that restoration of a damaged or destroyed facility in a hazard area is not a practicable alternative, he/she may decline to authorize Federal disaster assistance to restore facilities at the original site, or within the hazard area where such facilities are subject to repetitive heavy damages or destruction. When an applicant decides to relocate facilities being restored under Section 402 of the Act outside of a high hazard area, the site is the applicant's responsibility. The Regional Director may approve Federal grant assistance for permanent restoration of eligible facilities erected on the new site: *Provided*, That the Administrator determines that the Federal grant assistance for such project is in the public interest.

§ 2205.408 Construction practices.

(a) *General.* In certain cases, permanent repairs, alterations, or new construction to predisaster design may not provide useable facilities or structures safe from identified hazards. Alternate actions available are relocation; restorative work to conform to updated safe construction practices; or no Federal funding approval of the proposed work. For Federally-assisted projects under the Act, the applicant's decision on standards for restorative work shall be subject to review and approval by the Governor's Authorized Representative and by the Regional Director. In identifying hazards and in its damage assessments, the survey team shall inventory existing construction practices related to damaged or destroyed facilities and may recommend adoption and enforcement by each applicant of additional safe construction practices.

(b) *Local standards.* When a major disaster occurs, the survey team shall inventory and evaluate the codes, specifications and standards already adopted by the applicants for the types of repairs, reconstruction or restorative work for which Federal grant or loan assistance is being requested. During the field surveys this team may also have model State or Federal codes, specifications and standards available for consideration by the applicants. Such codes, specifications, or standards for new construction may be different from those for repairs or alterations to existing facilities or structures. Federal or State agencies may provide technical advice and assistance to local governments, particularly in the form of model codes, specifications, or standards to be modified for local use. In discussions of hazard mitigation measures, the survey team shall develop appropriate recommendations to the applicant for updating existing codes, specifications and standards, or for adopting new ones. As the result of the major disaster, each applicant has the responsibility for adopting or updating appropriate codes, specifications and standards and for enforcing them. Such local action for non-Federally funded projects shall be encouraged by the survey team and lends support to favorable action by the FDAA Administrator in prescribing such codes, specifications, or standards as applicable to Federally-assisted projects under the Act. An applicant may request State or supplementary FDAA technical advice and assistance in taking these actions. A new standard which the applicant submits for approval by the Administrator shall include the scope of application of the standard; that is, whether the standard covers all public facilities or just those federally funded projects. The standard shall also contain a description of local or state enforcement procedures.

(c) *State Standards.* For State-owned buildings, structures, or facilities outside local jurisdictions, the responsible State agency adopts and enforces applicable codes, specifications and standards. In some cases these may serve as a model for similar action by local governments. As a condition for State approval of grant or loan assistance as the result of a major disaster, the Governor's Authorized Representative may recommend to the Regional Director that the Administrator prescribe certain codes, specifications or standards for the Federally-assisted project for hazard mitigation purposes. The State HMC may also provide technical advice and assistance on hazard mitigation measures to applicants, private organizations, and individuals.

(d) *Federal Codes, Specifications, and Standards.* (1) For Federally-owned buildings, structures or facilities outisde local or State jurisdictions, the responsible Federal agency adopts and enforces applicable Federal codes and specifications. These may serve as models for local or State adoption and enforcement in similar circumstances.

(2) The National Flood Insurance Progam (NFIP) prescribes such Federal standards for repairs, alterations and new construction within floodplains as a condition for acceptance of a flood-prone community within that program. The FDAA Administrator has prescribed such Federal NFIP standards wherever applicable for Federally-assisted projects as a condition for Federal grant or loan assistance under the Act. For other types of disasters, similar standards for hazard mitigation may be available and appropriate for local, State and Federal use.

(3) The survey team shall be aware of existing codes, specifications, and standards and shall recommend appropriate examples to be used for hazard mitigation as the result of a major disaster. The FEMA hazard mitigation element may also propose additional standards for consideration by the survey team.

(e) *FDAA Standards.* Working with the State and applicants, through the survey team, the Regional Directors shall encourage local adoption and enforcement on all projects, including non-Federally assisted projects, of appropriate codes, specifications and standards for hazard mitigation. When a local or State government takes such action, the Regional Director may recommend that the Administrator prescribe such codes, specifications and standards as applicable for Federally-assisted projects. Upon receipt of the Regional Director's recommendations, the Adminstrator's staff shall arrange for appropriate consultations within FEMA and with the interested local and state officials. Based on these consultations and all available information, the Administrator may prescribe or approve such codes, specifications, or standards as applicable to Federally assisted projects eligible under Section 402 of the Act. When the local or state government declines to adopt and to enforce them for non-Federally assisted projects, the Administrator, after appropriate FEMA, state, and local consultations, may prescribe appropriate codes, specifications or standards as applicable only to Federally assisted projects eligible under Section 402 of the Act. The Regional Director may then approve Federal grant or loan assistance to enable the applicant to comply with

them on Federally-assisted projects only. The Regional Director may suspend or refuse to approve any project application until he/she is satisfied that the approved work will result in a facility or structure safe and usable for the predisaster function or for alternate functions proposed by the applicant in accordance with these regulations.

§ 2205.409 Consultations.

(a) *Survey Team.* Members of the survey team shall make continuous daily contacts and consultations with various applicants until the field surveys are completed and appropriate hazard mitigation measures are recommended. The State HMC is responsible under the Federal/State Agreement to arrange for appropriate consultations and notices to inform the public on those decision-making processes involved in the work of the survey team. An applicant or the FDAA HMC may request such arrangements when desired.

(b) *Meetings.* After the declaration of a major disaster, the Governor's Authorized Representative in coordination with the Regional Director schedules one or more meetings with local and State officials representing potential applicants for Federal assistance. At these meetings, FDAA and State staff members brief these local and State officials on FDAA policies and procedures for Federal grant or loan assistance under the Act. The Governor's Authorized Representative may arrange for the survey team to participate in these briefings when desirable. The State HMC will normally schedule separate meetings for the survey team to discuss hazard mitigation measures with State and local officials. When necessary under Subparts L or N of these regulations pertaining to environmental review and to floodplain management, respectively, early public notice may be given of pending Federal actions. When appropriate the Regional Director may request the Governor's Authorized Representative to schedule public hearings for purposes of consultation with interested parties on hazard mitigation measures or problems.

(c) *Project Management.* Normal FDAA procedures for damage survey reports, project applications, final inspections, audits and final payments require local, State and Federal contacts and coordination. Appeal procedures provide for further reviews and consultations of all interested parties including the administrator and his/her staff. These procedures provide documentation to support the hazard mitigation measures taken under Section 406 of the Act.

§ 2205.410 Compliance.

(a) *Federal/State Agreement.* Requirements for evidence of compliance may vary for each major disaster, depending on its nature, severity, and magnitude as well as on variations in the resources, capabilities, organization and staffing of the local and State governments. Any specific requirement for State evidence of compliance with hazard mitigation measures may be spelled out in the Federal/State agreement. FDAA and the State shall rely primarily on the survey team to observe and report on compliance with approved hazard mitigation plans and approved projects under supervision by the Regional Director and the Governor's Authorized Representative.

(b) *Plans.* Review and acceptance of hazard mitigation plans submitted by the applicant or by the state in accordance with the Federal/State agreement provides the survey team with opportunities to schedule spot inspections, audits, and follow-up consultations. Through these activities, compliance with hazard mitigation objectives, schedules, and commitments may be verified.

(c) *Project Administration.* As a condition for approval of a project application, and subsequently for approval of a voucher for final payment, the Governor's Authorized Representative and the Regional Director shall require documentation of required hazard mitigation measures, including compliance with applicable land use regulations or construction standards. In making Final Inspection Reports, Federal and State Inspectors shall be specifically tasked to verify compliance by the applicant with approved hazard mitigation standards. Similarly, auditors shall be required to verify such compliance in their audit reports.

(d) *Reporting.* The Regional Director may specify in the Federal/State Agreement that the survey team provide quarterly reports of compliance with approved hazard mitigation plans or actions. The GAR may also require such quarterly progress reports from each applicant or he/she may prefer that the survey team submit one consolidated quarterly report. The survey team shall submit a final report of compliance with approved hazard mitigation plans and actions to the Governor's Authorized Representative with a copy to the Regional Director. Prior to termination of the Federal/State Agreement, the Governor's Authorized Representative shall submit a final report of compliance with hazard mitigation requirements by State and local governments to the Regional Director for review and acceptance.

§ 2205.411 Evaluation.

(a) *Critiques.* Prior to submitting its final report, the survey team, as a minimum, shall arrange for a final critique of hazard mitigation plans and actions as the result of each major disaster. Interim critiques may be scheduled when warranted. Each local HMC shall be notified of each critique and invited to participate. The survey team shall distribute minutes of each final critique to each applicant for Federal assistance as the result of the major disaster, and to each participating Federal agency.

(b) *Final Survey Team Report.* Prior to terminating the survey team activities, the FDAA HMC and State HMC shall prepare a joint report of their activities and recommendations to the Governor's Authorized Representative and to the Regional Director. A copy of this report shall be distributed to each local HMC.

(c) *Follow-up Actions.* The Regional Director shall review the report from the survey team and the report of compliance from the Governor's Authorized Representative. His/her report to the Administrator shall focus on the positive results achieved through hazard mitigation plans and actions as the result of the major disaster. He/she also shall provide in the report specific findings and recommendations for Federal follow-up action which should be taken by others after termination of the Federal/State agreement to provide mitigation of such hazards as the result of future disasters. The Administrator may then arrange for appropriate Federal action as the result of each such recommendation.

(Sec. 406, Pub. L. 93–288, 88 Stat. 150 (42 U.S.C. 5150), Executive Order 11795 as amended by Executive Order 11910, 39 FR 25939, Delegation of Authority, 39 FR 28277)

Issued at Washington, D.C., April 2, 1979.

William H. Wilcox,

Administrator, Federal Disaster Assistance Administration.

[Docket No. R–79–651]

[FR Doc. 79–10926 Filed 4–6–79; 8:45 am]

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federal register

Monday
April 9, 1979

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary for Community Planning and Development

Comprehensive Planning Assistance; Approval and Disapproval of Land Use and Housing Element Requirements

Part IV

Department of Housing and Urban Development

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 600

Comprehensive Planning Assistance; Approval and Disapproval of Land Use and Housing Element Requirements

AGENCY: Department of Housing and Urban Development/Office of Assistant Secretary for Community Planning and Development.

ACTION: Final rule.

SUMMARY: This rule permits approvals and disapprovals of land use housing elements, under the Comprehensive Planning Assistance Program, to be made by designated Departmental Officials. Currently officials with this approval/disapproval authority are specified by regulation. This amendment permits the Department to designate these officials by Notice rather than by regulation.

EFFECTIVE DATE: This rule will become effective on May 9, 1979, retroactive to September 5, 1978.

FOR FURTHER INFORMATION CONTACT: Betsy B. Tibbs or Robert J. Rusin, Director, Organization and Management Services Division, Office of Management, Community Planning Development; (202) 755-5649.

SUPPLEMENTARY INFORMATION: The Department typically publishes its delegations of authority by notice in the **Federal Register.** This amendment revises the Comprehensive Planning Assistance Program regulations to conform to this practice. Officials who may approve or disapprove land use and housing elements will now be designated by notice instead of in § 600.73(g) of the Comprehensive Planning Assistance regulations. Since this rule involves agency organization, procedure or practice, notice and public procedure are unnecessary and the rule is therefore, issued as final.

Accordingly, 24 CFR Part 600 is amended by revising the introductory sentence of § 600.73(g) to read as follows:

§ 600.73 Land use and housing elements; review and approval process.

* * * * *

(g) *Approval and disapproval.* Approvals and disapprovals shall be made by designated Department officials.

(1) * * *
(2) * * *

(Section 701 of the Housing Act of 1954 (40 U.S.C. 461), the Housing and Community Development Act of 1974 (42 U.S.C. 5301), and section 7(d). Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C. on April 2, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[Docket No. R-79-650]

[FR Doc. 79-10988 Filed 4-6-79; 8:45 am]

BILLING CODE 4210-01-M

federal register

Monday
April 9, 1979

Part V

Department of Energy

Economic Regulatory Administration

Exemption for Use of Natural Gas by Existing Powerplant Under the Powerplants and Industrial Fuel Use Act of 1978

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 508

Exemption for Use of Natural Gas by Existing Powerplants Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is promulgating this special rule under the authority of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, November 9, 1978 (FUA or the Act). In general, FUA becomes effective on May 8, 1979 (180 days after the date of enactment of the Act). This rule sets forth criteria and expedited procedures by which owners and operators of existing powerplants may petition for a temporary public interest exemption from the prohibitions against the use of natural gas contained in Section 301(a) (2) and (3) of the Act.

EFFECTIVE DATE: May 8, 1979.

FOR FURTHER INFORMATION CONTACT:
William L. Webb, (Office of Public Information), Economic Regulatory Administration, Department of Energy, Room B–110, 2000 M Street, NW., Washington, D.C. 20461 (202) 634–2170;

Stephen M. Stern, (Regulations and Emergency Planning), Economic Regulatory Administration, Department of Energy, Room 2130, 2000 M Street, NW., Washington, D.C. 20461 (202) 254–9766;

Robert L. Davies, (Fuels Regulation—Program Office), Economic Regulatory Administration, Department of Energy, Room 7202, 2000 M Street, NW., Washington, D.C. 20461 (202) 254–3910;

James H. Heffernan, (Office of General Counsel), Department of Energy, Room 7136, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461 (202) 633–8820.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Policy.
III. Comments.
IV. Special Rule.

I. Background

After May 8, 1979, Section 301(a) of FUA will prohibit an existing powerplant from using natural gas [1] as its primary energy source on or after January 1, 1990. Between May 8, 1979, and January 1, 1990, an existing powerplant may only use natural gas if it used that fuel as a primary energy source in calendar year 1977 and then in no greater proportion than the average quantities used in the base years 1974–1976. (For additional information, see the notice proposing the special rule, published January 5, 1979, (44 FR 1694).)

[1] As used in FUA, the term "natural gas" includes propane and other forms of liquid petroleum gas.

II. Policy

National energy policy favors the use of renewable energy sources, coal, uranium, or other alternate fuels wherever possible. It is essential that the nation immediately reduce its reliance on imported oil. The need to protect the nation's security of energy supplies and economic well-being, as well as the need to reduce the nation's balance of payments deficit and the domestic inflation rate requires immediate action. To the extent that the near-term choice for certain existing facilities is limited to petroleum or natural gas, we generally prefer the use of natural gas and propane over petroleum products. Expanded use of natural gas in these facilities would be a significant step toward reducing our short-term oil consumption. Increased use of gas would help the United States meet its commitment to reduce its demand for imported oil together with the other member nations of the International Energy Agency. Increased gas use would not only help protect the nation from the effects of any oil shortages, but also would serve to cushion the impact of increasing world oil prices, which have a detrimental effect on the nation's balance of payments and domestic inflation rate.

III. Comments

A large number of comments, primarily from electric utilities and natural gas pipeline companies, were received in response to the proposed special rule. The predominant issues raised concerned the expansion of the special rule to include residual fuel oils and extension of the exemption period to a minimum of at least two years.

In response, ERA has decided to expand the scope of this special rule to existing powerplants using residual fuel oils. However, ERA reserves the right, in the public interest, to give priority to facilities displacing middle distillates and to take into account the varying needs of specific geographic areas.

In response to comments that a one-year exemption was not a sufficiently long period of time for a powerplant to contract to purchase natural gas, ERA has revised this special rule to indicate that ERA intends to grant initial exemptions for a period of up to two years, and may extend such exemptions for an additional period up to the statutory maximum of five years. As commenters observed, the duration and extent of use may well be limited by factors extraneous to this special rule, including winter curtailments, and other contractual or regulatory constraints. Nevertheless, ERA has also established that exemptions may be terminated by ERA at any time upon six months' written notice to the petitioner.

Additional comments were directed toward the eligibility requirements, particularly with regard to coal displacement. The special rule has been revised to make it clear that, to be eligible for an exemption under the special rule, you must certify that your use of natural gas to displace fuel oil will not result in a reduction in the use of coal or any other alternate fuel within your utility system.

IV. Special Rule

In general, FUA is not effective until May 8, 1979. Before that date, the prohibitions under section 301(a) (2) and (3) against the use of natural gas or the increased use of natural gas consumption by existing powerplants do not apply. The Act imposes no comparable prohibitions against the use of natural gas by major fuel burning installations.

This special rule pertains to the temporary public interest exemption, authorized by section 311(e) of FUA, and provides an expedited mechanism for powerplants, which will be prohibited after May 8, 1979, under section 301(a) (2) or (3), from using natural gas or increasing their natural gas consumption above that allowed by FUA, to continue or increase such natural gas consumption in order to displace consumption of middle distillates and residual fuel oils. FUA authorizes a temporary public interest exemption for a maximum period of up to five years.

ERA anticipates receiving petitions under the provisions of this special rule prior to the effective date of FUA. ERA intends to complete its consideration of such petitions as expeditiously as possible. To facilitate such expeditious consideration, ERA intends to publish notice of such petitions on or after May 8, 1979, in the **Federal Register** as required by section 701(c) of FUA, together with a proposed order granting or denying the petition. During the required public comment period of 45 days following publication, interested persons will be able to submit to ERA

comments addressed to both the request contained in the petition and ERA's proposed action contained in the proposed order. After evaluation of the information developed through this administrative process and modification, if any, of its proposed order, ERA will publish its final order.

ERA will take no action against an eligible petitioner for an exemption under this special rule if, during the pendency of a petition for an exemption, the petitioner uses natural gas after the effective date of FUA (May 8, 1979) and prior to the date ERA publishes its final order granting or denying the petition. If ERA determines to grant a petition, the exemption will be made effective as of the date the petition was filed with ERA. If ERA determines to deny a petition, the petitioner will be given a period of 15 days after the publication of ERA's final order in the **Federal Register** to discontinue the use of gas covered by the petition.

A draft regulatory analysis of the proposed regulations under FUA, as contemplated by Executive Order No. 12044, was published as an appendix to the Proposed Rules to Implement the Powerplant and Industrial Fuel Use Act of 1978 (FUA) in the **Federal Register**, 43 FR 53974 (November 17, 1978). In addition, a final Environmental Impact Statement (EIS) has been prepared pursuant to the National Environmental Policy Act. Both documents are available for review in Room B–110, 2000 M Street, NW., Washington, D.C.

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

In consideration of the foregoing, Part 508, as amended, of Subchapter E of Chapter II, Title 10 of the Code of Federal Regulations, titled "Alternate Fuels," is hereby adopted.

Issued in Washington, D.C., on April 4, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

PART 508—SPECIAL RULE FOR TEMPORARY PUBLIC INTEREST EXEMPTION

Sec.

508.1 Policy.
508.2 Eligibility.
508.3 Duration.
508.4 Limitation of applicability.
508.5 Definitions.
508.6 Terms and conditions; enforcement.
508.7 Evidence required in support of a petition.
508.8 Administrative provisions.

Authority: Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 et seq); Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620, 92 Stat. 3289 (42 U.S.C. 8301 et seq).

§ 508.1 Policy.

ERA intends to issue temporary public interest exemptions to existing powerplants which are subject to the prohibitions of section 301(a) (2) or (3) of FUA and which would otherwise burn middle distillates or residual fuel oils as a primary energy source. ERA's grant of a special temporary exemption under this Part would not relieve an existing powerplant from compliance with any pertinent rules or regulations concerning the acquisition or distribution of natural gas that are administered by the Federal Energy Regulatory Commission (FERC) or any pertinent State regulatory agency or from any public utility obligations to pertinent categories of customers. This Part pertains exclusively to a special temporary exemption from the provisions of FUA.

§ 508.2 Eligibility.

Section 311(e) of the Act provides for discretionary temporary public interest exemptions. You will be eligible to petition under this special rule for a temporary public interest exemption to burn natural gas if you meet the following criteria:

(a) Your existing powerplant will be:

(1) Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of the Act, or

(2) Prohibited from using natural gas in excess of the average base year quantities allowed in section 301(a)(3) of the Act;

(b) Your proposed use of natural gas as a primary energy source, to the extent that such natural gas use would be prohibited by section 301(a) (2) or (3) of the Act,

(1) Will displace consumption of middle distillates or residual fuel oils as defined in section 508.5 of this Part; and

(2) Will not displace the use of coal or any other alternate fuel in any facility of your utility system, including the powerplant for which you are petitioning for an exemption.

§ 508.3 Duration.

ERA intends to grant temporary exemptions for an initial period of up to two years, and may extend such exemptions for periods of from one to three additional years. The grant of a temporary public interest exemption under this special rule is subject to termination by ERA upon six months written notice, if ERA deems such termination to be in the public interest. A temporary public interest exemption, including all extensions, may not exceed the maximum five year period authorized by the Act.

§ 508.4 Limitation of applicability.

ERA may determine to limit the applicability of this special rule to certain facilities or to specific geographic areas when such limitation is in the public interest. In making a determination whether to establish any limitations, the Administrator may consider, among other criteria, the impact of the grant or denial of the exemption on air quality, on regional or local energy supply, on refinery output and regional availability of petroleum products in light of refinery capabilities, on facilitating and advancing coal conversion programs, and on system supplies of natural gas.

§ 508.5 Definitions.

(a) This subpart defines certain terms which are unique to this Part 508. Other pertinent definitions are contained in § 500.2, which was published in the form of proposed rules in the **Federal Register**, (43 FR 53974, November 17, 1978).

(b) Throughout this Part, "Act" or "FUA" means the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95–620, November 9, 1978).

(c) For purposes of this part:

(1) "Fuel oil" means middle distillates or residual fuel oils including #1 and #2 heating oils, kerosene-base jet fuel, #4, #5, and #6 fuel oils; crude oil burned directly as a fuel, and blends of any of the above.

(2) The term "middle distillate" means any derivatives of petroleum, including kerosene, home heating oil, range oil, stove oil, diesel fuel, and Type A (kerosene-base) aviation turbine fuel which have a fifty percent boiling point in the ASTM D86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are all specialty items which are solvents, lubricants, waxes and process oil;

(3) The term "residual fuel oil" means the fuel oil commonly known as: (i) No. 4, No. 5 and No. 6 fuel oils; (ii) Bunker C; (iii) Navy Special Fuel Oil; (iv) all other fuel oils which have a fifty percent boiling point over 700° F in the ASTM D–86 standard distillation test, (v) Nos. 3, 4 and 6 intermediate fuel oils (which are blended with or contain No. 6 oil); and (vi) for the purposes of this rule, crude oil burned directly as a fuel.

§ 508.6 Terms and conditions; enforcement.

(a) You must comply with the terms and conditions of an exemption granted under this Part by ERA.

(b) An exemption is subject to termination upon the violation of any of its terms and conditions.

(c) The granting or denial of a petition for a temporary public interest exemption under this special rule shall have no effect upon the rights of a petitioner granted under the Act to receive any other exemption, temporary or permanent, from any prohibitions under the Act.

§ 508.7 Evidence required in support of a petition.

(a) You must include and certify to the following in your petition:

(1) Your name, mailing address, telephone number, and name of person to contact;

(2) The geographic location of each facility for which you are petitioning for an exemption;

(3) An affadavit, signed by a responsible officer of petitioner, which states:

(i) An estimate of the volumes, type and sulfur content of the fuel oil which will be displaced by natural gas at the facility for which you are petitioning for an exemption;

(ii) That the facility for which you are petitioning for an exemption is either

(A) Prohibited on May 8, 1979, from using natural gas as a primary energy source by section 301(a)(2) of the Act, or

(B) Prohibited from using natural gas in excess of the average base year quantities allowed in section 301(a)(3) of the Act;

(C) Your proposed use of natural gas as prohibited by section 301(a) (2) or (3) of the Act, will displace consumption of middle distillates or residual fuel oils as defined in section 508.5 of this Part; and

(D) Your proposed use of natural gas, for which you are petitioning for an exemption, will not displace coal or any other alternate fuel in any of facilities in your utility system including the facility for which you are petitioning for an exemption.

(b) If you are requesting a temporary exemption for more than two years, you must demonstrate why it would be in the public interest for ERA to grant your petition for more than a two-year period.

§ 508.8 Administrative provisions.

(a) This section establishes general procedures which are unique to this special rule (Part 508). Other procedures which may be applicable to this special rule are provided in Part 501, (published in the form of proposed rules in the **Federal Register**, 43 FR 53974 (November 17, 1978)), except that Subpart B of Part 501 in regard to filing fees does not apply to this special rule.

(b) You must submit your petition to the Assistant Administrator for Fuels Regulation, Economic Regulatory Administration, 2000 M Street, N.W., Washington, D.C. 20461.

(c) You may submit your petition at any time after publication of this special rule.

(d) You should clearly label any petition or document that you file with ERA under this part as "FUA Petition for Special Public Interest Exemption (Natural Gas)" both on the document and on the outside of the envelope in which the document is transmitted.

[Docket No. ERA-R-79-1]

[FR Doc. 79-10987 Filed 4-5-79; 8:45 am]

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federal register

Monday
April 9, 1979

Part VI

Office of Management and Budget

Budget Deferrals

Report to the Congress

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals; Report to the Congress

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals of budget authority totalling $109.8 million. The deferrals involve aircraft research and development activities of the Department of Defense and the Interior Department's exploration program at the National Petroleum Reserve in Alaska.

The details of the deferrals are contained in the attached reports.

JIMMY CARTER

THE WHITE HOUSE, April 4, 1979.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Defense-Military:	
	Research, Development, Test, and	
D79-53	Evaluation, Navy.....	107,964
	Department of the Interior:	
	Geological Survey	
	Exploration of National Petroleum	
D79-54	Reserve in Alaska.....	1,792
	Total, deferrals.....	109,756

* * * * * * * * * * * * * * * * * * * *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Eighth special message:		
New items.....	---	109,756
Effect of eighth special message.....	---	109,756
Previous special messages.....	908,692	4,098,956
Total amount proposed in special messages.....	908,692	4,208,712 1/
	(in 11 rescission proposals)	(in 54 deferrals)

1/ This amount represents budget authority except for $15,809,478 in two Treasury Department deferrals of outlays only (D79-40A and D79-25B).

Deferral No: D79-53

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense-Military	New budget authority (P.L. 95-457): $4,483,871,000
Bureau: Department of the Navy	Other budgetary resources: 4,400,000
Appropriation title & symbol: Research, Development, Test, and Evaluation, Navy 179/01319	Total budgetary resources: 4,488,271,000
	Amount to be deferred: Part of year: $107,964,000
	Entire year:
OMB identification code: 17-1319-0-1-051	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1980 (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification:

The Department of Defense Appropriation Act, 1979, (Public Law 95-457) included $4.5 billion for Navy research, development, test, and evaluation activities. Of this total, $123 million was intended for engineering development of the AV-8B aircraft. 1979 funds are being used to complete all of the essential elements of the on-going advanced development effort, including engineering and reliability and maintainability analyses, and $108 million is being deferred pending completion of an assessment of 1979 funding requirements for this program. A determination will be made by the Department of Defense on the need for any or all of the $108 million for either the AV-8B or other Navy research and development needs. No funding has been requested in the 1980 Budget for development of the aircraft.

Estimated Effects:

If the AV-8B aircraft development program is continued, this deferral action would cause a program slip of approximately six months.

D79-53
2

Outlay Effect: (estimated in millions of dollars) 1/

Comparison with President's FY 1980 Budget:

1. Budget outlay estimate for 1979	4,197.6
2. Outlay savings included in the budget outlay estimate	0

Current Outlay Estimates for FY 1979:

3. Without deferral	4,197.6
4. With deferral	4,133.6
5. Current outlay savings (line 3-4)	64.0

Outlay savings for FY 1980	-27.0
Outlay savings for FY 1981	-30.0
Outlay savings for FY 1982	-7.0

1/ This outlay effect is based on the projected cost of continuation of the AV-8B aircraft program.

Deferral No: D79-54

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 95-465) $231,048,000
Bureau Geological Survey	Other budgetary resources 6,943,324
Appropriation title & symbol: Exploration of National Petroleum Reserve in Alaska 14x0805	Total budgetary resources 237,991,324
	Amount to be deferred: Part of year $ ____
	Entire year 1,792,000
CMB identification code: 14-0805-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

Public Law 95-465, making appropriations for the Department of the Interior and related agencies, 1979, provided $231 million for exploration activities of the Geological Survey in the National Petroleum Reserve in Alaska (NPRA). Of these funds, $1.8 million are deferred for the entire year. The deferred funds are needed to cover the costs of close-out activities of the NPRA office in FY 1980.

The Geological Survey has continued the NPRA petroleum exploration program begun by the Navy. The Department has reviewed the Navy program and concluded that drilling 19 wells would test the major petroleum plays on NPRA. Petroleum plays are groupings of potential deposits which have similar geologic history, structure and rock characteristics. Many of these plays overlap in NPRA. Of the present 19-well program, eleven wells are completed, four will be completed this spring, and the remaining four will be completed next fall and winter. To date there have been no discoveries of producible hydrocarbons. Because the 19 scheduled wells combined with the geophysical data which has been collected provide the bases for an assessment of the petroleum potential of the Reserve, no funds were requested in 1979 for a drilling program in 1980. The Congress added $30.5 million to the 1979 appropriation to protect the option of possible further drilling in 1980. Should funds be necessary for drilling a supplemental would be requested.

Consistent with the 1979 appropriation, the Administration approved the purchase and transport to NPRA of supplies necessary for future drilling to be available in the event it is decided that further drilling is warranted. The President's 1980 Budget proposes to conclude the NPRA exploration and assessment program by the close of 1980 unless

there is a significant discovery from wells now scheduled to be drilled, at which time a decision would be made on the need to obtain additional information critical for making decisions on the future management of the Reserve. The President's recommendation is to conclude the program with funds currently appropriated. Close-out activities will begin on the Reserve in 1979. This recommendation will be subject to notification of the Congress in accordance with P.L. 94-258, Naval Petroleum Reserve Production Act of 1976.

The Department of the Interior has requested reprogramming of $15.1 million of the 1979 funds to undertake these actions even though the termination will not be completed until 1980. All 1979 funds will be obligated, except for $1,792,000, which will be required in 1980 to operate the NPRA Office.

Estimated Effects:

This deferral action will have no effect on the present program. The deferred funds are required for termination activities at the Reserve in 1980.

Outlay Effect:

There is no outlay effect from this deferral since the funds would not be used if made available.

[FR Doc. 79-11038 Filed 4-6-79; 9:22 am]
BILLING CODE 3110-01-C

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Federal Register
Vol. 44, No. 69
Monday, April 9, 1979

INFORMATION AND ASSISTANCE

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/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.)**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

13234 3–9–79 / Administrative detention procedures for medical devices believed adulterated or misbranded

Public Health Service—

13025 3–9–79 / Regulations applicable to grants made for research projects under sections 301, 303, 356, 394, 1004, and 1205

JUSTICE DEPARTMENT

Drug Enforcement Administration—

12993 3–9–79 / Piperdine reporting and purchaser identification provisions

LABOR DEPARTMENT

Employment and Training Administration—

13244 3–9–79 / Establishment of fiscal year 1979 levels for veterans preference indicators of compliance

[Corrected at 44 FR 18436; 3–27–79]

NATIONAL CREDIT UNION ADMINISTRATION

12401 3–7–79 / Credit Union Service Corporation; participation in Accounting Service Center

TRANSPORTATION DEPARTMENT

Coast Guard—

12670 3–8–79 / Broad causeway, Florida; drawbridge operation

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

[Last Listing Apr. 5, 1979]

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1978)

Quantity	Volume	Price	Amount
_____	Title 42—Public Health (Parts 1 to 399)	$6.00	$_____
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_____	Title 46—Shipping (Parts 90 to 109)	3.25	_____
_____	Title 46—Shipping (Parts 110 to 139)	3.25	_____
_____	Title 46—Shipping (Parts 140 to 155)	3.50	_____

Total Order $_____

[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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