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Federal Register

Monday
July 16, 1979

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41165 **United States International Development Cooperation Agency** Reorganization Plan No. 2 of 1979

41222 **Federal Old-Age, Survivors, and Disability Insurance** HEW/SSA proposes to revise regulations regarding kinds of work and earnings included or excluded from social security coverage; comments by 9-14-79

41354 **Comprehensive Public Health Services** HEW/PHS, CDC requests State health authorities to apply for fiscal year 1980 Health Incentive Grants; applications by 7-31-79

41197 **Transportation of Liquids by Pipeline** DOT/MTB establishes prodedural requirements for operations, maintenance, and emergencies; effective 7-15-80

41244 **Highway Safety Program** DOT/NHTSA, FHWA proposes policy on State matching of planning and administration costs; comments by 8-30-79

41272 **Urban Mass Transportation** DOT/UMTA proposes rules on public hearing requirement prior to fare increases or changes in service; comments by 8-30-79

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Presidential Documents

Title 3—

The President

REORGANIZATION PLAN NO. 2 OF 1979

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 10, 1979, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

United States International Development Cooperation Agency

Section 1. *Establishment of the United States International Development Cooperation Agency*

There is hereby established in the executive branch an independent agency to be known as the United States International Development Cooperation Agency (hereinafter referred to as the "Agency").

Section 2. *Director*

The Agency shall be headed by the Director of the United States International Development Cooperation Agency (hereinafter referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed by law for Level II of the Executive Schedule. The Director shall have primary responsibility for establishing overall development assistance policy and coordinating international development activities supported by the United States. The Director shall serve as the principal advisor to the President and the Secretary of State on international development matters and also shall advise the President on all trade, science and technology, and other matters significantly affecting the developing nations. The Director shall report to the President and, on matters relating to foreign policy, to the Secretary of State. The Director shall designate the order in which other officials shall act for and exercise the powers of the Director during the absence or disability of the Director and the Deputy Director or in the event of vacancies in both such offices.

Section 3. *Deputy Director*

The President, by and with the advice and consent of the Senate, may appoint a Deputy Director of the Agency, who shall receive compensation at the rate prescribed by law for Level III of the Executive Schedule. The Deputy Director shall perform such duties and exercise such powers as the Director may from time to time prescribe and, in addition, shall act for and exercise the powers of the Director during the absence or disability of the Director or during a vacancy in such office.

Section 4. *Associate Directors*

The President, by and with the advice and consent of the Senate, may appoint two Associate Directors of the Agency, who shall perform such duties and exercise such powers as the Director may from time to time prescribe and who shall receive compensation at the rate prescribed by law for Level IV of the Executive Schedule.

Section 5. *Performance of functions*

The Director may from time to time establish, alter, consolidate, or discontinue organizational units within the Agency (other than units expressly established by statute or reorganization plan). The Director may from time to time delegate responsibility for carrying out any function or authority of the

[1] As amended May 21, 1979.

Director of the Agency to any officer, employee, or unit of the Agency, or any other officer or agency of the executive branch.

Section 6. *Transfers of functions*

(a) There are hereby transferred to the Director all functions and authorities vested in the Agency for International Development or in its administrator pursuant to the following:

(1) sections 233(b), 239(i), 296(e), 297(d), 298(c)(6), 299(d), 601(a) through (d), and 624(f)(2)(C) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2193(b), 2199(i), 2220a(e), 2220b(d), 2220c(c)(6), 2220d(d), 2351(a) through (d), and 2384(f)(2)(C));

(2) section 407 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1736a); and

(3) section 706 of the Foreign Relations Authorization Act, Fiscal Year 1979 (49 U.S.C. 1518).

(b) There are hereby transferred to the Director all functions and authorities vested in the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961, as amended, or in its Administrator pursuant to the following:

(1) sections 101(b), 119, 125, 531(a)(2), 601(e)(2), and 640B of such Act (22 U.S.C. 2151(b), 2151q, 2151w, 2346(a)(2), 2351(e)(2), and 2399c); and

(2) section 602 of the International Security Assistance and Arms Control Act of 1976 (22 U.S.C. 2352 note).

(c) There are hereby transferred to the Director all functions and authorities vested in the Secretary of State pursuant to the following:

(1) section 101(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151(b)), insofar as it relates to policy guidance other than foreign policy guidance, and section 622(c) of such Act (22 U.S.C. 2382(c)), insofar as it relates to development assistance; and

(2) section 901 of Public Law 95–118 (22 U.S.C. 262g).

Section 7. *Abolition*

One of the positions that the President may appoint under section 624(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2384(a), 5 U.S.C. 5315(5)) is hereby abolished.

Section 8. *Other transfers; interim officers*

(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the functions and authorities affected by the establishment of the Agency, as the Director of the Office of Management and Budget shall determine, shall be transferred to the appropriate agency or component at such time or times as the Director of the Office of Management and Budget shall provide, except that no such unexpended balances transferred shall be used for purposes other than those for which the appropriation was originally made. The Director of the Office of Management and Budget shall provide for terminating the affairs of any agency abolished herein and for such further measures and dispositions as such Director deems necessary to effectuate the purposes of this reorganization plan.

(b) Pending the initial appointment of the Director, Deputy Director, and Associate Directors of the Agency, their functions and authorities may be performed, for up to 60 days after section 1 of this reorganization plan becomes effective, by such individuals as the President may designate. Any individual so designated shall be compensated at the rate provided herein for the position whose functions and authorities such individual performs.

Section 9. *Effective date*

This reorganization plan shall become effective on July 1, 1980, or at such earlier time or times as the President shall specify, but not sooner than the earliest time allowable under section 906 of title 5 of the United States Code.

[FR Doc. 79-22059
Filed 7-13-79; 8:59 am]
Billing code 3195-01-M

LEGISLATIVE HISTORY:

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 15, No. 15: Apr. 10, Presidential message transmitting Reorganization Plan No. 2 of 1979 to Congress. (Also printed as House Document No. 96-94).

Vol. 15, No. 21: May 21, Presidential message transmitting an amendment to Reorganization Plan No. 2 of 1979 to Congress. (Also printed as House Document No. 96-127).

HOUSE REPORT No. 96-284 accompanying H. Res. 231 (Comm. on Government Operations).
SENATE REPORT No. 96-210 accompanying S. Res. 140 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 125 (1979):

Apr. 23, S. Res. 140, resolution of disapproval, introduced in Senate and referred to Committee on Governmental Affairs.

Apr. 24, H. Res. 231, resolution of disapproval, introduced in House and referred to Committee on Government Operations.

July 9, S. Res. 140, rejected by Senate.

Rules and Regulations

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

COUNCIL ON WAGE AND PRICE STABILITY

6 CFR Parts 705 and 706

Noninflationary Pay and Price Behavior; Request for Submission of Form PM–1

AGENCY: Council on Wage and Price Stability.

ACTION: Request for Submission of Form PM–1 for the Third Quarter of the Program Year.

SUMMARY: The Council requests that any company that had, or is part of a parent company that had, consolidated net sales or revenues of $250 million or more in its last complete fiscal year prior to October 2, 1978, submit a completed Form PM–1 for each of its compliance units ("companies") for the third quarter of the program year by August 1, 1979.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Anne Marie Hummel, Office of Price Monitoring, Council on Wage and Price Stability, 600 17th Street, N.W., Washington, D.C. 20506 (202/456–7107).

SUPPLEMENTARY INFORMATION: On April 20, 1979 (44 FR 23776), the Council announced that it would adopf a Form PM–1 to collect quarterly data on companies' compliance with the voluntary price standards. On May 2, 1979 (44 FR 25800), the Council requested that firms submit Form PM–1's for the second quarter of the program year by May 19, 1979, and stated that "it is anticipated that the second filing date will be August 1, 1979." This Notice requests that Form PM–1's be submitted for the third quarter of the program year by August 1, 1979.

The data collected on Form PM–1 are used by the Council to determine the extent to which firms have complied with the voluntary standards on price deceleration, gross margins, and the profit-margin limitation. While the submission of data is voluntary, the Council views the access to timely, uniformly defined data as essential to the effective monitoring of compliance with the standards. The data will be treated as confidential in accordance with Section 4(f) of the Council on Wage and Price Stability Act, 12 U.S.C. 1904, note, and 6 CFR Parts 702 and 704, 44 FR 5339 (January 25, 1979).

As provided in Section 706.27, any company that had, or is part of a parent company that had consolidated net sales or revenues of $250 million or more in its last complete fiscal year prior to October 2, 1978, and any other company designated by the Council, is requested to file the form and the appropriate accompanying schedules. However, financial institutions covered by 705C–9, insurance companies covered by Sections 705C–5 and 705C–6, and electric and gas utilities covered by Section 705C–8 are not requested to submit this information.

Data should be filed on a separate form for each company as specified in the plan for company organization previously submitted to the Council. If a plan of company organization is not on file with the Council, a plan of company organization should accompany submission of the form.

If a company has furnished the Council with any of the data requested by Form PM–1, it need not furnish them again, although it should identify for the Council the document (including page references) containing such data and the date on which they were submitted.

This form was submitted to the Office of Management and Budget in accordance with the Federal Reports Act, and was approved under No. 116–R0357.

Questions regarding Form PM–1 and requests for extensions of time should be addressed to the Council official identified in this notice.

(Council on Wage and Price Stability Act, Pub. L. 93–387, as amended (12 U.S.C. 1904, note); EO 12092).

Issued in Washington, D.C., July 12, 1979.

Barry Bosworth,

Director.

[FR Doc. 79–22046 Filed 7–13–79; 8:45 am]
BILLING CODE 3175–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

Nectarines Grown in California, Fresh Pears, Plums, and Peaches Grown in California; Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These regulations authorize expenses and rates of assessment for the 1979–80 fiscal period, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering nectarines and fresh pears, plums, and peaches grown in California.

DATES: Effective March 1, 1979, through February 29, 1980.

FOR FURTHER INFORMATION CONTACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This document is issued pursuant to Marketing Order Nos. 916 and 917, both as amended (7 CFR Parts 916 and 917), respectively regulating the handling of nectarines and fresh pears, plums, and peaches grown in California. These marketing orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Upon the basis of the recommendations and information submitted by the committees established under these marketing orders, and upon other information, it is found that the expenses and rates of assessment, as hereafter provided, will tend to effectuate the declared policy of the act. This action has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Marketing Order 916

§ 916.218 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee during fiscal year March 1, 1979, through February 29, 1980, will amount to $1,658,423.

(b) The rate of assessment for said year payable by each handler in accordance with § 916.41 is fixed at $0.10 per No. 22D standard lug box of

nectarines, or its equivalent in other containers or in bulk.

Marketing Order 917

§ 917.223 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Pear Commodity Committee during fiscal year March 1, 1979, through February 29, 1980 will amount to $487,189.

(b) The rate of assessment for said year payable by each handler in accordance with § 917.37 is fixed at $0.135 per No. 29B special lug box of pears, or its equivalent in other containers or in bulk.

§ 917.224 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Plum Commodity Committee during fiscal year March 1, 1979, through February 29, 1980, will amount to $1,674,965.

(b) The rate of assessment for said year payable by each handler in accordance with § 917.37 is fixed at $0.115 per No. 22D standard lug box of plums, or its equivalent in other containers or in bulk.

§ 917.225 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Peach Commodity Committee during fiscal year March 1, 1979, through February 29, 1980, will amount to $1,270,765.

(b) The rate of assessment for said year payable by each handler in accordance with § 917.37 is fixed at $0.10 per No. 22D standard lug box of peaches, or its equivalent in other containers or in bulk.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the orders require that the rates of assessment for a particular fiscal year shall apply to all assessable nectarines, pears, plums, and peaches handled from the beginning of such year which began March 1, 1979. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of each committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

Dated: July 10, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21940 Filed 7-13-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Parts 921, 922, 923, 924

Peaches Grown in Designated Counties in Washington; Apricots Grown in Designated Counties in Washington; Sweet Cherries Grown in Designated Counties in Washington; Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Expenses and Rates of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rules.

SUMMARY: These regulations authorize expenses and rates of assessment for the 1979–80 fiscal period, to be collected from handlers to support activities of the committees which locally administer the Federal marketing orders covering peaches, apricots, and sweet cherries grown in designated counties in Washington and prunes grown in designated counties in Washington and in Umatilla County, Oregon.

DATES: Effective April 1, 1979, through March 31, 1980.

FOR FURTHER INFORMATION CONTRACT: Malvin E. McGaha, 202–447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* These regulations are being issued under Marketing Order Nos. 921, 922, 923, and 924 (7 CFR Parts 921, 922, 923, and 924), respectively, regulating the handling of peaches, apricots, and sweet cherries grown in designated counties in Washington, and prunes grown in designated counties in Washington and Umatilla County, Oregon. These programs are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the respective committees, established under these marketing orders, and upon other information. It is found that the respective expenses and rates of assessment, as hereafter provided, will tend to effectuate the declared policy of the act. These regulations have not been determined significant under the USDA criteria for implementing Executive Order 12044.

Marketing Order 921

§ 921.218 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to $12,139.

(b) The rate of assessment for said year payable by each handler in accordance with § is fixed at $1.20 per ton of peaches.

(c) Unexpended funds in excess of expenses incurred during fiscal year ended March 31, 1979, shall be carried over as a reserve in accordance with § 921.219.

Marketing Order 922

§ 922.219 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to $3,158.

(b) The rate of assessment for said year payable by each handler in accordance with § 922.41 is fixed at $1.30 per ton of apricots.

Marketing Order 923

§ 923.219 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to $34,040.

(b) The rate of assessment for said year payable by each handler in accordance with § 923.41 is fixed at $0.90 per ton of sweet cherries.

(c) Unexpended funds in excess of expenses incurred during fiscal year ended March 31, 1979, shall be carried over as a reserve in accordance with § 923.42.

Marketing Order 924

§ 924.219 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Washington Oregon Fresh Prune Marketing Committee during fiscal year April 1, 1979, through March 31, 1980, will amount to $23,208.

(b) The rate of assessment for said year payable by each handler in accordance with § 924.41 is fixed at $1.00 per ton of prunes.

(c) Unexpended funds in excess of expenses incurred during fiscal year

ended March 31, 1979, shall be carried over as a reserve in accordance with § 924.42.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the orders require that the rates of assessment for a particular fiscal year shall apply to all assessable peaches, apricots, sweet cherries, and prunes handled from the beginning of such year which began April 1, 1979. To enable the committees to meet fiscal obligations which are now accruing, approval of the expenses and assessment rates are necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of each committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

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

Dated: July 10, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21947 Filed 7-13-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 947

Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in all Counties in Oregon Except Malheur County; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in Modoc and Siskiyou Counties in California and all counties in Oregon except Malheur County to be inspected and meet minimum grade, size, cleanness, pack and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447–5432.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 114 and Order No. 947, both as amended, regulate the handling of potatoes grown in designated counties of Oregon and California. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Oregon-California Potato Committee, established under the order, is responsible for its local administration.

This regulation is based upon recommendations made by the committee at its open public meeting in Lincoln City, Oregon, on June 14, 1979.

The grade, size, maturity, pack, cleanness and inspection requirements specified herein are similar to those issued during the last season. They are necessary to prevent potatoes of low quality or undersirable sizes from being distributed to fresh market outlets. These specific requirements benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and will tend to effectuate the declared policy of the act.

This season all varieties must be at least U.S. No. 2 grade. Minimum sizes are: For export—1½ inches in diameter; District No. 5—2¼ inches in diameter or 5 ounces in weight for Norgold variety and 2 inches or 4 ounces for other varieties; Districts No. 1 through 4—1⅞ inches for all varieties except beginning September 1, 1979, Russet Burbanks will be 2 inches or 4 ounces.

Potatoes grown in and shipped from District 5 must meet larger size requirements, comparable to those in effect in Washington State which is contiguous. District 5 potatoes compete directly with Washington potatoes in the fresh market place and therefore size requirements should be comparable.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements are inappropriate or unreasonable.

Inspection requirements may be modified for certain handlers whose facilities are located far enough from major production areas to cause a substantial financial burden in maintaining a full-time Federal-State inspector.

A specified quantity of potatoes is exempt from maturity requirements in order to permit growers to make test diggings without loss of the potatoes so harvested.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanness, maturity, pack and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is exempt, subject to the safeguard provisions only when shipped outside the district where grown.

Shipments for use as livestock feed within the production area or to specified adjacent areas are likewise exempt; a limit to the destinations of such shipments is provided so that their use for the purpose specified may be reasonably assured. Shipments of potatoes between Districts 2 and 4 for planting, grading, and storing are exempt from requirements because these two areas are homogeneous and have no natural division. Other districts are more clearly separated and do not have this problem. For the same reason, potatoes grown in District 5 may be shipped without regard to the requirements to the Counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, and Malheur County, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such potatoes are exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. Therefore, different requirements are set forth for export shipments.

Findings. After consideration of all relevant matter, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this regulation until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, (3) notice was given in the July 2, 1979, **Federal Register** (44 FR 38531) allowing interested persons until July 9, 1979, to file comments, and none was received, and (4) compliance with this regulation, which is similar to that in effect during previous marketing seasons, requires no special preparation by handlers subject to it which cannot be completed by the effective date.

The regulation is as follows:

§ 947.337 [Removed]

1. Termination of regulation: Handling regulation § 947.337, effective July 25, 1978, through October 15, 1979 (43 FR

32118) shall be terminated upon the effective date of this section.

2. Section 947.338 is added to read as set forth below.

§ 947.338 Handling regulation.

During the period beginning the effective date hereof through October 15, 1980, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (f) of this section or unless such potatoes are handled in accordance with paragraphs (g) and (h), or (i) of this section.

(a) *Grade requirements.* All varieties—U.S. No. 2, or better grade.

(b) *Minimum size requirements.*

(1) For Export: All varieties—1½ inches in diameter.

(2) For District No. 5: (i) Norgold variety including commingled shipments containing Norgolds—2¼ inches in diameter or 5 ounces in weight; (ii) Other varieties—2 inches in diameter or 4 ounces in weight.

(3) For Districts No. 1 through 4: (i) All varieties—1⅞ inches in diameter except (ii) beginning September 1, 1979, Russet Burbanks—2 inches in diameter or 4 ounces in weight.

(c) *Cleanness requirements.* All varieties and grades—As required in the United States Standards for Grades of Potatoes, except that U.S. commercial may be no more than "slightly dirty."

(d) *Maturity (skinning) requirements.*

(1) Round and White Rose varieties: not more than "moderately skinned."

(2) Other Long Varieties (including but not limited to Russet Burbank and Norgold): not more than "slightly skinned."

(3) Not to exceed a total of 100 hundredweight of potatoes may be handled during any seven day period without meeting these maturity requirements. Prior to shipment of potatoes exempt from the above maturity requirements, the handler shall obtain from the committee a Certificate of Privilege.

(e) *Pack.* Potatoes packed in 50-pound cartons shall be U.S. No. 1 grade or better, except that potatoes that fail to meet the U.S. No. 1 grade only because of hollow heart and/or internal discoloration may be shipped provided the lot contains not more than 10 percent damage by hollow heart and/or internal discoloration, as identified by USDA Color Photograph E (Internal Discoloration—U.S. No. 2—Upper Limit), POT–CP–9, May, 1972, or not more than 5 percent serious damage by internal defects.

(f) *Inspection.*

(1) Except when relieved by paragraphs (g) and (h), or (i) of this section and subparagraph (2) of this paragraph, no person shall handle potatoes without first obtaining inspection from an authorized representative of the Federal-State Inspection Service.

(2) Handlers making shipments from facilities located in an area where inspection costs would otherwise exceed one and one-half times the current per-hundredweight inspection fee, are exempt from on site inspection provided such handler has made application to the committee for inspection exemption on forms supplied by the committee, and provided further that such handler signs an agreement with the committee to report each shipment on a daily basis and pay the committee a sum equal to the current inspection fee.

(3) For the purpose of operation under this part each required inspection certificate is hereby determined, pursuant to § 947.60(c) to be valid for a period of not to exceed 14 days following completion of inspection as shown on the certificate. The validity period of an inspection certificate covering inspected and certified potatoes that are stored in mechanically refrigerated storage within 14 days of the inspection shall be 14 days plus the number of days that the potatoes were held in refrigerated storage.

(4) Any lot of potatoes previously inspected pursuant to § 947.60 and certified as meeting the requirements of this part is not required to have additional inspection under § 947.60(b) after regrading, resorting, or repacking such potatoes, if the inspection certificate is valid at the time of regrading, resorting, or repacking of the potatoes.

(g) *Special purpose shipments.* The minimum grade, size, cleanness, maturity, pack and inspection requirements set forth in paragraphs (a) through (f) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Certified seed, subject to applicable safeguard requirements of paragraph (h) of this section.

(2) Livestock feed: However, potatoes may not be handled for such purposes if destined to points outside of the production area, except that shipments to the counties of Benton, Franklin and Walla Walla in the State of Washington and to Malheur County, Oregon, may be made, subject to the safeguard provisions of paragraph (h) of this section.

(3) Planting in the district where grown. Further, potatoes for this purpose grown in District No. 2 or District No. 4 may be shipped between those two districts.

(4) Grading or storing under the following provisions:

(i) Between districts within the production area for grading or storing if such shipments meet the safeguard requirements of paragraph (h) of this section.

(ii) Potatoes grown in District No. 2 or District No. 4 may be shipped for grading or storing between those two districts without regard to the safeguard requirements of paragraph (h) of this section.

(iii) Potatoes grown in District No. 5 may be shipped for grading and storing to points in the counties of Adams, Benton, Franklin and Walla Walla in the State of Washington, or to Malheur County, Oregon, without regard to the safeguard provisions of paragraph (h) of this section.

(5) Charity: Except that shipments for charity may not be resold if they do not meet the requirements of the marketing order, and that shipments in excess of 5 hundredweight per charitable organization shall be subject to the safeguard provisions of paragraph (h) of this section.

(6) Starch manufacture.

(7) Canning, freezing, prepeeling, and "other processing" (except starch manufacturing), as hereinafter defined (including storage for such purposes).

(h) *Safeguards.*

(1) Each handler making shipments of certified seed outside the district where grown pursuant to paragraph (g) shall obtain from the committee a Certificate of Privilege, and shall furnish a report of shipments to the committee on forms provided by it.

(2) Each handler making shipments of potatoes pursuant to subparagraphs (2), (4)(i), and (5) of paragraph (g) of this section shall obtain a Certificate of Privilege from the committee, and shall report shipments at such intervals as the committee may prescribe in its administrative rules.

(3) Each handler making shipments pursuant to subparagraph (7) of paragraph (g) of this section may ship such potatoes only to persons or firms designated as manufacturers of potato products by the committee, in accordance with its administrative rules.

(i) *Minimum quantity exemption.* Any person may handle not more than 19 hundredweight of potatoes on any day without regard to the inspection requirements of § 947.60 and to the assessment requirements of § 947.41 of

this part except no potatoes may be handled pursuant to this exemption which do not meet the requirements of paragraphs (a) through (e) of this section. This exemption shall not apply to any part of a shipment which exceeds 19 hundredweight.

(j) *Definitions.*

(1) The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566) including the tolerances set forth therein.

(2) The term "slightly dirty" means potatoes that are not damaged by dirt.

(3) The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433).

(4) The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, or starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing."

(5) Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and this part.

(Secs. 1–19, 49 Stat. 31, as amended; 7 U.S.C. 601–674).

Note.—This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Dated: July 11, 1979 to become effective July 16, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21990 Filed 7-13-79; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 3, Vegetables; Import Regulations; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in Colorado—Area No. 3 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Peter G. Chapogas (202) 447–5432.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 3. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Colorado Area No. 3 Potato Committee, established under the order, is responsible for its local administration.

Notice of proposed rulemaking was published in the June 7, 1979, **Federal Register** (44 FR 32706) inviting comments by July 5, 1979. None was received.

This regulation is based upon recommendations made by the committee at its public meeting in Greeley, Colorado, on May 16, 1979.

The grade, size, maturity and inspection requirements specified herein are similar to those issued during the previous season. They are necessary to prevent potatoes of low quality or less desirable sizes from being distributed to fresh market outlets. They will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments are permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed is exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed likewise are exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are likewise exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Potatoes for prepeeling may be handled without regard to maturity requirements since skinning of such potatoes is of no consequence. Also, the maturity requirements terminate on December 31, 1979, because at that stage of the marketing season potatoes are generally mature with skins firmly set.

Findings. After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice which was recommended by the Colorado Area No. 3 Potato Committee, established pursuant to said marketing agreement and order, it is hereby found that the handling regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this section until 30 days after its publication in the **Federal Register** (5 U.S.C. 553) in that (1) shipments of potatoes grown in the production area will begin on or about the effective date specified herein, (2) to maximize benefits to producers, this regulation should apply to as many shipments as possible during the marketing season, and (3) compliance with this regulation, which is similar to that in effect during previous marketing seasons, will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date hereof.

7 CFR Part 948 is amended by adding a new § 948.381 as follows:

§ 948.381 Handling regulation.

During the period July 16, 1979, through June 30, 1980, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2 or better grade, 1⅞ inches minimum diameter or 4 ounces minimum weight. However, Size B may be handled if U.S. No. 1 grade.

(b) *Maturity (skinning) requirements—All varieties.* Through December 31, 1979, for U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned"; thereafter no maturity requirements.

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined; and

(iv) Certified seed potatoes (§ 948.6).

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per shipment without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540–2851.1566) including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421–2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1979, through June 4, 1980, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

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

Note.—This proposed regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

Dated: July 10, 1979 to become effective July 16, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-21948 Filed 7-13-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Part 1822

Rural Housing Loans and Grants; Rural Rental Housing Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the financing of congregate housing projects under the rural rental housing (RRH) loan program. The intended effect of this action is to clarify language in a previous publication on the handling of applications for congregate housing projects that are not under the National Demonstration Program.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Paul R. Conn, Director, Multiple Housing Management and Support Division, Telephone: 202–447–7207.

SUPPLEMENTARY INFORMATION: Exhibit S to Subpart D, Part 1822, Chapter XVIII, Title 7 of the Code of Federal Regulations is revised to clarify that loans for congregate housing projects, not involved in the formal demonstration program with the Administration on Aging (AOA), can be made by FmHA during and after the demonstration period. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. In addition, however, is not published for prior rule making because such publication could delay the processing of applications for congregate housing projects for housing the elderly. This determination has been made by Mr. Paul Conn. The publication in the Federal Register on May 11, 1979, page 27644, clearly provided authority for the implementation of the congregate housing program on a National basis. The failure to correct the inconsistency in the regulations published April 5, 1979, and May 18, 1979, would be contrary to the public interest. This action will clarify the procedure to be followed in processing congregate housing applications that are not a part of the formal demonstration program. Accordingly paragraph II B of Exhibit S is amended to read as follows:

Exhibit S—Joint working relationship with the Administration on Aging on providing congregate housing for the elderly

* * * * *

II *Processing Procedures.*

* * * * *

B. *Processing Other Requests for Congregate Housing:* The Memorandum of Understanding between FmHA and AOA applies to projects developed under the demonstration program. Other requests for congregate housing may be processed and approved provided the necessary support services for functionally impaired or socially deprived—but not ill—elderly persons are assured. Such services include meals, housekeeping, personal care, transportation and social and recreation activities. Request for all congregate housing will be handled in accordance with Exhibits F–6 and F–7. The applicant must include with the application evidence that support services will be

provided. Such services should normally be provided by AOA or other Federal, State or local Agencies or organizations. These requests will not be given priority over other applications in process since they are not a part of the demonstration program.

* * * * *

This modification of the regulation had not been determined significant under USDA criteria implementing Executive Order 12004. A copy of the Impact Statement originally prepared for the implementation of congregate housing under the Memorandum of Understanding with AOA is available from the Chief, Directives, Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250.

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

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated June 22, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–21868 Filed 7–13–79; 8:45 am]

BILLING CODE 3410–07–M

7 CFR Part 1942

Associations: Development Grants for Community Domestic Water and Waste Disposal Systems; Change in Grant Limitations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations by adding a grant limitation. This action is necessary to make FmHA regulations consistent with a public law.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION, CONTACT: Wallis B. McArthur, telephone 202–447–5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration adds a new paragraph (a)(11) to § 1942.355, Subpart A, Part 1942, Subchapter H, Chapter XVIII, Title 7, in the Code of Federal Regulations. This paragraph must be added to add a limitation to use of grant funds. Paragraph 11 has been added and will read "Grant funds may not be used to pay any portion of the cost of a facility which is not located in a rural area." This change will make the regulations consistent with Section 306(a)(2) of the Consolidated Farm and Rural Development Act which requires grant funds be used for construction projects located in a rural area.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This addition, however, is not published for proposed rulemaking since the purpose of the addition is to conform the regulation with the Consolidated Farm and Rural Development Act and therefore it is not subject to the Proposed Rulemaking requirement. This determination has been made by Wallis B. McArthur.

Therefore, a new paragraph (a)(11) is added to § 1942.355 of Subpart A, Part 1942 as follows:

§ 1942.355 Grant limitations.

(a) * * *

* * * * * *

(11) Pay any portion of the cost of a facility which is not located in a rural area.

* * * * * *

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

A copy of the Impact Analysis prepared by FmHA is available in the Office of the Chief, Directives Management Branch, Room 6346, South Agricultural Building, Washington, D.C. 20250. This change has not been determined significant under the USDA criteria implementing Executive Order 12044.

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

Date: June 13, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–21867 Filed 7–13–79; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

14 CFR Part 39

Federal Aviation Administration

[Docket No. 79–NW–20–AD; Amdt. 39–3512]

Airworthiness Directives; Boeing Model 707/720 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment requires a one-time visual inspection and repair or replacement, as necessary, of the nacelle strut diagonal brace and associated fittings of all Boeing 707/720 airplanes which have accumulated 7,500 or more landings. Recent inspections have revealed cracks in the end fittings of this assembly. This Airworthiness Directive (AD) provides for the accumulation of information on the frequency and severity of fatigue cracking which is to form the basis for the establishment of future inspection intervals, inspection procedures and possible corrective actions. If results so indicate, the AD will be amended to specify these actions.

DATES: Effective date July 26, 1979.

ADDRESSES: Boeing Service Bulletins specified in this directive may be obtained upon request to the Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Harold N. Wantiez, P. E. Airframe Section, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, telephone (206) 767–2516.

SUPPLEMENTARY INFORMATION: Two operators have reported cracks in six end fittings in the outbord nacelle strut diagonal brace on five 707–300 series airplanes with 33,300 to 59,300 flight-hours (14,400 to 17,800 flights).

The first cracked fitting was found during normal maintenance inspection. The crack initiated at bolt holes in the fastener row nearest the lugs and

propagated into the exposed portion of the fitting at the root of the lugs.

Boeing Alert Service Bulletin A3364, dated June 29, 1979, was issued recommending a one-time close visual inspection of the forward and aft end fittings on the inboard and outboard nacelle strut diagonal brace for cracks on all 707 and 720 series airplanes with 7,500 or more flights. The FAA finds that this inspection is necessary to assure the continued nacelle-to-wing structural integrity and it is made mandatory by this amendment. If cracks are found, the fittings must be replaced or repaired prior to further flights.

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

Adoption of Amendment

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

Prior to the accumulation of 7500 landings, or within the next 250 landings after the effective date of this AD, whichever occurs later, unless already accomplished within the last 250 landings, inspect both the exposed portions of the nacelle strut diagonal brace assembly end fittings, and associated fittings, for cracks on all 707/720 series airplanes in accordance with Boeing Alert Service Bulletin A3364. Replace any cracked parts prior to further flight or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Report inspection results to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region through the local FAA Principal Maintenance Inspector.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to the Boring Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

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

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

Issued in Seattle, Washington, July 6, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

Note.—The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc. 79-21806 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 200, 201, and 259

[Release Nos. 33-6089; 34-16000; 35-21139; 39-537; IC-10762; IA-687]

Environmental Protection Procedures

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Securities and Exchange Commission is adopting new procedural regulations, and an amendment to the form for applications or declarations under the Public Utility Holding Company Act of 1935, to implement the procedural provisions of the National Environmental Policy Act ("NEPA"). These procedures will be applicable should compliance with NEPA's procedural requirements ever be appropriate for Commission action.

EFFECTIVE DATA: August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Catherine Scanlon, Office of General Counsel, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. (202) 755-1234.

SUPPLEMENTARY INFORMATION: As a general matter, the Commission believes that the actions it takes pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940 do not individually or cumulatively involve major federal action having a significant effect on the human environment and therefore may be categorically excluded from the applicability of the procedural provisions contained in Section 102(2) of NEPA [42 U.S.C. 4232(2)]. Extraordinary circumstances may arise under these Acts, however, which would involve major fedeal action significantly affecting the environment. In addition, it is possible that there may be instances where the Commission's exercise of its authority with respect to certain security transactions subject to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 (the "1935 Act") and certain acquisitions subject to Sections 9 and 10 of the 1935 Act may involve major federal action having a significant effect on the human environment. Accordingly, the Commission is adopting the following procedural regulations, as well as an amendment to Item 7 of Form U-1 under the 1935 Act, which will be applicable in those instances where Commission action involves major federal action significantly affecting the human environment.

Authority

The Commission is adopting the following procedural rules and the amendment to Form U-1 pursuant to its authority under Section 19(a) of the Securities Act of 1933 (15 U.S.C. 77s(a)); Section 23(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)(1)); Section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t); Section 319(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77sss(a)); Section 38 of the Investment Company Act of 1940 (15 U.S.C. 80a-37); and Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11).

Pursuant to Section 23(a)(2) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(a)(2)), the Commission has considered the effect that the rules would have on competition and is not aware at this time of any burden that the rules would impose on competition not necessary or appropriate in furtherance of the purposes of that Act.

Text of the Rules

Title 17 of the Code of Federal Regulations is amended by adding a new Subpart K to Part 200, by amending § 201.20, and by amending Form U-1, § 259.101, to read as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

* * * * *

Subpart K—Regulations Pertaining to the Protection of the Environment

Sec.

200.550 Purpose.
200.551 Applicability.
200.552 NEPA planning.
200.553 Draft, final and supplemental impact statements.
200.554 Public availability of information.

Authority: Sec. 23(a)(2) of the Securities and Exchange Act of 1934 (15 U.S.C. 78w(a)(2).

* * * * *

Subpart K—Regulations Pertaining to the Protection of the Environment

§ 200.550 Purpose.

This subpart sets forth the procedures the Commission will follow to ensure compliance with the goals of the National Environmental Policy Act ("NEPA") and with the procedures required by NEPA in the event that the Commission should take action subject to such procedural requirements.

§ 200.551 Applicability.

(a) Compliance with the procedures set forth in § 200.552 through § 200.554 shall be appropriate where Commission action taken with respect to security transactions subject to sections 6(b) and 7 of the Public Utility Holding Company Act of 1935 and acquisitions subject to sections 9 and 10 of that Act involves major federal action significantly affecting the quality of the human environment.

(b) In addition to the foregoing, in the event of extraordinary circumstances in which a Commission action not specified in paragraph (a) of this section may involve major federal action significantly affecting the quality of the human environment, the Commission shall follow the procedures set forth in § 200.552 through § 200.554, unless doing so would be inconsistent with its statutory authority under the federal securities laws.

§ 200.552 NEPA planning.

Where it is reasonably foreseeable by the Commission that it may be required to act on a matter specified in § 200.551 and that matter is likely to involve major federal action significantly affecting the quality of the human environment, the Commission shall:

(a) Advise the relevant persons as to information respecting the environment, if any, which may later be required to be submitted for Commission consideration should Commission action become necessary;

(b) Consult on any environmental factors involved with individuals, organizations, and state and local authorities interested in the planned action; and

(c) Begin implementing the procedures set forth in §§ 200.553 and 200.554 as soon as possible, *provided that* such procedures are not inconsistent with the Commission's authority under the federal securities laws.

§ 200.553 Draft, final and supplemental impact statements.

If the Commission determines that the requirements of section 102(2)(C) of NEPA for preparation of an environmental impact statement are applicable in connection with a proposed Commission action, it shall prepare such statement generally in accordance with the procedures specified in 40 CFR Parts 1500–1508, particularly Part 1502 concerning impact statement preparation and content, Part 1505.1 concerning decision-making procedures, and Part 1501.6 concerning the function of cooperating agencies, to the extent that such procedures do not conflict with the Commission's statutory responsibilities and authority under the federal securities laws.

§ 200.554 Public availability of information.

(a) Any environmental assessment or impact statement, and Commission responses pertaining to formal rulemaking proceedings or adjudicatory proceedings, shall be made part of the record in any such proceedings. In the case of formal adjudicatory proceedings, this shall be done in accordance with § 201.20 of this Chapter. In the case of formal rulemaking proceedings, this shall be done in accordance with the Commission's rules respecting such proceedings.

(b) The location of publicly available environmental impact statements will be 1100 L St., N.W., Washington, D.C.

(c) Interested persons may obtain information regarding and status reports on specific environmental impact statements and environmental assessments by contacting the division or office within the Commission which has responsibility for the particular proposed action.

PART 201—RULES OF PRACTICE

2. Section 201.20 is amended by revising paragraphs (a)(1) (xii) and (xiii) and by adding a new paragraph (a)(1)(xiv) as follows:

§ 201.20 Contents and certification of record.

(a) * * *

(1) * * *

(xii) Any proposed findings and conclusions;

(xiii) Any initial decision and any petition for review; and

(xiv) Any final environmental impact statement, and any supplement thereto, prepared in connection with the proceeding as well as any public comments received thereon and any Commission responses to such comments.

* * * * *

3. Form U–1 of § 259.101 is amended as follows:

PART 259—FORMS PRESCRIBED UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Subpart B—Forms for Applications and Declarations

§ 259.101 Form U–1, application or declaration under the Public Utility Holding Company Act of 1935.

* * * * *

Item 7. Information as to Environmental Effects.

When this form is used by a person filing an application or declaration or amendment thereto pursuant to Sections 6(b), 7, 9 or 10 of the Public Utility Holding Company Act of 1935, that person shall:

(a) Describe briefly the environmental effects of the proposed transaction in terms of the standards set forth in Section 102(2)(C) of the National Environmental Policy Act [42 U.S.C. 4232(2)(C)]. If the response to this item is a negative statement as to the applicability of Section 102(2)(C) in connection with the proposed transaction, also briefly state the reasons for that response.

(b) State whether any other federal agency has prepared or is preparing an environmental impact statement ("EIS") with respect to the proposed transaction. If any other federal agency has prepared or is preparing an EIS, state which agency or agencies and indicate the status of that EIS preparation.

* * * * *

By the Commission.

George A. Fitzsimmons,

Secretary.

July 9, 1979.

[FR Doc. 79–21941 Filed 7–13–79;8:45 am]

BILLING CODE 8010–01–M

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17 CFR Part 211

[Release No. SAB–31–A]

Staff Accounting Bulletin No. 31–A; Interpretative Release

AGENCY: Securities and Exchange Commission.

ACTION: Amendment correcting the topic designation in Staff Accounting Bulletin No. 31.

SUMMARY: This amendment corrects Staff Accounting Bulletin No. 31 ("SAB No. 31"). SAB No. 31 inadvertently placed the subject caption "Notes and Other Receivables from Affiliates" under Topic 4–I rather than Topic 4–J.

DATE: July 11, 1979.

FOR FURTHER INFORMATION CONTACT: Howard P. Hodges, Jr. (202–755–1744), Division of Corporation Finance, or Eugene W. Green (202–755–0222), Office of the Chief Accountant, Securities and

Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,

Secretary.

July 11, 1979.

Staff Accounting Bulletin No. 31–A

The staff hereby amends Staff Accounting Bulletin No. 31 to place the caption "Notes and Other Receivables from Affiliates" under Topic 4–J. Topic 4–I, which had been previously used and designated "Limitation on payment of dividends by subsidiary banks to parent holding company", remains unchanged.

[FR Doc. 79-21942 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2700

Rules of Procedure; Correction

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Correction of Typesetting Errors.

SUMMARY: The Federal Mine Safety and Health Review Commission has adopted Rules of Procedure. 44 FR 38226 (June 29, 1979). The Commission corrects typesetting errors in those rules.

EFFECTIVE DATE: July 30, 1979.

FOR FURTHER INFORMATION CONTACT: Donald Terry, Executive Director, 1730 K Street, NW., Sixth Floor, Washington, D.C. 20006, (202) 653–5625.

On June 29, 1979, the Commission adopted new rules of procedure. 44 FR 38226; FR Doc. 79–20149. The following changes are made to correct typesetting errors:

1. On page 38229, the last line of the statutory material quoted in § 2700.20(a) is corrected to add a closing parenthesis in the phrase "subsection (a)(3)".

2. On page 38230, § 2700.36(c) is corrected by striking the word "to" and substituting "of".

3. On page 38231, the title of § 2700.54(a) is corrected to capitalize the first letter of "judge"; thus, "Powers of Judges." In § 2700.54 (a)(2) and (a)(6), the words "subpoenas" and "simplification" were misspelled.

4. On page 38231, on the last line of § 2700.55(a), the word "initiated" was misspelled.

5. On page 38232, strike the comma after "district courts" in § 2700.58(b). In § 2700.58(d), the phrase "or payment of lawfully prescribed costs" is corrected to read "on payment of lawfully prescribed costs".

6. On page 38232, the word "entitled" in § 2700.61 was misspelled.

7. On page 38233, the word "if" in the last sentence of § 2700.72(a) is corrected to read "If".

8. On page 38233, the word "commission" in the last sentence of § 2700.74(a) is corrected to read "Commission".

Dated: July 9, 1979.

Jerome R. Waldie,

Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 79-21831 Filed 7-13-79; 8:45 am]

BILLING CODE 6820-12-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD 12-79-01R]

San Francisco Bay, San Francisco, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes the waters of San Francisco Bay in the vicinity of Coast Guard Station Fort Point, Presidio, San Francisco a safety zone. This safety zone is established because of the presence of a U.S. Navy barge carrying fireworks and the presentation of a fireworks display which could create a hazard to navigation.

EFFECTIVE DATE: This amendment is effective on July 4, 1979.

FOR FURTHER INFORMATION CONTACT: LT D. A. KIRKHAM, Marine Safety Office, Suite 309, One Embarcadero Center, San Francisco, California 94111.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from the date of publication because good cause exists and public procedures on this amendment are impracticable due to insufficient advance notice.

DRAFTING INFORMATION: The principal person involved in drafting this rule is: LT KIRKHAM, Assistant Chief, Port Operations Department. In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding paragraph 165.1200 to read as follows:

§ 165.1200 Twelfth Coast Guard District; Safety Zone.

That area of the waters of San Francisco Bay in a triangular area formed by the shoreline between the "Tower" at Crissy Field, Presidio of San Francisco (NOAA Chart 18650) and the west corner of the "Presidio Pier", a line bearing 073 Degrees True from the "Presidio Pier", and a line bearing 002 Degrees True from the "Tower" at "Crissy Field" is established as a safety zone from 1800T July 4, 1979 until 2200T July 4, 1979. (92 Stat 1475 (33 USC 1225); 49 CFR 1.46(n)(4))

Dated: 18 June 1979

Note.—Map filed as part of original document.

E. L. Murdock,

Captain, U.S. Coast Guard, Captain of the Port of San Francisco.

[FR Doc. 79-21937 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1257-1]

Approval and Promulgation of Implementation Plans; Massachusetts Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is approving a revision to the Massachusetts State Implementation Plan (SIP) permanently extending Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts Air Pollution Control District (CMAPCD). The regulation permits the burning of higher sulfur content fuels by certain sources under specified conditions.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Victor M. Trinidad, Air Branch, EPA Region I, Room 1903, J.F.K. Federal Building, Boston, Massachusetts 02203, (617) 223–5609.

SUPPLEMENTARY INFORMATION: On May 8, 1979, the Regional Administrator published a **Federal Register** (44 FR

26926) notice proposing approval of a revision to the Massachusetts SIP. The SIP revision, submitted by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Department) on March 2, 1979, proposed a permanent extension to Massachusetts Regulation 310 CMR 7.05(1) "Sulfur Content of Fuels and Control Thereof" (formerly Regulation 5.1) for the CMAPCD. The CMAPCD has the same geographic boundaries as the Central Massachusetts Intrastate Air Quality Control Region (AQCR). The revision being approved today would allow certain fossil fuel burning facilities in the CMAPCD to burn higher sulfur content fuel permanently.

The original Massachusetts SIP was approved by EPA on May 31, 1972 (37 FR 10842). It established specific limits for the sulfur content of fuels, equivalent to 0.55 pounds per million Btu heat content. Pursuant to the enactment of Chapter 494 of the Acts of 1974, the Department was required to periodically review the control strategies and to relax any regulation more stringent than necessary to attain the National Ambient Air Quality Standards (NAAQS). The Department reviewed the sulfur in fuel regulations for each of its APCDs. As a result of that review the Department submitted initial revisions to its SIP to permit certain sources to burn higher sulfur content fuels.

On February 15, 1977 (42 FR 9176), EPA approved the initial SIP revision for CMAPCD allowing fuel users of over 100 million Btu per hour rated input capacity to burn fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil) until July 1, 1978. Excluded from the revision were all sources located in the Cities of Worcester and Fitchburg and the following sources: Borden Incorporated, Chemical Division, Leominster; The Felters Company, Millbury; and Whitten Machine Works, Whitinsville. Later, on May 19, 1977 (42 FR 25730), EPA allowed two sources in Fitchburg to burn higher sulfur content fuel. State regulations permit such use only during April to September (off-heating season). These sources are: James River-Massachusetts Inc., and Fitchburg Paper Co. (only in those boilers which emit through the 55 meter stack). The last temporary extension to the subject regulation, until July 1, 1979, was approved by EPA on June 21, 1978 (43 FR 26574).

Permanent approval for four sources in the CMAPCD to burn higher sulfur fuel was proposed in the May 8, 1979 Federal Register. EPA reviewed modeling submitted by the Department, and found it consistent with EPA procedures and guidelines. No violations of the NAAQS were predicted. In addition, EPA has reviewed the sulfur dioxide (SO_2) levels recorded by State and private monitoring networks in the CMAPCD. No violations or exceedances of the SO_2 NAAQS were observed.

In accordance with the requirements of the Clean Air Act the Department has developed a SIP revision for the attainment of the primary total suspended particulate (TSP) NAAQS in Worcester, and has requested an 18-month extension to submit a SIP revision to attain the secondary TSP NAAQS in other parts of the Commonwealth. In the CMAPCD, the City of Fitchburg and the Town of Athol are designated non-attainment for the secondary TSP NAAQS. The present revision excludes all sources in the City of Worcester, and none of the approved sources impact the Town of Athol. A TSP exceedance was measured in December 1978 in the City of Fitchburg. Fitchburg is subject to the impact of two sources; James River-Massachusetts Inc. and Fitchburg Paper Co. The Department believes that the exceedance was caused by road dust and sand re-entrainment from a nearby highway. The Department will, however, address the increased TSP impact of higher sulfur fuel from those sources in its TSP secondary attainment plan. An 18-month extension has been requested by the Department to prepare the plan. The extension allows the Department until July 1, 1980 to submit the required plan. Therefore, EPA is approving today four sources in CMAPCD to burn fossil fuel having a sulfur content not in excess of 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2 percent sulfur content residual fuel oil). The sources are:

1. American Optical Company, Southbridge
2. Wyman Gordon Company, Grafton
3. James River-Massachusetts, Inc., Fitchburg [1]
4. Fitchburg Paper Company, Fitchburg [1] (only boilers which emit through the 55 meter stack).

With approval of this revision, sources outside of Worcester, with heat input rates specified over 100 million Btu per hour, can apply to the Department for permission to burn the higher sulfur fuel. Sources must demonstrate that they can burn higher sulfur fuel without violating other state regulations, including the particulate matter emission limitations and the opacity requirement. Stack testing may be required. At the Departments' discretion some sources are required to establish and operate an ambient air monitoring network in their vicinity. The data from these networks are submitted to the Department regularly and are used to evaluate the effect of burning higher sulfur fuels.

Since the revision being approved today is a permanent one, the State has established a procedure to review and re-analyze the burning of higher sulfur fuel by the approved sources not later than July 1, 1982, and at least every three years thereafter.

The SIP revision approved today is not subject to the requirements of 40 CFR 51.24 concerning Prevention of Significant Deterioration (PSD) of Air Quality. Because there was an approved revision which allowed use of the sulfur fuel before August 7, 1977, the allowable emissions from the sources covered are included in the "baseline concentration" and do not represent increased air quality deterioration over this baseline.

Three (3) letters of comment were received during the 30-day comment period. Two of the comments were not directed to either approval or disapproval of the sources and will be answered individually. The third comment was favorable to approval of the revision.

After evaluation of the Department's submittal, the Administrator has determined that this revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts State Implementation Plan.

The Agency finds that good cause exists for making this action effective immediately so as to prevent interruption of the burning of higher sulfur fuel by the named sources.

(Section 110(a)(2)A–K and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).)

Dated: July 6, 1979.

Barbara Blum,

Acting Administrator.

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

Subpart W—Massachusetts

1. In § 52.1120 paragraph (c) is amended by adding the following:

§ 52.1120 Identification of plan.

* * * * *

[1] Sources in Fitchburg are required to burn lower sulfur fuel (0.55 pounds per million Btu heat release potential) during the 5-month heating season, November through March.

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(24) A revision permanently extending Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) "Sulfur Content of Fuels and Control Thereof" for the Central Massachusetts APCD, submitted on March 2, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering.

2. Section 52.1126, paragraph (c) is revised to read as follows:

§ 52.1126 Control strategy: Sulfur oxides.

* * * * *

(c) Massachusetts Regulation 310 CMR 7.05(1) (formerly Regulation 5.1) which allows a relaxation of sulfur in fuel limitations for the Central Massachusetts Air Pollution Control District, except in the City of Worcester, is approved for the following sources. All other sources remain subject to the previously approved requirements of Regulation 7.05(1) which stipulate that sources are required to burn residual fuel oil having a sulfur content not in excess of 0.55 pounds per million BTU heat release potential (approximately equivalent to 1 percent sulfur content fuel oil).

American Optical Company, Southbridge. Wyman Gordon Company, Grafton. James River—Massachusetts Inc., Fitchburg. Fitchburg Paper Company, Fitchburg (only boilers which emit through the 55 meter stack).

* * * * *

[FR Doc. 79-21785 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 62

[FRL 1259-8]

Approval and Promulgation of State Plans for Designated Facilities; Emission Control of Existing Phosphate Fertilizer Plants

AGENCY: Environmental Protection Agency.

ACTION: Rule.

SUMMARY: Regulations promulgated under the provisions of Section 111(d) of the Clean Air Act as amended, require states to submit to the Environmental Protection Agency plans to control fluoride emissions from existing phosphate fertilizer plants. Alternately, a state can submit to the Environmental Protection Agency a "negative declaration" which certifies that no phosphate fertilizer plants exist within the state's boundaries. In the March 21, 1979 **Federal Register** (44 FR 17193) the Environmental Protection Agency proposed approval of negative declarations submitted to it by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands. The purpose of this **Federal Register** notice is to announce final approval of these negative declarations.

DATES: This action becomes effective July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Alexander Salpeter, Planning Section, Air Programs Branch, U.S. Environmental Protection Agency, Region II Office, 26 Federal Plaza, New York, New York 10007, (212) 264-2517.

SUPPLEMENTAL INFORMATION: Section 111(d) of the Clean Air Act, as amended, and 40 CFR Part 62 require states to submit to the Environmental Protection Agency (EPA) plans to control emissions of designated pollutants from designated facilities. "Designated pollutants" are pollutants which are not included on a list published under the provisions of Section 108(a) of the Clean Air Act (National Ambient Air Quality Standards for Criteria Pollutants) or Section 112(b)(1)(A) of the Clean Air Act (Hazardous Air Pollutants), but which are pollutants for which standards of performance for new sources have been established under Section 111(b) of the Clean Air Act (New Source Performance Standards). A "designated facility" is an existing facility which emits a designated pollutant and which would be subject to a new source performance standard for that pollutant if the facility were new.

Fluoride emissions from phosphate fertilizer plants are the first of a series of designated pollutants and facilities for which control plans are required. The standard of performance for fluoride emissions went into effect on March 1, 1977 when the notice of the availability of the final guideline document on this subject was published in the **Federal Register** (40 FR 12022).

On March 21, 1979 (44 FR 17193) EPA proposed in the **Federal Register** approval of "negative declarations" relating to fluoride emission from existing phosphate fertilizer plants for the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the Virgin Islands. In the proposal, EPA invited the public to submit written comments on its intent to approve the "negative declarations" consistent with the requirements of Section 111(d) of the Clean Air Act and 40 CFR Part 62; EPA received no comment. Therefore, EPA is hereby promulgating its approval of the "negative declarations" as submitted by the States of New York and New Jersey, the Commonwealth of Puerto Rico, and the Territory of the Virgin Islands without change. Furthermore, this action is being made effective immediately as it poses no hardship on any source.

Dated: July 6, 1979.

Barbara Blum,

Acting Administrator, Environmental Protection Agency.

Part 62, Subchapter C, Chapter I, Title 40 of the Code of Federal Regulations is amended by adding Subparts FF, HH, BBB, and CCC, §§ 62.7600, 62.8100, 62.13100 and 62.13350 as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

Subpart FF—New Jersey

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.7600 Identification of plan—Negative declaration

The New Jersey Department of Environmental Protection submitted, on May 20, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

* * * * *

Subpart HH—New York

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.8100 Identification of plan—Negative declaration

The New York State Department of Environmental Conservation submitted, on May 12, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the State subject to Part 60, Subpart B of this Chapter.

* * * * *

Subpart BBB—Puerto Rico

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.13100 Identification of plan—Negative declaration

The Commonwealth Environmental Quality Board submitted, on January 31, 1978, a letter certifying that there are no existing phosphate fertilizer plants in Commonwealth subject to Part 60, Subpart B of this Chapter.

* * * * *

Subpart CCC—Virgin Islands

Fluoride Emissions From Phosphate Fertilizer Plants

§ 62.13350 Identification of plan—Negative declaration

The Territory Department of Conservation and Cultural Affairs submitted, on November 3, 1977, a letter certifying that there are no existing phosphate fertilizer plants in the Territory subject to Part 60, Subpart B of this Chapter.

(Section 111 and 301(a), Clean Air Act, as amended (42 U.S.C. 7413 and 7601)).

[FR Doc. 79-21926 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

[PP 8E2153/R215; FRL 1273-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Carbaryl

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide carbaryl on pistachio nuts at 1 part per million (ppm). The regulation was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of carbaryl on pistachio nuts.

EFFECTIVE DATE: Effective on July 16, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Critchlow, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, DC (202/426-0223).

SUPPLEMENTARY INFORMATION: On May 16, 1979, the EPA published a notice of proposed rulemaking in the **Federal Register** (44 FR 28693) in response to a pesticide petition (PP 9E2153) submitted to the Agency by the Interregional Research Project No. 4 (IR-4), New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California. This petition proposed that 40 CFR 180.169 be amended by the establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) including its hydrolysis product 1-naphthol, calculated as carbaryl, in or on the raw agricultural commodity pistachio nuts at 1 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.169 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before August 15, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Under Executive Order 12044, EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". This regulation has been reviewed, and it has been determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

Effective on July 16, 1979, Part 180, Subpart C, § 180.169 is amended by adding a tolerance for residues of carbaryl on pistachio nuts at 1 ppm as set forth below.

Dated: July 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

(Section 408(e) of the Federal Food, Drug, and Comestic Act [21 U.S.C. 346a(e)].)

Part 180, Subpart C, § 180.169 is amended by alphabetically inserting pistachio nuts at 1 ppm in the table to read as follows:

§ 180.169 Carbaryl; tolerances for residues.

* * * * *

Commodity:	*Parts per million*
* * * * *	
Pistachio nuts	1
* * * * *	

[FR Doc. 79-21928 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

41 CFR Ch. 18

[Procurement Regulation Directives 78-14 and 78-15]

Revision of Tables of Parts, Subparts and Tables of Contents, and Affirmative Action Requirements for the Construction Industry

AGENCY: NASA Procurement Regulation (NPR).

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18)

Procurement Regulation Directive (PRD) 78-14 was an updated compilation of the "Table of Parts and Subparts" and the "Tables of Contents" of the NASA Procurement Regulation published for the information of NASA PR users. This material was also incorporated in 41 CFR Chapter 18 revised July 31, 1978. Accordingly, in the interest of economy, PRD 78-14 will not be reprinted in the **Federal Register.** A copy of this PRD 78-14 may be obtained upon request to the Office of Procurement, NASA Headquarters, Code HP-1, Washington, D.C. 20546.

This document also reflects amendments contained in Procurement Regulation Directive 78-15 concerning implementation of the Department of Labor's new Part 60-4 in Title 41 of the CFR governing the affirmative action requirements for the construction industry.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP-1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 755-2237.

SUPPLEMENTARY INFORMATION: Incorporated in PRD 78-15 are: NASA's "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246 (October 1978))", a clause entitled "Affirmative Action Compliance Requirements for Construction (October 1978)" and NASA procedures for implementing Part 41 CFR 60-4 governing the affirmative action requirements for the construction industry.

(42 U.S.C. 2473(b)(1))

Stuart J. Evans,

Director of Procurement.

This PRD 78-15 supersedes PRD 77-3, dated April 11, 1977, located in 41 CFR

Ch. 18, Vol. III (Parts 20–52 and Appendices). PRD 77–3 appears at page 511 in the volume revised as of July 31, 1978.

NEW AFFIRMATIVE ACTION REQUIREMENTS—WOMEN AND MINORITY PARTICIPATION IN THE CONSTRUCTION INDUSTRY

I. Effect on Other Issuances

(a) This PRD supersedes PRD No. 77–3 dated April 11, 1977.

(b) To the extent of any conflict between the provisions of this PRD and other provisions of the NASA Procurement Regulation, the provisions of this PRD shall govern.

II. Background

(a) *General.* The Office of Federal Contract Compliance Programs (OFCCP), Department of Labor (DOL), promulgated a new Part 60–4 to Title 41 of the Code of Federal Regulations in the **Federal Register** of April 7, 1978 (43 FR 14888–14905). Part 60–4 established specific affirmative action standards for women in construction and consolidated and standardized requirements for construction contractors and subcontractors subject to Executive Order 11246, as amended, to promote equal employment opportunity in the construction industry. Also, this issuance deleted certain DOL regulations which were superseded by the new coverage. Part 60–4 was revised subsequently in the **Federal Register** of May 2, 1978 (43 FR 18672–73); and the goals and timetables established for female (Appendix A) and minority (Appendix B) utilization for construction contracts and subcontracts were corrected and republished in the **Federal Register** of May 5, 1978 (43 FR 19473–77).

The new DOL regulations focus on the dollar amount of the contract rather than on the dollar amount of the construction project, as was the rule in the superseded regulations. The new coverage applies to all nonexempt Federal and Federally assisted construction contracts in excess of $10,000. In addition, codified in Part 60–4 is an OFCCP policy of covering construction work performed by construction contractors for nonconstruction contractors which is necessary in whole or in part to the performance of a nonconstruction contract in excess of $10,000 (Section 60–4.1). The revised construction coverage includes a new solicitation "Notice" and a new contract clause designed to standardize and simplify various special bid conditions required under the Hometown Plans and the Imposed Plans.

(b) *Solicitation Notice.* The new Notice is prescribed for inclusion in applicable solicitations for Federal and Federally assisted construction contracts in excess of $10,000 (Section 60–4.2). Nonconstruction contractors who contract with construction contractors for construction work, which is necessary in whole or in part to the performance of a covered nonconstuction contractor, must also include the Notice in such contracts. The Notice puts the offeror on notice that the prospective contract (in excess of $10,000) is subject to Executive Order 11246, as amended. The Notice also informs the offeror of the applicable goals and timetables and other requirements to which any contract resulting from the solicitation will be subject. In addition, the Notice requires the successful offeror to provide notice to the appropriate compliance agency and the OFCCP within 10 working days of the award of a subcontract under the contract and specifies the information to be included (Section 60–4.2).

(c) *Contract Clause.* A new contract clause (in addition to the standard Equal Opportunity Clause) is prescribed for use in all nonexempt Federal and Federally assisted construction contracts in excess of $10,000 (Section 60–4.3). This clause is prescribed also for use in construction contracts awarded by nonconstruction contractors which are necessary in whole or in part to the performance of a Federal nonconstruction contract. The clause is designed to serve the same purpose which the Bid Conditions have served. However, the clause establishes specific and minumum affirmative action obligations. Such obligations, in large measure, are the good faith steps contained in the present Bid Conditions. While some of the good faith steps were modified before being adopted as required affirmative action obligations, other affirmative action obligations contained in the clause are entirely new.

(d) *Goals and Timetables.* The Director, Office of Federal Contract Compliance Programs, published a Notice in the **Federal Register** of April 7, 1978, which established goals and timetables for women and minorities in the construction industry (Appendices A and B), pursuant to Executive Order 11246. Note that the CFCCP had not previously required goals and timetables for women in the construction industry under the Equal Opportunity program. The initial goals and timetables prescribed in this Notice were corrected and republished in the **Federal Register** of May 5, 1978, at pages 19473–77. The goals and timetables in Appendix A were established, for a period of three (3) years, on a nation-wide basis as the standards for female utilization for all trades. The goals and timetables prescribed for minorities under the Hometown Plan areas and the Imposed Plan areas have been incorporated in Appendix B. The goals for both women and minority participation are applicable to the contractor's aggregate on-site construction workforce, whether or not part of that workforce is performing work on a Federal or Federally assisted construction contract or subcontract. Applicable goals and timetables listed in Appendices A and B will be inserted by the contracting officer in the new solicitation "Notice" as required by Section 60–4.2.

The OFCCP Director, from time to time, will issue additional goals and timetables for minority and female utilization in construction, which will be based on appropriate workforce, demographic or other relevant data and which will cover construction projects or construction contracts performed in specific geographical areas (Section 60–4.6). The goals will be applicable to each construction trade in a covered contractor's or subcontractor's entire workforce which is working in the area covered by the goals and timetables. Such goals and timetables will be published in the **Federal Register** in a "Notice" of general information to the public.

(e) *Hometown Plans, Imposed Plans, and Special Bid Conditions.* The OFCCP has used a number of methods to implement the affirmative action requirements of Executive Order 11246, as amended, in the construction industry. These methods have included the Hometown Plan, Imposed Plan and Special Bid Conditions. The Hometown Plans are agreements among the contractors, the unions in a local area and the local minority community. Upon approval by the OFCCP, the plan constitutes the contractor's obligations under the Executive Order. The Imposed Plans primarily cover major metropolitan areas where there is substantial Federal or Federally assisted construction, and apply only to those projects which are in excess of $500,000. The Special Bid Conditions apply to contractors working on certain high impact projects (agency) which are being constructed in an area that is not covered by a Hometown Plan or Imposed Plan. The OFCCP approves the Special Bid Conditions, which have

application only to the agency project for which they were approved.

The revised regulations require that all future solicitations for covered construction contracts will include the Notice and contract clause described above, in lieu of the Hometown and Imposed Plans (including the Philadelphia Plan), and the Special Bid Conditions. However, until the OFCCP Director has issued an Order establishing goals and timetables for minorities in the appropriate geographical areas or for a project covered by Special Bid Conditions, "the goals and timetables for minorities to be inserted in the Notice . . . shall be the goals and timetables contained in the Hometown Plan, Imposed Plan or Special Bid Conditions presently covering the respective geographical area or project involved." (See Section 60–4.4(a).)

(f) *Incorporation by Operation of the Order.* By operation of Executive Order 11246, as amended, the Equal Opportunity clause (Section 60–1.4), the solicitation Notice (Section 60–4.2) and the contract clause (Section 60–4.3) shall be deemed to be a part of every solicitation or of every contract and subcontract, as appropriate, required by the Order and the applicable DOL regulations to include such Notice and clauses, whether or not they are physically incorporated therein (see Section 60–4.9).

III. NASA Implementation.

Pending a formal revision to the NASA Procurement Regulation, the Department of Labor new Part 41 CFR 60–4 governing the affirmative action requirements for the construction industry will be implemented as follows:

(a) The "Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) (OCTOBER 1978)" set forth in Attachment 1 shall be included in all applicable solicitations involving construction in excess of $10,000. Follow the Notice's parenthetical instructions by inserting the applicable construction trade(s), percentage goals and geographical description of the covered area. Approved goals and timetables are presently contained in Appendices A and B (43 FR 19473–77) and NASA Special Bid Conditions approved for the Kennedy Space Center, Langley Research Center, and Dryden Flight Research Center.

(b) In cases where a nonexempt contract involving construction in excess of $10,000 will be performed within a geographical area for which the OFCCP Director has not issued an Order establishing applicable monority goals and timetables, and where minority goals and timetables for such geographical area have not been established under any applicable NASA Special Bid Conditions approved by the Department of Labor, no minority goals and timetables will be inserted in the solicitation Notice. (In such cases, only the goals and timetables for women will be inserted in the Notice.)

(c) The Contractor Equal Opportunity (CEO) office at each NASA field installation shall establish and maintain a current listing of specific geographical areas that are subject to affirmative action requirements which specify minority and/or women's goals and timetables for covered construction trades. This listing should include any approved goals and timetables contained in applicable NASA Special Bid Conditions and the goals and timetables published in the **Federal Register** of May 5, 1978 (Appendices A and B) at page 19473. Any additional goals and timetables issued by the OFCCP Director and published as a "Notice" in the **Federal Register** will be furnished to each CEO office by the NASA Contract Compliance Officer, NASA Headquarters.

(d) The "Affirmative Action Compliance Requirements for Construction (OCTOBER 1978)" clause set forth in Attachment 2 shall be inserted in all applicable solicitations and resulting contracts involving construction in excess of $10,000.

(e) When requested by the applicable compliance office, the procurement office shall arrange a conference among contractor, procuring activity and compliance personnel to discuss the contractor's compliance responsibilities.

(f) Contracting officers shall give written notice to the Director, OFCCP, within 10 working days of award of the contract subject to these affirmative action requirements. The notification shall include: the name, address, and telephone number of the contractor; employer identification number; dollar amount of the contract; estimated starting and completion dates of the contract; the contract number; and geographical area in which the contract is to be performed (Section 60–4.2(c)).

[FR Doc. 79–21819 Filed 7–13–79; 8:45 am]

BILLING CODE 7510–01–M

41 CFR Ch. 18, Parts 1, 3, 7, 8, 10, 13, 20, 23 and Appendix J

[Procurement Regulation Directive 78–17]

Procurement Regulations; Miscellaneous Amendments

AGENCY: NASA Procurement Regulation (NPR).

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 78–17 concerning the following areas:

1. Code of Conduct
2. Limitation of Liability Clause for Service Contracts
3. Minority Business Enterprise Construction Subcontracting Clause
4. Industry and Small Business Size Standards
5. Contracting with the Small Business Administration
6. Environmental Protection-Solicitation Provision
7. Notice of Intent to Standardize
8. Limitation of Government's Obligation
9. Termination Clause
10. Performance and Payment Bonds for Construction Contracts
11. Providing Facilities
12. Use of Government Property on Work for Foreign Governments or International Organizations
13. Use of Government-Furnished Property (Short Form) Clause
14. Procedures for Procurements not Selected for Headquarters Review and Approval
15. Review of Contractors' Procurement Systems

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 755–2237.

SUPPLEMENTARY INFORMATION: (1) Part 1.113–1 is editorially revised to update the references applicable to "Standards of Conduct" for NASA employees and special Government employees.

(2) Part 1.330(c)(3) is added to insert a "Limitation of Liability" clause to be used in service contracts except contracts for maintenance, repair, rehabilitation or modification of real property or architect-engineering services.

(3) An editorial change is made in the clause in Part 1.332–3(c) to change clause paragraph "(g)" to read "(f)." The clause date is not changed.

(4) Part 1.701–1(a)(2)(d) is revised to add a small business size standard for concerns bidding on refuse collection services.

(5) The "Statement" in Part 1.705–5(c)(2)(H)(ii) is revised to delete reference to the "Price Reduction" clause and substitute "Certificate of Current Cost or Pricing Data" clause therefor.

(6) Part 1.2302–1 is revised to delete the previous requirement to insert the "Clean Air and Water Certification" in contracts.

(7) A new Part 3.213–4 "Notice of Intent to Standardize" is added to require the insertion into solicitations a provision to advise prospective offerors that the products being procured may be established as standard and subsequent procurements may be negotiated under authority of Part 3.213 of the NASA PR. Part 3.501(b) and Appendix J.200 are revised to reflect this revision.

(8) Part 7.452–53 is revised to delete the last sentence which is no longer required.

(9) Paragraph (e)(i)(D)(I) of the "Termination" clause in Part 8.702(a) is revised to insert a phrase that was inadvertently omitted in a previous printing. The clause is now identical to the clause contained in NASA Forms 417 and 418.

(10) Pub. L. 95–585, November 2, 1978, amended the Miller Act (40 U.S.C. 270a–270e). The amendment raised the dollar threshold at which bonds are required to protect the United States and persons furnishing material and labor for the construction, alteration, or repair of public buildings or public works from $2,000 to $25,000. Accordingly, Part 10.103–1(a) and 10.103–2(a) are revised to change "$2,000" to read "$25,000."

(11) Part 13.202(a)(v)(A)(2) is revised to read "(2) it is in the public interest;". Part 13.202–2(d) is revised to make reference to Part 20.5005(b)(iii) and Part 20.5006.

(12) Part 13.408 is revised to state NASA's current policy on use of Government property for foreign Governments or international organizations.

(13) Part 13.710 is revised to reflect that use of the clause thereunder is no longer mandatory when the Government is to furnish to the contractor Government property having an acquisition cost of $25,000 or less.

(14) Part 20.5105(b) is revised to delete the requirement that installations forward copies of certain contracts or supplemental agreements to NASA Headquarters.

(15) Part 23 is revised to delete 23.150(c) in its entirety and to make editorial changes.

(42 U.S.C. 2473(b)(1)).

Stuart J. Evans,

Director of Procurement.

PART 1—GENERAL PROVISIONS

1. In Part 1, 1.113–1(a) is revised as follows:

1.113–1 *Government Personnel.*

(a) A number of Federal statutues prohibit certain acts by Government personnel and special Government employees as defined in 18 U.S.C. 202 in relation to procurement activities for the Government. Among these statutes are the following: (i) 18 U.S.C. 201 relating to bribes in order to secure a Government contract; (ii) 18 U.S.C. 203 relating to compensation for services rendered in connection with any proceeding or claim in which the United States has an interest; (iii) 18 U.S.C. 205 relating to acting as an agent or attorney for prosecuting any claim against the United States; (iv) 18 U.S.C. 208 relating to transacting business as an officer or agent of the United States with firms of which such officer or agent, his spouse, minor child, or partner is an official or in which he has has a pecuniary interest; and (v) 18 U.S.C. 209 relating to compensation from non-Government sources in connection with Government services. These statutory prohibitions, and their application to NASA personnel, are discussed in NHB 1900.1B, "Standards of Conduct for NASA Employees," and NHB 1900.2A, "Standards of Conduct for NASA Special Government Employees." All NASA personnel involved in procurement actions shall become familiar with these statutory prohibitions. Any questions concerning them shall be referred to legal counsel. In addition to criminal penalties, the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218).

* * * * *

2. In Part 1, 1.330(c)(3) and 1.330(c)(4) are revised as set forth below:

1.330 *Contractor Liability for Damage to Government Property.*

* * * * *

(3) *Service Contracts.* The clause set forth below shall be inserted in all contracts requiring the performance of services. For contracts requiring the performance of services and the delivery of supplies as separate line items the appropriate clause in 7.104–45 shall be used in conjunction with the clause set forth below and the line items to which each applies clearly identified. However, the clause set forth below shall not be inserted in service contracts for the maintenance, repair, rehabilitation or modification of real property or for architect-engineering services.

LIMITATION OF LIABILITY-SERVICE CONTRACT (DECEMBER 1978)

(a) Except to the extent that the Contractor is responsible under this contract for deficiencies in the sevices required to be performed under this contract, including any materials furnished in conjunction therewith, the Contractor shall not be liable, by reason of Contractor's performance of services or delivery of materials under this contract, for loss of or damage to property of the Government occuring after Government acceptance of such services.

(b) The foregoing limitations shall not apply as to loss of or damage to property of the Government caused by willful misconduct or lack of good faith on the part of the Contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of:

(i) all or substantially all of the Contractor's business, or

(ii) all or substantially all of the Contractor's operations at any one plant or separate location, in which this contract is being performed, or

(iii) a separate and complete major industrial operation in connection with the performance of this contract.

(c) Notwithstanding paragraph (a) above, if the contractor carries insurance or has established a reserve for self-insurance covering liability for damages or losses to property of the Government through performance of the services or furnishing of materials under this contract, then the Contractor shall be liable to the Government for such damages or losses to property of the Government to the extent of such insurance or reserve for self-insurance.

(d) The substance of this clause, suitably altered to reflect the relationship of the contracting parties, shall be included in any subcontract hereunder.

(4) *Subcontracts.* The "Limitation of Liability" clauses in 7.104–45, 7.204–33 and (3) above require the contractor to insert the substance of the clause applicable to its contract in any subcontracts, except that, a contractor under a contract for major items shall not insert the substance of the major items clause in either 7.104–45(b) or 7.204–33(a) in any subcontracts without the advance written approval of the contracting officer. The contracting officer should give this approval only when the circumstances would dictate use of the major items clause under the guidelines of (1) above if the subcontract were a direct prime contract with the Government.

* * * * *

1.332–3 *[Amended]*

3. In Part 1, the "Minority Business Enterprise Construction Subcontracting"

clause in 1.332–3(c), paragraph "(g)" is amended to read "(f)."

4. In Part 1, 1.701–1(d)(17) is added as follows:

d. Service Industries.

* * * * *

17. Any concern bidding on a contract for refuse collection services, with or without disposal, is classified as small if its average annual receipts for its preceding three fiscal years do not exceed $3.5 million.

5. In Part 1, 1.705–5(c)(2)(H)(ii) the statement is revised as follows:

1.705–5 *Contracting With the Small Business Administration*

* * * * *

(H) * * *

(i) * * *

(ii) prepare Standard Form 19 or Standard Form 23 or other appropriate forms for execution with the SBA without incorporating any General Provisions. The General Provisions are not applicable to the SBA. "10 U.S.C. 2304(a)(17)" shall be cited as the authority for negotiations of this contract. This contract shall include a statement as follows:

It is agreed that the provisions of the "Termination for Convenience," "Changes," "Differing Site Conditions," "Default-Damages for Delay-Time Extension," "Suspension of Work," "Disputes," "Certificate of Current Cost or Pricing Data," and "Payments to Contractor" clauses which are included in the contract between the SBA and its Contractor shall be invoked in appropriate cases when requested by the NASA Contracting Officer. If the SBA does not agree with the NASA Contracting Officer's request, the case shall be referred to the Director of Procurement, NASA Headquarters, for decision.

* * * * *

6. In Part 1, 1.2302–1 "Solicitation Provision." is revised as follows:

1.2302–1 *Solicitation Provision.* The provision set forth below shall be included in each solicitation except those involving small purchases (Part 3, Subpart 6).

* * * * *

PART 3—PROCUREMENT BY NEGOTIATION

7. In Part 3, 3.213–4 is revised as follows:

3.213–4 *Notice of Intent To Standardize.* In procurements of technical equipment and parts for applications specified in 3.213–2(a), when NASA expects that the equipment will be established as standard and that maintenance of such standardization can be secured only by subsequent negotiation, the provision in 3.501(b)(3) Section C (43) may be inserted in the initial solicitation. Prior approval of the Procurement Officer shall be obtained.

3.854–3 *[Amended]*

8. In Part 3, 3.854–3(a) and 3.854–3(b), in the first sentence of each paragraph the referenced paragraph number "50.105" is amended to read "20.5005."

3.1208 *[Amended]*

9. In Part 3, 3.1208(a), the number at the end of the first sentence "51.304(d) (xxxi) through (xxxiv)" is amended to read "20.604(c) (xxxi) through (xxxiv)."

10. In Part 3, 3.1208(c) is revised as follows:

3.1208 Assignment of Contract Administration Responsibility.

(b) * * *

(c) In some instances, NASA or a Government agency other than DoD will be responsible for the administration of cost accounting standards requirements at a particular contractor facility or business unit. A list of such assignments will be published from time to time in Procurement Regulation Directives. When prime contract awards to such contractors are contemplated, Item 1 of the solicitation notice in 3.501(b)(3) Section B(7) shall be modified by deleting the words "see DoD Directory of Contract Administration Components (DoD 4105.59H)" and inserting the appropriate address. The contracting officer shall assure that when a CAS covered contract is awarded to a contractor under the cognizance of a Government agency other than DoD or NASA, that a copy of such contract, stamped as indicated in (b) above, is forwarded to the cognizant agency's contract administration office if that office will not be delegated contract administration responsibilities. The cognizant agency's contract administration office will then perform the functions in 20.604(c) (xxxi) through (xxxiv) for NASA.

PART 7—CONTRACT CLAUSES

7.452–53 *[Amended]*

11. In Part 7, 7.452–53 is amended by deleting the last sentence of the paragraph.

12. In Part 8, the "Termination" clause in 8.702(a) paragraph (e)(i)(D)(I) is revised as follows:

(D) * * *

(I) in the event of the termination of this contract for the convenience of the Government and not for the default of the Contractor, there shall be paid a percentage of the fee equivalent to the percentage of the completion of work contemplated by the contract, but exclusive of subcontract effort included in subcontractors' termination claims, less fee payments previously made hereunder; or

* * * * *

PART 10—BONDS AND INSURANCE

10.103–1 *[Amended]*

13. In Part 10, 10.103–1(a) the "$2,000" figure is amended to read "$25,000."

10.103–2 *[Amended]*

14. In Part 10, 10.103–2(a) the "$2,000" figure is amended to read "$25,000."

PART 13—GOVERNMENT PROPERTY

13.201 *[Amended]*

15. In Part 13, following the title "Providing Government Property" in 13.201 insert "(a)".

16. In Part 13, 13.202(a)(v)(A) is revised as follows:

13.202 Providing Facilities.

(v) * * *

(A) the Head of an installation or his designee, named in writing, determines in writing that: (1) the NASA contract cannot be fulfilled by any other practical means, or (2) it is in the public interest; and

17. In Part 13, 13.202–2(d) is revised as follows:

13.202–2 *Using Facilities Contracts.*

* * * * *

(d) Facilities contracts, or amendments thereto, which provide facilities having a total acquisition value exceeding $500,000, or provide real property regardless of amount, require the approval of the Director of Procurement, NASA Headquarters, in accordance with 20.5005(b)(iii) and 20.5006.

18. In Part 13, 13.408 is revised as follows:

13.408 Use of Government Production and Research Property on Work for Foreign Governments or International Organizations.

(a) * * *

(b) The prior written approval of the Director of Procurement is required for the use of Government production and research property on work for foreign countries or international organizations. Prior to approval the concurrence of the Director of Supply and Equipment Management, the General Counsel and the Director, International Affairs shall be obtained.

(c) Requests for approval shall be forwarded to the Director of Procurement along with a summary of the circumstances involved which includes at least the following:

(i) names of the requesting contractors;

(ii) the number of the contract under which the equipment is controlled;

(iii) a description of the equipment in question;

(iv) the name of the foreign contractor and its relationship to its government or to an international organization if appropriate;

(v) a description of the articles to be manufactured;

(vi) a statement that such use will not interfere with the current or foreseeable requirements of the United States or require use of the property beyond the anticipated date that NASA contracts will be completed;

(vii) a statement that the foreign government's placement of the contract directly with the contractor and the use of the government production and research property is consistent with the best interests of the United States;

(viii) a statement that such use is legally authorized; and

(ix) evidence, if any, of endorsement by another U.S. Government Agency on the basis of National Security or Foreign Policy interest of the United States.

(d) Such use, if approved, shall be subject to rent in accordance with 13.419.

13.710 *[Amended]*

19. In Part 13, 13.710 the "Government-Furnished Property Clause (Short Form)" is amended by substituting the word "may" for the word "shall" in the text.

PART 20—ADMINISTRATIVE MATTERS

20.5004 *[Amended]*

20. In Part 20, 20.5004(a) the code following "NASA Headquarters (Code HS)" is amended to read "(Code HB–1)."

20.5105 *[Amended]*

21. In Part 20, 20.5105(b) is amended by deleting the last two sentences of text.

PART 23—SUBCONTRACTING POLICIES AND PROCEDURES

[23.106 *[Amended]*

22. In Part 23, 23.106(b) 23.106(c) are amended by changing the "NMI" number in the last column "NASA Regional Audio Office" to read "1130.7B" in place of "1130.7A."

23. In Part 23, 23.150 is revised as follows:

23.150 Contractor Procurement System Reviews Conducted by the Department of Defense (DoD).

(a) Procedures for delegating the CPSR function are set forth in Part 20, Subpart 6. Delegation of the CPSR function shall include authority for the cognizant DoD contracting officer to grant, continue, withhold or withdraw approval of the contractor's procurement system.

(b) NASA installations desiring to participate in a DoD CPSR shall forward a request for such participation to the Director of Procurement, NASA Headquarters (Code HP–1) for

(c) Contracting officers will advise the cognizant DoD Contract Administration Officer of weaknesses in a contractor's procurement system that have come to light during the review of subcontracts or from other sources.

(d) Contracting officers are responsible for reviewing DoD Summary Reports (which include present system status, comments, conclusions, recommendations and significant changes effected since the review) and notifications to the contractors; and when there is a determination that is at variance with the Summary Report or actions taken by DoD, the contracting officer will forward a request for approval of alternate actions, with justification, to the Director of Procurement. Similarly, a contracting officer desiring the withdrawal of a DoD approval of a contractor procurement system on the basis of a determination that there has been a deterioration of the contractor's procurement system, or to otherwise protect the interests of the Government, shall forward a request for such withdrawal to the Director of Procurement with appropriate justification.

J. 200 *[Amended]*

24. In Appendix J, the paragraph reference at the end of J.200(c)(vi) is amended to read "3.501(b)(3) Section C(43)" in place of "3.501(b) (lxxxvi)."

[FR Doc. 79–21821 Filed 7–13–79; 8:45 am]

BILLING CODE 7510–01–M

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41 CFR Ch. 18, Parts 2 and 3

[Procurement Regulation Directive 78–16]

Uniform Format For Invitations For Bids, Requests for Proposals, and Contracts

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: This document amends the NASA Procurement Regulation (41 CFR Ch. 18). It reflects amendments contained in Procurement Regulation Directive 78–16 concerning implementation of a uniform NASA format for Invitations for Bids, Requests for Proposals, and resulting contracts.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER IMFORMATION CONTACT: James H. Wilson, Policy Division (Code HP–1), Office of Procurement, NASA Headquarters, Washington, DC 20546, Telephone: 755–2237.

SUPPLEMENTARY INFORMATION: This revision is intended to result in uniform formats for NASA solicitations and resulting contracts. Such uniformity is expected to facilitate the processing of solicitations and contracts by NASA personnel, NASA contractors and contract administration offices. NASA solicitations and resulting contracts issued after July 1, 1979, must be prepared in the prescribed uniform format. However, earlier use is authorized.

Authority: The provisions of this document are issued under 42 U.S.C. 2473(b)(1).

Stuart J. Evans,

Director of Procurement.

PART 2—PROCUREMENT BY FORMAL ADVERTISING

1. In the Table of Contents, Part 2, 2.201–1 the paragraph title is amended to read "Supply and Service Contracts Including Construction" and the NASA page number for 2.201–2 "Construction Contracts" is amended to read "2–2:8D."

2. In Part 2, 2.201 is revised as follows:

Subpart 2—Solicitation Of Bids

2.201 Preparation of Invitations for Bids.

(a) *Forms.* Forms used in inviting bids are prescribed in Part 16, Subparts 1 and 4. Invitations for bids shall contain the applicable information described in 2.201–1 and 2.201–2 below, and any other information required for a particular procurement. All such information shall be set forth in full in the solicitation rather than incorporated by reference, except that:

(i) Standard Forms consisting of general provisions (contract clauses) may be incorporated by reference to the form number, form name, and edition date; *provided,* the instructions for use of the form do not prohibit incorporation of the form by reference; and

(ii) other contract clauses prescribed by Part 7 and other appropriate Parts may be incorporated by reference if authorized by 7.001. No other contract clauses shall be incorporated by reference. Pen and ink entries, deletions, or alterations shall not be made in an invitation for bids after it has been prepared for distribution. If a change is necessary after reproduction of the invitation for bids, the Standard Form 30 (Amendment of Solicitation/

Modification of Contract) shall be used (see 16.101 and 16.103.

(b) *Uniform Contract Format.*

(1) This paragraph (b) applies to invitations for bids for supplies and services excluding construction. Construction IFBs need not be in the Uniform Contract Format, but must contain all applicable items of information.

(2) Invitations for bids for supplies and services, excluding construction, will be prepared using the Uniform Contract Format as shown in the Table of Contents below. The following paragraphs within 2.201–1 are grouped so as to conform to the Uniform Contract Format.

2.201–1 *Supply and Service Contracts, Including Construction.*

For supply and service contracts, including construction, invitations for bids shall contain the following information if applicable to the procurement involved, except that those items marked with an asterisk do not apply to construction.

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THE FOLLOWING CHECKED SECTIONS ARE CONTAINED IN THE CONTRACT							
(X)	SEC		PAGE	(X)	SEC		PAGE
		PART I—GENERAL INSTRUCTIONS			F	Description/Specifications.	
	A	Cover Sheet			G	Preservation/Packaging/Packing.	
	B	Contract Form and Representations, Certifications, and Other Statements of Offeror.			H	Deliveries or Performance.	
					I	Inspection & Acceptance	
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	C	Solicitation Instructions and Conditions, and Notices to Offerors.			K	Contract Administration Data.	
						PART III—GENERAL PROVISIONS	
	D	Evaluation Factors for Award.			L	General Provisions	
		PART II—THE SCHEDULE				PART IV—LIST OF DOCUMENTS AND ATTACHMENTS	
	E	Supplies/Services & Prices.			M	List of Documents, Exhibits, and Other Attachments.	

PART I—GENERAL INSTRUCTIONS

Section A—Cover Sheet—DD Form 1707 (or its equivalent adapted for ADPE) Information to Offerors or Quotors.

(1) Unless exempted (41 CFR 60–250) from the inclusion of the clause set forth in paragraph 3(a), Item I, PRD 77–4 dated April 12, 1977 the following "Notice" shall be placed on the cover sheet of the solicitation:

NOTICE: THIS SOLICITATION INCLUDES AN AFFIRMATIVE ACTION PROVISION COVERING DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA. (APRIL 1977)

(2) In using Standard Form 33, include on the face thereof or on the cover sheet, a brief description of the items being procured, unless the contracting officer considers such to be unnecessary or impractical.

(3) Unless exempted by 12.805 from inclusion of the "Equal Opportunity" clause on the face or cover sheet of the solicitation, these notices:

I. NOTE THE AFFIRMATIVE ACTION REQUIREMENT OF THE "EQUAL OPPORTUNITY" CLAUSE WHICH MAY APPLY TO THE CONTRACT RESULTING FROM THIS SOLICITATION

II. NOTE THE CERTIFICATION OF NONSEGREGATED FACILITIES IN THIS SOLICITATION. Bidders, offerors and applicants are cautioned to note "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the "Equal Opportunity" clause. (OCTOBER 1971)

Section B—Contract Form and Representations, Certifications and Other Statements of Offeror.

Standard Form 33 (Solicitation, Offer, and Award). Instructions for filling out this form are in 16.104–1.

(1) When considered necessary by the Contracting Officer to prevent practices prejudicial to fair and open competition, such as improper kinds of multiple bidding, a requirement that each bidder submit with his bid an affidavit concerning his affiliation with other concerns. To accomplish the foregoing, a provision substantially as follows may be included in the Schedule or other appropriate place in the invitation for bids:

AFFILIATED BIDDERS (JULY 1968)

(a) Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both.

(b) Each bidder shall submit with his bid an affidavit containing information as follows:

(i) whether the bidder has any affiliates;

(ii) the names and addresses of all affiliates of the bidder; and

(iii) the names and addresses of all persons and concerns exercising control or ownership of the bidder and any or all of his affiliates, and whether as common officers, directors, stockholders holding controlling interest, or otherwise.

Failure to furnish such an affidavit may result in rejection of the bid.

Failure to furnish such an affidavit shall be treated as a minor informality or irregularity (see 2.405).

(2) The "Certificate of Independent Price Determination" as required by 1.115.

(3) The "Certification of Minority Business Enterprise" required by 1.332–1(e).

(4) A statement that prospective bidders should indicate in the bid the address to which payment should be

mailed, if such address is different from that shown for the bidder.

(5) The "Clean Air and Water Certification" set forth in 1–2302–1.

(6) If the "Equal Employment" clause is not applicable to the proposed procurement (see 12.804), or if the proposed procurement is exempted from the clause (see 12.805), include a statement substantially as follows:

Representation No. 6, "Equal Opportunity" of Standard Form 33 is not applicable to this procurement.

(7) Unless exempted by 12.805 from inclusion of the "Equal Opportunity" clause, the representations set forth in 12.806(b).

*(8) Where needed for the purpose of bid evaluation, pre-award surveys, or inspection, a requirement that all bidders state the place (including the street address) from which the supplies will be furnished or where the services will be performed. Where it is reasonably anticipated that producing facilities will be used in the performance of the contracts, or where the Governement requires the information, bidders will be required to state (i) the full address of principal producing facilities (if designation of such address is not feasible, a full explanation will be required), and (ii) names and addresses of owner and operator if other than bidder.

*(9) Any requirement for prior testing and qualification of a product.

*(10) When minimum size of shipment requirements are appropriate, a provision substantially as set forth 2.202–3(b)(ii).

*(11) When the shipping weights (and dimensions if applicable) of an item are a factor in determining transportation costs for bid evaluation, a provision substantially as set forth in 2.202–3(b)(iii).

(12) Insert the following provision in all solicitations except those made outside the United States.

WOMAN OWNED BUSINESS (DECEMBER 1978)

The offeror represents that the firm submitting this offer [ ] is, [ ] is not, a woman-owned business. A woman-owned business is a business which is, at least, 51 percent owned, controlled and operated by a woman or women. Controlled is defined as exercising the power to make policy decisions. Operated is defined as actively involved in the day-to-day management. For the purposes of this definition, businesses which are publicly owned, joint stock associations, and business trusts are exempted. Exempted businesses may voluntarily represent that they are or are not, women-owned if this information is available.

(13) Insert the following provision in all solicitations except those made outside the United States.

PERCENT FOREIGN CONTENT (DECEMBER 1978)

Approximately — percent of the proposed contract price represents foreign content or effort.**Section C—Instructions and Conditions, and Notices to Offerors.**

(1) The "Patent Royalties" clause set forth in 9.101–2(f)(1).

(2) Bid guarantee, performance bond, and payment bond requirements, if any (see Part 10, Subpart 1, and 16.805). If a bid bond or other form of bid guarantee is required, the solicitation shall include the provisions required by 10.102–4.

(3) Any offer by the Government to provide Government production and research property for the performance of the contract. Any special provisions relating to Government production and research property (See Part 1, Subpart 54 and Part 13, Subparts 2 and 3).

(4) Description of the procedures to be followed in obtaining permission to use Government production and research property and in eliminating competitive advantage from the rent-free use thereof (see Part 13, Subparts 4 and 5).

(5) When considered necessary by the contracting officer, a requirement that all bids must allow a period for acceptance by the Government of not less than a minimum period stipulated in the invitation for bids, and that bids offering less than the minimum stipulated acceptance period will be rejected. The minimum period so stipulated should be no more than reasonably required for evaluation of bids and other pre-award processing. To accomplish the foregoing, a provision substantially as follows may be included in the Schedule or other appropriate place in the invitation for bids:

BID ACCEPTANCE PERIOD (JULY 1965)

Bids offering less than — days for acceptance by the Government from the date set for opening of bids will be considered nonresponsive and will be rejected.

(6) Where not contained elsewhere in the invitation, a provision as follows:

ORDER OF PRECEDENCE (JULY 1968)

In the event of an inconsistency between provisions of this Invitation for Bids; the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) Bidding Instructions, Terms and Conditions of the Invitation for Bids: (c) General Provisions; (d) other provisions of the contract, whether incorporated by reference or otherwise; and (e) the Specifications.

(7) In accordance with paragraph 504 of Appendix E, a provision concerning progress payments.

(8) A statement that the "Contract Work Hours Standards Act—Overtime Compensation" clause is not applicable to contracts if the aggregate amount of the bid is $2,500 or less (see 12.302–2).

(9) In procurements involving total set-asides for small business, the "Notice" set forth in 1.706–5(c).

(10) In procurements involving partial set-asides for small business, the notice requirements as set forth in 1.706–6(c).

(11) In procurements involving partial set-asides for labor surplus area concerns, the notice requirements as set forth in 1.804–2(b).

(12) Statement that the selected contractor will or will not require access to classified information (see NASA Management Issuance 1650.1, paragraph 12).

(13) Statement that special instructions for waived inventions will not be applied. (see 9.109–6(i)).

14. If leases are involved, the "Facilities Nondiscrimination" clause set forth in 1.350–2 and 1.350–4.

(15) The "Late Bids" provision in 2.303–2 (this replaces paragraph 7 of Standard Form 33A).

(16) In accordance with 12.806(a), the notice of "Pre-Award On Site Equal Opportunity Compliance Review" set forth therein.

(17) Invitations for bid which will result in the placement of rated orders or Authorized Controlled Material Orders shall contain the following statement:

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDC Regulation 2 and/or DMS Regulation 1.

(18) Include the notice provision as follows:

NOTICE TO OFFERORS (DECEMBER 1978)

Attention is invited to the regulations issued by the Secretary of Labor pursuant to Section 107 of the Contract Work Hours and Safety Standards Act (Public Law 91–54; 86 Stat. 96; 40 U.S.C. 327), entitled, Safety and Health Regulations for Construction (29 CFR Part 1926). The Contractor will be required to comply with the Secretary's regulations to the extent that any resulting contract involves construction.

* (19) If the contract involves performance of services on a Government installation the following provision.

SITE VISIT (JULY 1968)

Bidders are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for withdrawal of a bid after opening or for a claim after award of the contract.

* (20) Bidders shall be advised by conspicuous notice in the invitation, substantially as set forth below, that a minority business enterprises subcontracting program plan, which implements the clause set forth in 1.332–3(b), will be required from the apparent low bidder for incorporation in the resulting contract at the time of award.

MINORITY BUSINESS ENTERPRISES PROGRAM

Consistent with the national interest, it is NASA policy that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of NASA contracts, at the prime and subcontractor levels. Any contract awarded as a result of this solicitation shall fully comply with the intent of this policy, and the successful bidder shall agree to pursue an effective and comprehensive Minority Business Enterprises Subcontracting Program as provided for in the clause entitled "Minority Business Enterprises Subcontracting Program."

Prior to execution of the contract, the apparent low responsive bidder shall submit to the Contracting Officer, for approval, a comprehensive minority business enterprises subcontracting program plan for implementing the requirements of the clauses entitled "Utilization of Minority Business Enterprises" and "Minority Business Enterprises Subcontracting Program." This plan shall be specific as to the work to be subcontracted with minority firms, with firm commitments identified, when obtainable. The plan submitted will be considered by the Government in its assessment of the responsibility of the ostensible lowest responsive bidder.

(21) Permission, if any, to submit telegraphic bids (see 2.202–2).

* (22) If international air transportation of personnel and cargo is possible during the performance of the contract, include the clause in 7.104–95.

(23) Directions for obtaining copies of any documents, such as plans, drawings, and specifications, which have been incorporated by reference (see 1.1203).

(24) If the contract is to be conditioned on the availability of funds, a clear statement of such condition (see 1.318).

*(25) In accordance with 1.1208 a provision concerning the use of new material and a provision concerning the use of former Government surplus property.

*(26) If the procurement includes the furnishing of electrosensitive initiating devices (squibs) or any other item or component designated in the procurement request as a potentially hazardous item, the requirements set forth in 1.351.

Section D—Evaluation Factors for Award.

(1) Permission, if any, to submit alternate bids, including alternate materials or design and the basis upon which award will be made in such case.

(2) In unusual cases, where bidders are required to have special technical qualifications due to the complexity of the equipment being purchased or for some other special reason, a statement of such qualifications.

(3) A statement of the exact basis upon which bids will be evaluated and award made, to include any Government costs or expenditures (other than bid prices) to be added or deducted, or any provisions for price adjustment as factors for evaluation.

(4) If the solicitation contains an economic price adjustment clause, the following provision:

EVALUATION OF BIDS SUBJECT TO ECONOMIC PRICE ADJUSTMENT (FEBRUARY 1977)

Notwithstanding the provisions of the clause entitled "*———" bids shall be evaluated on the basis of quoted prices without an amount for economic price adjustment being added. Bids which provide for a ceiling lower than that stipulated, if a ceiling is stipulated in the clause, will also be evaluated on this basis but any resultant award will be made at the lower ceiling. Bids which provide for adjustment that may exceed the maximum adjustment stipulated, if a maximum is stipulated in the clause, or which limit or delete the downward adjustment, if a downward adjustment is stipulated in the clause, shall be rejected as nonresponsive.

**Insert the title of the clause providing for economic price adjustment.*

(5) If the solicitation offers property for exchange/sale or both, see Part 4, Subpart 1.

(6) See 1.339 "Energy Conservation."

*(7) Discount provisions (see 2.407–3).

*(8) If no award will be made for less than the full quantities advertised, a statement to that effect.

*(9) If award is to be made by specified groups of items or in the aggregate, a statement to that effect.

*(10) If the contract is to include option provisions, a clear statement of such provisions (see Part 1, Subpart 15).

*(11) Any applicable requirements for samples or descriptive literature (see 2.202–4 and 2.202–5).

*(12) Any requirement for preproduction samples or tests, including a statement that the Government reserves the right to waive the requirement as to those bidders offering a product which has been previously procured or tested by the Government, and a statement that bidders offering such products, who wish to rely on such prior procurement or tests, must furnish with the bid information from which it may be clearly established that prior Government approval is presently appropriate for the pending procurement.

*(13) When the contracting officer determines that it is necessary to consider the advantages or disadvantages to the Government that might result from making more than one award (multiple awards) (see 2.407–5(iii)), a provision substantially as follows:

EVALUATION OF BIDS (JULY 1965)

In addition to other factors, bids will be evaluated on the basis of advantages or disadvantages to the Government that might result from making more than one award (multiple awards). For the purpose of making this evaluation, it will be assumed that the sum of $50 would be the administrative cost to the Government for issuing and administering each contract awarded under this invitation, and individual awards will be for the items and combination of items which result in the lowest aggregate price to the Government, including such administrative costs.

PART II—THE SCHEDULE

Section E—Supplies/Services & Prices.

*(1) The quantity of supplies or services to be supplied under each item, and any provision for extent of quantity variation.

(2) A description of supplies or services to be furnished under each item, in sufficient detail to permit full and free competition. Reference to specifications shall include identification of all amendments or revisions thereof, applicable to the procurement and dates of both the specifications and the revisions (see 1.1201(a)). Such description shall comply with Part 1, Subpart 12, relating to specifications.

Section F—Description/Specifications.

Section G—Packaging and Marking.

*(1) Preservation, packaging, packing and marking requirements, if any (see 1.1204).

Section H—Deliveries or Performance.

(1) The time of delivery or performance (see 1.305).

*(2) Place and method of delivery (see Part 1, Subpart 13 and 2.202–3).

Section I—Inspection and Acceptance.

*(1) Place, method, and conditions of inspection.

(2) Quality assurance requirements applicable to the procurement in accordance with Part 14, Subpart 1.

Section J—Special Provisions.

(1) Any authorized special provisions, necessary for the particular procurement, relating to such matters as patent licenses, liquidated damages, "Buy American Act," etc.

(2) Any applicable wage determination of the Secretary of Labor (in the case of procurements of supplies which also involve the performance of construction, alteration or repair work, see 12.402; in the case of service contracts see Part 12, Subpart 10).

*(3) Where liquidated damages are to be assessed, insert the clause as prescribed by 7.105–5 (see 1.310).

Section K—Contract Administration Data.

*(1) The number of copies of seller's invoices desired, including original, if more or less than four.

*(2) To insure timely distribution of Material Inspection and Receiving Reports (DD Form 250), include distribution instructions in the Schedule or as an attachment to the contract (see Appendix I).

PART III—GENERAL PROVISIONS

Section L—General Provisions.

(1) Any additional contract clauses, provisions or conditions required by law of this Regulation.

(2) A provision covering the required source for jeweled bearings (see 1.315).

(3) Where clauses are to be incorporated by reference, include the provision in 7.001(a)(1).

(4) If the resulting contract is expected to exceed $100,000, the "Contractor and Subcontractor Certified Cost or Pricing Data" clause (see 3.807–4).

*(5) In the procurement of supplies where the award may amount to $1 million or more, include the provisions relating to preaward equal opportunity compliance reviews set forth in 12.804(c).

*(6) In procurements estimated to exceed $500,000, and which in the opinion of the contracting officer offer substantial subcontracting opportunities, include the clauses set forth in 1.332–3 (a) and (b).

PART IV—LIST OF DOCUMENTS AND ATTACHMENTS

Section M—List of Documents, Exhibits, and Other Attachments.

PART 3—PROCUREMENT BY NEGOTIATION

3. In Part 3, 3.5 is revised as follows:

Subpart 5—Solicitation of Proposals and Quotations

3.500 Scope of Subpart. This Subpart applies only to negotiated procurements in excess of $10,000 (see Subpart 6 of this Part 3 for small purchases).

3.501 Preparation of Requests for Proposals or Requests for Quotations.

(a) *General.* Forms used for requesting proposals or quotations on negotiated procurements shall be in accordance with Part 16. Generally, requests for proposals or quotations shall be in writing. Solicitations shall contain the information necessary to enable a prospective offeror to prepare a proposal or quotation properly. All such information shall be set forth in full in the solicitation rather than incorporated by reference, except that:

(1) Standard and NASA Forms consisting of general provisions (contract clauses) prescribed by Part 7 may be incorporated by reference to the form number, form name, and edition date; provided, the instructions for use of the form do not prohibit the incorporation of the form by reference; and

(2) other contract clauses prescribed by Part 7 and other appropriate parts may be incorporated by reference if authorized by 7.001. No other contract clauses shall be incorporated by reference. Written requests shall be as complete as possible and normally should contain the information in (b) below, as appropriate, if applicable to the procurement involved.

(b) Contract Forms and Uniform Contract Format.

(1) This paragraph (b) applies to all negotiated procurements except:

(i) small purchases and other simplified purchase agreements;

(ii) basic agreements;

(iii) pre-invitation notices;

(iv) the first step of two-step formal advertising;

(v) construction and architect-engineer contracts; and

(vi) procurements for which special contract forms inconsistent herewith are prescribed by Part 16. Those procurements enumerated in (i) thru (vi) need not be in the Uniform Contract Format, but must contain all applicable items. The applicability of this paragraph to procurements outside the United States, its possessions and Puerto Rico is optional.

(2) Requests for proposals ordinarily shall be prepared on Standard Form 33, Solicitation, Offer and Award (See 16.102–3), or on forms containing contract provisions prescribed by this Regulation; requests for quotations shall be prepared on Standard Form 18, Request for Quotations (See 16.102–1). The uniform contract format requirements are applicable notwithstanding the form used.

(3) The following subparagraphs are grouped so as to conform to the Uniform Contract Format (including the Table of Contents) set out below. All items of information shall be set forth in the appropriate Sections.

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THE FOLLOWING CHECKED SECTIONS ARE CONTAINED IN THE CONTRACT							
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	E	Supplies/Services & Prices.			M	List of Documents, Exhibits, and Other Attachments.	

PART I—GENERAL INSTRUCTIONS

Section A—Cover Sheet.

DD Form 1707 (or its equivalent adapted for ADPE), Information to offerors or quoters, to be used with Standard Forms 18 and 33 or with other Requests for Proposals and Quotations prescribed by this Regulation.

Section B—Contract Forms and Representations, Certifications, and Other Statements of Offeror or Quoter.

(1) for requests for proposals, Standard Form 33 (Solicitation, Offer and Award). Instructions for filling out Standard Form 33 are in 16.104–1;

(2) for requests for quotations, Standard Form 18 (Request for Quotations). Instructions for use of Standard Form 18 are in 16.102–1. If the solicitation is for informational or planning purposes, the statement in 1.309–3 shall be placed on the face of the request (See 1.309 for procedures and use of "Solicitations for Informational or Planning Purposes");

(3) when neither Standard Form 18 nor Standard Form 33 is used, the following shall be included in the first page of the solicitation:

(A) name and address of issuing procurement office, identification of the individual responsible for supplying additional information or answering inquiries; complete address of person to receive proposals, number of copies of proposal required to be submitted;

(B) date of issuance;

(C) closing date and time;

(D) number of pages; and

(E) title and/or number of the program project;

(4) when a request for proposals form other than Standard Form 33 is used, the following shall be included in this Section B if applicable to the procurement:

(A) The offeror/quoter represents and certifies as part of his proposal/quotation that: (Check or complete all applicable boxes or blocks.)

(I) SMALL BUSINESS

He ( ) is, ( ) is not, a small business concern. A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is quoting on Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.) If the offeror/quoter is a small business concern and is not the manufacturer of the supplies offered, he also represents that all supplies to be furnished hereunder ( ) will, ( ) will not, be manufactured or produced by a small business concern in the United States, its possessions, or Puerto Rico.

(II) REGULAR DEALER—MANUFACTURER (Applicable only to supply contracts exceeding $10,000.)

He is a ( ) regular dealer in, ( ) manufacturer of the supplies offered.

(III) CERTIFICATION OF INDEPENDENT PRICE DETERMINATION

In accordance with 1.115(a), insert the "Certificate of Independent Price Determination" in 1.115.

(B) A requirement for stipulation of a time within which the Government may accept the proposal;

(C) the "Contingent Fee" clause in 1.506–1(b) (if required by 1.506–1(a));

(D) TYPE OF BUSINESS ORGANIZATION

The offeror/quoter represents and certifies as part of his proposal/quotation that: (Check all applicable boxes or blocks.)

He operates as ( ) an individual, ( ) a partnership, ( ) a nonprofit organization, ( ) a corporation, incorporated under the laws of the State of ————

(E) BUY AMERICAN CERTIFICATE

The offeror/quoter hereby certifies that each end product, except the end products listed below, is a domestic source end product (as defined in the clause entitled "Buy American Act"); and that components of unknown origin have been considered to have been mined, produced, or manufactured outside the United States.

Excluded End Products ————

Country of Origin ————

The foregoing statement may be modified to change the order or to add or delete items to meet the needs of a particular procurement;

(F) A statement that prospective offerors may submit inquiries by writing or calling (collect calls not accepted) *(insert name and address, telephone area code, number, and extension);*

(G) A statement on the first sheet or on a cover sheet of the request for proposals that: "PROPOSALS MUST SET FORTH FULL, ACCURATE, AND COMPLETE INFORMATION AS REQUIRED BY THE REQUEST FOR PROPOSAL (INCLUDING ATTACHMENTS). THE PENALTY FOR MAKING FALSE STATEMENTS IN PROPOSALS IS PRESCRIBED IN 18 U.S.C. 1001." This statement shall be suitably modified when quotations are requested;

(H) A requirement for inclusion of "county" as part of quoter's/offeror's address will be inserted;

(I) A statement that prospective offerors should indicate in the offer the address to which payment should be mailed, if such address is different from that shown for the offeror;

(5) requirement that the proposal or quotation state the intended place of performance, including the street address, and the names and addresses of owner and operator of producing facilities, if other than offeror, when it is reasonably expected that such facilities will be used in the performance of the contract;

(6) The "Clean Air and Water Certification" set forth in 1.2302–1;

(7)(A) In accordance with 3.1203(a), the following notice:

DISCLOSURE STATEMENT—COST ACCOUNTING PRACTICES AND CERTIFICATION (MARCH 1978)

Any contract in excess of $100,000 resulting from this solicitation, except (i) when the price negotiated is based on: (A) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (B) prices set by law or regulation; (ii) contracts awarded to small business concerns as defined in 1.701–1 of the NASA Procurement Regulation; or (iii) contracts which are otherwise exempt (see 4 CFR 331.30(b)) shall be subject to the requirements of the Cost Accounting Standards Board. Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of the Cost Accounting Standards Board must, as a condition of contracting, submit a "Disclosure Statement" as required by regulations of the Board. The "Disclosure Statement" must be submitted as a part of the offeror's proposal under this solicitation (see (I) below) unless (i) the offeror, together with all divisions, subsidiaries, and affiliates under common control did not receive net awards exceeding the monetary exemption for disclosure as established by the Cost Accounting Standards Board (see (II) below); (ii) the offeror exceeded the monetary exemption in his cost accounting period immediately preceding the cost accounting period in which this proposal was submitted but, in accordance with the regulations of the Cost

Accounting Standards Board, is not yet required to submit a "Disclosure Statement" (see (III) below); (iii) the offeror already has submitted a "Disclosure Statement" disclosing the practices used in connection with the pricing of this proposal (see (IV) below); or (iv) post-award submission has been authorized by the Contracting Officer. See 4 CFR 351.70 for submission of a copy of the "Disclosure Statement" to the Cost Accounting Standards Board.

CAUTION: A practice disclosed in a "Disclosure Statement" shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed to practice for pricing proposals or accumulating and reporting contract performance cost data.

Check the appropriate box below:

[ ] I. CERTIFICATE OF CONCURRENT SUBMISSION OF "DISCLOSURE STATEMENT(S)"

The offeror hereby certifies that he has submitted, as a part of his proposal under this solicitation, copies of the "Disclosure Statement(s)" as follows: (i) original and one copy to the cognizant Contract Administration Office (see DoD Directory of Contract Administration Components (DoD 4105.59H)), and (ii) one copy to the cognizant contract auditor.

Date of Disclosure Statement(s)	Name(s) and Address(es) of Cognizant Contract Administration Office Where Filed

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the "Disclosure Statement(s)."

[ ] II. CERTIFICATE OF MONETARY EXEMPTION

The offeror hereby certifies that he, together with all divisions, subsidiaries and affiliates under common control, did not receive net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10,000,000 in his cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if his status changes prior to an award resulting from this proposal he will advise the Contracting Officer immediately.

CAUTION: Offerors who submitted a "Disclosure Statement" under the filing requirements previously established by the Cost Accounting Standards Board may claim this exemption only if the dollar volume of CAS covered national defense prime contract and subcontract awards in their preceding cost accounting period did not exceed the $10,000,000 threshold and the amount of this award will be less than $10,000,000. Such offerors will continue to be responsible for maintaining the "Disclosure Statement" and following the disclosed practices on CAS covered prime contracts and subcontracts awarded during the period in which a "Disclosure Statement" was required.

[ ] III. CERTIFICATE OF INTERIM EXEMPTION

The offeror hereby certifies that (i) he first exceeded the monetary exemption for disclosure, as defined in (II) above, in his cost accounting period immediately preceding the cost accounting period in which this proposal was submitted, and (ii) in accordance with regulations of the Cost Accounting Standards Board (4 CFR 351.40(f)), he is not yet required to submit a "Disclosure Statement." The offeror further certifies that if an award resulting from this proposal has not been made within ninety (90) days after the end of that period, he will immediately submit a revised certificate to the Contracting Officer, in the form specified under (I) above or (IV) below, as appropriate, to verify his submission of a completed "Disclosure Statement."

CAUTION: Offerors may not claim this exemption if they currently are required to disclose because they were awarded a CAS covered national defense prime contract or subcontract of $10,000,000 or more in the current cost accounting period. Further, the exemption applies only in connection with proposals submitted prior to the expiration of the ninety (90) day period following the cost accounting period in which the monetary exemption was exceeded.

[ ] IV. CERTIFICATE OF PREVIOUSLY SUBMITTED "DISCLOSURE STATEMENT(S)"

The offeror hereby certifies that the "Disclosure Statement(s)" were filed as follows:

Date of Disclosure Statement(s)	Name(s) and Address(es) of Cognizant Contract Administration Office Where Filed

The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the "Disclosure Statement(s)."

(B) In accordance with 3.1204–1(b), the following notice:

COST ACCOUNTING STANDARDS—EXEMPTION FOR CONTRACTS OF $500,000 OR LESS (MARCH 1978)

If this proposal is expected to result in the award of a contract of $500,000 or less, the offeror shall indicate whether the exemption to the "Cost Accounting Standards" clause (NASA Procurement Regulation 7.104–55(a)(1)) under the provisions of 4 CFR 331.30(b)(8) is claimed. Failure to check the box below shall mean that the resultant contract is subject to the "Cost Accounting Standards" clause or that the offeror elects to comply with such clause.

( ) The offeror hereby claims an exemption from the "Cost Accounting Standards" clause under the provisions of 4 CFR 331.30(b)(8) and certifies that he has received notification of final acceptance of all deliverable items on (i) all prime contracts or subcontracts in excess of $500,000 which contain the "Cost Accounting Standards" clause, and (ii) all prime contracts or subcontracts of $500,000 or less awarded after January 1, 1975, which contain the "Cost Accounting Standards" clause. The offeror further certifies he will immediately notify the Contracting Officer in writing in the event he is awarded any other contract or subcontract containing the "Cost Accounting Standards" clause subsequent to the date of this certificate but prior to the date of any award resulting from this proposal.

(C) In accordance with 3.1204–1(c), the following notice:

COST ACCOUNTING STANDARDS—ELIGIBILITY FOR MODIFIED CONTRACT COVERAGE (MARCH 1978)

If the offeror is eligible to use the modified provisions of 4 CFR 332, and elects to do so, he shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the "Disclosure and Consistency of Cost Accounting Practices" clause (NASA PR 7.104–55(a)(2)) in lieu of the "Cost Accounting Standards" clause (7.104–55(a)(1)).

[ ] The offeror hereby claims an exemption from the "Cost Accounting Standards" clause (NASA PR 7.104–55(a)(1)) under the provisions of 4 CFR 331.30(b)(2), and certifies that he is eligible for use of the "Disclosure and Consistency of Cost Accounting Practices" (NASA PR 7.104–55(a)(2)) because (i) during his cost accounting period immediately preceding the period in which this proposal was submitted, he received less than $10,000,000 in awards of CAS covered national defense prime contracts and subcontracts, and (ii) the sum of such awards equaled less than 10 percent of his total sales during that cost accounting period. The offeror further certifies that if his status changes prior to an award resulting from this proposal he will advise the Contracting Officer immediately.

CAUTION: Offerors may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a contract of $10,000,000 or more or if, during their current cost accounting period, they have been awarded a single CAS-covered national defense prime contract or subcontract of $10,000,000 or more.

(D) In accordance with 3.1213(a), the following notice:

ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS (MARCH 1978)

The offeror shall indicate below whether award of the contemplated contract would, in accordance with paragraph (a)(3) of the "Cost Accounting Standards" clause (NASA PR 7.104–55(a)(1)) require a change in his established cost accounting practices affecting existing contracts and subcontracts.

( ) YES ( ) NO

NOTE: If the offeror has checked "yes" above, and is awarded the contemplated contract, he will be required to comply with the "Administration of Cost Accounting Standards" clause (NASA PR 7–104–55–(b).

(8) instructions that offeror promptly acknowledge receipt of the request for proposal or request for quotation and advise whether he intends to sumit a proposal or offer;

(9) a statement requesting prospective offerors to list the names and telephone numbers of persons authorized to conduct negotiations;

(10) requirement for the offeror to (A) furnish the date of the last review by the Government of his property control and accounting system and describe actions taken to correct any deficiencies found; (B) state that he has reviewed, understands and can comply with all property management and accounting procedures set forth in the RFP, Appendix B or C and Part 1, Subpart 54 of the NASA PR; and (C) state whether or not the costs associated with (B) above are included in his cost proposal;

(11) unless exempted by 12.805 from inclusion of the "Equal Opportunity" clause, the representations set forth in 12.806(b);

(12) unless exempted by 12.805 from inclusion of the "Equal Opportunity" clause on the face page or cover sheet of the solicitation, these notices:

I. NOTE THE AFFIRMATIVE ACTION REQUIREMENT OF THE "EQUAL OPPORTUNITY" CLAUSE WHICH MAY APPLY TO THE CONTRACT RESULTING FROM THIS SOLICITATION.

II. NOTE THE CERTIFICATION OF NONSEGREGATED FACILITIES IN THIS SOLICITATION. Bidders, offerors and applicants are cautioned to note the "Certification of Nonsegregated Facilities" in the solicitation. Failure of a bidder or offeror to agree to the certification will render his bid or offer nonresponsive to the terms of solicitations involving awards of contracts exceeding $10,000 which are not exempt from the provisions of the "Equal Opportunity" clause. (OCTOBER 1971)

(13) when the solicitation is expected to result in a fixed-price construction contract, the value of which will exceed $500,000, and offer substantial subcontracting opportunities, insert the "Minority Business Enterprise Construction Subcontracting" clause set forth in 1.332-3(c). The information listed under 2.201-2(11) shall be obtained. For cost-type contracts, insert the clauses in 1.332-3 (a) and (b). Also insert provisions necessary to implement NASA's intent that at least twenty percent (20%) of the total value of all subcontracts shall be awarded to minority business concerns;

(14) the certification of "Minority Business Enterprise" required by 1.332-1(e);

(15) requests for proposals for procurements which are subject to Title VI of the Civil Rights Act of 1964 (Public Law 88-352; 42 U.S.C. 200 d-1), shall include a requirement for obtaining an "Assurance of Compliance" (NASA Form 1206) in accordance with the provisions of paragraph 1.355.

Section C—Instructions, Conditions and Notices to Offerors/Quoters.

(1) type of contract contemplated, together with type of repricing, and economic price adjustment, if any;

(2) statement that the selected contractor will or will not require access to classified information (see NASA Management Instruction 1650.1, "Industrial Security Policies and Procedures");

(3) method and format of price quotation desired (fixed-price or cost type, if known at the time), including a reference to the necessity for cost or price breakdown (see 3.501(c)(2)(ix));

(4) description of information required to support proposed prices; e.g., subcontract structure, purchasing system, royalty, and cost and price information (see Part 3, Subparts 8 and 9, Part 9, Subpart 1 and Part 23);

(5) information as to requirements for "Certificate of Current Cost or Pricing Data" (see 3.807-3);

(6) when the "New Technology" clause of 9.107-5 or 9.107-6 is to be applicable to the procurement, the provisions of 9.109-6(h) entitled "Waiver of Rights to Inventions" shall be included;

(7) notice to offerors of the Government's desires as to the use of incentive considered applicable, objectives of the incentive performance goals, schedule milestones, critical delivery parameters, and similar information intended to elicit contractor response to the procurement objectives but without premature disclosures prejudicial to the Government's prenegotiation position (see 3.450);

(8) notice to offerors of the possibility that award may be made without discussion of proposals (see 3.102);

(9) directions for obtaining copies of any documents, such as plans, drawings and specifications, which have been incorporated by reference (see 1.1201);

(10) instructions for disposition of drawings and specifications supplied with the requests for proposals or request for quotations;

(11) statement of information required to facilitate evaluation of technical and financial capabilities and a statement covering special technical capabilities which offerors must possess (see 3.804);

(12) instruction reflecting desirability of a separation between the contractor's "Business Management Proposal" and "Technical Proposal." For evaluation purposes separate proposals, where time permits, should be received; therefore, the format should be flexible enough to permit separate requirements (see 3.802-4(a));

(13) list of any Government-furnished property (showing location and condition) including Government-owned tooling, which will be furnished for the performance of the contract, and any special provisions relating thereto;

(14) requirement that information be furnished with respect to any Government-owned facilities, industrial equipment, or special tooling intended to be used in the performance of the contract, the value thereof, identification of the Government contract under which acquired, rental provisions, and other relevant information;

(15) requirement that additional facilities to be provided by the Government be described and identified by category, such as "Land," "Buildings," "Machinery," "Equipment," etc., (see 13.601-1 for format);

(16) requirement that additional special test equipment to be provided by the Government be described and its intended use, estimated cost, and proposed location be shown;

(17) requirement for the contractor to furnish data, when the requirement for data is known in advance of making the contract and delivery of data is definitely to be required in the performance of the contract (see Part 9, Subpart 2 for detailed instructions and required clauses; see also 3.852-3);

(18) requirement for information to be furnished on management engineering and consultant services specified in 4.5206-2(b);

(19) when NASA Financial Management Reporting is to be applicable to the procurement (7.104-53), offerors will be advised that the successful contractor will be required to report contract cost/manpower on a regular basis as set forth in NASA Handbook 9501.2A, "Procedures for Contractor Reporting Correlated Cost and Performance Data;"

(20) a statement as follows:

UNNECESSARILY ELABORATE CONTRACTOR'S PROPOSALS (NOVEMBER 1965)

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the offeror's lack of cost consciousness. Elaborate art work, expensive paper and bindings and expensive visual or other presentation aids are neither necessary nor desired.

The above statement shall be appropriately modified where included in a request for quotations;

(21) if the contract is to be conditioned on the availability of funds, a clear statement of such condition (see 1.318);

(22) requirement for submission of a proposed "Make or Buy" program (see Part 3, Subpart 9);

(23) in accordance with the policies of 1.304-2 and 9.202-2(d) and the procedures of 9.202-3(e) the following shall be included in all requests for proposals;

TREATMENT OF PROPOSAL DATA (RECORDED INFORMATION) (NOVEMBER 1977)

(For comprehensive coverage of NASA's Proposal Data Policy see NASA PR 1.304–2).

(a) Commercial and Financial Data.

(1) It is NASA's policy to use commercial and financial data included in proposals for evaluation purposes only. This policy does not require that this kind of proposal data bear a notice.

(2) Where it is the practice of an offeror or his proposed subcontractor to treat certain commercial and financial data as a trade secret, and such data is protectible as a trade secret under law, he may apply the "Notice" of paragraph (b) below to those portions to be maintained as a trade secret.

(3) In any event, commercial and financial data submitted to NASA in a proposal will be protected to the extent permitted under the law, either as a properly noticed trade secret, or as commercial or financial information received from a person and confidential or privileged.

(b) Technical Data. It is NASA's policy to use the technical data contained in any proposal submitted in response to this request for proposal for evaluation purposes only. Where any of such technical data constitutes a trade secret under the law and the offeror, or his potential subcontractor, desires to maintain trade secret rights in such technical data the following "Notice" must be affixed to the cover sheet of the proposal specifying therein the pages of the proposal which contain trade secrets to be restricted in accordance with the conditions of the "Notice." Thereafter, it is NASA policy to protect such noticed technical data as a trade secret. NASA assumes no liability for use or disclosure of any proposal technical data to which the "Notice" has not been applied.

NOTICE

Data on pages —— of this proposal constitute a trade secret. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed other than for evaluation purposes; provided however, in the event a contract is awarded on this proposal the Government may obtain in the contract additional rights to use and disclose this data.

(c) Rights to Technical Data in Successful Proposals. The offeror is advised that should a contract be awarded on a proposal submitted in response to this Request for Proposal, it is NASA policy, in consideration of the award, to obtain unlimited rights for the Government to the technical data (as distinguished from commercial and financial data) contained in the proposal unless the prospective contractor advises the Contracting Officer that portions of the technical data (to be identified by the prospective Contractor are covered by the "Notice" of (b), above, and/or established to the Contracting Officer's satisfaction that other identified portions do not relate directly to or will not be utilized in the work to be funded under the contract and requests that such portions be excluded from the Government's rights. In such instances the portions will be excluded by inserting the appropriate proposal page numbers in the "Rights to Proposal Data (Technical)" clause (NASA PR 9.203–7) included in the contract. Such exclusion of technical data is not dispositive of its protectible status under law. The responsibility, however, of raising the question of exclusion of such technical data rests with the prospective Contractor. Commercial and financial data contained in the proposal shall not be made a part of this acquisition procedure and shall remain under the policy of NASA PR 1.304–2(d)(1).

(24) requests for proposals which will result in the placement of rated orders or Authorized Controlled Material Orders (see 1.307) shall contain the following statement:

Contracts or purchase orders to be awarded as a result of this solicitation shall be assigned a (DX or DO as appropriate) rating or DMS allotment number (as appropriate) in accordance with the provisions of BDC Regulation 2 and/or DMS Regulation 1.

(25) when the use of automatic data processing equipment is applicable to the procurement (see 3.804–2(c)(2) and Part 3, Subpart 11), inclusion of the following provision:

The Government reserves the right to require the preparation and submission of feasibility and lease versus purchase studies by the successful Contractor if the use of automatic data processing equipment is proposed.

(26) statement as to requirement for jewel bearings (see 1.315);

(27) requirements set forth in 1.351, if the procurement includes the furnishing of electrosensitive initiating devices (squibs) or any other item or component designated in the procurement request as a potentially hazardous item;

(28) statement that this request for proposal or request for quotation does not commit the Government to award a contract, the Government reserving the right to reject any or all proposals, or to negotiate separately with any source considered qualified; and that the contracting officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed procurement (see 3.801);

(29) statement that this request for proposal or request for quotation does not commit the Government to pay any costs incurred in the submission of the quotation or in making necessary studies or designs for the preparation thereof, nor to procure or contract for services or supplies. Further, no costs may be incurred in anticipation of a contract with the exception that any such costs incurred at the offeror's risk may later be charged to any resulting contract to the extent that they would have been allowable if incurred after the date of the contract and to the extent authorized by the contracting officer (see 15.205–30);

(30) the following provision shall be included in all requests for proposals to be evaluated pursuant to NASA Source Evaluation Board procedures, when award of a cost-reimbursement type contract (with or without incentive arrangements) is contemplated:

Once the prospective Contractor has been selected, the estimated costs submitted with its proposal shall not be subject to increase, except for changes in certified cost or pricing data submitted with the proposal, unless changes are made in the requirements of the requests for proposals. Furthermore, increases shall be considered only in regard to those requirements that are actually affected by the changes (whether the changes result in an increase or decrease in the requirements and whether they are initiated by the Government or the offeror), and then only to the extent that such changes are specifically identified and justified. Negotiation of such increases will be conducted separately, and not as part of a combined overall negotiation of the estimated cost and fee of the proposed contract. (February 1967)

(31) requirements for performance and payment bonds (see Part 10, Subpart 1);

(32) requests for proposals and requests for quotations for contracts in excess of $1,000,000, where the conduct of research, experimental, design, engineering, or development work is contemplated, and in such contracts of lesser dollar value if deemed appropriate by the contracting officer and the technology utilization officer of the installation concerned, and for which the "New Technology" clause of 9.107–5 is applicable, shall contain the following requirement:

PLAN FOR NEW TECHNOLOGY REPORTING (FEBRUARY 1977)

Each offeror shall submit, as part of his proposal, estimates of the cost and manpower requirements to perform new technology reporting, including periodically meeting with NASA New Technology and/or Patent Personnel. The requirement, time and place for such meetings will be determined by the Contracting Officer; the meetings will generally occur not more than quarterly. A detailed Plan for New Technology Reporting will not be required until the offeror (or offerors, as appropriate) is directed to submit his Plan by the Contracting Officer. The offeror will be required to indicate in his original proposal that he understands that a detailed Plan will be required if he is selected for negotiations, and that this Plan will describe how he intends to carry out the provisions of the "New Technology" clause of the contract. The Plan shall describe:

(a) The size and nature of the scientific and technological efforts in which inventions, discoveries, improvements and innovations

may be expected. Include the scientific disciplines involved in these efforts, and summarize the technical problems to be solved which are most likely to generate new technology.

(b) The emphasis given to new technology reporting by the top levels of management of the organization, and the specific means (e.g., company directives, newsletters, briefings) to be used to communicate such emphasis to the organization.

(c) The organizational placement and qualifications of (i) the individual(s) assigned as Company Technology Utilization/New Technology Representative(s), and their staffs, and (ii) of any others having substantial and specific responsibilities for new technology reporting. Describe all significant organizational relationships.

(d) Plans for both the initial and the continuing indoctrination of senior project personnel, supervision, and of other appropriate technical personnel in the benefits, responsibilities and details of new technology reporting.

(e) The plans to establish, maintain and follow active and effective procedures to ensure that reportable items are promptly identified and timely reported as required by the "New Technology" clause. Include plans for supplementing existing company invention reporting system(s) to insure reporting of that "new technology," which does not constitute invention (any new or improved products, devices, materials, processes, methods, scientific or technical computer programs, techniques, compositions, systems, machines, apparatus articles, fixtures, and tools, are reportable, whether or not they constitute invention).

(f) The details of actual documentation of reportable items, and the methods by which they will be reported. Include plans for (i) submission of sufficient detail to permit evaluation of the novelty and potential usefulness of the reportable items, (ii) avoiding unnecessary redocumentation by inclusion of existing documents or abstracts therefrom.

(g) Level of effort anticipated. (Quarterly/monthly rates and estimated disclosure output rates are desirable.)

(h) The plans for complying with the periodic meetings with NASA new technology and/or patent personnel and the personnel who will attend.

(33) in accordance with 12.806(a), the notice of "Pre-Award On Site Equal Opportunity Compliance Review" set forth therein;

(34) if the contract involves performance of services on a Government installation, the following provision:

SITE VISIT (JULY 1968)

Offerors are urged and expected to inspect the site where services are to be performed and to satisfy themselves as to all general and local conditions that may affect the cost of performance of the contract, to the extent such information is reasonably obtainable. In no event will a failure to inspect the site constitute grounds for a claim after award of the contract.

(35) include the "Notice to Offerors" as set forth in 2.201–1(a) Section C(18);

(36) requirements for a System Safety Program Plan in accordance with Part 1, Subpart 53 when the procurement covers a major hardware system and SEB procedures will be employed:

Note: When the procurement is noncompetitive the offeror shall be required to submit, with the proposal, its detailed System Safety Program Plan and the cost and manpower estimates required to perform major tasks under the Plan.

(37) where required by 11.402, insert the clause contained in 11.402(e) concerning the potential availability of a credit to a succeeding service contractor for wages paid by the incumbent contractor;

(38) if international air transportation of personnel and cargo is possible during the performance of the contract, include the clause in 7.104–95;

(39) in accordance with the policy of 9.202–2(b) and the procedures of 9.202–3(c) the following statement shall be included in all requests for proposals:

IDENTIFICATION OF PROTECTIBLE DATA

(This provision is applicable only if the "Rights in Data-General" clause of NASA PR 9.203–3 is to be included in the contract).

This Request for Proposal (RFP) contains an identification of known requirements for data to be furnished NASA under the proposed contract. Should any of this data involve an offeror's protectible data as defined in the "Rights in Data-General" clause (NASA PR 9.203–3), the clause permits the Contractor to meet the requirements for data by furnishing form, fit, and function data in lieu of its protectible data. This withholding technique is the primary means by which the Contractor may protect its equitable position in its protectible data.

While NASA normally can achieve its contractual objectives with the use of form, fit, and function data in lieu of protectible data, there are circumstances where its needs require access to protectible data. In such instances appropriate provisions may be included in the "Rights in Data" clause to provide for the delivery of protectible data under restricted rights or limited rights conditions.

To provide visibility, and as an aid in determining whether a real need exists for NASA access to protectible data, offerors shall state in the proposal that the contract requirements for data have been reviewed, and further, shall either (1) state that none of the required data qualifies as protectible data, or (2) identify which of the required data qualifies as protectible data.

If it be determined that access is required to any protectible data so identified, then NASA intends to include paragraphs (f) and/or (g) of NASA PR 9.203–3(b) and (c) to the "Rights in Data" clauses.

(40) with respect to late proposals, modifications of proposals, and withdrawal of proposals, include the provision set forth in 3.802–4(c) (this provision will be appropriately modified in the case of request for quotations); where Standard Form 33 (Solicitation, Offer, and Award) is used, the following notice shall be prominently set forth in the request for proposals:

NOTICE TO OFFERORS—LATE PROPOSALS, MODIFICATIONS OF PROPOSALS, AND WITHDRAWAL OF PROPOSALS (SEPTEMBER 1978)

Paragraph 8, "Late Proposals, Modifications of Proposals, and Withdrawal of Proposals," of Standard Form 33A does not apply to this solicitation. See the special provision in this solicitation entitled, "Late Proposals."

(41) in procurements to exceed $500,000 and which in the opinion of the contracting officer offer substantial subcontracting opportunities, include the clauses set forth in 1.332–3(a) and (b). Offerors shall be advised by conspicuous notice in the solicitation, substantially as set forth below, of the requirement to submit a minority business enterprises subcontracting plan, which implements the clause set forth in 1.332–3(b) for evaluation and incorporation in the resulting contract.

MINORITY BUSINESS ENTERPRISE PROGRAM

Consistent with the national interest, it is NASA policy that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of NASA contracts, at the prime and subcontractor levels. Any contract awarded as a result of this solicitation shall fully comply with the intent of this policy, and the successful offeror shall agree to pursue an effective and comprehensive minority business enterprises subcontracting program as provided for in the clause entitled "Minority Business Enterprises Subcontracting Program."

Prior to execution of the contract (or by a stated time after the contract date if necessary to avoid delay), the Contractor shall submit to the Contracting Officer, for approval, a comprehensive minority business enterprises subcontracting program plan for implementing the requirements of the clauses entitled "Utilization of Minority Business Enterprises" (1.332–3(a)) and "Minority Business Enterprises Subcontracting Program." In addition to the requirements of items (1) through (7) of the clause entitled "Minority Business Enterprises Subcontracting Program," such a plan shall contain a program for actively seeking out minority business firms, ensuring their understanding of the Contractor's procurement process, providing business and technological support to resulting minority subcontractors as may be needed to assist them in contract performance, and

cooperating fully with NASA in furthering the Government's minority business enterprises program.

The offeror's timely submission of an acceptable plan in accordance with this provision and in exerting its best effort to operate in accordance with the plan approved hereunder, shall be a factor in evaluating the Contractor's performance under the terms and conditions of the contract, including the determination of entitlement to award fee, if applicable.

OFFERORS SHALL INCLUDE A SUMMARY OF THEIR MINORITY BUSINESS ENTERPRISE SUBCONTRACTING PLAN WITH THEIR RESPONSE TO THIS SOLICITATION. THIS SUMMARY PLAN AND THE COMPREHENSIVE PLAN SHALL BE SPECIFIC AS TO THE WORK TO BE SUBCONTRACTED WITH MINORITY FIRMS, WITH FIRM COMMITMENTS IDENTIFIED WHEN OBTAINABLE.

(42) the "Patent Royalties" clause set forth in 9.101–2(f)(2).

(43) in accordance with 3.213–4, insert the "Notice of Possible Standardization" as follows:

NOTICE OF POSSBILE STANDARDIZATION (DECEMBER 1978)

It is possible that the products procured through this action may be established as standard and subsequent procurements may be negotiated under authority of paragraph 3.213 of the NASA Procurement Regulation.

(44) where not contained elsewhere in the Request of Proposal a provision as follows:

ORDER OF PRECEDENCE (JULY 1968)

In the event of an inconsistency between provisions of this solicitation, the inconsistency shall be resolved by giving precedence in the following order: (a) the Schedule; (b) Terms and Conditions of the solicitation; (c) General Provisions; (d) other provisions of the contract, where attached or incorporated by reference; and (e) the Specifications.

Section D—Evaluation Factors for Award.

(1) identification of the special factors, such as Government cost or other expenditures, including reliability and maintainability requirements, which will be considered in evaluating the proposals, together with an indication of the relative importance to be given these factors, where applicable (see 3.804–2). (However, see 3.804–3 for SEB procedures.)

(2) Evaluation of Options, if any (see Part 1, Subpart 15);

(3) see paragraph (c)(1) below for Technical Proposal Instructions which will be included in this Section as applicable;

(4) see paragraph (c)(2) below for Business Management Proposal Instructions to be included in this Section as applicable.

PART II—THE SCHEDULE

Section E—Supplies/Services and Prices.

(1) brief description of items (i.e., item numbers, names, part numbers and quantities).

Section F—Description/Specifications.

(1) item description or statement of work (including any necessary specifications);

Section G—Packaging and Marking.

(1) packaging and marking requirements (if any).

Section H—Deliveries or Performance.

(1) time of delivery or performance (see 1.305);

(2) place and method of delivery;

(3) provisions to be made for reliability assurance (see 14.501).

Section I—Inspection and Acceptance.

(1) a description of the quality assurance system to be used (see Part 14, Subpart 1);

(2) place, method and conditions of inspection, test, and acceptance (see 14.101 *et seq.*).

Section J—Special Provisions.

(1) clear statement of option provisions (see Part 1, Subpart 15 and 12.1050);

(2) special provisions necessary for the particular procurement, relating to such matters as patents, data, copyrights (see Part 9); liquidated damages (see 1.310); progress payments (see 7.104–35);

(3) any applicable wage determination of the Secretary of Labor.

Section K—Contract Administration Data.

(1) accounting and appropriation data (Note: Where Standard Form 33 or Standard Form 26 is used, include only data not set forth on that form);

(2) instructions to paying offices and administrative contracting offices, including name, organization code, and telephone area code, number, and extension of purchasing office representative;

(3) identification of New Technology and Patent Representatives.

PART III—GENERAL PROVISIONS

Section L—General Provisions.

(1) where clauses are to be incorporated by reference, include the provision in 7.001(a)(1);

(2) such general contract provisions (contract clauses) as are required by law or by this Regulation;

(3) such additional general provisions (contract clauses) as may be applicable to the procurement;

(4) such alterations in contract provisions as are appropriate;

(5) contract clauses required by law or this Regulation, copies of applicable standard or NASA forms which will form a part of the contract, and any report forms or handbooks required to be used or followed in complying with the terms of the contract;

(6) if leases are involved, the facilities nondiscrimination paragraph set forth in 1.350–4.

PART IV—LIST OF DOCUMENTS, EXHIBITS, AND OTHER ATTACHMENTS

Section M—List of Documents, Exhibits, and Other Attachments.

(1) here list all of the documents, exhibits, and other attachments which make up the request for proposals or request for quotations package; give form number, name, date, and number of pages for each document; give type and identifier (for example, "Exhibit A"), name, and number of pages for each exhibit, appendix, or other attachment (for example: work frequency schedules, work breakdown structures, work statements, specifications, special requirements, or other documents too lengthy to be conveniently written into the request for proposals or request for quotations proper);

(2) to insure timely distribution of Material Inspection and Receiving Reports (DD Form 250), include distribution instructions in the Schedule (Section K) or as an attachment to the contract (see Appendix I).

(c) *Procurements in excess of $1,000,000.* For contracts in excess of $1,000,000 the request for proposal should contain requirements for the following information to be furnished by the offeror in his proposal, if applicable, in addition to the information specified in (b) above. This information may be required in the request for proposal for inclusion in contracts of lesser dollar value if deemed appropriate:

(1) *Technical Proposal.*

(i) method by which the offeror proposes to solve the technical problems of the project, other than information to be furnished elsewhere as a part of program or project support plan summaries (See 3.501(c)(1)(vii) below);

(ii) specification of exceptions to proposed technical requirements;

(iii) statement of background experience in fields relating to the procurement;

(iv) names and resumes of experience of key technical personnel who will be employed on the project and extent to which each will participate in the

performance of the project; an organization chart of the segment of offeror's organization which will be directly assigned to the project, listing names and job categories;

(v) description and location of the company-owned research test and production equipment and facilities which will be available for use on the project; separate list of any additional facilities or equipment required in the performance of the work; separate list of existing Government facilities available to the contractor and required for use on the project;

(vi) hourly time estimates (without pricing information) by labor class for each phase or segment of the project; extent to which these estimates are based on the use of employees presently on the offeror's payrolls who will be available for the work as required; indication of number and types of personnel necessary to be hired and arrangements made to obtain them; and

(vii) for negotiated procurements conducted under Source Evaluation Board procedures where detailed program or project support plans will be required as part of the offeror's proposal, and when such plans are not considered to be important discriminators in the evaluation process but only provide technical or management support to the primary product or service being offered, the requirements for these plans shall be described in separate appendices to the Statement of Work. As part of their original proposal, offerors will be required to submit an estimate of the cost and work force to perform major tasks under each requirement separately identified, and a summary of the major task elements to perform each requirement. Offerors will also be required to indicate that they understand that a detailed program or project support plan will be ultimately required if they are selected for negotiations, and that such plans will be negotiated into the proposed contract prior to award.

(2) *Business Management Proposal.*

(i) organization proposed for carrying out the project, including organization charts showing interrelationship of business management, technical management and subcontract management; indication of all levels of operation and management, from lower levels through intermediate management to top level management;

(ii) resume of experience of all key personnel who will conduct the managerial affairs of the project;

(iii) contractual procedures proposed for the project to effect administrative and engineering changes, describing differences from existing procedures;

(iv) extent to which offeror has invested corporate funds in research and development work in the project area or directly related areas and plans for future expenditures for such work; extent, if any, to which offeror is willing to participate in the cost of the project (see 3.405–3);

(v) statement as to capacity at which company-owned research test, and production equipment and facilities required in the performance of the work are currently working; extent to which such facilities and equipment could handle the additional workload imposed by this project; cost of any additional facilities or equipment required in the performance of the work with information as to whether such additional facilities or equipment will be contractor-furnished or Government-furnished; statement of value of existing Government facilities available to offeror and required for use on the project, showing the Government agencies and facilities contracts involved;

(vi) statement of past performance and experience including:

(A) list of Government contracts in excess of $1,000,000 received in past three years or currently in negotiation involving mainly research and development work, showing each contract number, Government agency placing the contract, type of contract, and brief description of the work;

(B) for each cost-type contract, specify amounts of cost overruns or underruns, reasons therefor, and percentage of fixed fee;

(C) for each contract, give record of contract completion as against completion date anticipated at time of entering into contract, giving explanations for completion delays; and

(D) identify and explain any terminations for default or Government convenience;

(vii) balance sheet for offeror's last fiscal year, accompanied by profit and loss statement;

(viii) detailed cost or price proposal, furnished as a separate, detachable element of the business management proposal; and

(ix) in soliciting proposals for support services requiring price quotations for a cost reimbursement type contract the request for proposals should set forth available data respecting the quantity and quality of supplies and services required. These data should be set forth in terms of work hours of identifiable categories of labor, including experience and related qualifications, and in terms of quantities of supplies, all exclusive of costs. To be responsive, an offeror must submit a detailed cost or price proposal based on the effort described or estimated in the request for proposals. If the offeror feels that the work can be accomplished more efficiently with organizational plans, staffing, management or equipment other than those indicated in the request for proposal, he may also submit an alternate proposal, supported by a detailed cost or price proposal.

(d) *Source Evaluation Board RFP's.* Requests for proposals, which are subject to the review and approval of a Source Evaluation Board, should be developed in accordance with the above paragraphs and the requirements of paragraph 403 of the NASA Source Evaluation Board Manual (NHB 5103.6A).

(e) *Acquisition of Major Systems.* Requests for alternative system design concept proposals leading to the acquisition of a major system subject to the policies and procedures prescribed in NMI 7100.14A shall clearly express mission need, schedule, cost, capability objectives, and operating constraints applicable to the particular program. The request for proposals should be prepared so that offerors are free to propose their own technical approach, main design features, subsystems, and alternatives to schedule, cost, and capability goals. Use of Government specifications and standards should be restricted.

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DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Part 195

[Amdt. 195-15; Docket PS-51]

Transportation of Liquids by Pipeline; Procedures for Operations, Maintenance, and Emergencies

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Final rule.

SUMMARY: This final rule establishes precise and comprehensive requirements for written procedures to be prepared and followed by operators of hazardous liquid pipelines for conducting pipeline operations and maintenance, and for handling emergencies.

DATE: Effective date of this final rule is July 15, 1980.

FOR FURTHER INFORMATION CONTACT:
Frank Robinson, 202-426-0135.

SUPPLEMENTARY INFORMATION: Failure analyses and accident investigations by MTB and recommendations by the NTSB (P-79-9, P-78-10, P-74-53, 54, 56, 58, P-73-30, 49, P-72-3) indicate that in many cases pipeline carriers transporting hazardous liquids do not have adequate procedures for handling normal operations and maintenance, abnormal operations, and emergencies. The lack of procedures to assure appropriate and timely action has contributed to the occurrence of failures and to the damage resulting from failures.

Carriers who have established and who have implemented adequate written operating, maintenance, and emergency procedures together with appropriate personnel training have safety records which demonstrate that this approach is effective in minimizing the potential for hazardous incidents. In view of the enhanced safety resulting from adequate written procedures to control operations, maintenance, and emergencies, MTB reviewed the requirement in § 195.402 to establish and maintain such procedures. Section 195.402 for procedures was found inadequate because it does not clearly set forth in sufficient detail those items which the procedures must include to achieve adequate safety. As a result, a notice of proposed rulemaking (NPRM) was published in ther **Federal Register** (43 FR 35513, August 10, 1978) providing detailed justification for the NPRM and proposing to establish the essentials that these procedures must include as well as requirements for communications, personnel training, and public education concerning the hazards involved.

Thirty-one commenters responded to the NPRM. Only one commenter agreed with all provisions of the notice. The other commenters recommended changes to one or more of the individual paragraphs in the notice. Substantive comments, responses to substantive comments, and the development of the final rules follow:

Definition of Highly Volatile Liquid

The NPRM proposed a definition of the term "highly volatile liquid (HVL)" for use in conjunction with the proposed procedures. Certain special procedures were proposed for pipelines transporting HVLs because such commodities usually pose a greater hazard than other liquid commodities in the event of a spill.

The proposed definition of an HVL was a liquid which has an absolute vapor pressure of 100 KPa (14.5 psia) or more at 37.8° C (100° F). The intent was to describe those commodities which would form a vapor cloud when released to the atmosphere.

One commenter objected to the addition of the new term "highly volatile liquid" questioning whether a new term, not generally used by the industry, is appropriate. Another commenter recommended that established definitions in Part 173, § 173.300, be utilized for highly volatile liquids.

The MTB believes a new term to define highly volatile liquids is necessary in order that certain rules can be promulgated that apply only to these commodities. MTB further believes there is no commonly used term to describe these commodities. Additionally, there is no term in Part 173 that adequately describes highly volatile liquids. Section 173.300 gives three definitions of a compressed gas. Of these definitions, the one that most adequately describes some HVLs is the one which reads "* * * any liquid flammable material having a vapor pressure exceeding 40 psi absolute at 100° F * * *." Although this definition would serve to describe flammable HVLs such as LPG, it excludes other HVLs such as anhydrous ammonia which are not flammable. Hence, a new term describing an HVL is appropriate.

One commenter recommended a nontechnical description as well as a technical definition be included in the final rule. Although the commenter did not recommend the specific wording for a nontechnical description of an HVL, a nontechnical description is given in the final rule as an aid in understanding how an HVL differs from other commodities.

Two commenters recommended that liquefied natural gas (LNG) be specifically excluded in the definition arguing that the proposed definition would erroneously include LNG. MTB does not agree that the proposed definition of an HVL includes LNG because LNG is not a liquid at 100° F and, hence, cannot have a vapor pressure at that temperature.

Nine commenters recommended that a highly volatile liquid be defined as those liquids with an absolute vapor pressure of 40 psi or more at 100° F arguing that (1) the proposed rule defining an HVL as a liquid with a vapor pressure of 14.5 psia or more at 100° F would erroneously include some commodities which do not form vapor clouds such as some crude oils, (2) increasing the vapor pressure in the definition to 40 psia or more, would exclude such crude oils, and (3) increasing the vapor pressure to 40 psia or more at 100° F would make the definition numerically consistent with § 173.300.

The MTB agrees that the proposed definition of an HVL would erroneously include some crude oils. The MTB further agrees that increasing the vapor pressure in the definition to 40 psia would appropriately exclude such crude oil, but yet include those commodities which are intended to be covered, such as LPG and anhydrous ammonia.

In view of the foregoing, the definition of an HVL in the final rule has been changed from the definition in the proposed rule. The final definition of HVL is "a commodity which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8° C (100° F)."

General Requirements

Two commenters noted that the reference to "paragraph (a)" in the redesignated general requirements of § 195.401(a) should be changed to § 195.402(a) for consistency. This correction is made in the final rule.

Several commenters misunderstood the scope of the notice believing that it applied only to pipelines carrying HVL. The proposed regulations and final regulations apply to all liquid commodity pipelines operated by carriers engaged in interstate or foreign commerce with special provisions for HVL pipelines.

Procedural Manual for Operation, Maintenance, and Emergencies

One commenter on proposed § 195.402(a) recommended that keeping procedures in a manual form be made optional, arguing that implementing written procedures would be unduly burdensome and costly. Another commenter made the same argument for offshore pipelines. One commenter argued that although carriers now have written procedures, putting these procedures into a manual would serve no useful purpose other than to comply with the proposed rulemaking. The MTB disagrees with these views. The existing § 195.402 requires written procedures for operation and maintenance. Consequently, there should be little, if any, added cost to put these procedures into a manual. Further, it is difficult to ascertain how the procedures could be utilized or evaluated effectively without being in such form. As a result, the proposed requirement for maintaining a current written manual of procedures for each pipeline system has been retained in § 195.402(a) of the final rules.

Most commenters agreed with the proposed requirement to have a written

procedures manual. However, 10 commenters recommended that the proposed requirement to file a copy of the procedures manual with the Secretary be deleted. They argued that (1) a review of the manual by persons not familiar with the specific pipeline would be meaningless, and (2) submitting the manual and all the changes to the manual would be burdensome.

The MTB finds repugnant the assertion that a pipeline carrier's operation, maintenance, and emergency procedures should not be subject to review by persons not intimately familiar with the specific pipeline (i.e., persons not in the employ of the carrier). Carriers are not above public accountability for what they do or don't do toward reducing the potential for accidents and the damage that accidents produce. However, because the MTB also has its concerns with carriers submitting all manuals and changes for review, those requirements were deleted in the final rule. Instead, it is MTB's intention to have its Regional pipeline inspectors, during regular inspection visits, review carriers' manuals against the specific requirements of this new rule.

Section 195.402(a) of the final rule specifies an annual review of the manual by the carrier and appropriate changes made as necessary to insure that the manual is effective. The MTB believes this review and update of the manual will insure that the manual is complete and current. The final rule specifies that the manual shall be kept at locations where operations and maintenance activities are conducted. The intent is to keep the manuals at locations where they will be immediately available to operating personnel and to MTB inspection personnel for review during their periodic inspections.

Two commenters recommended that the time for compliance with the requirement to have a procedures manual be within 1 year of the effective date of the regulation or within 3 months after a carrier begins initial operations. While MTB agrees that adequate time is necessary to prepare the manual, MTB believes that pipelines should not begin operations without written procedures because accidents are likely to occur during initial operations. Accordingly, the MTB has made this final rule effective July 15, 1980. This gives sufficient time to prepare the procedures manual for pipelines systems in operation on that date. For pipeline systems that begin initial operations after July 15, 1980, § 195.402(a) makes clear that the procedures manuals must be completed before operations commence. There were no substantive comments regarding § 195.402(b), and it is adopted as proposed.

Three commenters recommended that the proposed § 195.402(c)(1) concerning the availability of records and maps be deleted arguing that it merely repeats the requirements of existing § 195.404. However, such commenters were mistaken because § 195.404 requires the retention of certain data, while the proposed § 195.402(c)(1) provides for the use of such data where necessary for safe operations and maintenance activities. Therefore, § 195.402(c)(1) is adopted as proposed.

There were no substantive comments concerning § 195.402(c) (2) and (3), and these paragraphs are adopted as proposed.

One commenter to § 195.402(c)(4) which required that the carrier identify possible hazards argued that this paragraph could be interpreted to require each piece of equipment to be reexamined and its reliability certified. The MTB recognizes that statistical reliabilities and confidence levels are not available for most pipeline equipment and it is not the intent of this paragraph to require such sophistication. Another commenter recommended that this paragraph be deleted entirely arguing that the proposed paragraph would require a carrier to predict where a pipeline would fail. Such is not the intent. Rather, the intent of proposed § 195.402(c)(4) is to require a carrier to analyze its system and its practices with the records available and its knowledge of potential hazards, and to identify those facilities that would cause hazards to the public and to the system itself if failure did occur. Because MTB believes that the language of the proposed requirement is consistent with that intent § 195.402(c)(4), as proposed, has been incorporated in the final rule.

There were no substantive comments concerning § 195.402(c)(5), (6), and (7), and these paragraphs are adopted as proposed.

Regarding proposed § 195.402(c)(8) and (9), six commenters recommended that these two paragraphs be deleted or substantially rewritten arguing that the proposed wording has included language for specific design requirements which should be addressed in the design section of the regulations rather than the operations sections. The MTB agrees that it may be necessary for a carrier to install telemetry equipment to meet the intent of § 195.402(c)(8) and (9). The intent is to require monitoring of pipeline operational data from attended locations so that abnormalities can be detected quickly and proper procedures instigated. However, the means by which a carrier monitors operational data is not related to the design of its pipeline system. A carrier may choose to telemeter data from several locations to one central attended location to meet these requirements. Alternatively, personnel at the various locations may monitor the data directly. As a consequence, these two paragraphs have been adopted as proposed as operational requirements.

There were no substantive comments regarding § 195.402(c)(10). This paragraph is adopted as proposed.

One commenter questioned whether a carrier would have the means or authority to minimize the likelihood of accidental ignition of vapors near pipeline facilities, but off the pipeline right-of-way as required by § 195.402(c)(11). The MTB believes that the carrier might not have direct authority in all cases, but that he has access to those who do have such authority and can effect changes required to assure safety. This paragraph has been retained as proposed.

There were no substantive comments concerning § 195.402(c)(12), (13), and (14), and these paragraphs are adopted as proposed.

Two commenters noted that the proposed § 195.402(d) concerning procedures for abnormal operations would require carriers to develop procedures to respond to many normal actions. They argued that the advanced technology of pipeline control systems will actuate a valve or a safety device as part of its normal functions. These commenters recommend that this paragraph be rewritten to apply to conditions outside of normal design limits. In view of this argument, § 195.402(d) has been rewritten to apply to those abnormal situations where operating design limits have been exceeded.

Other substantive comments concerning the requirements of § 195.402(d) are fully responded to by the revision of § 195.402(d) above.

One commenter objected to the proposed § 195.402(e)(2) which includes "release of commodity from a pipeline facility" as a emergency situation requiring emergency response. It was argued that a "release of commodity" is an occurrence that by design exists often as part of normal operating and maintenance practices. Recognizing that planned releases of commodity are part

of normal operation and maintenance, the proposed § 195.402(e)(2) has been reworded in the final rule to include "accidental release of commodity from a pipeline facility" as one of the situations requiring emergency procedures.

One commenter recommended that the proposed § 195.402(e)(3) be changed to read "making personnel, equipment, instruments, tools, and materials available promptly as needed at the scene of the emergency." Since it appears that the proposed § 195.402(e)(3) could be interpreted to mean that personnel, equipment, etc., must be kept standing by at all possible scenes of emergencies, the recommended wording by the commenter is adopted in the final rule for clarification.

Two commenters recommended that the phrase "including possible intentional ignition in the case of flammable HVL" be deleted from the proposed § 195.402(e)(5) concerning procedures for controlling released commodities. One commenter stated that he had studied the use of intentional ignition as a means of controlling a release but had been unable to develop a safe procedure. The other commenter stated that any mention of intentional ignition must be accompanied by safeguards and warnings concerning its use. The MTB recognizes the potential hazards in the use of intentional ignition. The MTB also recognizes that it is used in some cases albeit with the utmost care and caution. It is for these very reasons that MTB proposed to require that intentional ignition be addressed in the procedures manual. Although the proposed rule leaves the use of intentional ignition to the discretion of the carrier, MTB believes that an adequate procedure by necessity will incorporate safeguards and warnings that should be in place if the carrier opts to use this method to control accidental releases.

Two commenters recommended that the phrase "by evacuating residents" concerning minimizing public exposure to hazards in proposed § 195.402(e)(6) be changed to "assisting with the evacuation of residents" arguing that the carrier does not have the authority to evacuate residents. Recognizing that the carriers are not legally authorized to evacuate residents in case of an emergency, the recommended wording "by assisting with evacuation of residents" has been adopted in the final rule. For the same reason, the proposed wording "halting traffic on roads and railroads" in the proposed § 195.402(e)(6) has been changed to "assisting with halting traffic on roads and railroads" in the final rule.

One commenter recommended that the proposed § 195.402(e)(7) include a statement that the individuals with jurisdiction or control of the land on which the pipeline is located be notified of any abnormalities or emergency conditions. This recommendation was not adopted in the final rule because MTB believes that (1) during an emergency, time is of the essence and a requirement to notify landowners would consume valuable time of the carriers' key personnel, (2) landowners may not be the ones most directly endangered by the hazard, and (3) landowners are not usually prepared to assist with controlling a hazard. Consequently, the wording proposed in the notice has been retained. This is not to say that notification of landowners should be discouraged or prohibited because there may well be instances where such practice is advisable and should be done under § 195.402(e)(6) as part of the public notice.

Two commenters recommended that the proposed § 195.402(e)(8) be amended to require the determination of safe areas rather than hazardous areas in the case of an HVL spill, arguing that it would be more practical to determine safe areas. The intent of the proposed regulation was a requirement to determine as far as practicable, the extent of a vapor cloud and how it might be moving or expanding so that the hazard might be assessed and what protective measures must be taken. The proposed wording conveys this intent more clearly than the recommended wording, hence the proposed wording is retained in the final rule.

There were no substantive comments regarding § 195.402(e)(9), and this paragraph is adopted as proposed.

One commenter recommended that proposed § 195.403 be amended to require carriers to provide training to State firefighting personnel regarding proper procedures for responding to HVL releases. While this recommendation was not adopted in the final rule, procedural manual requirements for handling emergencies require carriers to undertake emergency preplanning with fire, police, and the appropriate public officials (§ 195.402(e)(7)). Preplanning can and, particularly where small community fire services are involved, should include training assistance. Such training is available from several sources such as the National Fire Protection Association (NFPA) who recently developed, under contract to MTB, a training course titled "Handling Pipeline Transportation Emergencies."

One commenter recommended that the proposed § 195.403(a)(2) be deleted arguing that training all operating and maintenance employees to know all the hazards of all commodities transported would confuse the employees and reduce the likelihood of obtaining the proper responses to an emergency. The MTB does not believe that the range of commodities transported and the associated hazards of those commodities are so large as to confuse operation and maintenance personnel. Knowledge of the characteristics and hazards of the commodities with which the operation and maintenance personnel are involved is essential to any well developed procedures for operations, maintenance, and emergencies. Therefore, this proposal has been retained.

One commenter to § 195.403(a)(3) recommended that the wording "predict the consequences of facility malfunctions or failures and commodity spills" be deleted arguing that it is unnecessary that the operating and maintenance employees be able to predict such consequences. The commenters argue that knowing only that certain situations are emergencies and to take corrective action is adequate to assure safety. The MTB disagrees. The MTB believes employees must recognize the consequences that can result from an emergency in order to take timely and appropriate action. Consequently, the proposed wording of § 195.403(a)(3) is retained in the final rule.

One commenter recommended that reference to a simulated pipeline emergency be deleted from § 195.403(a)(5) arguing that the methods of training should be at the discretion of the carrier. The MTB believes the wording of the paragraph which calls for simulated emergencies "where feasible" leaves sufficient discretion to the carrier and has retained the proposed wording in the final rule. Simulated emergency conditions are a proven and valuable emergency training technique. Pipeline carriers are to be encouraged to join in their use.

There were no substantive comments concerning proposed § 195.403(a)(1), (4), or (6). There are no changes to these paragraphs in the final rule.

Seven commenters recommended that the training review interval in § 195.403(b) be changed from 6 months to 1 year, arguing that (1) the 6-month interval would be burdensome and (2) the 6-month interval is more often than necessary to meet training objectives.

The commenters further argued that a yearly review interval is adequate to meet training objectives and adequate to assure safety. As a result of the commenters' arguments, the review interval has been changed to 1 year in the final rule.

There were no substantive comments regarding § 195.403(b) (1) and (2). These paragraphs are adopted as proposed.

One commenter recommended that the requirement in proposed § 195.403(c) to train supervisors and verify that training be deleted arguing that (1) the need to train supervisors is self-enforcing (MTB interpreted this to mean that supervisors must first be trained and they in turn, will train lower echelon employees), and (2) verification would be burdensome in that it would add an unnecessary layer of paperwork. The MTB believes that supervisor training and verification of that training is essential because supervisors generally make many of the critical decisions in an emergency. The proposed requirements have been retained in the final rule because MTB believes the benefits derived from such requirements would be significantly greater than the burden of the necessary paperwork.

Concerning the communications requirements of proposed § 195.408, two commenters recommended that this paragraph apply only to pipelines transporting HVL, while another commenter recommended that offshore pipelines be excluded. A further commenter questioned the need for such communications for chlorine pipelines. MTB believes that communications adequate to assure safety are essential for all hazardous liquid pipelines, regardless of the location or commodity transported. Hence, the proposed wording of § 195.408 has been retained in the final rule.

Two commenters noted that "Insuring communications with fire, police, and other appropriate public officials during emergency conditions * * *" as required in § 195.408(b)(4) might not be possible because carriers commonly lease communications lines and have little control over these facilities. The commenters recommended "providing communications with * * *" as a better choice of language because emergency communications can be provided to serve during these incidents, whereas normal communications cannot be insured. In view of this argument, proposed § 195.408(b)(4) was changed accordingly in the final rule.

There were no substantive comments regarding § 195.408(a) or § 195.408(b)(1), (2), and (3), and these paragraphs are adopted as proposed.

Eight commenters recommended deletion of the requirements in proposed § 195.440 to inform persons who live or work within 220 yards of an HVL pipeline and within 1 mile if located downhill from an HVL pipeline about the particular hazards of the commodities transported. These commenters agued that (1) compliance with this requirement sets forth an impossible task with which no carrier can comply. Any attempt at compliance would require hiring thousands of people to notify millions of people daily, many of whom are transient, about the hazards of HVL; (2) even if such a task could be accomplished, ignition of vapor clouds would not necessarily be prevented; and (3) many false alarms would be created (i.e., ordinary ground fog might be reported frequently as a vapor cloud) making response to actual emergencies more difficult. Most of these same commenters agree that the first two sentences of the proposed § 195.440 set forth the requirements for an effective public education program.

In view of the difficulty in attempting to comply with this requirement and the uncertainty of the benefits if compliance could be obtained, the requirement to inform persons who live or work within 220 yards, or 1 mile downhill from an HVL pipeline has been deleted in the final rule. MTB believes that the remainder of the proposed § 195.440 requiring the carrier to conduct an educational program to enable the public, appropriate government organizations, and persons engaged in excavation-related activities to recognize an emergency and report it to the carrier, fire, police, or other appropriate public officials when taken together with the emergency procedural requirement for preplanning with local officials will achieve substantially the same desired results.

One commenter recommended that provision be made in proposed § 195.440 to allow several carriers operating pipelines in the same area to consolidate their public education programs into one program so that the public could be instructed to report any pipeline emergency to a single agency. The MTB believes the proposed § 195.440 does not prohibit carriers from consolidating their public education programs; on the contrary, this practice is encouraged.

The notice of proposed rulemaking stated that upon adoption of the final rule, existing references to liquefied petroleum gas and liquefied gases would be deleted and the new term "highly volatile liquid" would be substituted in Part 195. This has been done in the final rule by amending §§ 195.50(c), 195.424(b), 195.424(b)(1), 195.424(b)(2), 195.424(c), 195.428(a), and 195.428(b). However, this substitution was not made in § 195.6 because the intent in § 195.6 is to exclude from notification requirements only liquefied petroleum gas rather than all highly volatile liquids. Similarly, this substitution was not made in § 195.306(b) wherein "liquid petroleum that does not vaporize rapidly" may be used as a test medium. Conceivably, § 195.306(b) could be read to include all products other than a highly volatile liquid. * * * Such is not the case. Section 195.306(b) shall continue to allow products such as diesel fuel that do not vaporize rapidly to be used in some instances as a test medium.

In view of the foregoing, Part 195 of Title 49 of the Code of Federal Regulations is amended as follows:

1. By adding a new definition to § 195.2 to read as follows:

§ 195.2 Definitions.

* * * * *

"Highly volatile liquid" or "HVL" means a commodity which will form a vapor cloud when released to the atmosphere and which has a vapor pressure exceeding 276 kPa (40 psia) at 37.8° C (100° F).

* * * * *

2. By adding a new § 195.401 to read as follows:

§ 195.401 General requirements.

(a) No carrier may operate or maintain its pipeline systems at a level of safety lower than that required by this subpart and the procedures it is required to establish under paragraph 195.402(a) of this section.

(b) Whenever a carrier discovers any condition that could adversely affect the safe operation of its pipeline system, it shall correct it within a reasonable time. However, if the condition is of such a nature that it presents an immediate hazard to persons or property, the carrier may not operate the affected part of the system until it has corrected the unsafe condition.

(c) No carrier may operate any part of a pipeline system upon which construction was begun after March 31, 1970, or in the case of offshore pipelines located between a production facility and a carrier's trunkline reception point, after July 31, 1977, unless it was designed and constructed as required by this part.

3. By revising § 195.402 to read as follows:

§ 195.402 Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each carrier shall prepare and follow for each pipeline system a manual of written procedures for conducting normal operations and maintenance activities and handling abnormal operations and emergencies. This manual shall be reviewed annually and appropriate changes made as necessary to insure that the manual is effective. This manual shall be prepared before initial operations of a pipeline system commence and appropriate parts shall be kept at locations where operations and maintenance activities are conducted.

(b) *Amendments.* If the Secretary finds that a carrier's procedures are inadequate to assure safe operation of the system or to minimize hazards in an emergency, the Secretary may, after issuing a notice of amendment and providing an opportunity for an informal hearing, require the carrier to amend the procedures. In determining the adequacy of the procedures, the Secretary considers pipeline safety data, the feasibility of the procedures, and whether the procedures are appropriate for the pipeline system involved. Each notice of amendment shall allow the carrier at least 15 days after receipt of such notice to submit written comments or request an informal hearing. After considering all material presented, the Secretary shall notify the carrier of the required amendment or withdraw the notice proposing the amendment.

(c) *Maintenance and Normal Operations.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety during maintenance and normal operations:

(1) Making construction records, maps, and operating history available as necessary for safe operation and maintenance.

(2) Gathering of data needed for reporting accidents under Subpart B of this part in a timely and effective manner.

(3) Operating, maintaining, and repairing the pipeline system in accordance with each of the requirements of this subpart.

(4) Determining on the basis of design, construction, leak history, and other relevant data, which pipeline facilities, operating conditions, installation techniques, and maintenance methods would cause hazards to the safety of the public or system integrity in the event of a malfunction or failure.

(5) Analyzing pipeline accidents to determine their causes (in cooperation with the Secretary when appropriate).

(6) Minimizing the potential for hazards identified under paragraph (c)(4) of this section and the possibility of recurrence of accidents analyzed under paragraph (c)(5) of this section.

(7) Starting up and shutting down any part of the pipeline system in a manner designed to assure operation within the limits prescribed by § 195.406, consider the commodity in transportation, variations in altitude along the pipeline, and pressure monitoring and control devices.

(8) Monitoring from an attended location pipeline pressure during startup until steady state pressure and flow conditions are reached and during shut-in to assure operation within limits prescribed by § 195.406.

(9) Detecting abnormal operating conditions at points of receipt and delivery of the commodity and at facilities identified under paragraph (c)(4) of this section by monitoring pressure, temperature, flow, or other appropriate operational data and transmitting this to an attended location.

(10) Abandoning pipeline facilities, including safe disconnection from an operating pipeline system, purging of combustibles, and sealing abandoned facilities left in place to minimize safety and environmental hazards.

(11) Minimizing the likelihood of accidental ignition of vapors in areas near facilities identified under paragraph (c)(4) of this section where the potential exists for the presence of flammable liquids or gases.

(12) Establishing and maintaining liaison with fire, police, and other appropriate public officials to learn the responsibility and resources of each government organization that may respond to a liquid pipeline emergency and acquaint the officials with the carrier's ability in responding to a liquid pipeline emergency and means of communication.

(13) Periodically reviewing the work done by carrier personnel to determine the effectiveness of the procedures used in normal operation and maintenance and taking corrective action where deficiencies are found.

(14) Any other items reasonably considered necessary for the safe operation and maintenance of the system.

(d) *Abnormal Operation.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when operating design limits have been exceeded:

(1) Responding to, investigating, and correcting the cause of:

(i) Unintended closure of valves or shutdowns;

(ii) Increase or decrease in pressure or flow rate outside normal operating limits;

(iii) Loss of communications;

(iv) Operation of any safey device;

(v) Any other malfunction of a component, deviation from normal operation, or personnel error which could cause a hazard to persons or property.

(2) Checking variations from normal operation after abnormal operation has ended, including pressure and flow rates at outlet and inlet facilities and at sufficient critical locations in the system to determine continued integrity and safe operation.

(3) Correcting variations from normal operation of pressure and flow equipment and controls.

(4) Notifying responsible carrier personnel when notice of an abnormal operation is received.

(5) Periodically reviewing the response of carrier personnel to determine the effectiveness of the procedures controlling abnormal operation and taking corrective action where deficiencies are found.

(e) *Emergencies.* The manual required by paragraph (a) of this section must include procedures for the following to provide safety when an emergency condition occurs:

(1) Receiving, identifying, and classifying notices of events which need immediate response by the carrier or notice to fire, police, or other appropriate public officials and communicating this information to appropriate carrier personnel for corrective action.

(2) Prompt and effective response to a notice of each type emergency, including fire or explosion occurring near or directly involving a pipeline facility accidental release of commodity from a pipeline facility, operational failure causing a hazardous condition, and natural disaster affecting pipeline facilities.

(3) Having personnel, equipment, instruments, tools, and material available as needed at the scene of an emergency.

(4) Taking necessary action, such as emergency shutdown, or pressure reduction, to minimize the volume of hazardous material that is released from any section of a pipeline system in the event of a failure.

(5) Control of released commodity at an accident scene to minimize the hazard, including possible intentional ignition in the cases of flammable highly volatile liquid.

(6) Minimization of public exposure to injury and probability of accidental ignition by assisting with evacuation of residents and assisting with halting traffic on roads and railroads in the affected area, or taking other appropriate action.

(7) Notifying fire, police, and other appropriate public officials of liquid pipeline emergencies and coordinating with them preplanned and actual responses during an emergency, including additional precautions necessary for an emergency involving a pipeline system transporting a highly volatile liquid.

(8) In the case of failure of a pipeline system transporting a highly volatile liquid, use of appropriate instruments to assess the extent and coverage of the vapor cloud and determine the hazardous areas.

(9) Providing for a post accident review of employee activities to determine whether the procedures were effective in each emergency and taking corrective action where deficiencies are found.

4. By adding a new § 195.403 to read as follows:

§ 195.403 Training.

(a) Each carrier shall establish and conduct a continuing training program to instruct operating and maintenance personnel to:

(1) Carry out the operating and maintenance, and emergency procedures established under § 195.402 that relate to their assignments;

(2) Know the characteristics and hazards of the commodities transported, including, in the case of flammable HVL, flammability of mixtures with air, oderless vapors, and water reactions;

(3) Recognize conditions that are likely to cause emergencies, predict the consequences of facility malfunctions or failures and commodity spills, and to take appropriate corrective action;

(4) Take steps necessary to control any accidental release of commodity and to minimize the potential for fire, explosion, toxicity, or environmental damage;

(5) Learn the proper use of firefighting procedures and equipment, fire suits, and breathing apparatus by utilizing, where feasible, a simulated pipeline emergency condition; and

(6) In the case of maintenance personnel, to safely repair facilities using appropriate special precautions, such as isolation and purging, when highly volatile liquids are involved.

(b) At intervals of not more than 1 year each carrier shall:

(1) Review with personnel their performance in meeting the objectives of the training program set forth in paragraph (a) of this section; and

(2) Make appropriate changes to the training program as necessary to insure that it is effective.

(c) Each carrier shall require and verify that its supervisors maintain a thorough knowledge of that portion of the procedures established under § 195.402 for which they are responsible to insure compliance.

5. By revising § 195.408 to read as follows:

§ 195.408 Communications.

(a) Each carrier must have a communication system to provide for the transmission of information needed for the safe operation of its pipeline system.

(b) The communication system required by paragraph (a) of this section must, as a minimum, include means for:

(1) Monitoring operational data as required by § 195.402(c)(9);

(2) Receiving notices from carrier personnel, the public, and public authorities of abnormal or emergency conditions and sending this information to appropriate personnel or government agencies for corrective action;

(3) Conducting two-way vocal communication between a control center and the scene of abnormal operations and emergencies; and

(4) Providing communication with fire, police, and other appropriate public officials during emergency conditions, including a natural disaster.

6. By adding a new § 195.440 to read as follows:

§ 195.440 Public education.

Each carrier shall establish a continuing educational program to enable the public, appropriate government organizations, and persons engaged in excavation related activities to recognize a liquid pipeline emergency and to report it to the carrier or the fire, police, or other appropriate public officials. The program must be conducted in English and in other languages commonly understood by a significant number and concentration of non-English speaking population in the carriers' operating areas.

7. By making the changes listed below:

§ 195.50 [Amended]

By deleting the words "liquefied petroleum gas or other liquefied gas" in § 195.50(c) and inserting the words "highly volatile liquids" in lieu thereof.

§§ 195.424 and 195.428 [Amended]

By striking the words "liquefied gases" wherever they appear in §§ 195.424 (b) and (c) and 195.428(a) and inserting in each instance the words "highly volatile liquids" in lieu thereof.

§ 195.428 [Amended]

By deleting the words "liquefied gas" in § 195.428(b) and inserting the words "highly volatile liquids" in lieu thereof.

Subpart F—[Amended]

8. And by amending the table of sections for Subpart F—Operation and Maintenance, to include the following new or revised section headings:

Sec.
195.401 General requirements.
195.402 Procedural manual for operations, maintenance, and emergencies.
195.403 Training.
* * * * *
195.440 Public education.

(18 U.S.C. 831–835, 49 U.S.C. 1655, 49 CFR 1.53(b), App. A of Part 1.)

The MTB has determined that the proposals in this notice if implemented would not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034). A regulatory evaluation is available in the public docket.

Issued in Washington, D.C., on July 6, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79-21610 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-60-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1100

[Ex Parte No. 55 (Sub-No. 35)]

Summary Grant Procedures (Finance)

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: These rules revise the procedure under which motor finance applications subject to 49 U.S.C. 11343 and 11344, and applications directly related to such motor finance applications (i.e.: related gateway elimination, conversion or securities applications under 49 U.S.C. 10922 or 11301) are to be processed. They provide that upon the filing of a complete and proper applicaton by motor carriers seeking authority to purchase, control, lease, or merge their operating rights or properties, the application will be

reviewed initially to ensure that a prima facie case has been demonstrated. The application will then be published in the **Federal Register** as a decision-notice granting the authority requested if the application is unopposed. This revision would expedite Commission authorization to operate and to consummate the transaction.

EFFECTIVE DATE: November 1, 1979.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202–275–7245.

SUPPLEMENTARY INFORMATION: These rules are an outgrowth of our concern about spending an inordinate amount of time and resources considering motor finance proceedings which do not have significant public interest consequences. See the proposed policy statement in Ex Parte No. MC-121, *Policy Statement on Motor Carrier Regulation*, 43 FR 56978 (December 5, 1978). This applies most strikingly where applications are complete and properly filed and are unopposed.

In Ex Parte No. 55 (Sub-No. 25), *Revision of Application Procedures*, 42 FR 62486–62489 (1977), we issued new rules designed to expedite the handling of unopposed applications for operating authority. Under these rules, an application is submitted and reviewed. If the application is complete and properly filed (making out a prima facie case), it is published in the **Federal Register** in the form of a decision. The decision becomes effective if no valid protest is filed. We are here applying the same procedures to motor carrier finance transactions that have been applied to applications for operating authority. Since the present finance application forms require the complete submission of information we need to decide a case, no change is being made in Forms OP–F–44, OP–F–45, and OP–F–200.

In the one comment filed in response to the proposed rules, Schneider Transport, Inc., is concerned that directly related proceedings (Such as gateway elimination applications) which are opposed (while the finance application is unopposed) might receive summary grant treatment. This result is not intended. Applications which are protested will be processed under present procedures. Only those which are unopposed will receive summary grant processing.

Many statements made in the final decision in Ex Parte No. 55 (Sub-No. 25) apply equally here. For instance: these rules are not intended to govern application proceedings which ultimately are opposed nor do they mitigate the quantum of proof required to make threshold determinations; consequently the overall percentage of unopposed proceedings decided on their merit will remain unaffected by these rules. In addition, specially trained personnel will be used initially to review each application to insure that it is complete and properly filed (and substantively acceptable). The rules will not elongate **Federal Register** notices of application filings nor will they increase the opportunity to file frivolous protests.

The Rules

Under these procedures, authorization of the proposed transaction, if unopposed, will be accomplished in a two-step process, as follows:

(1) After an application is filed at the Commission, qualified personnel will review it for completeness, accuracy, and legal sufficiency, and refer it through an appropriate decisionmaker to the **Federal Register** as a short-form decision-notice. This decision-notice will include: (a) A general preliminary finding that, except for applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or divisions of operating rights), which impediments will be duly noted in the **Federal Register** publication,[1] applicant has demonstrated, in accordance with the applicable provisions of the Act, that the proposed transaction should be authorized, and (b) a statement that in the absence of opposition at the end of the protest period or, if thereafter (until either a subsequent decision under the modified procedure is rendered in a proceeding which is opposed or 30 days after referral to oral hearing [2]) the application becomes unopposed, the transaction will be authorized upon such terms and conditions as the Commission may impose.

(2) A notice of the effectiveness of the decision-notice, embracing a directive to comply with the requirements of the applicable provisions of the Act prior to and after consummation of the transaction, upon such terms and conditions as the Commission may impose, will be issued and served upon the parties of record in each application proceeding which, at the expiration of the protest period is, or thereafter becomes, unopposed.

All application proceedings in which protests have been filed and not withdrawn at the expiration of the protest period will either be designated for handling under the modified procedure or assigned for oral hearing. Protests, therefore, will serve to stay the effectiveness of the **Federal Register** decision-notice until either (1) such protests are withdrawn, or (2) an appropriate decisionmaker renders a decision based upon the complete record in the opposed application proceeding.

The decison-notices will take the following form:

Interstate Commerce Commission Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344 (formerly Section 5(2) of the Interstate Commerce Act).

The applications are governed by Special Rule 240 of the Commission's *Rules of Practice* (49 CFR 1100.240). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 204(c)(4) of the special rules and shall include the certification required.

Section 240(e) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown.*

Any authority granted may reflect administratively acceptable restrictive amendments to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving problems (e.g., jurisdictional problems, unresolved fitness

[1] Unopposed application proceedings involving statutory or regulatory impediments to authorization of a proposed transaction will be referred to a decisionmaker for a determination on the existing record or for a determination that the existing record be supplemented to permit an informed decision with respect to these issues.

[2] These procedures will apply to cases assigned to oral hearing if they become unopposed after the service date of a notice that the case has been assigned for oral hearing.

questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, and 11349, with the applicable provisions of 49 U.S.C. 10922 and 10923 and with the commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930 (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests filed within 30 days of this publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated:

By the Commission, Review Board Number 5, Members.

Federal Register Summary

Our rules at 49 CFR 1100.240(b) already require applicants in motor finance transactions to prepare the **Federal Register** caption summary of the authority sought. Those rules do not require that applicants also include within the body of the summary their respective motor carrier identification numbers. We require this information within the body of the **Federal Register** caption summary to enable us to more expeditiously process motor finance applications. Consequently, a minor revision to our rules at 49 CFR 1100.240(b) will be necessary to require applicants to indicate *all* of their basic MC identification numbers under which they are capable of performing interstate operations.

Conclusions

We believe that the procedural revisions adopted in this document are consistent with the applicable provisions of the Interstate Commerce Act, as revised, the Administrative Procedure Act, and with the principles of procedural due process and that they will be of substantial benefit to applicants, the public, and the Commission. This new procedure will result in a threshold finding at a considerably earlier stage of the proceeding than at present and will free staff to concentrate their efforts on more substantial matters. Any problems which implementation of these rules may present in the future will be dealt with pragmatically. Persons filing directly related applications are encouraged, as much as possible, to file these applications along with the motor finance application to which they are directly related. This will result in uniform processing, and efficient publication and consolidation.

These rules do not constitute a major Federal action significantly affecting the quality of the human environment nor do they qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

These rules are issued under the authority at 49 U.S.C. 10321 and 5 U.S.C. 553

Dated: July 5, 1979.

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

H. G. Homme, Jr.

Secretary

§ 1100.240 [Amended]

Accordingly, 49 CFR 1100.240 (b)(3) will be modified to read as follows:

* * * * *

(b)* * *

(3) The summary will state whether an application has or has not been filed for temporary authority under 49 U.S.C. 11349 and shall further specifically list all of the applicants' motor carrier identification numbers.

Further, 49 CFR 1100.240(e) will be revised by adding a new subparagraph (4) to read as follows:

* * * * *

(e) * * *

(4) Applications, notice of which are published in the **Federal Register** as decision-notices, in which no valid protests are filed within 30 days after publication in the **Federal Register**, and which are not assigned for oral hearing, will be determined on the basis of the information submitted by applicants.

[FR Doc. 79-21938 Filed 7-13-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF ENERGY

10 CFR Part 490

[Docket No. CAS-RM-79-109]

Emergency Building Temperature Restrictions

AGENCY: Department of Energy.

ACTION: Notice of Effective Date of Final Regulations.

SUMMARY: This notice states that the President has proclaimed July 16, 1979, as the effective date of "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions". The Department of Energy's final regulations implementing the Plan (44 FR 39354, July 5, 1979) are effective on July 16, 1979, the effective date of the Plan.

FOR FURTHER INFORMATION CONTACT:

Henry G. Bartholomew, Office of Conservation and Solar Applications, Department of Energy, 1000 Independence Avenue, S.W., Room GE-004A, Washington, D.C. 20585 (800) 424-9122 (202) 252-4950.

Mary Doyle, Ofice of General Counsel, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-4100.

SUPPLEMENTARY INFORMATION: The President has invoked "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan) by transmitting to Congress on July 10, 1979, a Presidential Proclamation, published in the **Federal Register**, Thursday, July 12, 1979, at 44 FR 40629, stating that the Plan's effectiveness is required by a severe energy supply interruption and declaring July 16, 1979 as the effective date of the Plan.

The Department of Energy has published final regulations implementing the Plan (44 FR 39354, July 5, 1979). Notice is hereby given that the final regulations are effective on July 16, 1979, the effective date of the Plan.

Issued in Washington, D.C. July 13, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

[FR Doc. 79-22111 Filed 7-13-79; 11:50 am]

BILLING CODE 6450-01-M

Proposed Rules

Federal Register
Vol. 44, No. 137
Monday, July 16, 1979

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

DEPARTMENT OF ENERGY

[10 CFR Part 456]

[Docket No. CAS-RM-79-101]

Residential Conservation Service Program

AGENCY: Department of Energy.

ACTION: Notice of Hearing, Availability of Draft Environmental Impact Statement and Reopening of the Comment Period on the Proposed Rule for the Residential Conservation Service Program.

SUMMARY: The Department of Energy (DOE) announces the availability of its Draft Environmental Impact Statement (DEIS) for the Residential Conservation Service Program. Comments are invited regarding the DEIS, Draft Regulatory Analysis, Draft Urban and Community Impact Assessment and the Proposed Rule for the Residential Conservation Service Program published on March 19, 1979, at 44 FR 16546. The availability of the Draft Urban and Community Impact Assessment was announced in the **Federal Register** on June 25, 1979, at 44 FR 36987. The availability of the Draft Regulatory Analysis was announced along with the Proposed Rule.

DATES: Written comments to be submitted no later than 4:30 p.m., August 30, 1979. Members of the public who have already submitted comments on the Notice of Proposed Rulemaking by June 11, 1979, need not repeat those comments during this period.

A public hearing on the Draft Regulatory Analysis, the Draft Urban and Community Impact Assessment, and the DEIS will be held on August 14, 1979, at 9:30 a.m., E.D.T.

ADDRESSES: Comments and requests to speak at the hearing should be submitted to Ms. Margaret Sibley, Office of Conservation and Solar Applications, Mail Stop 2221C, Department of Energy, 20 Massachusetts Avenue, N.W., Washington, D.C. 20545.

The public hearing will be held at the Department of Commerce Auditorium, 14th Street, between E Street and Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

James R. Tanck, Director, Residential Conservation Branch, Department of Energy, Room 3128, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585, (202) 376-4020.

Donald Silawsky, Department of Energy, Office of Environment, Room 4114C, 20 Massachusetts Avenue, N.W., Washington, D.C., 20585, (202) 376-4062.

Ms. Verlette Gatlin, Department of Energy, Freedom of Information Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-5969.

John Bell, Department of Energy, Office of General Counsel, room 6G-087, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585. (202) 252-6947.

SUPPLEMENTARY INFORMATION

I. Background

The Department of Energy (DOE) proposes to implement the Residential Conservation Service (RCS) Program pursuant to Part 1 of title II of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206, et seq. The purpose of the program is to encourage the installation of energy conservation measures, including renewable resource measures, in existing houses by residential customers of larger gas and electric utilities and home heating suppliers. Larger utilities are required to provide, and home heating suppliers may volunteer to provide Residential Conservation Service Programs. The State may submit State Plans to DOE. The State Plans would require larger utilities to participate and could include, in the Governor's discretion, nonregulated utilities (e.g., municipalities and cooperatives) and/or home heating suppliers. If a State chooses not to submit a plan, DOE would require regulated utilities in the State to carry out an RCS Program for their customers. When nonregulated utilities are not included in a State Plan, they are required to submit their own plans for RCS Programs.

DOE's Office of Buildings and Community Systems, under the Assistant Secretary for Conservation and Solar Applications, has been assigned responsibility for this program. Proposed regulations implementing the Residential Conservation Service Program were published in the **Federal Register** on March 19, 1979, (43 FR 16546). The Proposed Rule sets out the requirements for State Plans and Nonregulated Utility Plans. In addition, they address certain prohibitions, and exceptions thereto, concerning utilities' supply, installation, and financing of energy conservation measures, and they outline the situations and the terms under which Federal Standby Authority would be exercised.

The DEIS analyzes the environmental effects of the RCS program at the national level, in individual buildings, and at the regional level, where appropriate. The analysis covers the national impact of the program due to increase production of energy conservation and renewable resource measures and reduced energy consumption. It also covers the potential health and safety impacts from installation of measures in residences. Finally, the DEIS analyzes the impact of various programmatic alternatives.

II. Comment procedure

Copies of the DEIS are available for public review in the DOE Freedom of Information Reading Room, listed above, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Single copies of the DEIS are available from DOE by contacting James R. Tanck, Director, Residential Conservation Branch, Department of Energy, Room 3128, 20 Massachusetts Avenue, N.W., Washington, D.C. 20585. (202) 376-4020.

Interested parties may submit written comments with respect to the DEIS, the Draft Regulatory Analysis, the Draft Urban and Community Impact Assessment, and the Proposed Rule to Ms. Margaret Sibley at the address given above. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "Residential Conservation Service Program (Docket No. CAS-RM-79-101)." All comments should be received by DOE by 4:30 p.m., August 30, 1979, in order to insure consideration. Any person submitting written comments should forward 10 copies, if possible, to DOE. All comments submitted are subject to DOE's regulations at 10 CFR 1004 (44 FR

1908, January 8, 1979) governing Freedom of Information Requests.

Public Hearing Procedure

The time and date of the public hearing is indicated in the date and address section of this Preamble. DOE invites any person who has an interest in the Draft Regulatory Analysis, DEIS, and/or the Draft-Urban and Community Impact Assessment, or who is a representative of a group or class of persons that has an interest in these documents, to make written request for an opportunity to make an oral presentation. Such a request should be directed to Ms. Margaret Sibley at the address indicated in the address section of this Preamble and must be received before 4:30 p.m., E.D.T., on July 30, 1979.

Such a request may be hand delivered to Room 2221C, 20 Massachusetts Avenue, N.W., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. A request should be labeled both on the document and on the envelope "Residential Conservation Service Program (Docket No. CAS–RM–79–101)."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group of class of persons that has an interest; and provide a telephone number where he or she may be contacted through the day of the hearing.

Each person who, in DOE judgment proposes to present relevant material and information shall be selected to be heard and shall be notified by DOE of his or her participation before 4:30 p.m. on August 1, 1979.

Each person selected to appear at the hearing should try to provide 20 copies of her or his statement to Ms. Margaret Sibley by 4:30 p.m., August 9, 1979.

Conduct of Hearings

DOE reserves the right to arrange the schedule of presentations to be heard and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Any information or data submitted in response to this notice considered by the person furnishing it to be confidential must be so identified and submitted in writing, in one copy only, in accordance with procedures set forth in 10 CFR 1004.11. Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., July 5, 1979.

Omi Walden,

Assistant Secretary, Conservation and Solar Applications.

[FR Doc. 79-21593 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

Informal Airspace Meeting; Group II Terminal Control Area for the Greater Cincinnati Airport

July 1, 1979.

AGENCY: Department of Transportation, Federal Aviation Administration.

ACTION: Notice of informal airspace meeting.

SUMMARY: The Federal Aviation Administration (FAA) will hold an Informal Airspace Meeting in Cincinnati, Ohio, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) for the Greater Cincinnati Airport.

DATE: September 11, 1979, 7 p.m. local time.

ADDRESS: Environmental Protection Agency Building Auditorium, 26 West Sinclair Street, Cincinnati, Ohio.

SUPPLEMENTARY INFORMATION: The purpose of this Informal Airspace Meeting is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace docket that will accomplish the improved safety objectives with the least possible impact on the airspace users.

No formal minutes or transcripts will be taken; however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking (NPRM) in the event the item is formally proposed.

For further information, call: Mr. Clifford C. Monteau, Airspace and Procedures Branch (ASO–530), Air Traffic Division, FAA Southern Region, 3400 Whipple Street, East Point, Georgia, telephone: (A/C 404) 763–7866.

Issued in Atlanta, Georgia, on July 5, 1979.

Lonnie D. Parrish,

Chief, Air Traffic Division Southern Region.

[FR Doc. 79-21818 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-26]

Proposed Alteration of Transition Area: Gallup, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Gallup, New Mexico. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Senator Clarke Field. The circumstance which created the need for the action is the proposed establishment of a partial instrument landing system (ILSP) to runway 06.

DATES: Comments must be received by August 16, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region,

Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manual R. Hugonnett, Airspace and Procedures Branch (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Gallup, NM, will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Gallup, NM. The FAA believes this action will enhance IFR operations at the Senator Clarke Field by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the proposed ILSP to runway 06 at the airport. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by altering the Gallup, NM transition area as follows:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Senator Clarke Field (latitude 35°30'35" N., longitude 108°47'00" W.) and within 3.5 miles south and 5.5 miles north of the Gallup VORTAC 241° radial, extending from the 9-mile radius area to 11.5 miles southwest of the Gallup VORTAC. The 1200-foot transition area for the State of New Mexico remains unchanged.

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979.) Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on July 2, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-21808 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-EA-36]

Proposed Designation of Temporary Control Zone: Saranac Lake, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a Saranac Lake, N.Y., Temporary Control Zone. The 1980 Winter Olympics will be held in Lake Placid, N.Y. from February 13, 1980 through February 24, 1980. Considerable increase in aviation activity is anticipated to begin January 2, 1980 through March 1, 1980 at Adirondack Airport because of its close proximity to the Olympic Games. The anticipated increase in aviation activity in and around Adirondack Airport generated by the 1980 Winter Olympics necessitates formalizing and instituting a temporary control zone to enhance safety to the flying public to be effective January 2, 1980 through March 1, 1980.

DATES: Comments must be received on or before July 12, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

Comments Invited

Interested parties may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Regions, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430. All communications received on or before September 6, 1979, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light

of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Regions, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

Communications must identify the docket number of this NPRM. Person interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a Saranac Lake, N.Y., Temporary Control Zone. The designation would establish a zone of a 7-mile radius around the airport with an 8-mile wide by 17 mile large extension to the northeast and an 8-mile by 9-mile extension to the southwest all measured from the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Proposed Designation of Saranac Lake, New York Temporary Control Zone

Primary Airport

Adirondack Airport (44°23'03" N., 74°12'21" W.).

Within a 7-mile radius of the center of Adirondack Airport (44°23'03" N., 74°12'21" W.); within 4 miles each side of the Saranac Lake, N.Y. VORTAC 231° radial extending from the 7-mile radius zone to 9.5 miles southwest of the Saranac Lake VORTAC; within 4 miles each side of the Saranac Lake VORTAC 028° radial extending from the 7-mile radius zone to 17 miles northeast of the Saranac Lake VORTAC; within 4 miles each side of the Saranac Lake, N.Y. ILS Localizer northeast course extending from the 7-mile radius zone to 9 miles northeast of Briel, N.Y. LOM (44°28'36" N., 74°07'28" W.).

This temporary control zone is effective during the specific dates and times established in advance by a Notice to Airman. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

(Section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65).

Note.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Jamaica, New York, on June 29, 1979.

Louis J. Cardinali,

Acting Director, Eastern Region.

[FR Doc. 79-21809 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 792-3059]

Admarketing, Inc.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Beverly Hills, Calif. advertising agency engaged in the advertising and sale of a product known, among other names, as the G.R. Valve to cease from representing, without reliable substantiation, that installing the G.R. Valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. The firm would be further prohibited from misrepresenting the performance, efficacy or usefulness of any energy consumption or energy saving characteristic of an automobile retrofit device; or the purpose, content or conclusion of any test or survey relating to such characteristic. The order would additionally require the firm to identify and present to its client, in writing, every representation contained in each advertisement which pertains to an energy consumption or energy saving characteristic of the advertised product.

DATE: Comments must be received on or before September 14, 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/P, Albert H. Kramer, Washington, D.C. (202) 523-3727.

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 accepted, subject to final approval, 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)).

[File No. 792-3059]

Admarketing, Inc.

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of Admarketing, Inc., a corporation, sometimes hereinafter referred to as respondent, and it is now appearing that the proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated;

It is hereby agreed by and between the said proposed respondent and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Admarketing, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its principal office and place of business at 8383 Wilshire Boulevard, Beverly Hills, California 90211.

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

3. Proposed respondent 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 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 and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated or that any of the facts are true 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 § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby, and 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, and that it may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

Order

Part I

It is ordered, That respondent Admarketing, Inc., a corporation, its successors and assigns, either jointly or individually, and its officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device, variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other automobile retrofit device, as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, having substantially similar properties, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forth with cease and desist from representing, directly or by implication, that the automobile retrofit device variously known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or any other automobile retrofit device having substantially similar properties, will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle.

Part II

It is further ordered, That respondent, its successors and assigns, either jointly or individually, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, any energy consumption or energy saving characteristic of such product unless, at the time of making the representation, respondent has exercised due care to assure itself that competent scientific evidence substantiates the representation;

b. Misrepresenting in any manner the purpose, content,or conclusion of any test or survey pertaining to any energy consumption or energy saving characteristic of such product;

c. Misrepresenting in any manner the performance, efficacy, capacity, or usefulness of any energy consumption or energy saving characteristic of such product;

d. Failing to identify in writing and to present to its client, for each advertisement, any direct and any implied representations contained therein pertaining to any energy consumption or energy saving characteristic of such product.

Part III

It is further ordered, That respondent, its successors and assigns, either jointly or individually, and its officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials and post-purchase materials; documents demonstrating compliance with Part II(d) of this Order; documents which substantiate or which contradict any claim, made directly or by implication concerning any energy consumption or energy saving characteristic of such product, which is a part of the advertising, sales promotional material, or post-purchase materials disseminated by respondent directly or through any business entity. Such records shall be retained by respondent for a period of three (3) years from the last date any such advertising, sales promotional or post-purchase materials were disseminated.

Part IV

It is further ordered, That respondent shall forthwith distribute a copy of this Order to each of its operating divisions and to each of its officers, agents, representatives, or employees who are engaged in the preparation and placement of advertisements.

Part V

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

Part VI

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Admarketing, 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 complaint charged the respondent with disseminating and causing the dissemination of an advertisement containing several false and misleading representations regarding an automobile retrofit device known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other names. In particular, the complaint alleged that representations, made in the Admarketing advertisement, of significant fuel economy improvement for an automobile because of the installation of the G.R. Valve were both false and without a reasonable basis. The complaint further alleged that Admarketing misrepresented certain tests of the valve.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits the dissemination of advertising which represents that the G.R. Valve or other automobile retrofit device with substantially similar properties may result in fuel economy improvement when installed in a motor vehicle.

Part II(a) prohibits the making of any representation about any energy consumption or energy saving characteristic of any product unless, at the time of making such representation, respondent has exercised due care to assure itself that competent scientific evidence substantiates the representation.

II(b) prohibits respondent from misrepresenting the purpose, content or conclusion of any test or survey pertaining to any energy consumption or energy saving characteristic of any product.

II(c) prohibits respondent from misrepresenting the performance, efficacy, capacity, or usefulness of any energy consumption or energy saving characteristic of any product.

II(d) requires respondent to identify in writing and to present to its client, for each advertisement, any direct or implied representations contained in the advertisement which pertain to any energy consumption or energy saving characteristic of the advertised product.

Part III requires that an advertisement's dissemination schedules, documents showing compliance with Part II(d) of the Order, and any documents which substantiate or which contradict any claim concerning any energy consumption or energy saving characteristic in the advertisement of any product be retained for a period of three years from the last date the advertisement was disseminated.

Part IV requires the corporate respondent to distribute a copy of the order to all employees engaged in preparation or placement of advertising.

Part V requires that the respondent notify the Commission at least thirty (30) days before any proposed structural change in the corporation occurs which may affect compliance with the order.

Part VI requires that respondent file a compliance report with the Commission within sixty (60) days after the effective date of the order.

The purpose of this analysis is to facilitate public comment of 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.

[FR Doc. 79-21896 Filed 7-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 792 3015]

American Consumer, Inc., et al.; Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require two Philadelphia, Pa. firms engaged in the advertising, sale and distribution of a product known, among other names, as the G.R. Valve, to cease representing, without reliable substantiation, that installing the G.R. Valve or any other air-bleed automobile retrofit device in a motor vehicle will result in fuel economy improvement. They would also be barred from using any endorsement or testimonial which has not been properly authorized; and prohibited from misrepresenting a product endorser's expertise in a field of knowledge, and the conclusions of tests or surveys pertaining to energy consumption or energy saving characteristics of automobile retrofit devices. Additionally, the order would require that product advertising disclose any material connection that may exist between the firms and product endorser.

DATE: Comments must be received on or before September 14, 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/PE, Linda C. Dorian, Washington, D.C. 20580. (202) 724-1524.

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 accepted, subject to final approval, 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)).

[File No. 792-3015]

American Consumer, Inc., and Panacolor, Inc.

Agreement Containing Consent Order to Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of American Consumer, Inc., a corporation, and Panacolor, Inc., a corporation, sometimes hereinafter referred to as respondents, and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated;

It is hereby agreed by and between the said proposed respondents and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent, American Consumer, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the

State of Pennsylvania, with its principal office and place of business at Caroline and Charter Roads, Philadelphia, Pennsylvania 19176. Proposed respondent Panacolor, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business at Caroline and Charter Roads, Philadephia, Pennsylvania 19176.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of 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 and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated or that any of the facts are true 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 § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to the proposed respondents' address 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, but no agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned 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, and 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, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

Order

Part I

It is ordered, That respondents Panacolor, Inc., a corporation, and American Consumer, Inc., a corporation, their successors and assigns, either jointly or individually, and their officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device, variously known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other air-bleed automobile retrofit device, as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that the automobile retrofit device variously known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or any other air-bleed automobile retrofit device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle. For purposes of Part I of this Order, an "air-bleed automobile retrofit device" shall be defined as an automobile retrofit device which, in its operation, admits additional air into the engine intake system either at or downstream of the fuel metering system of the vehicle's engine.

Part II

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile retrofit device as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless (1) such representation is true, and (2) at the time of making such representation, respondents possess and rely upon written results of dynamometer testing of such device according to the then current urban and highway driving test cycles established by the Environmental Protection Agency and these results substantiate such representation, and (3) where the representation of the fuel economy improvement is expressed in miles per gallon or percentage, all advertising and other sales promotional materials which contain the representation expressed in such a way must also contain, in a way that clearly and conspicuously discloses it, the following disclaimer: "REMINDER: Your actual fuel saving may be less. It depends on the kind of driving you do, how you drive and the condition of your car."

Part III

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and their employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, that an endorser of such product has expertise in a field of knowledge unless the endorser has the education, training, and knowledge necessary to be qualified as an expert in that field;

b. Using, publishing, or referring to any testimonial or endorsement from

any person or organization for such product unless, within the twelve (12) months immediately preceding any such use, publication, or reference, respondents have obtained from that person or organization an express written and dated authorization for such use, publication, or reference;

c. Failing to disclose a material connection, where one exists, between an endorser of such product and any of the respondents. A "material" connection shall mean, for purposes of this Order, any direct or indirect economic interest in the sale of the product which is the subject of this endorsement other than (1) a fixed sum payment for the endorsement, all of which is paid before any advertisement containing the endorsement is disseminated, or (2) payment for the endorsement which is directly related to the extent of the dissemination of advertising containing it;

d. Misrepresenting, in any manner, the purpose, content, or conclusion of any test or survey pertaining to such product;

e. Misrepresenting, in any manner and for any product, either consumer preference for such product or the results obtained by consumer usage of such product;

f. Misrepresenting, in any manner, the performance, efficacy, capacity, or usefulness of such product;

g. Representing, directly or by implication, any performance characteristic of such product unless at the time of making the representation respondents possessed and reasonably relied upon competent and reliable scientific evidence which substantiates such representation.

Part IV

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and their officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon reasonable notice: Copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; documents authorizing use, publication or reference to testimonials or endorsements; records of the number of pieces of direct mail advertising sent in each direct mail advertisement dissemination; documents which substantiate or which contradict any claim which is a part of the advertising, sales promotional material, or post-purchase materials disseminated by respondents directly or through any business entity.

Such documentation shall be retained by respondents for a period of three (3) years from the last date any such advertising, sales promotional, or post-purchase materials were disseminated.

Part V

It is further ordered, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions and to each of their officers, agents, representatives, or employees who are engaged in the preparation and placement of advertisements.

Part VI

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondents such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the Order.

Part VII

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this Order, and also annually thereafter for three (3) years, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from American Consumer, Inc. and Panacolor, 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 complaint charged the respondents with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding an automobile retrofit device known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names. In particular, the complaint alleged that representations, made in the American Consumer advertisements, of significant fuel economy improvement for an automobile because of the installation of the G.R. Valve were both false and without a reasonable basis. The complaint further alleged that American Consumer's advertising represented Gordon Cooper to be an expert in automotive engineering and to be merely an endorser of the valve when in fact he was not an expert in automotive engineering and he was a principal in the valve's marketing. Finally, the complaint charges that American Consumer's advertisements were deceptive because they misrepresented certain tests of the valve as well as results of consumer usage of it.

The proposed consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits the dissemination of advertising which represents that the G.R. Valve or other air-bleed automobile retrofit device may result in fuel economy improvement when installed in a motor vehicle.

Part II prohibits, for any automobile retrofit device, the making of any representation that the installation of the device in a motor vehicle will result in fuel economy improvement unless the representation is true and is substantiated by results of dynamometer testing according to the Environmental Protection Agency's test cycles. This part further requires a disclaimer to be included in advertising where claims of fuel economy improvement are expressed in miles per gallon or in percentage.

Part III(a) prohibits any representation that an endorser of any product has expertise in a field of knowledge unless the endorser has education, training and knowledge sufficient to be qualified as an expert in that field.

III(b) prohibits use of an endorsement from a person or organization in advertising for any product unless, during the year immediately preceding the use, express written and dated authorization is obtained from the person or organization.

III(c) requires that, when an endorser has an economic interest in the sale of a product marketed by the respondents other than either a fixed sum payment made in full before advertising

containing the endorsement is disseminated or an amount determined by the extent of dissemination of advertising containing the endorsement, this economic interest must be disclosed to the public in the advertising.

III(d) prohibits respondents from misrepresenting the purpose, content or conclusion of any test or survey for any product.

III(e) prohibits respondents from misrepresenting consumer preference for or consumer usage of any product.

III(f) prohibits respondents from misrepresenting the performance, efficacy, capacity, or usefulness of any product.

III(g) prohibits the making of any representation about any performance characteristic of any product unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific evidence which substantiates the representation.

Part IV requires that an advertisement's dissemination schedules, endorsement authorizations associated with the advertisement, and any documents which substantiate or which contradict any claim in the advertisement for any product be retained for a period of three years from the last date the advertisement was disseminated.

Part V requires that the corporate respondents to distribute a copy of the order to all employees engaged in preparation or placement of advertising.

Part VI requires that the respondents notify the Commission at least thirty (30) days before any proposed structural change in the corporation occurs which may affect compliance with the order.

Part VII requires that respondents file compliance reports with the Commission, initially within sixty (60) days after the effective date of the order and also annually thereafter for three years.

The purpose of this analysis is to facilitate public comment of 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.

[FR Doc. 79-21895 Filed 7-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 772 3051]

National Media Group, Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a King of Prussia, Pa. firm and a corporate officer, engaged in the advertising and sale of "Acne-Statin," an acne "treatment," to cease disseminating or causing the dissemination of advertisements that represent that Acne-Statin cures acne, eliminates or reduces the bacteria and fatty acids responsible for acne blemishes, and is superior to all other acne preparations and soap for the anti-bacterial treatment of acne. The firm and its corporate officer would be required to have a reasonable basis at the time of dissemination for representations relating to the efficacy, performance, characteristics, properties or the result of use of any drug, cosmetic, device or food; and prohibited from misrepresenting the extent to which a product has been tested or the results of such tests. Additionally, they would be required to establish an independent, irrevocable trust account, containing sixty thousand dollars ($60,000) to be used to pay half of all requests for restitution by Acne-Statin purchasers; and obligated to conduct and be totally responsible for the administration of the restitution program.

DATE: Comments must be received on or before September 14, 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/PF, Thomas J. Donegan, Washington, D.C. 20580 (202) 724-1511.

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 accepted, subject to final approval, 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)).

National Media Group, Inc., and Robert J. Marsh, Sr.

[File No. 772 3051]

Agreement Containing Consent Order To Cease and Desist

The Federal Trade Commission having initiated an investigation of certain acts and practices of the National Media Group, Inc., a corporation, and Robert J. Marsh, Sr., individually and as a corporate officer, sometimes hereinafter referred to as proposed respondents, and it now appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of certain alleged acts and practices being investigated;

It is hereby agreed by and between the said proposed respondents and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent The National Media Group, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business at 1060 Valley Forge Plaza, 1150 First Avenue, King of Prussia, Pennyslvania 19406.

2. Proposed respondent Robert J. Marsh, Sr., is an individual and corporate officer of The National Media Group, Inc., and maintains an office at 1060 Valley Forge Plaza, 1150 First Avenue, King of Prussia, Pennsylvania 19406.

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

4. 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.

5. This agreement shall not become 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 and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated or that any of the facts are true as alleged in the draft of the complaint here attached. No subsequent releases or notices from the Commission shall be inconsistent with the terms of this paragraph.

7. Should the order contained herein be made final and be entered by the Commission, the Commission shall not seek relief under Section 19 of the Federal Trade Commission Act, 15 U.S.C. Section 57b, from proposed respondents.

8. 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(b) of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and 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.

9. Proposed respondents have read the proposed complaint and order contemplated hereby, and 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, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

Order

I

It is ordered, That respondents, The National Media Group, Inc., a corporation, and Robert J. Marsh, Sr., an individual, their successors and assigns, either jointly or individually, and the corporate respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of all products do forthwith cease and desist from:

A. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of Acne-Statin will cure acne or any skin condition associated with acne.

2. Represents that Acne-Statin will eliminate or reduce the bacteria responsible for pimples, blackheads, whiteheads, other acne blemishes or any skin condition associated with acne.

3. Represents that Acne-Statin will eliminate or reduce the fatty acids responsible for pimples, blackheads, whiteheads, other acne blemishes or any skin condition associated with acne.

4. Represents that Acne-Statin is superior to prescription or over-the-counter antibacterial acne preparations in the treatment of acne.

5. Represents that Acne-Statin is superior to soap in the antibacterial treatment of acne.

6. Represents that the money-back guarantee for Acne-Statin or any other product has no time and quantity limitations unless such statement is true.

7. Misrepresents the extent to which any product has been tested or the results of any such test(s).

8. Represents through a test(s) or demonstration(s) that a product is comparable or superior to another product or other products where the test(s) or demonstration(s) does not accurately depict or present the efficacy or the mode of performance of each product for the advertised use.

9. Misrepresents the efficacy, use or the mode of performance of any "drug," "cosmetic," "device" or "food" (as these terms are defined by Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55) where the use or reasonably forseeable misuse of the product may adversely affect the health or safety of the user.

B. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly:

1. Represents that use of Acne-Statin or any other acne product by persons with acne will reduce, minimize or eliminate pimples, blackheads, whiteheads or any other blemishes associated with acne;

2. Represents that Acne-Statin or any other acne product can eliminate any factor contributing to acne or any skin condition associated with acne;

3. Represents that Acne-Statin or any other acne product is superior to prescription or over-the-counter acne preparations in the treatment of acne or any skin condition associated with acne;

4. Represents that Acne-Statin or any other product is efficacious for the treatment of acne.

unless, at the time of each dissemination of such representation(s) respondent(s) possess and rely upon competent and reliable scientific or medical evidence as a reasonable basis for such representation(s). Competent and reliable scientific or medical evidence shall be defined as evidence in the form of at least two well-controlled double-blind clinical studies conducted by different persons, independently of each other. Such persons shall be dermatologists who are qualified by scientific training and experience to treat acne and conduct the aforementioned studies.

C. Disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, which directly or indirectly makes representations referring or relating to the performance or efficacy of any "drug," "cosmetic," "device" or "food," or refers or relates to any characteristic, property or result of the use of any "drug," "cosmetic," "device" or "food," unless, at the time of each dissemination of such representation(s) respondents possess and rely upon a reasonable basis for such representation(s). For purposes of this provision the terms "drug," "cosmetic," "device" or "food" shall be defined by Section 15 of the Federal Trade Commission Act, 15 U.S.C. 55.

II

With reference to IA 7–9, IB and IC of this order, the respondent(s) shall have an affirmative defense to a compliance suit for violation of these provisions where respondent(s): (1)(a) acted only as an advertising agency; that is only aided in the preparation of copy, marketing strategy and placement of advertisements which are the subject of a compliance suit and had no proprietary interest in the product(s) advertised nor financial interest in the sale thereof; or (b) functioned as a media buyer with a financial interest in the product(s) advertised; that is only purchased media space or time for advertising and had a proprietary interest in the product(s) advertised or a financial interest in the sale thereof; and (2) neither knew nor should have known that the advertisements violated the above-specified order provisions.

III

Respondents shall be exempt from paragraphs IA 7–9, IB and IC of this order where they acted only as media buyers; that is they only purchased media space or time and were remunerated by the standard and traditional means of compensation for such acts. For the purposes of this part of the order, "standard and traditional means of compensation" shall be defined as a fee based on:

A. A percent of the cost of media space or time;

B. A fixed rate charged for resources expended by the media buyer to locate and/or purchase media space or time; or

C. A combination of A and B, *supra.*

In no event shall a "standard and traditional means of compensation" for purposes of this part of the order include a method of payment based on a percentage of sales of the product(s) or service(s) for which media space or time is purchased.

IV

It is further ordered, That:

A. Within thirty (30) days of final acceptance of this consent order by the Federal Trade Commission (hereinafter the "Commission"), respondent The National Media Group, Inc., shall establish an interest-bearing trust account containing the sum of sixty thousand dollars ($60,000), for the purpose of paying restitution to Acne-Statin purchasers. The instrument creating the trust account shall not become binding until the Commission or its designated staff has reviewed said instrument and determined that it conforms to all obligations outlined in this order. In the event that said instrument does not so conform to the order, respondent shall make all changes identified by the Commission or its designated staff in a timely manner to insure that said trust account is established within the time constraints imposed by this order. Said trust account shall provide for at least a six (6) percent annual interest rate, compounded quarterly, if such rate and terms are reasonably available, and shall be administered, maintained and terminated for a reasonable fee, which fee shall not reduce the principal of the trust account. To the extent respondents pay administration costs of the trust account from funds other than the sixty thousand dollars ($60,000) specified above, they shall be reimbursed from the trust account established by this order pursuant to the provisions in the instrument which creates the said trust account; provided however that all such payments shall be limited to the interest of said trust account and the principal of said trust account shall not be reduced. Said account shall be entitled "Acne-Statin Restitution Account—II." Furthermore, within forty (40) days of the final acceptance of this order by the Commission, respondents shall provide the Commission or its designated staff a copy of the trust agreement which establishes the trust account, and a verified accounting of the funds within said account. If, for any reason, respondent, The National Media Group, Inc., does not fulfill its obligation to establish the aforementioned trust account, respondent, Robert J. Marsh, Sr., shall then establish the trust account within the time constraints imposed by this order. The instrument creating said trust account shall expressly contain binding provisions to the following effect:

1. Neither Robert J. Marsh, Sr., nor The National Media Group, Inc., shall have any power, either express or implied, to revoke said trust account or deplete the monies therein.

2. The trust account monies shall not be subject to the claims of any creditors of Robert J. Marsh, Sr., or The National Media Group, Inc.

3. The beneficiaries of said trust account shall be Acne-Statin purchasers who request refunds and are identified by the Commission or its designated staff as beneficiaries of said trust and/or The National Media Group, Inc. Provided, however, that purchasers who make their initial purchase of Acne-Statin after the first dissemination of the restitution notice shall be ineligible to be designated as beneficiaries of said trust, and, therefore, ineligible to receive restitution under this order.

4. The Commission or its designated staff have the exclusive power to determine when and which beneficiaries, or other parties necessary to the execution of the restitution program, which includes the notification of consumers, are to receive monies from said trust account and what amount each is to receive. This power of distribution shall include the power to have up to ten thousand dollars ($10,000) distributed to pay for expenses of administering the restitution program.

5. Said trust account shall retain all interest accumulated thereto and such interest shall be available as funds for distribution to the beneficiaries of said trust account and may also be available as money for the administration costs of the trust account.

6. The trustee of said trust account shall be independent of Robert J. Marsh, Sr., and the National Media Group, Inc.

7. Upon direction of the Commission or its designated staff to pay funds to a party identified in IIA4, *supra,* the trustee shall issue payment to the said identified party within sixty (60) days of the direction of the Commission or its designated staff.

B. The Commission or its designated staff will determine the means by which Acne-Statin purchasers will be notified and the terms and conditions under which such purchasers shall receive restitution, provided that:

1. No restitution shall be paid out of the aforementioned trust account to any Acne-Statin purchaser unless Karr Preventative Medical Products, Inc., and/or Atida H. Karr, M.D., is directed by a final order of the Commission or a final court decree pursuant to Section 19 of the Federal Trade Commission Act, 15 U.S.C. 57b, to make restitution to such purchasers;

2. Purchasers will be given a specific deadline not more than 120 days after their notification before which they must request restitution in writing in order to receive restitution;

3. Each purchaser who requests restitution shall receive the total amount paid for Acne-Statin unless there are insufficient funds to pay all such purchasers. If there are not sufficient funds to fully pay all such purchasers, each such purchaser shall receive the proportion, equal to the ratio of the total monies available for restitution over the total amount of restitution requested by purchasers, of the amount which he or she spent for Acne-Statin;

4. No purchaser shall receive more in restitution than such purchaser paid for

Acne-Statin less the amount of refunds, if any, already received and

5. Funds from the aforementioned trust account shall be used to pay fifty percent (50%) of each restitution payment. Provided, however, that if no funds are available from Karr Preventative Medical Products, Inc. and/or Atida H. Karr, M.D., or if the funds from the trust account established by these parties are for any reason depleted prior to the depletion of funds in the trust account established by this order, then monies from the trust account established herein shall be used to pay the remaining restitution requests.

C. Within six months after the completion of the restitution program, the Commission or its designated staff shall direct the trustee of the trust account established in IV A, *supra*, to pay all monies remaining in the trust account to The National Media Group, Inc., and to terminate the trust account.

V

It is further ordered, That:

Respondents shall be obligated to the extent set forth below, and as directed by the Commission or its designated staff generally, to take responsibility for the administration of the Acne-Statin restitution program.

Included in the said responsibilities of the respondents herein, are the following:

1. Verification of the fact of purchase and the amount of purchase for each Acne-Statin purchaser who requests his/her money back.

2. Totalling the refund requests and notifying the Commission or its designated staff of the identity of the persons who should receive refunds and the amount of money each such person should receive.

3. For each person who requests a refund and said request cannot be verified or for some other reason the said person is allegedly ineligible for the total requested refund, the respondents shall identify each such person and provide an explanation why the refund is inappropriate. The final determination of eligibility for, and amount of, refunds shall rest with the Commission or its designated staff.

4. The writing and mailing of refund checks to all persons who are eligible for restitution.

5. Certifying under oath that all eligible consumer requests for refunds have been satisfied by the act of mailing refund checks to said persons at the most recent address of such persons known to respondents.

6. Providing the Commission or its designated staff with a full accounting regarding how the respondents expended funds approved by the Commission or its designated staff in the discharge of their duties under Part V of this order.

Provided, however, in fulfilling these order obligations, respondents may enter into contracts for the performance of the said obligations. All such contracts shall be approved by the Commission or its designated staff before being made final, and shall be made with parties independent of the respondents, who are bonded to guarantee and insure the honest performance of each such contract. Notwithstanding the fact that certain order obligations may be accomplished through contracting, it shall be the respondents' obligation and responsibility to perform or have performed all order obligations in an expeditious and timely fashion and the responsibility to police all such contracts. Upon approval by the Commission or its designated staff, such contracts shall bind the trustees responsible for Acne-Statin Restitution Accounts I and II. The respondents shall not be financially liable for the aforementioned administrative expenses beyond said ten thousand dollars ($10,000) specified in the account entitled "Acne-Statin Restitution Account—II."

The respondents shall be responsible for the cost of: finding suitable parties for the fulfillment of such contracts; negotiating such contracts; monitoring the compliance with such contracts; and any other similar administrative tasks which are necessary for the administration of the restitution program through its completion. The obligations shall be independent of and in addition to the monies which respondents shall have paid into the trust account to help defray the administrative expenses of the restitution program.

VI

It is further ordered, That the corporate respondents shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That each respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any othe change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That each respondent, shall, within sixty (60) days after this order becomes final, and annually thereafter for three (3) years, file with the Commission a report, in writing, signed by the respondent, setting forth in detail the manner and form of its compliance with this order.

It is further ordered, That each respondent shall maintain files and records of all substantiation related to the requirements of Part IB and IC of this order for a period of three (3) years after the dissemination of any advertisement which relates to either of these portions of the order. Additonally, such material shall be made available to the Federal Trade Commission or its staff within fifteen (15) days of a written request for such materials.

Analysis of Proposed Consent To Aid Public Comment

The Federal Trade Commission has provisionally accepted an agreement to a proposed consent order from The National Media Group, Inc., and Robert J. Marsh, Sr.

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 proposed complaint charged the respondents with disseminating and causing the dissemination of advertisements containing several false and misleading representations regarding Acne-Statin, an acne preparation. In particular, the complaint alleges that the advertisements falsely and/or unfairly claim that Acne-Statin (1) will cure acne and eliminate its cause, thus resulting in skin free of pimples and other clinical manifestations of acne; (2) was scientifically tested; and (3) is superior to other acne preparations and soap in the treatment of acne. The complaint also alleges that the advertisements falsely claim that Acne-Statin can penetrate the pores of the skin and eliminate the bacteria and fatty acids responsible for acne. In addition, the complaint alleges that the advertisements represent that there are no time and quantity limitations on the money-back guarantee, when in fact there were such limitations.

Finally, the complaint alleges that photographs of bacterial colonies are used in the advertisements to represent Acne-Statin's effectiveness in killing the bacteria responsible for acne, when in fact the photographs are pictures of other types of bacteria not related to acne.

The consent order contains the following provisions designed to remedy the advertising violations charged.

Parts IA(1)–(5) prohibit the dissemination of claims that Acne-Statin cures acne, eliminates the bacteria or fatty acids responsible for acne blemishes, and is superior to all other acne preparations and soap for the antibacterial treatment of acne.

IA(6) prohibits any representation that the money-back guarantee for any product has no time or quantity limitations unless such representation is true.

IA(7), (8) and (9) prohibit: Any misrepresentation of the extent to which any product has been tested or the results of such tests, any representation made by means of a test which incorrectly depicts the efficacy or mode of performance of any product tested, and any misrepresentation of the efficacy, use or mode of performance, of any drug, cosmetic, device or food where the use or foreseeable misuse of the product may harm the user.

Part IB defines the scientific and medical evidence necessary for a reasonable basis for claims that any acne product, including Acne-Statin: Eliminates the cause of acne, will result in skin free of acne blemishes; is superior to other acne preparations; and is efficacious in the treatment of acne.

Part IC requires respondents to have a reasonable basis at the time of dissemination for representations relating to the efficacy, performance, characteristics, properties or the result of use of any drug, cosmetic, device or food.

Part II allows the respondents an affirmative defense to specified parts of the order involving reasonable basis or testing claims (IA7–9, IB, IC) if they act as either an advertising agency, or media buyer with a proprietary interest in the product, and neither knew nor should have known that the advertisements violated the specified order provisions.

Part III exempts respondents from the same parts of the order specified in Part II, if they act only as a media buyer compensated by standard and traditional means and not by a percentage of sales of any product or service.

Part IV requires The National Media Group, Inc., or if they default, Robert J. Marsh, Sr., to establish an independent, irrevocable interest-bearing trust account, containing sixty thousand dollars ($60,000). The funds of this account will be used to pay half of all requests for restitution by Acne-Statin purchasers, if restitution is ordered in a future proceeding against Karr Preventative Medical Products, Inc., and/or Atida H. Karr, M.D. (See Docket 9109). If restitution is not sought or is not ordered against Karr Preventative Medical Products, Inc. and/or Atida H. Karr, M.D., or if all the funds are not used to fulfill restitution requests, then the remaining funds and interest in the account will be returned to The National Media Group, Inc. If funds provided by Karr Preventative Medical Products, Inc. are depleted prior to the depletion of the funds in the trust account established by this order, then the funds in this trust account will be used to pay all remaining restitution requests. Purchasers must not have made their initial purchase of Acne-Statin after the dissemination of the Commission's restitution notice and must request restitution within 120 days of notification in order to receive restitution. If there are more requests than total funds, each purchaser will receive a pro rata share.

Respondents are obligated to conduct and be totally responsible for the administration of the restitution program. Such responsibilities include: (a) Verifying the purchase and amount for each person requesting a refund; (b) totalling these fund requests and notifying the Commission of each person requesting a refund, and the amount, if any, that person should receive or an explanation of why that person should not receive a refund; (c) writing and mailing refund checks to all persons the Commission determines are eligible; (d) certifying under oath to the Commission that all eligible refund requests have been satisfied, and (e) providing the Commission with a full accounting of the expended funds. Subject to Commission approval; respondents may contract with other parties for the performance of these tasks, but are responsible for monitoring and enforcing such contracts and ultimately for the performance of the tasks. Lastly, respondents are not financially liable for administrative expense beyond the ten thousand dollars ($10,000) which is designated for this purpose as part of the initial sixty thousand dollars ($60,000) in the trust account.

Part V of the Consent Order requires that respondents distribute a copy of the order to each operating division; notify the Commission at least thirty (30) days prior to any proposed structural change in the corporate respondent which affects compliance with the Consent Order; file an initial compliance report within sixty (60) days of the effective date of the Consent Order and an annual compliance report for each of the next three years; and maintain records of all substantiation related to the requirements of Parts IB and IC of the Consent Order for three (3) years after the first dissemination of any advertisement which relates to that portion of the Consent Order and make such records available to the staff of the Federal Trade Commission within fifteen (15) days of a written demand for such material.

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

Carol M. Thomas,

Secretary.

[FR Doc. 79-21893 Filed 7-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 13]

[File No. 792 3087]

RR International, Inc., et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, would require a Wilmington, Del. firm and two corporate officers engaged in the advertising, sale and distribution of a product known, among other names, as the G. R. Valve, to cease representing, without reliable substantiation, that installing the G. R. Valve or any substantially similar automobile retrofit device in a motor vehicle will result in fuel economy improvement. They would also be barred from using any endorsement or testimonial which has not been properly authorized; and prohibited from misrepresenting a product endorser's expertise in a field of knowledge, and the conclusions of tests or surveys pertaining to energy consumption or energy saving characteristics of

automobile retrofit devices. Additionally, the order would require that product advertising disclose any material connection that may exist between endorser and the firm or its corporate officers.

DATE: Comments must be received on or before September 14, 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/PE, Linda C. Dorian, Washington, D.C. 20580. (202) 724–1524.

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 accepted, subject to final approval, 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)).

[File No. 792-3087]

RR International, Inc., et al.

The Federal Trade Commission having initiated an investigation of certain acts and practices of RR International, Inc., a corporation; Eduard A. Hamala, Cary Bunin, individually and as officers of the corporation, sometimes hereinafter referred to as respondents, and it now appearing that the proposed respondents are willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated;

It is hereby agreed by and between the said proposed respondents and counsel for the Federal Trade Commission that:

1. Proposed respondent RR International, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Delaware, with its principal office and place of business at c/o Corporation Trust Company, 100 West 10th Street, Wilmington, Delaware 19801. Proposed respondent Eduard A. Hamala is an individual whose address is 4333 Admiralty Way, Marina Del Rey, CA 90291. Cary Bunin is an individual whose address is 305 East 51st Street, New York, NY 10022.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of 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 and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

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

6. Should the order contained herein be made final and be entered by the Commission, the Commission shall not seek relief from the respondents under Section 19 of the Federal Trade Commission Act, 15 U.S.C. 57(b), for any acts or practices connected with their marketing of the automobile retrofit device, variously known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names, and which have occurred prior to the date that this agreement is signed by respondents.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34(b) of the Commission's rules, the Commission may, without further notice to proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to-order to the proposed respondents' address 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, but not agreement, understanding, representation, or interpretation not contained in the order, complaint, or the aforementioned agreement may be used to vary or contradict the terms of the order.

8. Proposed respondents have read the proposed complaint and order contemplated hereby, and 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, and that they may be liable for a civil penalty as provided by law for each violation of the order after it becomes final.

Order

Part I

It is ordered, That respondents RR International, Inc., a corporation, Eduard A. Hamala and Cary Bunin, individually and as officers of the corporation, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the automobile retrofit device, as "automobile retrofit device, variously known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or of any other automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, having substantially similar properties, in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that the automobile retrofit device variously known as the G. R. Valve, the Turbo-Dyne Energy Chamber, and by other names, or any other automobile retrofit device having substantially similar properties, will or may result in fuel economy improvement when installed in an automobile, truck,

recreational vehicle, or other motor vehicle.

Part II

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any automobile retrofit device as "automobile retrofit device" is defined in § 301 of the Energy Policy and Conservation Act of 1975, 15 U.S.C. 2011, do forthwith cease and desist from representing, directly or by implication, that such device will or may result in fuel economy improvement when installed in an automobile, truck, recreational vehicle, or other motor vehicle unless (1) such representation is true, and (2) at the time of making such representation, respondents possess and rely upon written results of dynamometer testing of such device according to the then current urban and highway driving test cycles established by the Environmental Protection Agency and these results substantiate such representation, and (3) where the representation of the fuel economy improvement is expressed in miles per gallon or percentage, all advertising and other sales promotional materials which contain the representation expressed in such a way must also contain, in a way that clearly and conspicuously discloses it, the following disclaimer: "REMINDER: Your actual fuel saving may be less. It depends on the kind of driving you do, how you drive and the condition of your car."

Part III

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

a. Representing, directly or by implication, that an endorser of such product has expertise in a field of knowledge unless the endorser has the expertise which he is represented as possessing with respect to the endorsement;

b. Using, publishing, or referring to any testimonial or endorsement from any person or organization for such product unless, within the twelve (12) months immediately preceding any such use, publication, or reference, respondents have obtained from that person or organization an express written and dated authorization for such use, publication or reference;

c. Failing to disclose a material connection, where one exists, between an endorser of such product and any of the respondents. A "material" connection shall mean, for purposes of this order, any direct or indirect economic interest in the sale of the product which is the subject of this endorsement other than (1) a fixed sum payment for the endorsement, all of which is paid before any advertisement containing the endorsement is disseminated, or (2) payment for the endorsement which is directly related to the extent of the dissemination of advertising containing it;

d. Representing, directly or by implication, any energy consumption or energy saving characteristic of such product unless (1) at the time of making the representation, respondents possessed and relied upon competent and reliable scientific tests substantiating the representation, and (2) respondents possess a written test report which describes both test procedures and test results. A competent and reliable "scientific test" is one in which one or more persons, qualified by professional training, education and experience, formulate and conduct a test and evaluate its results in an objective manner using testing procedures which are generally accepted in the profession to attain valid and reliable results. The test may be conducted or approved by (a) a reputable and reliable organization which conducts such tests as one of its principal functions, (b) an agency or department of the government of the United States, or (c) persons employed or retained by respondents if they are qualified (as defined above in this paragraph) and conduct and evaluate the test in an objective manner;

e. Misrepresenting in any manner the purpose, content, or conclusion of any test or survey pertaining to any energy consumption or energy saving characteristic of such product;

f. Misrepresenting in any manner either consumer preference for such product or the results obtained by consumer usage of such product where such preference or results pertain to any energy consumption or energy saving characteristic of such product;

g. Misrepresenting in any manner the performance, efficacy, capacity, or usefulness of any energy consumption or energy saving characteristic of such product.

Part IV

It is further ordered, That respondents, their successors and assigns, either jointly or individually, and the respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any product in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to maintain the following accurate records which may be inspected by Commission staff members upon fifteen (15) days' notice: copies of and dissemination schedules for all advertisements, sales promotional materials, and post-purchase materials; documents authorizing use, publication or reference to testimonials or endorsements; records of the number of pieces of direct mail advertising sent in each direct mail advertisement dissemination; documents which substantiate or which contradict any claim, made directly or by implication concerning any energy consumption or energy saving characteristic of such product, which is a part of the advertising, sales promotional material, or post-purchase materials disseminated by respondents directly or through any business entity. Such records shall be retained by respondents for a period of three (3) years from the last date any such advertising, sales promotional, or post-purchase materials were disseminated.

Part V

It is further ordered, That corporate respondent shall forthwith distribute a copy of this order to each of its operating divisions and to each of its officers, agents, representatives, or employees who are engaged in the preparation and placement of advertisements, and that the individual respondents shall forthwith distribute a copy of this order to each of their agents, representatives, employees, successors and assigns. Respondents shall also distribute a copy of this order to any individual or corporation that purchases or has purchased from them through one purchase or through a series of purchases, more than five (5) of the devices variously known as the G. R. Valve, the Turbo-Dyne Chamber, and by other names.

Part VI

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to the effective date of any proposed change in the corporate respondents such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

Part VII

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of five years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's position in connection with the business of employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

Part VIII

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Analysis of Proposed Consent Order To Aid Public comment

The Federal Trade Commission has accepted an agreement to a consent order from RR International, Inc., Eduard A. Hamala, and Cary Bunin.

The 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 order.

The complaint charged the respondents with causing the dissemination of advertisements containing several false and misleading representations regarding an automobile retrofit device known as the G.R. Valve, the Turbo-Dyne Energy Chamber, and by other means. In particular, the complaint alleged that representations made in the advertisements of significant fuel economy improvement for an automobile because of the installation of the G.R. Valve were both false and without a reasonable basis. The complaint further alleged that the advertisements represented Gordon Cooper to be an expert in automotive engineering and to be merely an endorser of the valve when in fact he was not an expert in automotive engineering and he was a principal in the valve's marketing. Finally, the complaint charges that the advertisements were deceptive because they misrepresented certain tests of the valve as well as results of consumer usage of it.

The consent order contains the following provisions designed to remedy the advertising violations charged:

Part I prohibits the dissemination of advertising which represents that the G.R. Valve or other automobile retrofit device with substantially similar properties may result in fuel economy improvement when installed in a motor vehicle.

Part II prohibits, for any automobile retrofit device, the making of any representation that the installation of the device in a motor vehicle will result in fuel economy improvement unless the representation is true and is substantiated by results of dynamometer testing according to the Environmental Protection Agency's test cycles. This part further requires a disclaimer to be included in advertising where claims of fuel economy improvement are expressed in miles per gallon or in percentage.

Part III(a) prohibits any representation that an endorser of any product has expertise in a field of knowledge unless the endorser has the expertisé which is represented as being possessed in the endorsement.

III(b) prohibits use of an endorsement from a person or organization in advertising for any product unless, during the year immediately preceding the use, express written and dated authorization is obtained from the person or organization.

III(c) requires that, when an endorser has an economic interest in the sale of a product marketed by the respondents other than either a fixed sum payment made in full before advertising containing the endorsement is disseminated or an amount determined by the extent of dissemination of advertising containing the endorsement, this economic interest must be disclosed to the public in the advertising.

III(d) prohibits the making of any representation about any energy saving consumption or energy saving characteristic of any product unless, at the time of making such representation, respondents possess and rely upon competent and reliable scientific tests which substantiate the representation. Respondents also must possess a written test report which describes both test results and procedures.

III(e) prohibits respondents from misrepresenting the purpose, content or conclusion of any test or survey pertaining to any energy consumption or energy characteristic of any product.

III(f) prohibits respondents from misrepresenting consumer preference for or consumer usage of any product when the preference or usage relates to any energy consumption or energy saving characteristic of the product.

III(g) prohibits respondents from misrepresenting the performance, efficacy, capacity, or usefulness of any energy consumption or energy saving characteristic of any product.

Part IV requires that an advertisement's dissemination schedules, endorsement authorizations associated with the advertisement, and any documents which substantiate or which contradict any claim concerning any energy consumption or energy saving characteristic in the advertisement for any product be retained for a period of three years from the last date the advertisement was disseminated.

Part V requires the corporate respondent to distribute a copy of the order to all employees engaged in preparation or placement of advertising. The individual respondents must distribute a copy of the order to their agents or representatives, and all the respondents must distribute a copy of the order to any individual or corporation that has purchased more than five (5) valves from them.

Part VI requires that the respondents notify the Commission at least thirty (30) days before any proposed structural change in the corporation occurs which may affect compliance with the order.

Part VII requires that each of the individual respondents notify the Commission of the discontinuance of this present business and, for a ten year period, of his affiliation with a new business. This notification must include the name and address of the new business as well as a statement indicating the nature of the business.

Part VIII requires that respondents file a compliance report with the

Commission within sixty (60) days after the effective date of the order.

The purpose of this analysis is to facilitate public comment of 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.

[FR Doc. 79-21894 Filed 7-13-79; 8:45 am]

BILLING CODE 6750-01-M

[16 CFR Part 433]

Amendment to Preservation of Consumers' Claims and Defenses [1]

AGENCY: Federal Trade Commission.

ACTION: Placement of a compliance survey and other information on the rulemaking record and reopening of the record for comment on the material placed on the record and for evidence relevant to it.

SUMMARY: The Federal Trade Commission will place on the rulemaking record of the proceeding to amend the Preservation of Consumers' Claims and Defenses Trade Regulation Rule a survey of compliance with the existing rule and certain other information concerning compliance and enforcement experience. The Commission has reopened the record for public comment on the material to be placed on the record.

DATES: The Commission will place material on the record on or before July 18, 1979. Comments on and evidence relevant to the material must be received no later than August 17, 1979.

ADDRESSES: Send comments to: Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

Submissions should be labelled: "Holder Amendment Comments."

Copies of the compliance survey may be obtained from: Public Reference Branch, Office of the Secretary, Federal Trade Commission, Room 130, Federal Trade Commission, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: David H. Williams, Martin B. White or Sara Jane Hughes, Federal Trade Commission, (202) 724-1100.

SUPPLEMENTAL INFORMATION: The Commission has decided to place on the rulemaking record a compliance survey and certain other information concerning compliance and enforcment experience. This action has been taken by the Commission in its discretion in the interest of having available on the record potentially relevant information accumulated by the staff in the course of enforcement efforts and other activities outside of the rulemaking proceeding. In placing the survey and other information on the record the Commission does not take a position regarding the need for such data or the weight, if any, to be accorded to it.

The record has been reopened for public comment on the material to be placed on the record pursuant to this notice. The reopening is confined to submissions which comment on that material or which contain evidence relevant to it. The record is not being reopened with respect to other issues or evidence.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc 79-21939 Filed 7-13-79; 8:45 am]

BILLING CODE 6750-01-M

[1] See 40 FR 53506, Nov. 18, 1975; 44 FR 34153, June 14, 1979.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 141]

Proposed Amendment to the Customs Regulations Relating to Discharge of an Importer's Liability for Duties

Correction

In FR Doc. 79-20420, published at page 38571, on Monday, July 2, 1979, on page 38572, in the first column, in the second paragraph, (i), the third line "in which the broker shall pay the duties" should be corrected to read "in which event the broker shall pay the duties".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

Federal Old-Age, Survivors, and Disability Insurance; Employment, Wages, Self-Employment, and Self-Employment Income

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: We propose to revise the regulations on the kinds of work and earnings that are included or excluded for purposes of social secrurity coverage. Our objective is to make these regulations clearer and easier for the public to use. We have rewritten and reorganized the existing regulations. We have not changed the substance of our current regulations other than to reflect recent changes in the law. However, to simplify and reduce our regulations, we have deleted most rules that do not apply to current work. We have also eliminated some material about Internal Revenue Service forms and findings where the Internal Revenue Code is the primary basis for the rules.

DATES: Your comments will be considered if we receive them no later than September 14, 1979.

ADDRESS: Send your written comments to: Social Security Administration, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203.

Copies of all comments we receive can be seen at the Washington Inquiries Section, Office of Information, Social Society Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Legal Assistant, Room 4234 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594-7336.

SUPPLEMENTARY INFORMATION: These regulations are being revised and reorganized as part of HEW's Operation Common Sense, which is a Department-wide effort to review, simplify, and reduce HEW's regulations. The regulations presented here carry out sections 209, 210, and 211 of the Social Security Act.

We have proposed a provision (§ 404.1059(i)) to conform to section 3 of Pub. L. 95-472 which excludes from wages for social security coverage purposes certain payments under group legal services plans. We have included in proposed § 404.1007 a list of factors that tend to show whether a person is an employee under the common-law rules. We have also added a definition of a duly ordained, commissioned, or licensed minister in proposed § 404.1023.

We have included in proposed § 404.1047 on wages and § 404.1096 on self-employment income the amount of the contribution and benefit base for each calendar year from 1975-1981. The base is the amount of earnings that is subject to social security tax. The amounts for 1975-1978 were determined by the Secretary of Health, Education, and Welfare under the formula in section 230 of the Act and were

appropriately published in the **Federal Register**. The amount of the base was raised by section 103(b) of the Social Security Amendments of 1977 (Pub. L. 95–216) to $22,900 for 1979, $25,900 for 1980, and $29,700 for 1981.

These regulations also replace the proposed amendments to this subpart which were published in the **Federal Register** on April 4, 1977 (42 FR 17881). Those amendments were proposed to update the self-employment provisions applying to certain ministers, members of religious orders, Christian Science practitioners, retired business partners, certain public officers paid by fees only, an optional method of reporting self-employment income other than from farming, and U.S. citizens who are self-employed outside the U.S. but retain residence in the U.S. The current proposal covers those amendments published in the **Federal Register** on April 4, 1977.

(Catalog of Federal Domestic Assistance Programs No. 13.803, Social Security-Retirement Insurance)

Dated: May 16, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: June 16, 1979.

Hale Champion,

Acting Secretary of Health, Education, and Welfare.

Subpart K of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

Sec.
404.1001 Introductions.
404.1002 Definitions.

Employment

404.1003 Employment.
404.1004 What work is covered as employment.
404.1005 Who is an employee.
404.1006 Corporation officer.
404.1007 Common-law employee.
404.1008 Agent-driver or commission-driver, full-time life insurance saleman, home worker, or traveling or city salesman.
404.1009 Who is an employer.
404.1010 Farm crew leader as employer.

Work Excluded From Employment

404.1012 Work excluded form employment.
404.1013 Included—excluded rule.
404.1014 Domestic service by a student for a local college club, fraternity or sorority.
404.1015 Family services.
404.1016 Foreign agricultural workers.
404.1017 Sharefarmers.
404.1018 Work by civilians for the United States Government or its instrumentalities.
404.1019 Work as a member of a uniformed service of the United States.
404.1020 Work for States and their political subdivisions instrumentalities.
404.1021 Work for the District of Columbia.
404.1022 American Samoa or Guam.
404.1023 Ministers of churches and members of religious orders.
404.1024 Election of coverage by religious orders.
404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.
404.1027 Railroad work.
404.1028 Student working for a school, college, or university.
404.1029 Student nurses.
404.1030 Delivery an distribution or sale of newspapers, shopping news, and magazines.
404.1031 Fishing.
404.1032 Work for a foreign government.
404.1033 Work for a wholly owned instrumentality of a foreign government.
404.1034 Work for an international organization.
404.1035 Work for a communist organization.
404.1036 Certain nonresident aliens.
404.1037 Work on or in connection with a non-American vessel or aircraft.

Wages

404.1041 Wages.
404.1042 Wages when paid and received.
404.1043 Facilities or privileges-meals and lodging.
404.1044 Vacation pay.
404.1045 Employee expenses.
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Authority: Secs. 205, 209, 210, 211, 229, 230, 231, and 1102 of the Social Security Act, 53 Stat. 1368, 49 Stat. 625, 64 Stat. 492, 81 Stat. 833, 86 Stat. 416, 86 Stat. 1367, 49 Stat. 647; sec. 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 631; 42 U.S.C. 405, 409, 410, 411, 429, 430, 431, and 1302; and 5 U.S.C. Appendix.

Subpart K—Employment, Wages, Self-Employment, and Self-Employment Income

§ 404.1001 Introduction

(a)(1) In general, your social security benefits are based on your earnings that are on our records. (Subpart I of this part explains how we keep earnings records.) Basically, you receive credit only for earnings that are covered for social security purposes. The earnings are covered only if your work is covered. If you are an employee, your employer files a report of your covered earnings. If you are self-employed, you file a report of your covered earnings. Some work is covered by social security and some work is not. Also, some earnings are covered by social security and some are not. It is important that you are aware of what kinds of work and earnings are covered so that you

will know whether your earnings should be on our records.

(2) If you are an employee, your covered work is called "employment." This subpart explains our rules on the kinds of work that are covered as "employment" and the kinds that are not. We also explain who is an employee.

(3) If your work is "employment", your covered earnings are called "wages." This subpart explains our rules on the kinds of earnings that are covered as "wages" and the kinds that are not.

(4) If you work for yourself, you are self-employed. The subpart explains our rules on the kinds of self-employment that are covered and the kinds that are not.

(5) If you are self-employed, your covered earnings are called "self-employment income" which is based on your "net earnings from self-employment" during a taxable year. This subpart explains our rules on the kinds of earnings that are covered as "net earnings from self-employment" and the kinds that are not. We also explain how to figure your "net earnings from self-employment" and determine your "self-employment income" which is the amount that goes on our records.

(b) We include basically only the rules that apply to current work or that the law requires us to publish as regulations. We generally do not include rules that are seldom used or do not apply to current work because of changes in the law.

(c) The Social Security Act and the Internal Revenue Code (Code) have similar provisions on coverage of your earnings because the one law specifies the earnings for which you will receive credit for benefit purposes and the other the earnings on which you must pay social security taxes. Because the Code (Title 26 of the United States Code) has some provisions that are not in the Act but which may affect you, you may need to refer to the Code or the Internal Revenue Service regulations (Title 26 of the Code of Federal Regulations) to get complete information about your social security coverage.

(d) The rules are organized in the following manner:

(1) Section 404.1003–404.1010 include the rules on employment. We discuss what we mean by employment, what work is covered as employment for social security purposes, and describe the kinds of workers who are considered employees.

(2) In §§ 404.1012—404.1037 we discuss various types of work that are not covered as employment for social security purposes.

(3) The rules on wages are found in §§ 404.1041–404.1060. We describe what we mean by the term "wages", discuss various types of pay that count as wages, and state when the pay counts for social security purposes. We include the explanations of agricultural labor and domestic services under "wages" because the coverage of the services depends on the pay that is received.

(4) Our rules on self-employment and self-employment income are found in §§ 404.1065–404.1096. We discuss what we mean by self-employment, what we mean by a trade or business, what types of activities are considered self-employment, how to determine self-employment income, and how net earnings from self-employment are figured.

§ 404.1002 Definitions.

(a) *General definitions.* As used in this subpart—

The "Act" means the Social Security Act, as amended.

The "Code" means the Internal Revenue Code of 1954, as amended.

"We", "our", or "us" means the Social Security Administration.

"You" or "your" means any person whose earnings from employment or self-employment are included or excluded under social security.

(b) *Other definitions.* For ease of reference, we have placed other definitions in the sections of this subpart in which they are used.

Employment

§ 404.1003 Employment.

Employment means, generally, any service covered by social security performed by an employee for his or her employer. The rules on who is an employee and who is an employer are contained in §§ 404.1005–404.1010. Section 404.1004 states the general rule on the kinds of work covered as employment. Exceptions to the general rule are contained in §§ 404.1012–404.1037 which explain the kinds of work excluded from employment. All of these rules apply to current work unless otherwise indicated.

§ 404.1004 What work is covered as employment.

(a) *General requirements of employment.* Unless otherwise excluded from coverage under §§ 404.1012–404.1037, the work you perform as an employee for your employer is covered as employment under social security if one of the following situations applies:

(1) You perform the work within the United States (whether or not you or your employer are a citizen or resident of the United States).

(2) You perform the work outside the United States and you are a citizen of the United States working for—

(i) An American employer; or

(ii) A foreign subsidiary of a domestic corporation that has in effect an agreement covering your work under section 3121(l) of the Code.

(3) You perform the work on or in connection with an American vessel or American aircraft and the conditions in paragraph (a)(3) (i) and (ii) are met. Your citizenship or residence does not matter. The citizenship or residence of your employer matters only if it affects whether the vessel is an American vessel.

(i) You enter into the contract of employment within the United States or the vessel or aircraft touches at a port or airport within the United States during the performance of your contract of employment on the vessel or aircraft.

(ii) You are employed on and in connection with the vessel or aircraft when outside the United States.

(b) *Explanation of terms used in this section.* (1) "American employer" means—

(i) The United States or any of its instrumentalities;

(ii) A State, a political subdivision of a State, or an instrumentality of any one or more States or political subdivisions of a State;

(iii) An individual who is a resident of the United States;

(iv) A partnership, if at least two-thirds of the partners are residents of the United States;

(v) A trust, if all of the trustees are residents of the United States; or

(vi) A corporation organized under the laws of the United States or of any State.

(2) "American aircraft" means an aircraft registered under the laws of the United States.

(3) "American vessel" means a vessel documented or numbered under the laws of the United States. It also includes a vessel neither documented nor numbered under the laws of the United States, nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States, or corporations organized under the laws of the United States or of any State.

(4) "Citizen of the United States" includes a citizen of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa.

(5) "Domestic corporation" refers to a corporation as determined under section 7701 of the Code.

(6) "Foreign subsidiary" refers to a foreign subsidiary as defined in section 3121(l) of the Code.

(7) "On and in connection with" refers to the performance of work on a vessel or aircraft which concerns the vessel or aircraft. Examples of this kind of work are the services performed on a vessel by employees as officers or crew members, or as employees of concessionaires, of the vessel.

(8) "On or in connection with" refers to work performed on the vessel or aircraft and to work which concerns the vessel or aircraft but not actually performed on it. For example, shore services in connection with repairing, loading, unloading, or provisioning a vessel performed by employees as officers or crew members, or as employees of concessionaires, of the vessel are included, since this work concerns the vessel though not performed on it.

(9) "State" refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

(10) "United States" when used in a geographical sense means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

§ 404.1005 Who is an employee.

You must be an employee for your work to be covered as employment for social security purposes. You are an employee if you are—

(a) A corporation officer as described in § 404.1006;

(b) A common-law employee as described in § 404.1007; or

(c) An agent-driver or commission-driver, a full-time life insurance salesman, a home worker, or a traveling or city salesman as described in § 404.1008.

§ 404.1006 Corporation officer.

If you are an officer of a corporation, you are an employee of the corporation if you are paid or you are entitled to be paid for holding office or performing services. However, if you are a director of a corporation, we consider you to be self-employed when you work as a director.

§ 404.1007 Common-law employee.

(a) *General.* The common-law rules on employer-employee status are the basic test for determining whether you and the person or firm you work for have the relationship of employee and employer. Even though you are considered self-employed under the common-law rules, you may still be an employee for social security purposes under § 404.1006 (relating to corporation officers) or § 404.1008 (relating to workers in four specific jobs). In general, you are a common-law employee if the person you work for may tell you what to do and how, when, and where to do it. The person or firm you work for does not have to give these orders, but needs only the right to do so. Whether or not you are a common-law employee is not always clear. Several aspects of your job arrangement are considered in determined whether you are an employee or are self-employed under the common-law rules.

(b) *Factors that show employee status.* Some aspects of a job arrangement that may show you are an employee are as follows:

(1) The person you work for may fire you.

(2) The person you work for furnishes you with tools or equipment and a place to work.

(3) You receive training from the person you work for or are required to follow that person's instructions.

(4) You must do the work yourself.

(5) You do not hire, supervise, or pay assistants (unless you are employed as a foreman, manager, or supervisor).

(6) The person you work for sets your hours of work, requires you to work full-time, or restricts you from doing work for others.

(7) The person you work for pays your business or traveling expenses.

(8) You are paid by the hour, week or month.

(c) *Factors that show self-employed status.* Some aspects of a job arrangement or business venture that may show you are self-employed are as follows:

(1) You make a profit or suffer a loss.

(2) You are hired to complete a certain job and if you quit before the job is completed you may be liable for damages.

(3) You work for a number of persons or firms at the same time.

(4) You advertise to the general public that you are available to perform services.

(5) You pay your own expenses and have you own equipment and work place.

(d) *Questions about your status.* If there is a question about whether you are working as an employee or are self-employed, we or the Internal Revenue Service will make a determination after examining all of the facts of your case.

§ 404.1008 Agent-driver or commission-driver, full-time life insurance salesman, home worker, or traveling or city salesman.

(a) *General.* In addition to common-law employees and corporation officers, we consider workers in the four types of jobs described in paragraphs (b) through (e) of this section to be employees if their services are performed under the following conditions:

(1) Under the work arrangement the worker is expected to do substantially all of the work personally.

(2) The worker must not have a substantial investment in the facilities used to do the work. Facilities include such things as a place to work, storage space, equipment, machinery and office furniture. However, facilities do not include tools, equipment or clothing of the kind usually provided by employees nor transportation such as a car or truck.

(3) The work must be performed as part of a continuing work relationship between the worker and the person for whom the work is done. The work performed must not be a single transaction. Part-time and regular seasonal work may be performed as part of a continuing work relationship.

(b) *Agent-driver or commission-driver.* This is a driver hired by another person to distribute meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services. We consider you an agent-driver or commission-driver if you are paid a commission based on your sales or the difference between the price you charge your customers and the amount you pay for the goods or services. It makes no difference whether you drive your own truck or the company's truck or whether you solicit the customers you serve.

(c) *Full-time life insurance salesman.* A full-time life insurance salesman's main activity is selling life insurance or annuity contracts, or both, mostly for one life insurance company. If you are a full-time life insurance salesman, you are probably provided office space, stenographic help, telephone, forms, rate books and advertising materials by the company or general agent, without cost to you.

(d) *Home workers.* A home worker is a person who works away from the place of business of the person he or she works for, usually at home. If you are a home worker and you work according to the instructions of the person you work for, on material or goods furnished by

that person, and are required to return the finished product to that person (or another person whom he or she designates), you are an employee.

(e) *Traveling or city salesman.* The main activity of a traveling or city salesman is taking orders for merchandise for another person or firm. The salesman gets orders from wholesalers, retailers, contractors, or operators of hotels, restaurants or other firms whose main business if furnishing food or lodging or both. The salesman sells merchandise to others for resale or for use in their own business. We consider you a traveling or city salesman if most of your work is done for a single person or firm even though you have incidental sideline sales activities. However, you are not an employee under this paragraph as to those sideline sales. If you take orders for a number of persons or firms as a "multiple line" salesman, you are not a traveling or city salesman.

§ 404.1009 Who is an employer.

A person is an employer if he or she employs at least one employee. Sometimes it is not clear who a worker's employer is, since the employer does not always pay the worker's wages. When there is a question about who the employer is, we use the common-law rules to identify the employer (see § 404.1007).

§ 404.1010 Farm crew leader as employer.

A farm crew leader furnishes workers to do agricultural labor for another person, usually a farm operator. If the crew leader pays the workers (the money can be the crew leader's or the farm operator's), the crew leader is deemed to be the employer of the workers and is self-employed. However, the crew leader is not deemed the employer of the workers if there is a written agreement between the crew leader and the farm operator naming the crew leader as an employee. If the crew leader does not have this agreement and does not pay the workers, we use the common-law rules to determine the crew leader's status.

Work Excluded From Employment

§ 404.1012 Work excluded from employment.

Certain kinds of work performed by an employee are excluded from employment. They are described in §§ 404.1014–404.1037 and are exceptions to the general rule in § 404.1004 on the kinds of work that are covered as employment. In general, if the work performed by an employee is excluded from employment, the work is not covered under social security. However, certain kinds of work performed by an employee, even though excluded from employment, are covered as self-employment for social security purposes. In addition, if part of the work performed by an employee for the same employer is included as employment and part is excluded from employment, all the work may be included or all may be excluded as described in § 404.1013.

§ 404.1013 Included-excluded rule.

(a) If part of your work for an employer during a pay period is covered as employment and part excluded, all of your work during that period is considered covered if at least one-half of your time in the pay period is in covered work. If you spend most of your time in a pay period doing work that is excluded, all of your work in that period is excluded.

(b) A "pay period" is the period for which your employer ordinarily pays you. It cannot be more than 31 consecutive days. If the actual period is not always the same, your usual pay period will be used for applying the included-excluded rule.

(c) The included-excluded rule does not apply and your covered work will be counted if—

(1) Part of your work is covered by the Railroad Retirement Tax Act and part by the Social Security Act; or

(2) You have no usual "pay period" of 31 consecutive days or less, or you have separate pay periods for covered and excluded work.

§ 404.1014 Domestic service by a student for a local college club, fraternity or sorority.

(a) *General.* If you are a student and do work of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority, and are enrolled and regularly attending clases at a school, college, or university, your work is not covered as employment.

(b) *Explanation of terms.* (1) "Work of a household nature" means the type of work done by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers and housemothers.

(2) A "local college club or local chapter of a college fraternity or sorority" does not include an alumni club or chapter. Also, if the club rooms or house are used mostly for supplying board or lodging or students or nonstudents as a business, the work done is not excluded by this section.

§ 404.1015 Family services.

(a) *General.* If you work as an employee of a relative, the work is excluded from employment if—

(1) You work as an employee of your spouse;

(2) You work while under age 21 in the employ of your parent;

(3) You do nonbusiness work as an employee of your son or daughter (see § 404.1059(a)(3) for an explanation of nonbusiness work); or

(4) You perform domestic service (as described in § 404.1058(b)) in your son's or daughter's private home as an employee of that son or daughter, unless—

(i) The son or daughter has a child (either natural, adopted or stepchild) living in the home who is under age 18 or, if older, has a mental or physical condition that requires the personal care and supervision of an adult for at least four continuous weeks in the calendar quarter in which the work is done; and

(ii) The son or daughter is a widower or widow, or is divorced and has not remarried, or has a spouse living in the home who, because of a physical or mental condition, is incapable of taking care of the child and the condition is present for at least four continuous weeks in the calendar quarter in which the work is done.

(b) *Family work for other than sole proprietor.* Work for a corporation is not excluded under this section, and work for a partnership is not excluded unless the required family relationship exists between the employee and each of the partners.

§ 404.1016 Foreign agricultural workers.

Farm work done by foreign workers lawfully admitted to the United States on a temporary basis to do farm work is not covered as employment. The excluded work includes any services connected with farm operations.

§ 404.1017 Sharefarmers.

(a) If you are a sharefarmer, your services are not covered as employment, but as self-employment.

(b) You are a sharefarmer if you have an arrangement with the owner or tenant of the land and the arrangement provides for all of the following:

(1) You will produce agricultural or horticultural commodities on the land.

(2) The commodities you produce or the income from their sale will be divided between you and the person with whom you have the agreement.

(3) The amount of your share depends on the amount of commodities you produce.

(c) If under your agreement you are to receive a specific rate of pay, a fixed sum of money or a specific amount of the commodities not based on your production, you are not a sharefarmer for social security purposes.

§ 404.1018 Work by civilians for the U.S. Government or its instrumentalities.

(a) *General.* If you work as a civilian employee of the United States Government or an instrumentality of the United States, your work is excluded from employment if that work is covered by a retirement system established by law. Your work for an instrumentality that is exempt from social security tax is also excluded. Certain other work for the United States or an instrumentality of the United States is specifically excluded and is described in this section.

(b) *Work covered by a retirement system.* Work you do as an employee of the United States or an instrumentality of the United States is excluded from employment if the work is covered by a retirement system established by a law of the United States. If you have a choice as to whether your work is covered by the retirement system, the work is not covered by that system until you choose that coverage. In order for the exclusion to apply, the work you do, rather than the position you hold, must be covered by the retirement system.

(c) *Work that is specifically excluded.* Work performed by an employee of the United States or an instrumentality of the United States is excluded if it is done—

(1) As the President or Vice President of the United States;

(2) As a Member of the United States Congress, a Delegate to Congress or a Resident Commissioner;

(3) In the legislative branch of the United States Government;

(4) By a student nurse, student dietitian, student physical therapist or student occupational therapist who is assigned or attached to a Federal hospital, clinic, or medical or dental laboratory;

(5) By a person designated as a student employee with the approval of the Office of Personnel Management who is assigned or attached primarily for training purposes to a Federal hospital, clinic, or medical or dental laboratory (other than a medical or dental intern or resident in training);

(6) By an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(7) By a person to whom the Civil Service Retirement Act does not apply because the person's services are subject to another retirement system established by a law of the United States or by the instrumentality of the United States for which the work is done (other than the retirement system established by the Tennessee Valley Authority under the plan approved by the Secretary of Health, Education, and Welfare on December 28, 1956); or

(8) By an inmate of a penal institution of the United States, if the work is done in the penal institution.

(d) *Work for instrumentalities of the United States exempt from employer tax.* (1) Work performed by an employee of an instrumentality of the United States is excluded if—

(i) The instrumentality is exempt from the employer tax imposed by section 3111 of the Code or by section 1410 of the Internal Revenue Code of 1939; and

(ii) The exemption is authorized by another law specifically referring to these sections.

(2) Work performed by an employee of an instrumentality of the United States is excluded if the instrumentality was not on December 31, 1950, subject to the employer tax imposed by section 1410 of the Internal Revenue Code of 1939 and the work is covered by a retirement system established by the instrumentality, unless—

(i) The work is for a corporation wholly owned by the United States;

(ii) The work is for a Federal land bank association, a production credit association, a Federal Reserve Bank, a Federal Credit Union, a Federal land bank, a Federal intermediate credit bank, a bank for cooperatives, or a Federal Home Loan Bank;

(iii) The work is for a State, county, or community committee under the Agriculture Marketing Service and the Commodity Stabilization Service (formerly Production and Marketing Administration); or

(iv) The work is by a civilian, who is not paid from funds appropriated by the Congress, in activities conducted by an instrumentality of the United States subject to the jurisdiction of the Secretary of Defense or Secretary of Transportation at installations intended for the comfort, pleasure, contentment, and mental and physical improvement of personnel of the Defense Department of the Coast Guard, such as—

(A) Army and Air Force Exchange Service;

(B) Army and Air Force Motion Picture Service;

(C) Coast Guard Exchanges;

(D) Navy Ship's Service Stores; and

(E) Marine Corps Post Exchanges.

(3) For purposes of paragraph (d)(2) of this section, if an employee has a choice as to whether his or her work is covered by a retirement system, the work is not covered by that system until he or she chooses that coverage. The work done rather than the position held, must be covered by the retirement system.

(e) *Work as Peace Corps Volunteer.* Work performed as a volunteer or volunteer leader within the meaning of the Peace Corps Act (22 U.S.C. 2501 ff) is covered as employment.

(f) *Work as Job Corps Enrollee.* Work performed as an enrollee in the Job Corps is considered to be performed in the employ of the United States.

(g) *Work by Volunteer in Service to America.* Work performed (including training) as a Volunteer in Service to America is considered to be performed in the employ of the United States if the volunteer in enrolled for a period of service of at least one year. If the enrollment is for less than one year, we use the common-law rules in § 404.1007 to determine the volunteer's status.

§ 404.1019 Work as a member of a uniformed service of the United States.

(a) If you work as a member of a uniformed service of the United States, the work is covered as employment after 1956, unless the work is done while you are on leave without pay or is creditable under the Railroad Retirement Act. The work must be done while you are on active duty or active duty for training as defined in Veterans' Benefits, 38 U.S.C. 101.

(b) You are a "member of a uniformed service" if—

(1) You are appointed, enlisted, or inducted into (or a retired member of)—

(i) One of the armed services (Army, Navy, Air Force, Marine Corps, or Coast Guard); or

(ii) A component of one of the armed services, including any reserve component as defined in Veterans' Benefits, 38 U.S.C. 101 (except the Coast Guard Reserve as a temporary member);

(2) You are a commissioned officer (including a retired commissioned officer) of the National Oceanic and Atmospheric Administration or the Regular or Reserve Corps of the Public Health Service;

(3) You are a member of the Fleet Reserve or Fleet Marine Corps Reserve;

(4) You are a cadet at the United States Military, Coast Guard, or Air Force Academy, or a midshipman at the United States Naval Academy;

(5) You are a member of the Reserve Officers Training Corps, the Naval Reserve Officers Training Corps, or the Air Force Reserve Officers Training

Corps, when ordered to annual training duty for 14 days or more including periods of authorized travel to and from that duty; or

(6) You are selected for active military or naval training under the Military Selective Service Act or are provisionally accepted for active duty in the military or naval service and you are ordered or directed to a place for final acceptance or entry upon active duty and are on the way to or from, or at, that place.

§ 404.1020 Work for States and their political subdivisions and instrumentalities.

(a) *General.* If you work as an employee of a State, a political subdivision of a State, or any wholly owned instrumentality of one or more of these, your work is excluded from employment unless—

(1) The work is covered under an agreement under section 218 of the Act (see Subpart M of this part); or

(2) The work is "covered transportation service" as defined in section 210(k) of the Act (see paragraph (b) of this section).

(b) *Covered transportation service.*— (1) *Work for a public transportation system.* If you work for a public transportation system of a State or political subdivision of a State, your work may be covered transportation service if all or part of the system was acquired from private ownership. You must work as an employee of the State or political subdivision in connection with its operation of a public transportation system for your work to be covered transportation service. This paragraph sets out additional conditions that must be met for your work to be covered transportation service. If you work for a public transportation system but your work is not covered transportation service, your work may be covered for social security purposes under an agreement under section 218 of the Act (see Subpart M of this part).

(2) *Transportation system acquired in whole or in part after 1936 and before 1951.* All work after 1950 for a public transportation system is covered transportation service if—

(i) Any part of the transportation system was acquired from private ownership after 1936 and before 1951; and

(ii) No general retirement system covering substantially all work in connection with the operation of the transportation system and guaranteed by the State constitution was in effect on December 31, 1950.

(3) *Transportation system operated on December 31, 1950, no part of which was acquired after 1936 and before 1951.* If no part of a transportation system operated by a State or political subdivision on December 31, 1950, was acquired from private ownership after 1936 and before 1951, work for that public transportation system is not covered transportation service unless performed under conditions described in paragraph (b)(4) of this section.

(4) *Addition after 1950 to existing transportation system.* Work for a public transportation system part of which was acquired from private ownership after 1950 as an addition to an existing transportation system is covered transportation service beginning with the first day of the third calendar quarter following the calendar quarter in which the addition was acquired if—

(i) The work is performed by an employee who—

(A) Worked in employment in connection with the operation of the addition before the addition was acquired by the State or political subdivision; and

(B) Became an employee of the State or political subdivision in connection with and at the time of its acquisition of the addition;

(ii) On that first day, work performed by that employee is—

(A) Not covered by a general retirement system; or

(B) Covered by a general retirement system which contains special provisions that apply only to employees described in paragraph (b)(4)(i)(B) of this section;

(iii) The existing transportation system was operated by the State or political subdivision on December 31, 1950; and

(iv) Work for the existing transportation system was not covered transportation service because—

(A) No part of the system was acquired from private ownership after 1936 and before 1951; or

(B) The general retirement system described in paragraph (b)(2)(ii) of this section was in effect on December 31, 1950.

(5) *Transportation system acquired after 1950.* All work for a public transportation system is covered transportation service if—

(i) The transportation system was not operated by the State or political subdivision before 1951;

(ii) All or part of the transportation system was first acquired from private ownership after 1950; and

(iii) At the time the State or political subdivision first acquired any part of its transportation system from private ownership, it did not have a general retirement system covering substantially all work performed in connection with the operation of the transportation system.

(6) *Definitions.* (i) the term "general retirement system" means any pension, annuity, retirement, or similar fund or system established by a State or by a political subdivision of a State for employees of the State, the political subdivision, or both. The term does not include a fund or system which covers only work performed in positions connected with the operation of the public transportation system.

(ii) A transportation system (or part of a system) is considered to have been acquired from private ownership by a State or political subdivision if—

(A) Before the acquisition, work performed by employees in connection with the operation of the system (or an acquired part) constituted employment under the Act; and

(B) Some of these employees became employees of the State or political subdivision in connection with and at the time of the acquisition.

(iii) The term "political subdivision" includes an instrumentality of a State, of one or more political subdivisions of a State, or of a State and one or more of its political subdivisions.

§ 404.1021 Work for the District of Columbia.

If you work as an employee of the District of Columbia or a wholly owned instrumentality of the District of Columbia, your work is covered as employment unless—

(a) Your work is covered by a retirement system established by a law of the United States; or

(b) You are—

(1) A patient or inmate of a hospital or penal institution and your work is for that hospital or institution;

(2) A student employee (a student nurse, dietitian, or physical or occupational therapist, but not a medical or dental intern or resident in training) of a District of Columbia hospital, clinic, or medical or dental laboratory;

(3) An employee serving temporarily in case of fire, storm, snow, earthquake, flood, or other similar emergency; or

(4) A member of a board, committee, or council of the District of Columbia paid on a per diem, meeting, or other fee basis.

§ 404.1021 American Samoa or Guam.

(a) *Work in American Samoa or Guam.* Work in American Samoa or Guam for a private employer is covered

as employment the same as in the 50 States. Work done by a resident of the Republic of the Philippines working in Guam on a temporary basis as a nonimmigrant alien admitted to Guam under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act is excluded from coverage regardless of the employer.

(b) *Work for American Samoa or a political subdivision or wholly owned instrumentality of American Samoa.* Work as an officer or employee (including a member of the legislature) of the government of American Samoa, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is covered as employment (unless the work is covered by a retirement system established by a law of the United States). The officer or employee is not considered as an employee of the United States, an agency of the United States, or an instrumentality of the United States, for purposes of title II of the Act. We consider any pay for this work to have been paid by the government of American Samoa, or the political subdivision or the wholly owned instrumentality of American Samoa.

(c) *Work for Guam or a political subdivision or wholly owned instrumentality of Guam.* Work as an officer or employee (including a member of the legislature) of the government of Guam, its political subdivisions, or any wholly owned instrumentality of any one or more of these, is excluded from coverage as employment. However, the exclusion does not apply to employees classified as temporary or intermittent unless the work is—

(1) Covered by a retirement system established by a law of Guam;

(2) Done by an elected official;

(3) Done by a member of the legislature; or

(4) Done in a hospital or penal institution by a patient or inmate of the hospital or penal institution.

§ 404.1023 Ministers of churches and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church, the work you do in the exercise of your ministry is excluded from employment. However, it is treated as self-employment for social security purposes. If you are a member of a religious order who has not taken a vow of poverty, the same rule applies to the work you do in the exercise of your duties required by that order. If you are a member of a religious order who has taken a vow of poverty, the work you do in the exercise of duties required by the order (the work may be done for the order or for another employer) is covered as employment only if the order or autonomous subdivision of the order to which you belong has filed an effective election of coverage. The election is made under section 3121(r) of the Code. For the rules on self-employment coverage of ministers and members of religious orders who have not taken vows of poverty, see § 404.1071.

(b) *What is an ordained, commissioned, or licensed minister.* The terms "ordained, commissioned, or licensed" describe the procedures followed by recognized churches or church denominations to vest ministerial status upon qualified individuals. If a church or church denomination has an ordination procedure, the commissioning or licensing of a person as a minister may not make him or her a commissioned or licensed minister for purposes of this subpart. Where there is an ordination procedure, the commissioning or licensing must be recognized as having the same effect as ordination and the person must be fully qualified to exercise all of the ecclesiastical duties of the church or church denomination.

(c) *When is work by a minister in the exercise of the ministry.* (1) A minister is working in the exercise of the ministry when he or she is—

(i) Ministering sacerdotal functions or conducting religious worship (other than as described in paragraph (d)(2) of this section); or

(ii) Working in the control, conduct, and maintenance of a religious organization (including an integral agency of a religious organization) under the authority of a religious body constituting a church or church denomination.

(2) The following rules are used to decide whether a minister's work is in the exercise of the ministry:

(i) Whether the work is the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the religious body which is his or her church or church denomination.

(ii) Work in the control, conduct, and maintenance relates to directing, managing, or promoting the activities of the religious organization. Any religious organization is considered to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith according to either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes under the Code.

(iii) If a minister is working in the conduct of religious worship or the ministration of sacerdotal functions, the work is in the exercise of the ministry whether or not it is performed for a religious organization. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged to work as chaplain at a privately owned university. M spends his entire time working as chaplain. This includes the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is working in the exercise of the ministry.

(iv) If a minister is working for an organizatin which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all work by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of the organization is in the exercise of the ministry.

Example. M, a duly ordained minister, is engaged by the N Religious Board as director of one of its departments. M performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is working in the exercise of the ministry.

(v) If a minister, under an assignment or designation by a religious body constituting a church, works for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him or her, even though the service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of the ministry.

Example. M, a duly ordained minister, is assigned by X, the religious body constituting M's church, to perform advisory service to Y company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is working in the exercise of the ministry.

(vi) If a minister is working for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the work is not performed under an assignment or designation by ecclesiastical superiors, then only the

work done by the minister in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of the ministry. (See paragraph (d)(2) of this section for an exception to this rule.)

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. M does no other work for N although from time to time M performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not working for N under an assignment by his ecclesiastical superiors. The work performed by M for N University is not in the exercise of the ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of the ministry.

(d) *When is work by a minister not in the exercise of the ministry.* (1) Work performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of the ministry is not excluded from employment.

(2) Work performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of these, is not in the exercise of the ministry, even though the work may involve the ministration of sacerdotal functions or the conduct of religious worship. For example, we consider service performed as a chaplain in the Armed Forces of the United States to be work performed by a commissioned officer and not by a minister in the exercise of the ministry. Also, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of the ministry.

(e) *Work in the exercise of duties required by a religious order.* Work performed by a member of a religious order in the exercise of duties required by the order includes all duties required of the member of the order. The nature or extent of the work is immaterial so long as it is service which the member is directed or required to perform by the member's ecclesiastical superiors.

§ 404.1024 Election of coverage by religious orders.

A religious order whose members are required to take a vow of poverty, or any autonomous subdivision of that religious order, may elect to have social security coverage extended to the work performed by its members in the exercise of duties required by that order or subdivision. The rules on the election of coverage by these religious orders are described in 26 CFR 31.3121(r). The rules on determining the wages of members of religious orders for which an election of coverage has been made are described in § 404.1046.

§ 404.1026 Work for religious, charitable, educational, or certain other organizations exempt from income tax.

(a) *General.* Work done by an employee in the employ of a religious, charitable, educational, or other organization described in section 501(c)(3) of the Code which is exempt from income tax under section 501(a) of the Code (section 101(6) of the Internal Revenue Code of 1939) is excluded from employment. This exclusion does not apply to work done during the period for which a form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, is filed under paragraph (b) of this section, or an organization is deemed to have filed a waiver certificate under paragraph (c) of this section.

(b) *Election of coverage by filing form SS–15 and form SS–15a.* Form SS–15, Certificate Waiving Exemption From Taxes Under the Federal Insurance Contributions Act, and form SS–15a, List of Concurring Employees, filed under section 3121(k) of the Code, have the effect of covering work done by an employee—

(1) Whose signature appears on the form SS–15a (or a supplemental list); or

(2) Who became an employee of the organization after the calendar quarter in which the form SS–15 was filed; or

(3) Who became a member of a group of employees as described in section 3121(k)(1)(E) of the Code after the calendar quarter in which the form SS–15 was filed for that group.

(c) *Deemed filing of waiver certificate.* Under certain conditions, an organization which has never filed a certificate waiving its exemption from social security taxes but has reported wages and paid social security taxes for its employees is deemed to have filed a waiver certificate and elected to cover the services of its employees under social security. Each employee listed on the filed wage reports is deemed to have concurred in the filing of the certificate. The authority and conditions for the deemed filing of a waiver certificate and employee coverage for social security purposes are found in section 3121(k) of the Code.

(d) *Coverage of individual employees.* (1) For the payments to employees or organizations described in paragraph (c) of this section to be considered wages as defined in § 404.1041(a), the employee must—

(i) Request that the payments be considered wages when a deemed filed certificate is not effective for certain periods because of section 3121(k)(4)(C) of the Code; or

(ii) Request that the payments be considered wages when, for periods between March 31, 1972, and the date a deemed filed certificate is effective, the payments were reported for social security purposes and the employer has obtained a refund or credit for the social security taxes paid on those payments.

(2) The request must be in writing and filed with either the Social Security Administration or the Internal Revenue Service on or before April 15, 1980. The written request should identify the employer or employers, the periods in which the work was done and the approximate amount of wages paid in these periods. The employee must show that the employee's share of the social security taxes due on his or her wages has been paid to the Internal Revenue Service or that arrangements have been made with the Internal Revenue Service to make the required payment.

§ 404.1027 Railroad work.

We exclude from employment any work you do as an employee or employee representative as described in the Railroad Retirement Tax Act. However, railroad compensation can be counted for social security purposes under the conditions described in Subpart O of this part.

§ 404.1028 Student working for a school, college, or university.

(a) For purposes of this section, a "school, college, or university" has its usual accepted meaning. It does not, however, include any school, college, or university that is an instrumentality or integral part of a State or a political subdivision of a State for which work can only be covered by an agreement under section 218 of the Act. (See Subpart M of this part.)

(b) If you are a student, any work you do as an employee of a school, college or university is excluded from employment, if you are enrolled in and regularly attending classes at that school, college, or university. The exclusion also applies to work you do for a private nonprofit auxiliary organization of the school, college, or university if it is organized and operated exclusively for the benefit of, to perform functions of, or to carry out the purposes of the school, college, or university. The organization must be operated,

supervised, or controlled by, or in connection with, the school, college, or university.

(c) Whether you are a student for purposes of this section depends on your relationship with your employer. If your main purpose is pursuing a course of study rather than earning a livelihood, we consider you to be a student and your work is not considered employment.

§ 404.1029 Student nurses.

If you are a student nurse, your work for a hospital or nurses training school is excluded from employment if you are enrolled and regularly attending classes in a nurses training school which is chartered or approved under State law.

§ 404.1030 Delivery and distribution or sale of newspapers, shopping news, and magazines.

(a) *If you are under age 18.* Work you do before you reach age 18 delivering or distributing newspapers or shopping news is excluded from employment. This does not include delivery or distribution to some point for further delivery or distribution by someone else. If you make house-to-house delivery or sale of newspapers or shopping news (including handbills and similar kinds of advertising material), your work is not covered while you are under age 18. Related work such as asembling newspapers is also excluded.

(b) *If you are any age.* No matter how old you are, work you do in connection with and at the time of the sale of newspapers or magazines to consumers is excluded from employment if there is an arrangement under which—

(1) You are to sell the newspapers or magazines at a fixed price; and

(2) Your pay is the difference between the fixed selling price and the amount you are charged for the newspapers or magazines (whether or not you are guaranteed a minimum amount of compensation or receive credit for unsold newspapers or magazines).

(c) *If you are age 18 or older.* If you have attained age 18, you are self-employed if you work under the arrangement described in paragraph (b) of this section. See § 404.1068(b).

§ 404.1031 Fishing.

(a) If you work on a boat engaged in catching fish or other forms of aquatic animal life, your work is not employment if you have an arrangement with the owner or operator of the boat which provides for all of the following:

(1) You do not receive any cash pay (other than as provided in paragraph (a)(2) of this section).

(2) You receive a share of the catch or a share of the proceeds from the sale of the catch.

(3) The amount of your share depends on the size of the catch.

(4) The operating crew of the boat (or each boat from which you receive a share if the fishing operation involves more than one boat) is normally made up of fewer than 10 individuals.

(b) Work excluded from employment under this section is considered to be self-employment (§ 404.1068(e)).

§ 404.1032 Work for a foreign government.

If you work as an employee of a foreign government in any capacity, your work is excluded from employment. If you are a citizen of the United States and work in the United States as an employee of a foreign government, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1033 Work for a wholly owned instrumentality of a foreign government.

(a) If you work as an employee of an instrumentality of a foreign government, your work is excluded from employment if—

(1) The instrumentality is wholly owned by the foreign government;

(2) Your work is similar to work performed in foreign countries by employees of the United States Government or its instrumentalities; and

(3) The Secretary of State certifies to the Secretary of the Treasury that the foreign government grants an equivalent exemption for services performed in the foreign country by employees of the United States Government or its instrumentalities.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an instrumentality of a foreign government and the conditions in paragraph (a) of this section are met, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1034 Work for an international organization.

(a) If you work as an employee of an international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (59 Stat. 669), your work is excluded from employment. The organization must meet the following conditions:

(1) It must be a public international organization in which the United States participates under a treaty or authority of an act of Congress authorizing, or making an appropriation for, participation.

(2) It must be designated by executive order to be entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act.

(3) The designation must be in effect, and all conditions and limitations in the designation must be met.

(b) Your work will not be excluded under this section if any of the conditions in paragraph (a) of this section are not met.

(c) If you are a citizen of the United States and work in the United States as an employee of an international organization that meets the conditions in paragraph (a) of this section, you are considered to be self-employed (§ 404.1068(d)).

§ 404.1035 Work for a communist organization.

If you work as an employee of an organization which is registered, or which is required by a final order of the Subversive Activities Control Board to register under the Internal Security Act of 1950 as a communist action, communist-front, or communist-infiltrated organization, your work is excluded from employment. The exclusion is effective with the calendar year in which the organization is registered or the final order is in effect.

§ 404.1036 Certain nonresident aliens.

(a) *Foreign students.* Foreign students (nonimmigrant aliens) may be temporarily in the United States under subparagraph (F) of section 101(a)(15) of the Immigration and Nationality Act to attend a school or other recognized place of study approved by the Attorney General. On-campus work or work under permission granted by the Immigration and Naturalization Service which is done by these students is excluded from employment. Other work done by these foreign students is not excluded from employment under this section.

(b) *Exchange visitors.* Exchange visitors (nonimmigrant aliens) may be temporarily in the United States under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act to participate in exchange visitor programs designated by the Secretary of State. Work done by these exchange visitors to carry out the purpose for which they were admitted and for which permission has been granted by the sponsor, is excluded from employment. Other work done by these exchange visitors is not

excluded from employment under this section.

(c) *Spouse and children.* Work done by a foreign student's or exchange visitor's alien spouse or minor child who is also temporarily in the United States under subparagraph (F) or (J) of section 101(a)(15) of the Immigration and Nationality Act is not excluded from employment under this section unless that spouse or child and the work that is done meets the conditions of paragraph (a) or (b) of this section.

§ 404.1037 Work on or in connection with a non-American vessel or aircraft.

If you work as an employee within the United States on or in connection with (as explained in § 404.1004(b)(8)) a vessel or aircraft that is not an American vessel (as defined in § 404.1004(b)(3)) or American aircraft (as defined in § 404.1004(b)(2)), your work is excluded from employment if—

(a) You are not a citizen of the United States or your employer is not an American employer (as defined in § 404.1004(b)(1)); and

(b) You are employed on and in connection with (as explained in § 404.1004(b)(7)) the vessel or aircraft when outside the United States.

Wages

§ 404.1041 Wages.

(a) The term "wages" means remuneration paid to you are an employee for employment unless specifically excluded. Wages are counted in determining your entitlement to retirement, survivors', and disability insurance benefits.

(b) If you are paid wages, it is not important what they are called. Salaries, fees, bonuses and commissions on sales or on insurance premiums are wages if they are remuneration paid for employment.

(c) The way in which you are paid is unimportant. Wages may be paid on the basis of piecework or a percentage of the profits. Wages may be paid on an hourly, daily, weekly, monthly, or yearly basis. (See § 404.1056 for special rules for agricultural labor.)

(d) Your wages can be in any form. You can be paid in cash or in something other than cash, as for example, goods, lodging, food, or clothing. If your employer pays you cash for your meals or lodging on a regular basis as part of your employment, those payments may be considered wages. Payments made in the form of items other than cash may be counted as wages on the basis of the fair value of the items when paid.

§ 404.1042 Wages when paid and received.

(a) *In general.* Wages are received by an employee at the time they are paid by the employer to the employee. Wages are paid by an employer at the time that they are actually or constructively paid unless they are deemed to be paid later (as described in paragraph (c)(3) of this section).

(b) *Constructive payment.* Wages are constructively paid when they are credited to the account of, or set aside for, an employee so that they may be drawn upon by the employee at any time although not then actually received. To be a payment—

(1) The wages must be credited to or set aside for the employee and must be made available without restriction so that they may be drawn upon at any time; or

(2) The employer must intend to pay or to set aside or credit, and have the ability to pay wages when due to the employee, and failure of the employer to credit or set aside the wages is due to clerical error or mistake in the mechanics of payment, and because of the clerical error or mistake the wages are not actually available at that time.

(c) *Deemed payment.* (1) The first $100 of cash paid, either actually or constructively, by an employer to an employee in a calendar year is considered paid at the time that the amount of the cash payment totals $100 for the year in the case of pay for—

(i) Work not in the course of the employer's trade or business (non-business work);

(ii) Work by certain home workers; and

(iii) Work for an organization exempt from income tax under section 501 of the Code.

(2) We also apply this rule to domestic work in a private home of the employer, except that the test is $50 paid in a calendar quarter.

(3) Cash of less than $150 that an employer pays to an employee in a calendar year, either actually or constructively, for agricultural labor is considered paid at the earliest of—

(i) The time in the calendar year that the employee's pay totals $150; or

(ii) The 20th day of the calendar year on which the employee works for cash pay computed on a time basis.

(4) If an employer pays cash to an employee for two or more of the kinds of work referred to in paragraph (c)(1) of this section, we apply the provisions of this paragraph to the pay for each kind of work.

(d) *Employee tax deductions.* We consider employee tax deductions under section 3101 of the Code to be part of the employee's wages and consider them to be paid at the time of the deduction. We consider other deductions from wages to be wages paid at the time of the deduction. It is immaterial that the deductions are required or permitted by an act of Congress or the law of any State.

(e) *Tips.* (1) Tips received by an employee in the course of employment, that are considered to be "wages", are deemed to be paid at the time the employee reports the tips to the employer in a written statement as provided under section 6053(a) of the Code. Tips that are not reported are deemed to be paid to the employee at the time they are received by the employee.

(2) We consider tips to be received in the course of employment whether they are received by the employee from the employer or from another person. Only tips employees receive and keep for themselves are considered to be the employees' pay. If employees split tips, each employee who receives part of the tip receives tips in the course of employment.

§ 404.1043 Facilities or privileges—Meals and lodging.

(a) Generally, facilities or privileges that an employer furishes or offers to an employee are not considered wages if the facilities or privileges—

(1) Are of relatively small value; and

(2) Are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of the employees.

(b) The term "facilities or privileges" includes such things as entertainment, medical services, and so-called "courtesy" discounts on purchases. The term does not usually include the value of meals or lodging furnished to employees. The value of these items is wages where—

(1) It is understood by the employer and employee that the employer is to furnish to the employee meals or lodging or both on a regular basis; or

(2) The value of the items is a large part of the total pay. For example, the value of meals or lodiging furnished to hospital, restaurant, or hotel employees, or to seamen or other employees aboard vessels, is generally wages because either one or both of these conditions are met.

§ 404.1044 Vacation pay.

We consider your salary while on vacation, or a "vacation allowance" paid by your employer, to be wages.

§ 404.1045 Employee expenses.

Amounts that your employer pays you specifically—either as advances or reimbursements—for traveling or for other ordinary and necessary expenses incurred, or reasonably expected to be incurred, in your employer's business are not wages. The employer must identify these travel and other expenses either by making a separate payment or by specifically stating the separate amounts if both wages and expense allowances are combined in a single payment.

§ 404.1046 Pay for work by certain members of religious orders.

If you are a member of a religious order who has taken a vow of poverty (§ 404.1023), and the order has elected social security coverage under section 3121(r) of the Code, your wages are figured in a special way. Your wages, for social security purposes, are the fair market value of any board, lodging, clothing, and other items of value furnished by the order, or by another organization or person under an agreement with the order. However, the order must report at least $100 a month for each active member. If the fair market value of items furnished to all members of a religious order does not vary significantly, the order may consider all members to have a uniform wage.

§ 404.1047 Annual wage limitation.

Payments made by an employer to you as an employee in a calendar year that are more than the annual wage limitations are not wages. The annual wage limitation is—

(a) $3,600 for 1951 through 1954;
(b) $4,200 for 1955 through 1958;
(c) $4,800 for 1959 through 1965;
(d) $6,600 for 1966 and 1967;
(e) $7,800 for 1968 through 1971;
(f) $9,000 for 1972;
(g) $10,800 for 1973;
(h) $13,200 for 1974;
(i) $14,100 for 1975;
(j) $15,300 for 1976;
(k) $16,500 for 1977;
(l) $17,700 for 1978;
(m) $22,900 for 1979;
(n) $25,900 for 1980;
(o) $29,700 for 1981; and
(p) After 1981 an amount equal to the contribution and benefit base figured under § 404.1048 for that year.

§ 404.1048 Contribution and benefit base after 1981.

(a) *General.* The contribution and benefit base after 1981 is figured under the formula described in paragraph (b) of this section in any calendar year in which there is an automatic cost-of-living increase in old-age, survivors, and disability insurance benefits. The base remains the same if there is no cost-of-living increase in these benefits. The base for 1981 is $29,700. For purposes of this section, the calendar year in which the contribution and benefit base is figured is called the determination year. The base figured in the determination year applies to wages paid after (and taxable years beginning after) the determination year.

(b) *Formula for figuring the contribution and benefit base.* For wages paid after (and taxable years beginning after) the determination year, the contribution and benefit base is the larger of—

(1) The contribution and benefit base in effect for the determination year; or

(2) The amount determined by—

(i) Multiplying the contribution and benefit base in effect for the determination year by the ratio of—

(A) The average of the total wages (as described in paragraph (c) of this section) reported to the Secretary of the Treasury for the calendar year before the determination year to;

(B) The average of the total wages reported to the Secretary of the Treasury for the calendar year before the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination under this section resulting in an increase of the base was made; and

(ii) Rounding the result of the multiplication, if not a multiple of $300, to—

(A) The nearest multiple of $300; or

(B) The next higher multiple of $300 if the result is a multiple of $150.

(c) *Average of the total wages.* The average of the total wages means the amount equal to all payments to employees reported on Form W–2 to the Internal Revenue Service for income tax purposes divided by the number of wage earners. The reported payments include earnings from work not covered under social security and earnings from work covered under social security that are more than the annual wage limitation described in § 404.1047.

§ 404.1049 Payments under an employer plan or system.

(a) Payments to, or on behalf of, you or any of your dependents under your employer's plan or system are excluded from wages. In order to be excluded the payments must be made because of—

(1) Your retirement; or

(2) Your or your dependent's—

(i) Sickness or accident disability;

(ii) Medical or hospitalization expenses connected with sickness or accident disability; or

(iii) Death.

(b) Payments to you or your dependents under your employer's plan at or after the termination of your employment relationship because of your death, retirement for disability, or retirment after reaching an age specified in the plan or in a pension plan of the employer are excluded from wages.

(c) The plan or system established by the employer must provide for the employees generally or for a class or classes of employees. The plan or system may also provide for these employees' dependents. Payments under a plan or system established only for your dependents are not excluded from wages. The plan or system established by the employer can provide for payments on account of one or more of the items in paragraphs (a) and (b) of this section.

(d) For purposes of this section, your dependents include your husband or wife, children, and any other members of your immediate family.

(e) It does not make and difference that the benefit payments are considered in arriving at the amount of your pay or are required by the employment agreement.

§ 404.1050 Retirement payments.

We do not include as wages any payment an employer makes to you (including any amount paid by an employer for insurance or annuities) because of your retirement. This exclusion is different from the one in section § 404.1049 because no plan or system is required.

§ 404.1051 Payments on account of sickness or accident disability, or related medical or hospitalization expenses, not made under a plan or system.

We do not include as wages any payment that an employer makes to you, or on your behalf, on account of your sickness or accident disability, or related medical or hospitalization expenses, if the payment is made 6 or more calendar months following the last calendar month in which you worked for that employer.

§ 404.1052 Payments from or to certain tax-exempt trusts.

(a) We do not include as wages any payment made—

(1) Into a tax-exempt trust by your employer on behalf of you or your beneficiary; or

(2) From a tax-exempt trust to, or on behalf of, you or your beneficiary.

(b) The trust must be exempt from tax under sections 401 and 501(a) of the Code when the payment is made.

(c) The exclusion does not apply to payments to an employee of the trust for wok done as an employee of the trust.

§ 404.1053 Payments under or into certain annuity plans.

(a) We do not include as wages any payment made—

(1) Into an annuity plan by your employer on behalf of you or your beneficiary; or

(2) Under an annuity plan to, or on behalf of, you or your beneficiary.

(b) The annuity plan must be a plan described in section 403(a) of the Code when the payment is made.

§ 404.1054 Payments under or into certain bond purchase plans.

(a) We do not include as wages any payment made—

(1) Into a bond purchase plan by your employer on behalf of you or your beneficiary; or

(2) Under a bond purchase plan to, or on behalf of, you or your beneficiary.

(b) The plan must be a qualified bond purchase plan described in sectin 405(a) of the Code when the payment is made.

§ 404.1055 Payments by an employer of employees' tax or employee's contributions under State law.

We do not include as wages any payment by an employer that is not deducted from your salary (or for which reimbursement is not made by you) of either—

(a) The tax imposed by section 3101 of the Code (employee's share of "social security tax"); or

(b) Any payment required from an employee under a State unemployment compensation law.

§ 404.1056 Payments for agricultural labor.

(a) *The cash-pay and 20-day tests.* Cash payments you receive from an employer for agricultural labor (see § 404.1057) are wages if they are $150 or more in a calendar year, or if you perform agricultural labor for the employer on 20 days or more during the year for cash payments computed on a time basis. Non-cash payments for agricultural labor are not counted as wages.

Example. On 18 days in 1977 A performs agricultural labor for X for cash pay of $8 per day, and X pays A $144 in the year. A performs no further service for X. Neither the $150-cash-pay test nor the 20-day test is met. Therefore, the payments by X to A are not wages. If in 1977 A had performed agricultural labor for X on 20 days for cash pay of $144, the $144 paid by X to A would have been wages because the 20-day test would have been met. Or if A had performed the 18 days of agricultural labor for cash pay of $8.50 per day and had been paid in full in 1977, his cash pay of $153 would have been wages because the $150-cash-pay test would have been met.

(b) *Application of cash-pay test.* (1) If you receive cash pay from an employer both for services which are agricultural labor and for services which are not agricultural labor, we only count the amounts paid for agricultural labor in determining whether cash payments of $150 or more have been made in the calendar year for agricultural labor.

Example. Employer X operates a store and also operates a farm. Employee A, who regularly works in the store, works, on X's farm when additional help is required for the farm activities. In calendar year 1977, X pays A $140 in cash computed on a time basis for agricultural labor performed on 19 different days in that year, and $2,260 for work in connection with the operation of the store. Since the cash payments by X to A in the calendar year 1977 for agricultural labor are less than $150, the cash-pay test is not met. Since A performed agricultural labor for X on less than 20 days in 1977, the 20-day test is not met. The $140 paid by X to A in 1977 for agricultural labor is not wages.

(2) The cash-pay test of $150 or more is based on cash paid in a calendar year rather than on amounts earned during a calendar year.

(3) If you receive cash pay for agricultural labor in any one calendar year from more than one employer, we apply the cash-pay test to payments you received from each employer.

(c) *Application of 20-day test.* (1) We count only agricultural labor for which cash pay is computed on a time basis when determining whether you meet the 20-day test during a calendar year. For purposes of the 20-day test, the amount of the cash pay is immaterial, and it is immaterial whether you also receive payments other than cash or payments that are not computed on a time basis. If cash paid to you for agricultural labor is computed on a time basis, the payments are not "wages" unless they are paid in a calendar year in which either the 20-day test or the $150-cash pay-test is met.

Example. Employer X employs A to construct fences on a farm owned by X. The work constitutes agricultural labor and is performed over 30 days in November and December 1977. A is not employed by X at any other time. A's pay consist of meals and lodging, and $10 cash per day. X pays A $140 cash in December 1977 and $160 cash in January 1978 in full payment for the work. Since A has performed agricultural labor for X on 30 days in 1977, for pay computed on a time basis, the 20-day test is met for 1977 and the $140 cash paid in 1977 is wages. It does not matter that the $150-cash-pay test is not met for 1977. Since X has paid A $160 in cash in 1978 for agricultural labor, the $150-cash-pay test is met for 1978 and the $160 cash paid in 1978 is wages. It does not matter that the 20-day test is not met for 1978. If the payments by X to A in January 1978 had been less than $150, neither the $150-cash-pay test nor the 20-day test would have been met for calendar year 1978, and A's pay in that year would not have been wages.

(2) For determining whether you perform agricultural labor for an employer on 20 days or more during any calendar year for cash pay computed on a time basis, we count as 1 day—

(i) Any day or part of a day on which you actually perform agricultural labor for cash pay computed on a time basis;

(ii) Any day or part of a day on which you do not work, but for which cash pay is paid or payable to you for agricultural labor, such as a day on which you are sich or on vacation; and

(iii) Any day you report for work at the direction of your employer and are ready to work, whether or not you actually perform labor on that day.

Example. During the period of 20 days beginning April 11, 1977, and ending April 30, 1977, employee A was employed by employer X to perform agricultural labor on X's farm. The agreement provided that A would be furnished room and board at the farm and would be paid in cash $150 per month. On 1 day during the 20-day period A was sick and unable to work, and on another day X told A not to work because of weather conditions. At the end of A's employment X paid A $100 in cash for the full 20-day period. The 20-day test had been met and the $100 cash pay is wages.

(3) If in any 1 calendar year you perform agricultural labor for more than one employer, the 20-day test is applied to each employer.

§404.1057 Explanation of agricultural labor.

(a) *What is agricultural labor.* (1) If you work on a farm as an employee of any person, you are doing agricultural labor if your work has to do with—

(i) Cultivating the soil;

(ii) Raising, shearing, feeding, caring for, training or managing livestock, bees, poultry, fur-bearing animals or wildlife; or

(iii) Raising or harvesting any other agricultural or horticultural commodity.

(2) If you work on a farm as an employee of any person in connection with the production or harvesting of maple sap, the raising or harvesting of mushrooms, or the hatching of poultry, you are doing agricultural labor. If you work in the processing of maple sap into maple syrup or maple sugar you are not doing agricultural labor even though you

work on a farm. Work in a mushroom cave or poultry hatchery is agricultural labor only if the cave or hatchery is operated as part of a farm.

(3) If you work as an employee of the owner, tenant, or other operator of a farm, you are doing agricultural labor if most of your work is done on a farm and is involved with—

(i) The operation, management, conservation, improvement, or maintenance of the farm or its tools or equipment (this may include work by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers); or

(ii) Salvaging timber or clearing the land of brush and other debris left by a hurricane.

(4) You are doing agricultural labor no matter for whom or where you work, if your work involves—

(i) Cotton ginning;

(ii) Operating or maintaining ditches, canals, reservoirs, or waterways, if they are used only for supplying and storing water for farm purposes and are not owned or operated for profit; or

(iii) producing or harvesting crude gum (oleoresin) from living trees or processing the crude gum into gum spirits of turpentine and gum resin (if the processing is done by the original producer).

(5) Your work as an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage, to a market or to a carrier for transportation to market, of any agricultural or horticultural commodity is agricultural labor if—

(i) You work for a farm operator or a group of farm operators (other than a cooperative organization);

(ii) Your work involves the commodity in its raw or unmanufactured state; and

(iii) The operator produced most of the commodity you work with during the period for which you are paid, or if you work for a group of operators, all of the commodity you work with during the pay period is produced by that group.

(6) If you do nonbusiness work or domestic work in the private home of your employer, it is agricultural labor if you do the work on a farm operated for profit. A farm is not operated for profit if the employer primarily uses it as a residence or for personal or family recreation or pleasure. (See § 404.1058 for an explanation of domestic work and § 404.1059(a) for an explanation of nonbusiness work.)

(7) The term "farm operator" means an owner, tenant, or other person, in possession of and operating a farm.

(8) Work is not "agricultural labor" if it is done in the employ of a cooperative organization, which includes corporations, joint-stock companies, and associations treated as corporations under the Code. Any unincorporated group of operators is considered to be a cooperative organization if more than 20 operators are in the group at any time during the calendar year in which the work is done.

(9) Processing work which changes the commodity from its raw or natural state is not agricultural labor. An example of this is the extraction of juices from fruits or vegetables. However, work in the cutting and drying of fruits or vegetables does not change the commodity from its raw or natural state and can be agricultural labor.

(10) The term "commodity" means a single agricultural or horticultural product. For example, all apples are a commodity, while apples and oranges are two commodities.

(11) Work connected with the commerical canning or freezing of a commodity is not agricultural labor nor is work done after the delivery of the commodity to a terminal market for distribution for consumption.

(b) *What is a farm.* For purposes of social security coverage, "farm" includes a stock, dairy, poultry, fruit, fur-bearing animal, or truck farm, plantation, ranch, nursery, range or orchard. A farm also includes a greenhouse or other similar structure used mostly for raising agricultural or horticultural products. A greenhouse or other similar structure used mostly for other purposes such as display, storage, making wreaths and bouquets is not a farm.

§ 404.1058 Domestic service in the employer's home.

(a) *Payments for domestic service.*— (1) *The $50 standard.* We do not inlcude as wages cash payments that an employer makes to you in any calendar quarter for domestic service in the employer's private home, unless the cash pay in that calendar quarter is $50 or more. Non-cash payments for domestic service are not counted as wages.

(2) *How evaluation is made.* We apply the $50 standard for a calendar quarter based on when the payments are made to you rather than when the pay is earned. To count toward the $50 amount, payment must be made to you in cash (including checks or other forms of money). We apply the $50 standard only to services performed as a domestic. if an employer pays you for performing other work, the cash pay for the nondomestic work does not count toward the $50 domestic service pay required for the remuneration to count as wages.

(3) *More than one domestic employer.* The $50 standard applies to each employer when you perform domestic services for more than one employer in a calendar quarter. The wages paid by more than one employer for domestic services may not be combined to decide whether you have been paid $50 or more in a calendar quarter. The standard applies to each employee when an employer has two or more domestic employees during a calendar quarter.

(4) *Rounding dollar amounts for reporting.* For social security purposes, an employer has an option in the way he or she reports cash wages paid for domestic service in his or her private home. The employer may report the actual wages paid or may round the wages to the nearest dollar. For purposes of rounding to the nearest dollar the cents are disregarded unless it amounts to one-half dollar or more, in which case it will be raised to $1. If an employer uses this method to report a cash payment to you for domestic service in his or her private home in a calendar quarter, he or she must use the same method to report payments to other employees in that quarter for similar services.

(b) *What is domestic service.* Domestic service is work of a household nature done by you in or about a private home of the employer. A private home is a fixed place of residence of a person or family. A separate dwelling unit maintained by a person in an apartment house, hotel, or other similar establishment may be a private home. If a house is used primarily for supplying board or lodging to the public as a business enterprise, it is not a private home. In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governessess, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. Pay for these services does not come under this provision unless the services are performed in or about a private home of the employer. Pay for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's home, does not come under this provision.

§ 404.1059 Special situations.

(a) *Payments for service not in course of employer's trade or business (nonbusiness work) and payments to certain home workers.*—(1) *The $100 standard.* We do not include as wages cash pay of less than $100 paid to you in a calendar year by an employer for services not in the course of the employer's trade or business (nonbusiness work) and for services as a home worker.

(2) *How evaluation is made.* (i) We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To count toward the $100 amount, payment must be in cash (including checks or other forms of money). The $100 standard applies to each employer when you perform services not in the course of the employer's trade or business or as a homeworker for two or more employers.

(ii) If the employer has two or more employees, the standard applies to each employee. In applying the $100 standard, we disregard cash payments for any other type of services you perform for the employer.

(iii) The noncash payments an employer pays you for services not in the course of the employer's trade or business or as a homeworker are not counted as wages, even if the employer has paid you cash wages of $100 or more in the calendar year for services of that type.

(3) *Definitions.* The term "services not in the course of the employer's trade or business" (also called non-business work) means services that do not promote or advance the trade or business of the employer. Services performed for a corporation do not come within this definition. A homeworker is described in § 404.1008(c).

(b) *Nonprofit, income-tax exempt organizations.*—(1) *The $100 standard.* We do not include as wages payments of less than $100 in a calendar year made by an employer that is an organization exempt from income tax under section 501 of the Code.

(2) *How evaluation is made.* We apply the $100 standard for a calendar year based on when the payments are made to you rather than when the pay is earned. To figure the $100 amount, both cash and noncash payments are counted. The $100 standard applies to each employer where you render services for two or more nonprofit, income-tax exempt organizations during a calendar year. The $100 standard also applies to each of you where a nonprofit, income-tax exempt organization has two or more employees. In applying the standard, the tax-exempt status of the employer and not the nature or place of your services is controlling.

(c) *Payments to members of the uniformed services.*—(1) *The standard.* We include as the wages of a member of the uniformed services the individual's basic pay as explained in paragraph (c)(3) of this section plus the wages deemed paid to the individual under paragraph (c)(2) of this section. Only the basic pay is taxable for social security purposes.

(2) *Wages deemed paid.* (i) After 1977, a member of the uniformed services is considered to have been paid additional wages of $100 for each $300 of basic pay paid to the individual in a calendar year. The amount of additional wages deemed paid cannot be more than $1,200 for any calendar year. No wages may be deemed paid for units of basic pay which are less than $300.

(ii) Before 1978, a member of the uniformed services is considered to have been paid additional wages of $300 for each calendar quarter after 1956 in which the individual is paid any amount of basic pay.

(3) *Basic pay.* "Basic pay" means the monthly pay prescribed by 37 U.S.C. 203 (Pay and Allowances for the Uniformed Services) for a member of the uniformed services on active duty or on active duty for training.

(d) *Payments to "volunteers and volunteer leaders" in the Peace Corps.* If you are a "volunteer" or "volunteer leader" under the provisions of the Peace Corps Act (*22 U.S.C. 2501ff*), payments for your services are wages with the exception of amounts in excess of the amounts certified as payable under section 5(*c*) or 6(*1*) of the Peace Corps Act. Amounts certified under those sections are considered to have been paid to the individual at the time the service is performed. See § 404.1018(*e*) on coverage of these services.

(e) *Moving expenses.* We do not include as wages amounts paid to, or on behalf of, an employee for moving expenses if it is reasonable to believe that a similar deduction is allowable under section 217 of the Code.

(f) *Payments by employer to survivor or estate of former employee.* We do not include as wages any payment by an employer to a survivor or the estate of a former employee after the calendar year in which the employee died.

(g) *Payments to employees for non-work periods.* (1) We do not include as wages any payment (other than vacation or sick pay) made by an employer to an employee for a period throughout which the employment relationship exists between the employer and the employee, but in which the employee does not work for the employer (including employees subject to call for the performance of work), nor any payment made to a corporate officer solely for holding office during a period in which no work was performed if the payment is made—

(i) After the calendar month in which the employee attains age 62; or

(ii) To an employee who is, at the time of payment, entitled to disability insurance benefits under the Act, and entitlement began before the calendar year in which the payment is made.

(2) Vacation or sick pay is not excluded from wages under this paragraph. If an employee does any work for the employer in the period for which the payment is made, no payments by the employer to the employee for that period are excluded from wages as vacation or "sick pay." The term " sick pay" as used in this paragraph, includes "sick leave" payments made by a State, a political subdivision, or an interstate instrumentality, to an employee for a period during which he or she was absent from work because of illness.

Example. Mrs. A, an employee of X, attained age 62 on September 15, 1976, and stopped working regularly for X on September 30, 1976. Their employment relationship continued for several years until Mrs. A's death, and X paid Mrs. A $50 per month as consideration for Mrs. A's agreement to work when asked by X. The payment for each month was made on the first day of the following month. After September 30, 1976, she worked one day in October 1976. The payment made by X to Mrs. A on November 1 (for October 1976) is not excluded from wages under this exception, but the payments made after November 1976 are excluded from wages. The payment on November 1 was not excluded because Mrs. A worked for X on 1 day in October 1976. (Since Mrs. A had attained age 62 in September 1976, the November 1 payment would have been excluded if Mrs. A had not worked for X in October 1976.)

(h) *Tips.* (1) We include as wages tips received by an employee if—

(i) The tips are paid in cash; and

(ii) The tips amount to $20 or more and are received in the course of employment by an employee in a calendar month.

(2) Cash tips include checks and other forms of money. Tips received in a form other than cash, such as passes, tickets, or other goods are not wages. If an employee works for more than one employer in a calendar month, we apply

the $20 tip test to work done for each employer.

(i) *Payments by employer under group legal services plan.* We do not include as wages any contribution, payment, or service, provided by an employer under a qualified group legal services plan which is excludable from the gross income of an employee, or the employee's spouse or dependents, under section 120 of the Code.

§ 404.1060 Deemed wages for certain individuals interned during World War II.

(a) *In general.* United States citizens of Japanese ancestry who were interned during any period of time from December 7, 1941, through December 31, 1946, by the United States Government at a place operated by the government within the United States are deemed to have been paid wages (in addition to the wages actually paid) as provided in paragraph (c) of this section during any period after attaining age 18 while interned. This provision is effective for determining entitlement to, and the amount of, any monthly benefit for months after December 1972, and for determining entitlement to, and the amount of, any lump-sum death payment in the case of a death after December 1972.

(b) *Information needed to process deemed wages.* Unless we have already made a determination on deemed wages for a period of internment of an individual, any person applying for a monthly benefit, a recalculation of benefits by reason of this section, or a lump-sum death payment, must submit certain information before the benefit or payment may be computed on the basis of deemed wages. This information is—

(1) The place where the individual worked before internment;

(2) The highest hourly wage before internment;

(3) The place and date of internment;

(4) Date of birth (if not previously furnished);

(5) Whether or not another Federal benefit is being received based wholly or in part upon the period of internment; and

(6) In the case of a woman, her maiden name.

(c) *Amount of deemed wages.* The amount of wages which may be deemed is determined as follows:

(1) *Employed prior to internment.* If the individual was employed before being interned, the deemed wages are the greater of—

(i) The highest actual hourly rate of pay received for any employment before internment, multiplied by 40 for each full week during the period of internment; or

(ii) The Federal minimum hourly rate in effect for the period of internment, multiplied by 40 for each full week during that period.

(2) *Self-employed or not employed prior to internment.* If the individual was self-employed or was not employed before the period of internment, the deemed wages are the Federal minimum hourly rate in effect for that period, multiplied by 40 for each full week during the period.

(d) *When wages are not deemed.* Wages are not deemed under this section—

(1) For any period before the quarter in which the individual attained age 18; or

(2) If a larger benefit is payable without the deemed wages; or

(3) If a benefit based in whole or in part upon internment is determined by any agency of the United States to be payable under any other law of the United States or under a system set up by that agency. However, this exception does not apply in cases where the failure to receive deemed wages reduces the primary insurance amount by 50 cents or less.

(e) *Certification of internment.* The certification concerning the internment is made by the Secretary of Defense or his representative. After the internment has been verified, wages are deemed to have been paid to the internee.

Self-Employment

§ 404.1065 Self-employment coverage.

For an individual to have self-employment coverage under social security, the individual must be engaged in a trade or business and have net earnings from self-employment that can be counted as self-employment income for social security purposes. The rules explaining whether you are engaged in a trade or business are in §§ 404.1066–404.1077. What are net earnings from self-employment is discussed in §§ 404.1080–404.1095. Section 404.1096 describes the net earnings from self-employment that are counted as self-employment income for social security purposes.

§ 404.1066 Trade or business in general.

For you to be covered as a self-employed person for social security purposes, you must be engaged in a trade or business. You can carry on a trade or business as an individual or as a member of a partnership. With some exceptions, the term "trade or business" has the same meaning as it does when used in section 162 of the Code.

§ 404.1068 Employees who are considered self-employed.

(a) *General.* Although we generally exclude services performed by employees from the definition of trade or business, certain types of services are considered a trade or business even though performed by employees. If you perform any of the services described in paragraphs (b) through (e) of this section, you are self-employed for social security purposes. Certain other services described in § 404.1071 (relating to ministers and members of religious orders) and § 404.1073 (relating to certain public officers) may be considered a trade or business even though performed by employees.

(b) *Newspaper vendors.* If you have attained age 18 and perform services as a newspaper vendor that are described in § 404.1030(b), you are engaged in a trade or business.

(c) *Sharefarmers.* If you perform services as a sharefarmer that are described in § 404.1017, you are engaged in a trade or business.

(d) *Employees of a foreign government, an instrumentality wholly owned by a foreign government, or an international organization.* If you are a United States citizen and perform the services that are described in § 404.1032, § 404.1033(a), or § 404.1034(a), you are engaged in a trade or business if the services are performed in the United States.

(e) *Certain fishermen.* If you perform services as a fisherman that are described in § 404.1031, you are engaged in a trade or business.

§ 404.1070 Christian Science practitioners.

If you are a Christian Science practitioner, the services you perform in the exercise of your profession are a trade or business unless you were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver certificate under the provisions that apply to taxable years ending before 1968.

§ 404.1071 Ministers and members of religious orders.

(a) If you are a duly ordained, commissioned, or licensed minister of a church, or a member of a religious order who has not taken a vow of poverty, the services you perform in the exercise of your ministry or in the exercise of duties required by the order (§ 404.1023(c) and (e)) are a trade or business unless you filed for and were granted an exemption from coverage under section 1402(e) of the Code. An exemption cannot be granted if you filed a valid waiver

certificate under the provisions that apply to taxable years ending before 1968.

(b) If you are a member of a religious order and have taken a vow of poverty, the services you perform in the exercise of your duties required by the order may be covered as employment. (See § 404.1023 (a) and (e)).

§ 404.1073 Public office.

(a) *General.* The performance of the functions of a public office is not a trade or business except under the circumstances explained in paragraph (b) of this section. If you are an officer of a State or political subdivision, you are considered as employee of the State or political subdivision.

(b) *State and local governmental employees paid by fees.* (1) The services of employees of States and political subdivisions, including those in positions paid solely on a fee-basis, may be covered as employment only by a Federal-State agreement under section 218 of the Act (see Subpart M of this part). States, when entering into these agreements, have the option of excluding under the agreement coverage of services in positions paid solely by fees. If you occupy a position paid solely on a fee-basis and the State elects to exclude your services, you are considered to be engaged in a trade or business.

(2) If you are a notary public, you are not a public officer even though you perform a public function. Your services as a notary public are not covered for social security purposes.

§ 404.1074 Farm crew leader who is self-employed.

If you are a farm crew leader and are deemed the employer of the workers as described in § 404.1010, we consider you to be engaged in a trade or business. This includes services performed in furnishing workers to perform agricultural labor for others, as well as services performed as a member of the crew.

§ 404.1075 Members of certain religious groups opposed to insurance.

(a) You may file an application with the Internal Revenue Service for exemption from social security self-employment tax if—

(1) You are a member of a recognized religious sect or division of the sect; and

(2) You adhere to the tenets or teachings of the sect or division of the sect and for this reason are conscientiously opposed to receiving benefits from any private or public insurance that—

(i) Makes payments in the event of death, disability, old age, or retirement; or

(ii) Makes payments toward the cost of, or provides services for, medical care (including the benefits of any insurance system established by the Act).

(b) Your application must be filed under the rules described in 26 CFR 1.1402(h).

(c) Regardless of whether you meet all these conditions, your application for exemption will not be approved unless we find that—

(1) The sect or division of the sect has established tenets or teachings which cause you to be conscientiously opposed to the types of insurance benefits described in paragraph (a)(2) of this section;

(2) For a substantial period of time it has been the practice for members of the sect or division of the sect to make provision for their dependent members which is reasonable in view of their general level of living; and

(3) The sect or division of the sect has been in existence continuously since December 31, 1950.

(d) In addition, your application for exemption will not be approved if any benefit or other payment referred to in § 404.305(a) became payable to you or on your behalf at or before the time of the filing of your application for exemption.

§ 404.1077 Individuals under railroad retirement system.

If you are an employee or employee representative as defined in section 3231(b) and (c) of the Code, your work is not a trade or business. Your services are covered under the railroad retirement system.

Self-Employment Income

§ 404.1080 Net earnings from self-employment.

(a) *Definition of net earnings from self-employment.* If you are self-employed, you must first determine the amount of your net earnings from self-employment before figuring the amount of your earnings that count for social security purposes. Some of your earnings may not be included as net earnings from self-employment even though they are taxable for income tax purposes. If you are an employee but we consider you to be self-employed for social security purposes, you must figure your earnings as though you were actually self-employed. Subject to the special rules in §§ 404.1081–404.1095, the term "net earnings from self-employment" means—

(1) Your gross income, as figured under subtitle A of the Code, from any trade or business you carried on, less deductions attributed to your trade or business that are allowed by that subtitle; plus

(2) Your distributive share of income (or loss) from a trade or business carried on by a partnership of which you are a member, as described in paragraph (b) of this section.

(b) *Income or loss from a partnership.* (1) Your distributive share (whether or not actually distributed) of the income or loss from any trade or business carried on by a partnership of which you are a member, other than as a limited partner, is determined under section 704 of the Code.

(2) If you are a limited partner, your distributive share is included in your net earnings from self-employment if—

(i) The amount is payable to you for services you render to or on behalf of the partnerships; and

(ii) It is a guaranteed payment described in section 707(c) of the Code.

(3) You are a "limited partner" if your financial liability for the obligations of the partnership is limited to the amount of your financial investment in the partnership. Generally, you will not have to perform services in the operation of, or participate in the control of, the business carried on by the partnership for the taxable year involved.

(c) *Reporting methods.* Your gross income from a trade or business includes the gross income you received (under the cash method) or that accrued to you (under the accrual method) from the trade or business in the taxable year. It is immaterial that the income may be attributable in whole or in part to services you rendered or other acts you performed in a prior taxable year.

(d) *What is a taxable year.* (1) The term "taxable year" means—

(i) Your annual accounting period on which you regularly figure your income in keeping your books; or

(ii) A short period resulting from your death before the end of your annual accounting period or from a change of your annual accounting period.

(2) The term "annual accounting period" means—

(i) A calendar year, consisting of 12 months ending on December 31; or

(ii) A fiscal year, consisting of—

(A) 12 months ending on the last day of any month other than December; or

(B) A period, if elected under section 441 of the Code, that varies from 52 to 53 weeks and always ends on the same day of the week that occurs last in a

calendar month or nearest to the last day of the calendar month.

(3) Your taxable year for figuring self-employment income is the same as your taxable year for the purposes of subtitle A of the Code. Your taxable year is a calendar year if—

(i) You keep no books;

(ii) You have no annual accounting period; or

(iii) You have an annual accounting period that differs from the definition of fiscal year as described in paragraph (d)(2)(ii) of this section.

§ 404.1081 General rules for figuring net earnings from self-employment.

(a) *Determining net earnings.* (1) In determining your gross income and the deductions attributable to your trade or business for the purpose of determining your net earnings from self-employment, the provisions that apply to the taxes imposed by sections 1 and 3 of the Code are used.

(2) If you use the accrual method of accounting to figure your taxable income from a trade or business, you must use the same method in determining your net earnings from self-employment.

(3) If you are engaged in a trade or business of selling property on the installment plan and elect, under the provisions of section 453 of the Code, to use the installment method of accounting in figuring your income, you must use the installment method in determining your net earnings from self-employment.

(4) Any income which can be excluded from gross income under any provision of subtitle A of the Code cannot be counted in determining your net earnings from self-employment, unless—

(i) You are a resident of Puerto Rico (see § 404.1089);

(ii) You are a minister or member of a religious order (see § 404.1091);

(iii) You are a United States citizen temporarily living outside the United States (see § 404.1092); or

(iv) You are a citizen of, or have income from sources within, certain possessions of the United States (see § 404.1093).

(b) *Trade or business carried on.* You must carry on the trade or business either personally or through agents or employees. Income from a trade or business carried on by an estate or trust is not included in determining the net earnings from self-employment of the individual beneficiaries of the estate or trust.

(c) *Aggregate net earnings.* If you are engaged in more than one trade or business, your net earnings from self-employment consist of the total of the net income and losses of all the trades or businesses you carry on. A loss in one trade or business you carry on offsets the income from another trade or business.

(d) *Partnerships.* When you have net earnings from self-employment from a partnership as described in § 404.1080 (a) and (b), those net earnings are combined with your other net earnings from self-employment in determining your total net earnings from self-employment for the taxable year.

(e) *Different taxable years.* If you are a partner and your taxable year is different from that of the partnership, you must include, in figuring your net earnings from self-employment, your distributive share of the income or loss of the partnership for its taxable year ending with or within your taxable year. For the special rule in case of the termination of a partner's taxable year as a result of death, see § 404.1087.

(f) *Meaning of partnerships.* A partnership for social security purposes is one that is recognized as a partnership for income tax purposes. For income tax purposes, the term "partnership" includes not only a partnership as known under common law, but also a syndicate, group, pool, joint venture, or other unincorporated organization that carries on any trade or business, financial operation, or venture, and which is not a trust, estate, or a corporation.

(g) *Proprietorship taxed as domestic corporation.* If you are a proprietor of an unincorporated business enterprise and have elected to be taxed as a domestic corporation, you must figure your net earnings from self-employment without regard to the election you have made.

§ 404.1082 Rentals from real estate; material participation.

(a) *In general.* your rentals from real estate and from personal property leased with the real estate (including rentals paid in crop shares) and the deductions attributable to the rentals are excluded in figuring your net earnings from self-employment, unless you receive the rentals in the course of a trade or business as a real estate dealer. If you are an owner or lessee of land, rentals paid in crop shares include income you get under an agreement with another person if the arrangement provides for the following:

(1) The other person will produce agricultural or horticultural commodities on the land.

(2) The commodities produced, or the income from their sale, will be divided between you and the other person.

(3) The amount of your share depends on the amount of the commodities produced.

(b) *Real estate dealers.* (1) You are a real estate dealer if you are engaged in the business of selling real estate to customers for profit.

(2) If you merely hold real estate for investment or speculation and receive rental income from it, you are not considered a real estate dealer.

(3) If you are a real estate dealer, but also hold real estate for investment or speculation in addition to real estate you hold for sale to customers, only the rental income from the real estate held for sale to customers and the deductions attributable to it are included in determining your net earnings from self-employment. The rental income from real estate you hold for investment or speculation and the deductions attributable to it are not counted in figuring your net earnings from self-employment.

(c) *Special rule for farm rental income.*—(1) *In general.* If you own or lease land, any income you derive from it is included in figuring your net earnings from self-employment if—

(i) The income results from an arrangement between you and another person which provides for the other person to produce agricultural or horticultural commodities on the land that you own or lease and for you to materially participate in the production or the management of the production of the agricultural or horticultural commodities; and

(ii) You actually do materially participate.

(2) *Nature of arrangement.* (i) The arrangement between you and the other person may be either oral or written. It must provide that the other person will produce one or more agricultural or horticultural commodities and that you will materially participate in the production or the management of the production of the commodities.

(ii) The term "production," refers to the physical work performed and the expenses incurred in producing a commodity. It includes activities like the actual work of planting, cultivating, and harvesting crops, and the furnishing of machinery, implements, seed, and livestock.

(iii) The term "management of the production," refers to services performed in making managerial decisions about the production of the crop, such as when to plant, cultivate, dust, spray, or harvest, and includes

advising and consulting, making inspections, and making decisions on matters, such as rotation of crops, the type of crops to be grown, the type of livestock to be raised, and the type of machinery and implements to be furnished.

(3) *Material participation.* (i) If you show that you periodically advise or consult with the other person, who under the rental arrangement produces the agricultural or horticultural commodities, and also show that you periodically inspect the production activities on the land, you will have presented strong evidence that you are materially participating.

(ii) If you also show that you furnish a large portion of the machinery, tools, and livestock used in the production of the commodities, or that you furnish or advance monies, or assume financial responsibility, for a substantial part of the expense involved in the production of the commodities, you will have established that you are materially participating.

(4) *Employees or agents.* We consider any farm rental arrangement entered into by your employee or agent and another person to be an arrangement entered into by you. However, we do not consider the services of an employee or agent as your services in determining the extent to which you have participated in the production or management of production of a commodity.

(5) *Examples.*

Example 1. After the death of her husband, Ms. A rents her farm, together with its machinery and equipment, to B for one-half of the proceeds from the commodities produced on the farm by B. It is agreed that B will live in the tenant house on the farm and be responsible for the overall operation of the farm, such as planting, cultivating, and harvesting the field crops, caring for the orchard and harvesting the fruit and caring for the livestock and poultry. It also is agreed that Ms. A will continue to live in the farm residence and help B operate the farm. Under the agreement it is expected that Ms. A will regularly operate and clean the cream separator and feed the poultry flock and collect the eggs. When possible she will assist B in such work as spraying the fruit trees, penning livestock, culling the poultry, and controlling weeds. She will also assist in preparing the meals when B engages seasonal workers. The agreement between Ms. A and B clearly provides that she will materially participate in the overall production operations to be conducted on her farm by B. In actual practice, Ms. A regularly performs those services. The regularly performed services are material to the production of an agricultural commodity, and the services performed are material to the production operations to which they relate. The furnishing of a substantial portion of the farm machinery and equipment also supports the conclusion that Ms. A has materially participated. Accordingly, the rental income Ms. A receives from her farm should be included in her net earnings from self-employment.

Example 2. G owns a fully-equipped farm which he rents to H under an arrangement which provides that G will materially participate in the management of the production of crops raised on the farm under the arrangement. G lives in town about 5 miles from the farm. About twice a month he visits the farm and looks over the buildings and equipment. G may occasionally, in an emergency, discuss with H some phase of a crop production activity. In effect, H has complete charge of the management of farming operations regardless of the understanding between him and G. Although G pays one-half of the cost of the seed and fertilizer and is charged for the cost of materials purchased by H to make all necessary repairs, G's activities are not material in the crop production activities. Accordingly, G's income from the crops is not included in net earnings from self-employment.

(d) *Rental income from living quarters.*—(1) *No services provided for occupants.* Payments you receive for renting living quarters in a private residence, duplex, or multiple-housing unit are generally rental income from real estate. Except in the case of real estate dealers, these payments are excluded in determining net earnings from self-employment, even if the payments are in part attributable to personal property furnished under the lease.

(2) *Services provided for occupants.* (i) Payments you receive for renting living quarters where services are also provided to the occupant, as in hotels, boarding houses, or apartment houses furnishing hotel services, or in tourist camps or tourist homes, are included in determining your net earinings from self-employment. Any payments you receive for the use of space in parking lots, warehouses, or storage garages are also included in determining your net earnings from self-employment.

(ii) Generally, we consider services to be provided to the occupant if they are primarily for the occupant's convenience and are other than those usually provided in connection with the rental of rooms or other space for occupancy only. We consider the supplying of maid service to be a service provided to the occupant. However, we do not consider the furnishing of heat and light, the cleaning of public entrances, exits, stairways, and lobbies and the collection of trash, as services provided to the occupant.

Example. A owns a building containing four apartments. During the taxable year, A received $1,400 from apartments numbered 1 and 2, which are rented without services provided to the occupants, and $3,600 from apartments numbered 3 and 4, which are rented with services provided. A's fixed expenses for the four apartments are $1,200 during the taxable year. In addition, A has $500 of expenses attributable to the services provided to the occupants of apartments 3 and 4. In determining his net earnings from self-employment, A includes the $3,600 received from apartments 3 and 4, and the expenses of $1,100 ($500 plus one-half of $1,200) attributable to them. The rentals and expenses attributable to apartments 1 and 2 are excluded. Therefore, A has $2,500 of net earnings from self-employment from the building for the taxable year.

(e) *Treatment of business income which includes rentals from real estate.* If an individual or a partnership is engaged in a trade or business other than real estate, and part of the income is rentals from real estate, only that part of the income which is not rentals and the expenses attributable to that portion are included in determining net earnings from self-employment.

§ 404.1083 Dividends and interest.

(a) The dividends you receive on shares of stock are excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the dividends in the course of your trade or business.

(b) The interest you receive on a bond, debenture, note, certificate, or other evidence of indebtedness issued with interest coupons or in registered form by any corporation (including one issued by a government or political subdivision) is excluded in determining your net earnings from self-employment, unless you are a dealer in stocks and securities and receive the interest in the course of your trade or business.

(c) If you hold stocks or securities for investment or speculation purposes, any dividends and interest you receive that are excludable under paragraphs (a) and (b) of this section are excluded in determining your net earnings from self-employment, whether or not you are a dealer in stocks and securities.

(d) A dealer in stocks or securities is a merchant with an established place of business who is regularly engaged in the business of purchasing stocks or securities and reselling them to customers. The dealer, as a merchant, buys stocks or securities and sells them to customers with a view to making a profit. Persons who buy and sell or hold stocks or securities for investment or speculation, regardless of whether the

buying or selling constitutes a trade or business, are not dealers in stocks or securities.

§ 404.1084 Gain or loss from disposition of property; capital assets; timber, coal, and iron ore; involuntary conversion.

(a) If you are engaged in a trade or business, you must, in determining your net earnings from self-employment, exclude any gain or loss—

(1) That is considered a gain or loss from the sale or exchange of a capital asset;

(2) From the cutting of timber or from the disposal of timber or coal, even if held primarily for sale to customers, if section 631 of the Code applies to the gain or loss;

(3) From the disposal of iron ore mined in the United States, even if held primarily for sale to customers, if section 631 of the Code applies to the gain or loss; and

(4) From the sale, exchange, involuntary conversion, or other disposition of property that is not—

(i) Stock in trade or other property of a kind which would properly be included in inventory if on hand at the close of the taxable year; or

(ii) Property held primarily for sale to customers in the ordinary course of a trade or business;

(b) For purposes of paragraph (a)(4) of this section, it is immaterial whether a gain or loss is treated as a capital gain or as an ordinary gain or loss for purposes other than determining earnings from self-employment.

(c) For purposes of paragraph (a)(4) of this section—

(1) The term "involuntary conversion" means a compulsory or unintended change of property into other property or money as a result of such things as destruction, theft or seizure; and

(2) The term "other disposition" includes destruction or loss by fire, theft, storm, shipwreck, or other casualty, even though there is no change of the property into other property or money.

Example. During the taxable year 1976, A, who owns a grocery store, had a net profit of $1,500 from the sale of groceries and a gain of $350 from the sale of a refrigerator case. During the same year, he had a loss of $2,000 as a result of damage by fire to the store building. In figuring taxable income for income tax purposes, all of these items are considered. In determining net earnings from self-employment, however, only the $1,500 of profit derived from the sale of groceries is included. The $350 gain and the $2,000 loss are excluded.

§ 404.1085 Net operating loss deduction.

When determining your net earnings from self-employment, you disregard the deduction provided by section 172 of the Code that relates to net operating losses sustained in years other than the taxable year.

§ 404.1086 Community income.

(a) *In case of an individual.* (1) If community property laws apply to income that an individual derives from a trade or business (other than a trade or business carried on by a partnership), all of the gross income and the deductions attributable to the income are generally treated as the gross income and deductions of the husband. However, if the wife exercises substantially all of the management and control of that trade or business, all of the gross income and deductions are treated as the gross income and deductions of the wife.

(2) The term "mananagement and control" means management and control in fact, not the management and control given to the husband under the community property laws. For example, a wife who operates a beauty parlor without any significant help from her husband will be considered as having substantially all of the management and control of the business, despite the provision of any community property law giving the husband the right of management and control of community property. The income and deductions from the operations of the beauty parlor are considered the income and deductions of the wife.

(b) *In case of a partnership.* Even though only a portion of a partner's distributive share of the income or loss from a trade or business carried on by a partnership is community income or loss under the community property laws applicable to the share, all of the distributive share is included in figuring the net earnings from self-employment of that partner. No part of the share is taken into account in figuring the net earnings from self-employment of the spouse of the partner. In any case in which both spouses are members of the same partnership, the distributive share of the income or loss of each spouse is included in figuring the net earnings from self-employment of that spouse.

§ 404.1087 Figuring partner's net earnings from self-employment for taxable year which ends as a result of death.

(a) *General.* In the case of a deceased partner whose taxable year ends because of death, the deceased partner's net earnings from self-employment includes the amount of his or her distributive share of partnership ordinary income or loss for the partnership's taxable year that is attributable to an interest in the partnership through the month of death.

(b) *Computation.* (1) The deceased partner's distributive share of partnership ordinary income or loss for the partnership taxable year in which death occurred is determined by applying the rules contained in paragraphs (d) and (f) of § 404.1081.

(2) The portion of the distributive share to be included in the deceased partner's net earnings from self-employment for his or her last taxable year is determined by treating the ordinary income or loss constituting the distributive share as having been realized or sustained ratably over the partnership taxable year during which the deceased partner had an interest in the partnership and during which the deceased partner's estate, or any other person succeeding by reason of the death to rights to his partnership interest, held an interest in the partnership.

(c) *Deceased partner's distributive share.* A deceased partner's distributive share includes the distributive share of the estate or of any other person succeeding to the interest of a deceased partner. It does not include any share attributable to a partnership interest that was not held by the deceased partner at the time of death. If a deceased partner's estate should acquire an interest in a partnership in addition to the interest to which it succeeded upon the death of the deceased partner, the amount of the distributive share attributable to the additional interest acquired by the estate is not included in computing the deceased partner's distributive share of the partnership's ordinary income or loss for the partnership taxable year.

(d) *Options available to farmers.* In determining the applicability of the optional method of figuring net earnings from self-employment to a member of a farm partnership it is necessary to determine the partner's distributive share of partnership gross income or distributive share of income described in section 702(a)(8) of the Code.

§ 404.1088 Retirement payment to retired partners.

(a) *In general.* If you are a retired partner, in figuring your net earnings from self-employment you must exclude payments made to you on a periodic basis by a partnershp on account of your retirement and which are to continue until your death. This exclusion applies only if the payments are made

under a written plan which meets the requirements set out in 26 CFR 1.1402(a)–(17) and the conditions in paragraph (b) of this section are met. The necessary requirements and conditions must be met throughout the entire partnership's taxable year for the payments to be excluded so that either all or none of the payments are excluded.

(b) *Other conditions.* You must have been paid your full share of the partnership's capital before the close of the partnershp's taxable year in which retirement payments are made. Also, no member of the partnership can have any financial obligations to you (in his or her capacity as a partner) except to make the retirement payments. Lastly, you cannot perform any services for the partnership in the partnership's taxable year which falls wholly or partially in your taxable year in which you receive the retirement payments.

Example. D, a partner in the DEF partnership, retired from the partnership as of December 31, 1976. The taxable year of both D and the partnership is the calendar year. During the partnership's taxable year ending December 31, 1977, D rendered no service to any trade or business carried on by the partnership. On or before December 31, 1977, all obligations (other than retirement payments under the plan) from the other partners to D were liquidated, and D's share of the capital of the partnership was paid to him. Retirement payments received by D under the partnership's plan in his taxable year ending December 31, 1977, are excluded in determining net earnings from self-employment (if any) for that taxable year.

§ 404.1089 Figuring net earnings for residents and nonresidents of Puerto Rico.

(a) *Residents.* If you are a resident of Puerto Rico, whether or not you are an alien, a citizen of the United States, or a citizen of Puerto Rico, you must figure your net earnings from self-employment in the same manner as would a citizen of the United States residing in the United States. In figuring your net earnings from self-employment you must include your income from sources in Puerto Rico even though you are a resident of Puerto Rico during the entire taxable year.

(b) *Nonresidents.* A citizen of Puerto Rico, who is also a citizen of the United States and who is not a resident of Puerto Rico must figure net earnings from self-employment in the same manner as other citizens of the United States.

§ 404.1090 Personal exemption deduction.

The deduction provided by section 151 of the Code, relating to personal exemptions, is excluded in determining net earnings from self-employment.

§ 404.1091 Figuring net earnings for ministers and members of religious orders.

(a) *General.* If you are a duly ordained, commissioned, or licensed minister of a church or a member of a religious order who has not taken a vow of poverty, we consider you to be engaged in a trade or business under the conditions described in § 404.1071 with regard to services described in § 404.1023 (c) and (e). In figuring your net earnings from self-employment from performing these services, you must include certain income (described in paragraphs (b) and (c) of this section) that may be excluded from your gross income for income tax purposes.

(b) *Housing and meals.* You must include in figuring your net earnings from self-employment the rental value of a home furnished to you and any rental allowance paid to you as payment for services performed in the exercise of your ministry or in the exercise of duties required by your order even though the rental value or rental allowance may be excluded from gross income by section 107 of the Code. Also, the value of any meals or lodging furnished to you in connection with the performance of these services is included in figuring your net earnings from self-employment even though their value is excluded from gross income by section 119 of the Code.

(c) *Services outside the United States.* If you are a citizen of the United States performing services outside the United States which are in the exercise of your ministry or in the exercise of duties required by your order, your net earnings from self-employment from the performance of these services is figured as described in paragraph (b) of this section. However, it is figured without regard to the exclusions from gross income provided in sections 911 and 931 of the Code, relating to income earned by individuals in certain camps and to income from sources within possessions of the United States.

§ 404.1092 Figuring net earnings for U.S. citizens temporarily living outside the United States.

If you are engaged in a trade or business and you derive earnings from self-employment outside the United States, but have been a resident of the United States during the entire taxable year, your net earnings from self-employment are figured without using the exclusion from gross income provided by section 911 (a)(2) of the Code. Even though all of your income was derived from sources outside the United States, and may for income tax purposes be excluded from gross income, that income is included in figuring your net earnings from self-employment.

§ 404.1093 Possession of the United States.

In using the exclusions from gross income provided under section 931 of the Code (relating to income from sources within possessions of the United States) and section 932 of the Code (relating to citizens of possessions of the United States) for purposes of figuring your net earnings from self-employment, the term "possession of the United States" shall be deemed not to include the Virgin Islands, Guam, or American Samoa.

§ 404.1094 Options available for figuring net earnings from self-employment.

(a) *General.* If you have income from a trade or business in certain situations, you have options for figuring your net earnings from self-employment. The options available to you depend on whether you have income from an agricultural trade or business or a non-agricultural trade or business. For a definition of agricultural trade or business see § 404.1095.

(b) *Agricultural trade or business.* The net earnings from self-employment you derive from an agricultural trade or business may, at your option, be figured as follows:

(1) *Gross income of $2,400 or less.* If your gross income is $2,400 or less you may, at your option, report 66⅔ percent of the gross income as net earnings from self-employment instead of your actual net earnings from your business.

(2) *Gross income of more than $2,400.* If your gross income is more than $2,400 and your actual net earnings from your business are less than $1,600 you may, at your option, report $1,600 as net earnings from self-employment instead of your actual net earnings. If your actual net earnings are $1,600 or more you cannot use the optional method.

(3) *Two or more agricultural trades or businesses.* If you carry on more than one agricultural trade or business as a sole properietor or as a partner, you must combine your gross income and net income from each trade or business to find out whether you may use the optional method of figuring net earnings.

(c) *Non-agricultural trade or business.* (1) The net earnings from self-employment you derive from a non-agricultural trade or business may be reported under an optional method if you are self-employed on a regular basis (as defined in subparagraph (3) of this

paragraph). You cannot use the optional method of reporting for more than 5 taxable years, and you cannot report less than your actual net earnings from self-employment.

(2) *Computation.* If your actual net earnings from self-employment are less than $1,600 and less than 66⅔ percent of your gross income, you may, at your option, report 66⅔ percent of your gross income (but not more than $1,600) as your net earnings from self-employment.

Example. A operates a grocery store and files income tax returns on a calendar year basis. A meets the "self-employed on a regular basis" requirement because actual net earnings from self-employment were $400 or more in 1976 and in 1977. Gross income and net profit from operating the grocery store in 1978 through 1980 are as follows:

	1978	1979	1980
Gross income	$2,800	$1,200	$1,000
Net profit	300	400	800

For the year 1978, A may report as annual net earnings from self-employment either—

(i) None. (Actual net earnings from self-employment are less than $400); or

(ii) $1,600. (Non-agricultural option, 66⅔ percent of $2,800, but not to exceed the $1,600 maximum.)

For the year 1979, A may report as annual net earnings from self-employment either—

(i) $400. (Actual net earnings from self-employment); or

(ii) $800. (Non-agricultural option, 66⅔ percent of $1,200.)

For the year 1980, A must report $800, the actual net earnings from self-employment. The non-agricultural option is not available because A's actual net earnings are not less than 66⅔ percent of the gross income.

(3) *Figuring net earnings from both non-agricultural and agricultural self-employment.* If you are self-employed on a regular basis, you may use the non-agricultural optional method of reporting when you have both non-agricultural and agricultural trades or businesses. However, in order to use this method, your actual net earnings from non-agricultural self-employment combined with your actual net earnings from agricultural self-employment, or your optional net earnings from agricultural self-employment, must be less than $1,600, and the net non-agricultural earnings must be less than 66⅔ percent of your gross non-agricultural income. If you qualify for using both the non-agricultural and agricultural option, you may report less than your actual total net earnings, but not less than your actual net earnings from non-agricultural self-employment alone. If you elect to use both options in a given taxable year, the combined maximum reportable net earnings from self-employment may not exceed $1,600.

Example. C was regularly self-employed. She derived actual net earnings from self-employment of $400 or more in 1975 and in 1976. Her gross income and net profit from operating both a grocery store and a farm in 1978 are:

Grocery Store	
Gross income	$1,000
Net profit	800
Farm	
Gross income	$2,600
Net profit	400

For the year 1978, C may report $1,200 (actual net earnings from self-employment from both businesses), or $2,400 ($1,600 agricultural option (66⅔ percent of $2,600 farm gross income not to exceed $1,600) and $800 grocery store profit). C cannot use the non-agricultural option for 1978 because her actual grocery store net exceeds 66⅔ percent of her grocery store gross income.

(4) *Self-employed on a regular basis.* For any taxable year beginning after 1972, we consider you to be self-employed on a regular basis, or to be a member of a partnership on a regular basis, if, in at least 2 of the 3 taxable years immediately before that taxable year, you had actual net earnings from self-employment of not less than $400 from agricultural and non-agricultural trades or businesses (including your distributive share of the net income or loss from any partnership of which you are a member).

(d) *Members of partnerships.* If you are a member of a partnership you may use the optional method of reporting. Your gross income is your distributive share of the partnership's gross income (after all guaranteed payments to which section 707(c) of the Code applies have been deducted), plus your own guaranteed payment.

(e) *Computing gross income.* For purposes of this section gross income means—

(1) Under the cash method of computing, the gross receipts from the trade or business reduced by the cost or other basis of property that was purchased and sold, minus any income that is excluded in computing net earnings from self-employment; or

(2) Under the accrual method of computing, the gross income minus any income that is excluded in figuring net earnings from self-employment.

(f) *Exercise of option.* For each taxable year for which you are eligible to use the optional method and elect to use that method, you must figure your net earnings from self-employment in that manner on your tax return for that year. If you wish to change your method of reporting after your tax return is filed, you may change it by filing an amended tax return with the Internal Revenue Service or by filing with us Form 2190, Change in Method of Computing Net Earnings from Self-Employment.

§ 404.1095 Agricultural trade or business.

(a) An agricultural trade or business is one in which, if the trade or business were carried on entirely by employees, the major portion of the services would be agricultural labor (§ 404.1057).

(b)(1) If the services are partly agricultural and partly non-agricultural, the time devoted to the performance of each type of service is the test used to determine whether the major portion of the services is agricultural labor.

(2) If more than half of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is agricultural.

(3) If half or less of the time spent in performing all the services is spent in performing services that are agricultural labor, the trade or business is not agricultural. The time spent in performing the services is figured by adding the time spent in the trade or business during the taxable year by every individual (including the individual carrying on the trade or business and the members of that individual's family).

(c) We do not apply the rules in this section if the non-agricultural services are performed in connection with a trade or business separate and distinct from the agricultural trade or business. A roadside automobile service station on a farm is a trade or business separate and distinct from the agricultural trade or business, and the gross income from the service station, less the deductions attributable to it, is to be considered in determining net earnings from self-employment.

(d) We consider a sharefarmer (see § 404.1068(c)) or a materially participating owner or tenant (see § 404.1082(c)) to be engaged in an agricultural trade or business. We use the rules in this section to determine whether a farm crew leader who is self-employed (see § 404.1074) is engaged in an agricultural trade or business.

§ 404.1096 Self-employment income.

(a) *General.* Self-employment income is the amount of your net earnings from self-employment that is subject to social security tax and counted for social security benefit purposes. The term "self-employment income" means the

net earnings from self-employment you derive in a taxable year, except as described in paragraphs (b), (c) and (d) of this section.

(b) *Maximum self-employment income.* (1) The term "self-employment income" does not include that part of your net earnings from self-employment that exceeds (or that part of your net earnings from self-employment which, when added to the wages you received in that taxable year, exceeds)—

(i) For taxable years ending before 1955, $3,600;

(ii) For taxable years ending in 1955 through 1958, $4,200;

(iii) For taxable years ending in 1959 through 1965, $4,800;

(iv) For taxable years ending in 1966 and 1967, $6,600;

(v) For taxable years ending after 1967 and beginning before 1972, $7,800;

(vi) For a taxable year beginning in 1972, $9,000;

(vii) For a taxable year beginning in 1973, $10,800;

(viii) For a taxable year beginning in 1974, $13,200;

(ix) For a taxable year beginning in 1975, $14,100;

(x) For a taxable year beginning in 1976, $15,300;

(xi) For a taxable year beginning in 1977, $16,500;

(xii) For a taxable year beginning in 1978, $17,700;

(xiii) For a taxable year beginning in 1979, $22,900;

(xiv) For a taxable year beginning in 1980, $25,900;

(xv) For a taxable year beginning in 1981, $29,700; and

(xvi) For taxable years beginning after 1981, an amount equal to the contribution and benefit base figured under § 404.1048.

(2) For the purpose of this paragraph the term "wages" includes remuneration paid to an employee for services covered by an agreement entered into under section 218 of the Act, or an agreement entered into under section 3121(l) of the Code, which would be wages under section 209 of Act if the services were considered employment under section 210(a) of the Act.

(c) *Minimum net earnings from self-employment.* (1) Self-employment income does not include your net earnings from self-employment when the amount of those earnings for the taxable year is less than $400. If you have only $300 of net earnings from self-employment for the taxable year you would not have any self-employment income.

(2) If you have net earnings from self-employment of $400 or more for the taxable year you may have less than $400 of creditable self-employment income. This occurs where your net earnings from self-employment is $400 or more for a taxable year and the amount of your net earnings from self-employment plus the amount of the wages paid to you during that taxable year exceed the maximum creditable earnings for a year. For example, if you had net earnings from self-employment of $1,000 for 1978, and were also paid wages of $17,500 during 1978, your creditable self-employment income for 1978 would be $200.

(d) *Nonresident aliens.* A nonresident alien never has self-employment income. We do not consider an individual who is a resident of the Commonwealth of Puerto Rico, the Virgin Islands, Guam or American Samoa to be a nonresident alien.

[FR Doc. 79-21934 Filed 7-13-79; 8:45 am]
BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Highway Administration

[23 CFR Part 1252]

[NHTSA Docket 79-12]

State Matching of Planning and Administration Costs

AGENCIES: National Highway Traffic Safety Administration (NHTSA), Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to establish NHTSA and FHWA policy on State planning and administration costs associated with carrying out a highway safety program under the Highway Safety Act of 1966 (P.L. 89-564, as amended; 23 U.S.C. 401-407). It defines planning and administration costs, describes the expenditures that may be used to satisfy the State matching requirement, prescribes how the requirement will be met, and specifies when the State will have to comply with the requirement.

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

ADDRESS: Submit written comments, preferably in triplicate, to NHTSA Docket No. 79-12, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: NHTSA: George Reagle, Office Of State Program Assistance, NTS-20, 202-426-0068, or Philip R. Hertz, Office of the Chief Counsel, 202-426-1834. Office hours for NHTSA are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday. FHWA: James L. Rummel, Office of Highway Safety, 202-426-2131, or Thomas P. Holian, Office of the Chief Counsel, 202-426-0761. Office hours for FHWA are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday. All offices are located at 400 Seventh Street, SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION: Under the Highway Safety Act of 1966, as amended, States are required to match Federal contributions to their highway safety programs with their own funds. Before the passage of the Surface Transportation Act of 1978 (Pub. L. 95-599, 92 Stat. 2689), it was possible for States to meet their matching obligation on the basis of total expenditures. Thus it was possible for Federal participation in some program areas to be as much as 100 percent as long as State participation in other program areas brought total non-Federal expenditures up to the required level. It was also possible for a State highway safety agency to use portions of the State police, driver licensing, or motor vehicle registration budgets as all or part of the State matching share.

The Surface Transportation Assistance Act of 1978 prohibits a State from including planning and administration costs with total highway safety expenditures for matching purposes (§ 207(d), Pub. L. 95-599), amending 23 U.S.C. 402(d)). It requires that planning and administration costs be specifically matched by the States.

This proposal specifies the expenditures that will count toward a State's planning and administration costs. It provides that those direct and indirect costs borne by the State and directly attibutable to the overall development and management of a State's highway safety plan may count toward the State's planning and administration matching share. The proposal also specifies the procedures to be followed in determining a State's planning and administration matching share.

In consideration of the foregoing, it is proposed that a new Part 1252 be added

to title 23, Code of Federal Regulations, as set forth below.

Note.—The National Highway Traffic Safety Administration and the Federal Highway Administration have determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

Further, this change has been expressly required by the amendment to 23 U.S.C. 402(d) made by Section 207(d) of Pub. L. 95-599 and does not allow for the exercise of any discretion. Therefore, a full regulatory evaluation is not required.

Issued on July 11, 1979.

Charles F. Livingston,

Acting Associate Administrator, Traffic Safety Programs.

L. P. Lamm,

Executive Director.

PART 1252—STATE MATCHING OF PLANNING AND ADMINISTRATION COSTS

Sec.

1252.1 Purpose.
1252.2 Definitions.
1252.3 Applicability.
1252.4 Policy.
1252.5 Procedures.
1252.6 Responsibilities.
1252.7 Exceptions.

Authority: 23 U.S.C. 402 and 315; 49 CFR 1.48(b) and 1.50.

§ 1252.1 Purpose.

This Part establishes the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) policy on planning and administration (P&A) costs for State highway safety agencies. It defines planning and administration costs, describes the expenditures that may be used to satisfy the State matching requirement, prescribes how the requirement will be met, and when States will have to comply with the requirement.

§ 1252.2 Definitions.

(a) *Fiscal year* means the twelve months beginning each October 1 and ending the following September 30.

(b) *Direct costs* are those costs which can be identified specifically with a particular planning and administration or program activity. The salary of a data analyst on the State highway safety agency staff is an example of a direct cost attributable to P&A. The salary of an emergency medical technician course instructor is an example of direct cost attributable to a program activity.

(c) *Indirect costs* are those costs (1) incurred for a common or joint purpose benefiting more than one program activity and (2) not readily assignable to the program activity specifically benefited. For example, supplies and equipment rentals would in most cases be an indirect cost.

(d) *Planning and administration (P&A) costs* are those direct and indirect costs that are attributable to the overall development and management of the Highway Safety Plan. Such costs could include salaries, related personnel benefits, travel expenses, and rental costs.

(e) *Program management costs* are those costs attributable to a program area (e.g., salary of an emergency medical services coordinator, the impact evaluation of an activity, or the travel expenses of a local traffic engineer).

(f) *State highway safety agency* is the agency directly responsible for coordinating the highway safety program.

§ 1252.3 Applicability.

The provisions of this Part apply to obligations incurred under 23 U.S.C. 402 after November 6, 1978.

§ 1252.4 Policy.

Federal participation in P&A activities shall not exceed 75 percent of the total cost of such activities, or the applicable sliding scale rate in accordance with 23 U.S.C. 120. The Indian State (23 U.S.C. 402(d) and (i)) is exempt from the provisions of this Part.

§ 1252.5 Procedures.

(a) P&A tasks and related costs shall be described in the P&A module of the State's Highway Safety Plan. The State's matching share shall be determined on the basis of the total P&A costs in the module. Federal participation shall not exceed 75 percent (or the applicable sliding scale) of those total costs.

(b) Computation of the respective FHWA and NHTSA portions of the P&A costs is based on the ratio of their annual authorizations under 23 U.S.C. 402 for each State. For example:

A State's P&A cost is $40,000. The percentages charged to FHWA, NHTSA and the State are as follows:

$40,000 × 25% = $10,000 = State matching share.
$30,000 × 12.5% = $3,750 = FHWA share.
$30,000 × 87.5% = $26,250 = NHTSA share.
Total Cost of P&A, $40,000.

(c) Neither P&A costs nor program management costs shall be prorated. Where a State employee is principally engaged in program related functions, the cost shall be included as a program management cost in the appropriate program module. If a State employee is principally performing administrative and planning functions, but is also performing program management functions, the cost shall be included as a P&A cost in the P&A module.

§ 1252.6 Responsibilities.

During the Highway Safety Plan approval process, the responsible FHWA and NHTSA officials shall approve a P&A module only if the projected State expenditure is at least 25 percent (or the appropriate sliding scale rate) of the total module cost. During the process of reimbursement, the responsible FHWA and NHTSA officials shall assure that Federal reimbursement for P&A costs at no time exceeds 75 percent (or the applicable sliding scale rate) of the costs accumulated at the time of reimbursement.

§ 1252.7 Exceptions.

Notwithstanding the provisions of this Part, a State that submits reasonable grounds for an inability to provide the required matching share during the fiscal year ending September 30, 1979, and can demonstrate that it has exercised its best efforts to secure its share, shall be permitted to comply with this Part effective October 1, 1979.

[FR Doc. 79-21943 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-59-M

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

Anchorage Grounds, Mississippi River Below Baton Rouge, La., Including South and Southwest Passes

AGENCY: Coast Guard, DOT.

ACTION: Supplemental Notice of Proposed Rulemaking.

SUMMARY: In the **Federal Register** of December 21, 1978 (43 FR 59521), the Coast Guard proposed amendments to the anchorage regulations for the Lower Mississippi River. This document gives notice of a public hearing to be held on the proposal and reopens the comment period until August 30, 1979. Comments were received requesting that a public hearing be held. Additionally, to provide for maximum public participation on the proposal, the comment period will extend 15 days beyond the date of the public hearing.

DATES: (1) As stated above, comments must be received on or before August 30, 1979. (2) The public hearing will be held on August 15, 1979.

ADDRESSES: (1) Written comments on the notice of proposed rulemaking should be submitted to and will be available for examination at the Office of the Commander, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130. (2) The public hearing will be held in Room 105, U.S. Fifth Circuit Court of Appeals Building, 600 Camp Street, New Orleans, LA 70130 beginning at 9 a.m., CDST, August 15, 1979.

FOR FURTHER INFORMATION CONTACT: Commander T. L. Seaman, c/o Commander (m), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130 (504–589–6901).

SUPPLEMENTARY INFORMATION: Twenty-nine comments have been received on the notice of proposed rulemaking of December 21, 1978 (43 FR 59521). The closing date of the comment period was March 15, 1979.

Two of the commenters requested that a public hearing be held. On the basis of the comments received and the issues raised, the Coast Guard has determined that a public hearing would be beneficial and an additional comment period should be established in order to provide adequate opportunity for thorough review and analysis of the proposed rules and issues raised. Accordingly a public hearing will be held at the time and place listed above and the comment period has been reopened until August 30, 1979.

Interested persons are invited to attend the public hearing and present oral or written statements on the proposed rulemaking. It is requested that anyone desiring to make oral comments notify Commander Seaman at the above address at least ten days before the scheduled date of the public hearing and specify the approximate length of the time needed for the presentation. Comments at the public hearing will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request. All comments received before August 30, 1979 on the notice of proposed rulemaking and at the public hearing will be considered before taking final action on this rulemaking.

(Sec. 7, 38 Stat. 1053 as amended, (33 U.S.C. 471); Sec. 6(g)(1) 80 Stat. 937, 49 U.S.C. 1655 (g)(1)(a); 49 CFR 1.46 (c)(1).)

Dated: July 12, 1979.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 79–21983 Filed 7–13–79; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF DEFENSE

Corps of Engineers

[33 CFR Part 222]

[ER 1110–2–XXX]

Engineering and Design, Water Control Management

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: This regulation describes policy, procedures and provides guidance for the Corps of Engineers to follow in performing water control management activities for the regulation of Corps and non-Corps projects as required by Federal laws, authorizing documents and directives. Recent Federal Statutes relating to fish and wildlife coordination, water project recreation, environmental protection and water pollution control have created a need for updated guidance provided by this regulation. This program will provide better water control plans and produce beneficial water savings and improvements in the availability of water.

DATE: Comments must be received by August 20, 1979.

FOR FURTHER INFORMATION CONTACT: Edgar P. Story, Hydrologic Engineering Section, (DAEN–CWE–HY), Office, Chief of Engineers, Washington, D.C. 20314 (202–693–7330).

Note.—The U.S. Army Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A–107.

Accordingly, 33 CFR Part 222 is amended by adding a new § 222.7 with Appendixes A through D to read as set forth below.

For the Chief of Engineers.

Forest T. Gay, III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

§ 222.7 Water control management.

(a) *Purpose.* This regulation prescribes policies and procedures to be followed by the US Army Corps of Engineers in carrying out water control management activities, including establishment of water control plans for Corps and non-Corps reservoir projects, as required by Federal laws and directives.

(b) *Applicability.* This regulation is applicable to all field operating agencies having civil works responsibilities.

(c) *References.* Appendix A lists US Army Corps of Engineers publications and sections of Federal Statutes and Regulations that are cited herein.

(d) *Authorities.* (1) *US Army Corps of Engineers Projects.* Authorities for allocation and regulation of reservoir storage in projects owned and operated by the Corps of Engineers are contained in legislative authorization Acts and referenced project documents. These public laws and project documents usually contain provisions for development of water control plans, and appropriate revisions therefore, under the discretionary authority of the Chief of Engineers. Some modifications in project operation are permitted under congressional enactments subsequent to original project authorization. Questions that require interpretations of authorizations affecting regulation of specific reservoirs will be referred to HQDA (DAEN–CWE–HY) WASH DC 20314, with appropriate background information and analysis, for resolution.

(2) *Non-Corps Projects.* The Corps of Engineers is responsible for prescribing flood control and navigation regulations for certain reservoir projects constructed or operated by other Federal, non-Federal or private agencies. There are several classes of such projects: Those authorized by special acts of Congress; those for which licenses issued by the Federal Energy Regulatory Commission (formerly Federal Power Commission) provide that operation shall be in accordance with instructions of the Secretary of the Army; those covered by agreements between the operating agency and the Corps of Engineers; and those that fall under the terms of general legislative and administrative provisions. These authorities, or illustrative examples, are described briefly in Appendix B.

(e) *Terminology: Water Control Plans and Reservoir Regulation Schedules.* (1) Water control plans include coordinated reservoir regulation schedules for project/system operation and such additional provisions as may be required to collect, analyze and disseminate basic data, prepare detailed operating instructions, assure project safety and carry out regulation of projects in an appropriate manner.

(2) The term "reservoir regulation schedule" refers to a compilation of operating criteria, guidelines, rule curves and specifications that govern basically

the storage and release functions of a reservior. In general, schedules indicate limiting rates of reservoir releases required during various seasons of the year to meet all functional objectives of the particular project, acting separately or in combination with other projects in a system. Schedules are usually expressed in the form of graphs and tabulations, supplemented by concise specifications.

(f) *General Policies.* (1) Water control plans will be developed to conform with objectives and specific provisions of project authorizing legislation and applicable Corps of Engineers reports. They will include any applicable authorities established after project construction. The water control plans will be prepared giving appropriate consideration to all applicable Congressional Acts relating to operation of Federal facilities, i.e., Fish and Wildlife Coordination Act (Pub. L. 85–624), Federal Water Project Recreation Act-Uniform Policies (Pub. L. 89–72), National Environmental Policy Act of 1969 (Pub. L. 91–190), and Clean Water Act of 1977 (Pub. L. 95–217). Thorough analysis and testing studies will be made as necessary to establish the optimum water control plans possible within prevailing constraints.

(2) Necessary actions will be taken to keep approved water control plans up-to-date. For this purpose, plans will be subject to continuing and progressive study by personnel infield offices of the Corps of Engineers. These personnel will be professionally qualified in technical areas involved and familiar with comprehensive project objectives and other factors affecting water control. Organizational requirements for water control management are further discussed in ER 1110–2–1400.

(3) Water control plans developed for specific projects and reservoir systems will be clearly documented in appropriate reservoir regulation manuals. These manuals will be prepared to meet initial requirements when storage in the reservoir begins. They will be revised as necessary to conform with changing requirements resulting from developments in the project area and downstream, improvements in technology, and other relevant factors.

(4) Development and execution of water control plans will include appropriate consideration for efficient water management in conformance with the recent emphasis on water conservation as a national priority. The objectives of efficient water control management are to produce beneficial water savings and improvements in the availability of water resulting from project regulation/operation.

(5) Adequate provisions for collection, analysis and dissemination of basic data, the formulation of operating directives, and the performance of project operations will be established at field level.

(6) Appropriate provisions will be made for monitoring project operations, formulating advisories to higher authorities, and disseminating information to others concerned. These actions are required to facilitate proper regulation of reservoir systems and to keep the public fully informed regarding all pertinent water control matters.

(7) In development and execution of water control plans, appropriate attention will be given to project safety so as to insure that all water impounding structures are operated for the safety of users of the facilities and the general public. Care will be exercised in the development of reservoir regulation schedules to assure that controlled releases minimize project impacts and do not jeopardize the safety of persons engaged in activities downstream of the facility. Water control plans will include provisions for issuing adequate warnings or otherwise alerting all affected interests to possible hazards from project regulation activities.

(8) In carrying out water control activities, Corps of Engineers personnel must recognize and observe the legal responsibility of the National Weather Service (NWS), National Oceanographic and Atmospheric Administration (NOAA), for issuing weather forecasts and flood warnings, including river discharges and stages. River forecasts prepared by the Corps of Engineers in the execution of its responsibilities should not be released to the general public, unless the NWS is willing to make the release or agrees to such dissemination. However, release to interested parties of factual information on current storms or river conditions and properly quoted NWS forecasts is permissible. District offices are encouraged to provide assistance to communities and individuals regarding the impact of forecasted floods. Typical advice would be to provide approximate water surface elevations at locations upstream and downstream of the NWS forecasting stream gages. Announcement of anticipated changes in reservoir release rates as far in advance as possible to the general public is the responsibility of Corps of Engineers water control managers for projects under their jurisdiction.

(9) Water control plans will be developed in concert with all basin interests which are or could be impacted by or have an influence on project regulation. Close coordination will be maintained with all appropriate international, Federal, State, regional and local agencies in the development and execution of water control plans. Effective public information programs will be developed and maintained so as to inform and educate the public regarding Corps of Engineers water control management activities.

(10) Fiscal year budget requests for water control management activities will be prepared and submitted to the Office of the Chief of Engineers in accordance with requirements established in Engineer Circular on Annual Budget Requests for Civil Works Activities. The total annual costs of all activities and facilities that support the water control functions, (excluding physical operation of projects, but including flood control and navigation regulation of projects subject to 33 CFR 208.11) are to be reported. Information on the Water Control Data Systems and associated Communications Category of the Plant Replacement and Improvement Program will be submitted with the annual budget. Reporting will be in accordance with a forthcoming Engineer Regulation and the annual Engineer Circular on Civil Works Operations and Maintenance, General Program.

(g) *Responsibilities: US Army Corps of Engineers Projects.*

(1) *Preparation of Water Control Plans and Reservoir Regulation Manuals.* Normally, District Engineers are primarily responsible for background studies and for developing plans and manuals required for reservoirs and interrelated systems in their respective District areas. Policies and guidelines are prescribed by Engineer Regulations and by the Division Engineers concerned. Master Reservoir Regulation Manuals for river basins that include more than one District are usually prepared by or under direct supervision of Division representatives. Division Engineers are responsible for providing such management and technical assistance as may be required to assure that plans and manuals are prepared on a timely and adequate basis to meet reservoir regulation requirements in the Division area, and for pertinent coordination between Districts, Divisions, and other appropriate entities.

(2) *Authority for Approval of Plans and Manuals.* Division Engineers are delegated authority for approval of

water control plans, reservoir regulation manuals and associated activities.

(3) *OCE Role in Water Control Activities.* OCE will establish policies and guidelines applicable to all field offices and for such actions as are necessary to assure a reasonable degree of consistency in basic policies and practices in all Division areas. Assistance will be provided to field offices during emergencies and upon special request.

(4) *Methods Improvements and Staff Training.* Division and District Engineers are responsible for conducting appropriate programs for improving technical methods applicable to reservoir regulation activities in their respective areas. Suitable training programs should be maintained to assure a satisfactory performance capability in water control activites. Appropriate coordination of such programs with similar activities in other areas will be accomplished to avoid undue duplication of effort, and to foster desirable exchange of ideas and developments. Initiative in re-evaluating methods and guidelines previously established in official documents referred to in paragraph (i) of this section is encouraged where needs are evident. However, proposals for major deviations from basic concepts, policies and general practices reflected in official publications will be submitted to OCE for concurrence or comment before being adopted for substantial application in actual project operations at field level.

(h) *Directives and Technical Instruction Manuals.* (1) Directives issued through OCE Engineer Regulations will be used to foster reasonable consistency in policies and basic practices. They will be supplemented as needed by other forms of communication.

(2) Engineering Manuals (EM) and Engineer Technical Letters (ETL) are issued by OCE to serve as general guidelines and technical aids in developing regulation plans and manuals for individual projects or systems. EM and ETL are not intended to be directive in nature.

(3) OCE Engineer Manual 1110–2–3600, Reservoir Regulation, discusses principles and concepts involved in developing reservoir regulation plans. Instructions relating to preparation of "Reservoir Regulation Manuals" for specific projects are included. EM 1110–2–3600 should be used as a general guide to reservoir regulation activities. The instructions are sufficiently flexible to permit adaptation to specific regions. Supplemental information regarding technical methods is provided in numerous documents distributed to field offices as "hydrologic references."

(4) Special assistance in technical studies is available from the Hydrologic Engineering Center, Corps of Engineers, 609 Second Street, Davis, California 95616 and DAEN–CWE–HY.

(i) *Reservoir Regulation Manuals for US Army Corps of Engineers Projects.* (1) As used herein, the term "Reservoir Regulation Manual" refers to manuals that relate primarily to the functional operation of an individual reservoir or reservoir system. Although such manuals normally include background information concerning physical features of projects, they do not prescribe rules or methods for physical maintenance or care of facilities, which are covered in other documents. (References 15 and 22, Appendix A.)

(2) Reservoir regulation manuals prepared in substantially the detail and format specified in instructions referred to in paragraph (h) of this section are required for all reservoirs under the supervision of the Corps of Engineers, regardless of the purpose or size of the project. Regulation manuals are also required for lock and dam, reregulation and major control structure projects that are physically operated by the Corps of Engineers. Where there are several projects in a drainage basin with interrelated purposes, a "Master Manual" shall be prepared. The effects of non-Corps projects will be considered in appropriate detail, including an indication of provisions for interagency coordination.

(3) "Preliminary Reservoir Regulation Manuals" for projects operated by the Corps of Engineers should contain regulation schedules in sufficient detail to establish the basic plan of initial reservoir operations.

(4) As a general rule, preliminary manuals should be superseded by more detailed interim or "final" manual within approximately one year after the reservoir is place in operation.

(5) Each reservoir regulation manual should contain a section on special regulations to be conducted during emergency situations, including droughts. Preplanned operations and coordination are essential to effective relief or assistance.

(6) One copy of all preliminary and later reservoir regulation manuals shall be forwarded to HQDA (DAEN–CWE–HY) WASH DC 20314 for file purposes as soon as practicable after completion, preferably within 30 days from date of approval at Division level.

(j) *Policies and Procedures Concerning Preparation of Regulations for Non-Corps Projects.* (1) Division and District Engineers will develop water control plans as required by Section 7 of the 1944 Flood Control Act, the Federal Power Act and Section 9 of Public Law 436–83 for all projects located within their areas, in conformance with ER 1110–2–241. That regulation prescribes the policy and general procedures for regulating reservoir projects capable of regulation for flood control or navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; those under the jurisdiction of the International Joint Commission, United States and Canada, and the Columbia River Treaty. Engineer Regulation 1110–2–241 permits the promulgation of specific regulations for a project in compliance with the authorizing acts, when agreement on acceptable regulations cannot be reached between the Corps of Engineers and the owners. Appendix B provides a summary of U.S. Army Corps of Engineers responsibilities for prescribing regulations for non-Corps reservoir projects.

(2) Water control plans will be developed and processed as soon as possible for applicable projects already completed and being operated by other entities, including projects built by the Corps of Engineers and turned over to others for operation. General procedures involved in developing and processing water control plans in accordance with ER 1110–2–241 are summarized in Appendix C.

(3) In so far as practicable, water control plans for non-Corps projects should be developed in cooperation with owning/operating agencies involved during project planning stages. Thus, tentative agreements on contents, including pertinent regulation schedules and diagrams, can be accomplished prior to completion of the project.

(4) The magnitude and nature of storage allocations for flood control or navigation purposes in non-Corps projects are governed basically by conditions of project authorizations or other legislative provisions and may include any or all of the following types of storage assignments:

(i) Year-round allocations: Storage remains the same all year.

(ii) Seasonal allocations: Storage varies on a fixed seasonal basis.

(iii) Variable allocations of flood control from year to year, depending on hydrologic parameters.

(5) Water Control plans should be developed to attain maximum flood control or navigation benefits,

consistent with other project purposes, from the storage space provided for these purposes. When reservoir storage capacity of the category referred to in paragraph (j)(4)(iii) is utilized for flood control or navigation, jointly with other purposes, the hydrologic parameters and related rules developed under provisions of ER 1110–2–241 should conform as equitably as possible with the multiple-purpose objectives established in project authorizations and other pertinent legislation.

(6) Storage allocations made for flood control or navigation purposes in non-Corps projects are not subject to modifications by the Corps of Engineers as a prerequisite for prescribing 33 CFR 208.11 regulations. However, regulations developed for use of such storage should be predicated on a mutual understanding between representatives of the Corps and the operating agency concerning the conditions of the allocations in order to assure reasonable achievement of basic objectives intended. In the event field representatives of the Corps of Engineers, and the operating agency are unable to reach necessary agreements after all reasonable possibilities have been explored, appropriate background explanations and recommendations should be submitted to HQDA (DAEN–CWE–HY) WASH DC 20314 for consideration.

(7) The Chief of Engineers is responsible for prescribing regulations for use of flood control or navigation storage and/or project operation under the provisions of the referenced legislative acts. Accordingly, any regulations established should designate the Division/District Engineer who is responsible to the Secretary of the Army, as the representative to issue any special instructions required under the regulation. However, to the extent practicable, project regulations should be written in such manner as to permit operation of the project by the owner without interpretations of the regulations by the designated representative of the Chief of Engineers during operating periods.

(8) After 33 CFR 208.11 regulations are officially established, responsibility for compliance rests with the operating agency. The Division or District Engineer of the area in which the project is located will be kept informed regarding project operations to verify reasonable conformance with the regulations. In the event substantial deviations from the prescribed regulations seem evident, the Division or District Engineer concerned will bring the matter to the attention of the operating agency by appropriate means. If corrective actions are not taken promptly, the operating agency should be notified of the apparent deviation in writing as a matter of record. Should an impasse arise, in that the project owner or the designated operating entity persists in noncompliance with regulations prescribed by the Corps of Engineers, the Office of Chief Counsel should be advised through normal channels and requested to take necessary measures to assure compliance.

(9) Regulations should contain information regarding the required exchange of basic data between the representative of the operating agency and the US Army Corps of Engineers, that are pertinent to regulation and coordination of interrelated projects in the region.

(10) All 33 CFR 208.11 regulations shall contain provisions authorizing the operating agency to temporarily deviate from the regulations in the event that it is necessary for emergency reasons to protect the safety of the dam, to avoid health hazards, and to alleviate other critical situations.

(k) *Procedures Involved in Developing and Processing Regulations for Non-Corps Projects.* Guidelines concerning technical studies and development of water control plans are contained in ER 1110–2–241 and EM 1110–2–3600. Appendix C of this ER summarizes steps normally followed in developing and processing regulations for non-Corps projects.

(l) *Reservoir Regulations During Project Construction Stage.* Water control plans discussed in preceding paragraphs are intended primarily for application after the dam, spillway and outlet structures; major relocations; land acquisitions, administrative arrangements and other project requirements have reached stages that permit relatively normal reservoir operations. With respect to non-Corp projects, regulations normally become applicable when water control agreements have been signed by the designated signatories, subject to special provisions in specific cases. In some instances, implementation of regulations have been delayed by legal provisions, contract limitations, or other considerations. These delays can result in loss of potential project benefits and possible hazards. Accordingly, it is essential that appropriate water control and contingency plans be established for use from the date any storage may accumulate behind a partially completed dam until the project is formally accepted for normal operations. Division Engineers shall make certain that construction-stage regulation plans are established and maintained in a timely and adequate manner for projects under the supervision of the Corps of Engineers. In addition, the problems referred to should be discussed with authorities who are responsible for non-Corps projects, with the objective of assuring that such projects operate as safely and effectively as possible during the critical construction stage and any period that may elapse before regular operating arrangements have been established. These special regulations should include consideration for protection of construction operations; safety of downstream interests that might be jeopardized by failure of partially completed embankments; requirements for minimizing adverse effects on partially completed relocations or incomplete land acquisition; and the need for obtaining benefits from project storage that can be safely achieved during the construction and early operation period.

(m) *Advisories to OCE Regarding Water Control Activities.* (1) *General.* Division Engineers will keep the Chief of Engineers currently informed of any unusual problems or activities associated with water control that impact on his responsibilities.

(2) *Status of Reservoir Regulation Manuals (RCS DAEN–CWE–16).* A brief report shall be prepared annually by each Division Engineer listing all reservoirs currently in operation in his area, or expected to begin storage of water for any purpose within one-year, with a designation of the status of reservoir regulation manuals. The report should also list projects for which the Corps of Engineers is responsible for prescribing regulations, as defined in ER 1110–2–241. The subject report shall be submitted by 1 November each year by Divisions which do not have Reservoir/Water Control Centers, otherwise the report shall be included as a separate section of the Annual Report on Water Control/Management activities required by ER 1110–2–1400.

(3) *Monthly Reservoir Regulation Charts (RCS DAEN–CWE–6 (R1)).* A monthly record of reservoirs/lakes operated by the Corps of Engineers and other agencies, in accordance with 33 CFR 208.11, will be promptly prepared and maintained by District/Division Engineers in such form as are readily available for transmittal to the Chief of Engineers, or others, upon request. Record data may be prepared in either graphical or tabular form as shown in the sample tabulation (Appendix D), or equivalent.

(4) *Annual Division Water Quality Reports (RCS DAEN-CWE-15).* By Executive Order 12088, the President ordered the head of each Executive Agency to be responsible for ensuring that all necessary actions are taken for prevention, control, and abatements of environmental pollution with respect to Federal facilities and activities under control of the agency. General guidance is provided in references 20 and 23, Appendix A, for carrying out this agency's responsibility. Annual Division Water Quality Reports are required by reference 23, Appendix A. The report is submitted in two parts. The first part addresses the division Water Quality management plan while the second part presents specific project information. A major objective of this report is to summarize information pertinent to overall water management responsibilities. Generally, the Annual Divison Water Quality Report will be submitted as part of the Annual Report on Water Control/Management activities required by ER 1110-2-1400.

(5) *Master Plans for Water Control Data Systems (RCS DAEN-CWE-21).* (i) A water control data system is all of the equipment within a division which is used to acquire, process, display and distribute information for real-time project regulation and associated interagency coordination. A subsystem is all equipment as defined previously within a district. A network is all equipment as defined previously which is used to regulate a single project or a group of projects which must be regulated interdependently.

(ii) Master plans for water control data systems and significant revisions thereto will be prepared by Division water control managers and submitted to HQDA (DAEN-CWE-HY) WASH DC 20314 for review and approval of engineering aspects. Engineering approval does not constitute funding approval. After engineering approval is obtained, equipment in the master plan is eligible for consideration in the funding processes described in ER 1125-2-301 and Engineering Circulars on the Annual Budget Request for Civil Works Activities. Master plans will be maintained current and will:

(A) Outline the system performance requirements, including those resulting from any expected expansions of Corps missions.

(B) Describe the extent to which existing facilities fulfill performance requirements.

(C) Describe alternative approaches which either will meet the requirements not fulfilled by existing facilities or which will be least cost.

(D) Justify and recommend a system.

(E) Present system scope, implementation schedules, proposed annual capital expenditures by district, total costs, and sources of funding.

(iii) Modified master plans should be submitted by 1 February if revisions are required to include equipment not previously approved or changes in scope or approach. Submittal by the February date will allow adequate time for OCE review and approval prior to annual budget submittals.

(iv) Division Engineers are delegated authority to approve detailed plans for subsystems and networks of approved master plans. Such approvals will be predicated on plans meeting the following conditions.

(A) Economic justification, except in special cases where legal requirements dictate performance standards which cannot be economically justified. However, the least cost alternative will be evaluated.

(B) Capable of functioning independently.

(C) In conformance with the approved master plan.

(v) Copies of detailed plans which have been approved by Division Engineers shall be forwarded to appropriate elements in OCE in support of funding requests and to obtain approval of Automatic Data Processing Equipment (ADPE), when applicable.

(vi) Water control data systems may be funded from Plant Revolving Fund; O&M General; Flood Control, MR&T, and Construction, General. Funding for water control equipment that serves two or more projects will be from Plant Revolving Fund in accordance with ER 1125-2-301. District and Division water control managers will coordinate Plant Revolving Fund requests with their respective Plant Replacement and Improvement Program (PRIP) representatives following guidance provided in ER 1125-2-301. Budget funding requests under the proper appropriation title should be submitted only if the equipment is identified in an approved master plan.

(vii) Justification for the Automatic Data Processing Equipment (ADPE) aspects of water control data systems must conform to AR 18-1, Appendix I or J as required. The "Funding for ADPE" paragraph in Appendixes I and J must cite the source of funds and reference relevant information in the approved master plan and detailed plan.

(viii) Division water control managers will submit annual letter report summaries of the status of their respective water control systems and five-year plan for improvements. Annual reports will be submitted to HQDA (DAEN-CWE) WASH DC 20314 by 1 June for coordination with DAEN-CWO, -CWB and -DSZ-A, prior to the annual budget request. These reports should not be used to obtain approval of significant changes in master plans. Annual reports should summarize sources of funding for all items for each district and for the division so that total system expenditures and funding requests are identified. Changes in the master plan submitted 1 February should be documented in the annual summary if the changes were approved.

(6) *Summary of Runoff Potentials in Current Season (REC DAEN-CWO-2).* (i) The Chief of Engineers and staff require information to respond to inquiries from members of Congress and others regarding runoff potentials. Therefore, the Division Engineer will submit a snowmelt runoff and flood potential letter report covering the snow accumulation and runoff period, beginning generally in February and continuing monthly, until the potential no longer exist. Dispatch of supplemental reports will be determined by the urgencies of situations as they occur. The reports will be forwarded as soon as hydrologic data are available, but not later than the 10th of the month. For further information on reporting refer to ER 500-1-1.

(ii) During major drought situations or low-flow conditions, narrative summaries of the situation should be furnished to alert the Chief of Engineers regarding the possibility of serious runoff deficiencies that are likely to call for actions associated with Corps of Engineers reservoirs.

(iii) The reports referred to in subparagraphs (m)(6)(i) and (ii) will include general summaries regarding the status of reservoir storage, existing and forecasted at the time of the reports.

(7) *Reports on Reservoir Operations During Flood Emergencies.* Information on reservoir oprations to be included in reports submitted to the Chief of Engineers during flood emergencies in accordance with ER 500-1-1 include rate of inflow and outflow in CFS, reservoir levels, predicted maximum level and anticipated date, and percent of flood control storage utilized to date. Maximum use should be made of computerized communication facilities in reporting project status to DAEN-CWO-E/CWE-HY in accordance with the requirement of ER 500-1-1.

(8) *Post-Flood Summaries of Reservoir Effects.* Reservoir effects including evaluation of the stage reductions at key stations and estimates of damages prevented by projects will be included

in the post flood reports required by ER 500–1–1.

(n) *Water Control Management Boards.* (1). The Columbia River Permanent Engineering Board formed by Treaty with Canada is composed of US and Canadian Sections. This Board serves to carry out provisions of the Columbia River Treaty.

(2) The Mississippi River Water Control Management Board was established by ER 15–2–13. It consists of the Division Engineers from LMVD, MRD, NCD, ORD, and SWD with the Director of Civil Works serving as chairman. The purpose of the Board is:

(i) To provide oversight and guidance during the development of basin-wide management plans for Mississippi River Basin projects for which the US Army Corps of Engineers has operation/regulation responsibilities.

(ii) To serve as a forum for resolution of water control problems among US Army Corps of Engineers Divisions within the Mississippi River Basin when agreement is otherwise unobtainable.

Appendix A—References

1. The Federal Power Act, Public Law 436–83, approved 10 June 1920, as amended (41 Stat. 1063; 16 U.S.C. 791(a)).
2. Section 3 of the Flood Control Act approved 22 June 1936, as amended (49 Stat. 1571; 33 U.S.C. 701(c)).
3. Section 9(b) of Reclamation Project Act of 1939, approved 4 August 1939 (53 Stat. 1187; 43 U.S.C. 485).
4. Section 7 of the Flood Control Act approved 22 December 1944 (58 Stat. 890; 33 U.S.C. 709).
5. Section 5 of Small Reclamation Projects Act of 6 August 1956, as amended (70 Stat. 1046; 43 U.S.C. 422(e)).
6. Section 9 of Public Law 436–83d Congress (68 Stat. 303).
7. The Fish and Wildlife Coordination Act of 1958, Public Law 85–624.
8. The Federal Water Project Recreation Act Uniform Policies, Public Law 89–72.
9. The National Environmental Policy Act of 1969 Public Law 91–190.
10. The Clean Water Act, Public Law 95–217.
11. Executive Order 12088, Federal Compliance with Pollution Control Standards, 13 October 1978.
12. 33 CFR 208.10, Local flood protection works; maintenance and operation of structures and facilities (9 FR 9999; 9 FR 10203).
13. 33 CFR 208.11, Regulations for use of Storage Allocated for Flood Control or Navigation and/or Project Operations at Reservoirs subject to Prescription of Rules and Regulations by the Secretary of the Army in the Interest of Flood Control and Navigation (43–FR–47184).
14. AR 18–1.
15. ER 11–2–101.
16. ER 21 –2–13.
17. ER 500–1–1.
18. ER 1110–2–241.
19. ER 1110–2–1400.
20. ER 1110–2–1402.
21. ER 1125–2–301.
22. ER 1130–2–303.
23. ER 1130–2–334.
24. EM 1110–2–3600.

Appendix B—Summary of Corps of Engineers Responsibilities for Prescribing Regulations for Non-Corps Reservoir Projects

Summary

1. a. "Regulations for Use of Storage Allocated for Flood Control or Navigation and/or Project Operation at Reservoirs subject to Prescription of Rules and Regulations by the Secretary of the Army in the Interest of Flood Control and Navigation" (33 CFR 208.11) prescribe the responsibilities and general procedures for regulating reservoir projects capable of regulation for flood control or navigation and the use of storage allocated for such purposes and provided on the basis of flood control and navigation, except projects owned and operated by the Corps of Engineers; the International Boundary and Water Commission, United States and Mexico; and those under the jurisdiction of the International Joint Commission, United States and Canada, and the Columbia River Treaty.

b. Pertinent information on projects for which regulations are prescribed under Section 7 of the 1944 Flood Control Act, (Public Law 78–58 Stat. 890(33 U.S.C. 709)) the Federal Power Act (41 Stat. 1063(16 U.S.C. 79(A))) and Section 9 of Public Law 436–83d Congress (68 Stat. 303) is published in the **Federal Register** in accordance with 33 CFR 208.11. Publication in the **Federal Register** establishes the fact and the date of a project's regulation plan promulgation.

2. Section 7 of Act of Congress approved 22 December 1944 (58 Stat. 890; 33 U.S.C. 709), reads as follows:

"Hereafter, it shall be the duty of the Secretary of War to prescribe regulations for the use of storage allocated for flood control or navigation at all reservoirs constructed wholly or in part with Federal funds provided on the basis of such purposes, and the operation of any such project shall be in accordance with such regulations: *Provided,* That this section shall not apply to the Tennessee Valley Authority, except that in case of danger from floods on the Lower Ohio and Mississippi Rivers the Tennessee Valley Authority is directed to regulate the release of water from the Tennessee River into the Ohio River in accordance with such instructions as may be issued by the War Department."

3. Section 9(b) of the Reclamation Project Act of 1939, approved 4 August 1939 (53 Stat. 1189, 43 U.S.C. 485), provides that the Secretary of the Interior may allocate to flood control or navigator as part of the cost of new projects or supplemental works; and that in connection therewith he shall consult with the Chief of Engineers and may perform any necessary investigations under a cooperative agreement with the Secretary of the Army. These projects are subject to 33 CFR 208.11 regulations.

4. Several dams have been constructed by State agencies under provisions of legislative acts wherein the Secretary of the Army is directed to prescribe rules and regulations for project operation in the interest of flood control and navigation. These projects are subject to 33 CFR 208.11 regulations.

5. There are a few dams constructed under Emergency Conservation work authority or similar programs, where the Corps of Engineers has performed major repairs or rehabilitation, that are operated and maintained by local agencies which are subject to 33 CFR 208.11 regulations.

6. The Federal Power Act, approved June 10, 1920, as amended (41 stat. 1063, 16 U.S.C. 791 (A)), established the Federal Power Commission, now Federal Energy Regulatory Commission (FERC), with authority to issue licenses for constructing operating and maintaining dams or other project works for the development of navigation, for utilization of water power and for other beneficial public uses in any streams over which Congress has jurisdiction. The Chief of Engineers is called upon for advice and assistance as needed in formulating reservoir regulation requirements somewhat as follows:

a. In response to requests from the FERC, opinions and technical appraisals are furnished by the Corps of Engineers for consideration prior to issuance of licenses by the FERC. Such assistance may be limited to general preservations, or may include relatively detailed proposals for reservoir regulation plans, depending upon the nature and scope of projects under consideration. The information furnished is subject to such consideration and use as the Chairman, FERC, deems appropriate. This may result in inclusion of simple provisions in licenses without elaboration, or relatively detailed requirements for reservoir regulation schedules and plans.

b. Some special acts of Congress provide for construction of dams and reservoirs by non-Federal agencies or private firms under licenses issued by the FERC, subject to stipulation that the operation and maintenance of the dams shall be subject to reasonable rules and regulations of the Secretary of the Army in the interest of flood control and navigation. Ordinarily no Federal funds are involved, thus Section 7 of the 1944 Flood Control, Act does not apply. However, if issuance of regulations by the Secretary of the Army is required by the authority under which flood control or navigation provisions are included as functions of the specific project or otherwise specified in the FERC license, regulation plans will be prescribed in accordance with 33 CFR 208.11 regulations.

7. Projects constructed by the Corps of Engineers for local flood protection purposes are subject to conditions of local cooperation as provided in Section 3 of the Flood Control Act approved 22 June 1936, as amended. One of those conditions is that a responsible local agency will maintain and operate all works after completion in accordance with regulations prescribed by the Secretary of the Army. Most such projects consist mainly of leves and flood walls with appurtenant drainage structures. Regulations for operation

and maintenance of these projects has been prescribed by the Secretary of the Army in 33 CFR 208.10. When a reservoir is included in such a project, it may be appropriate to apply 33 CFR 208.10 in establishing regulations for operation, without requiring their publication in the **Federal Register**. For example, if the reservoir controls a small drainage area, has an uncontrolled flood control outlet with automatic operation or contains less than 12,500 acre-feet of flood control or navigation storage, 33 CFR 208.10 may be suitable. However, 33 CFR 208.11 regulations normally would be applicable in prescribing flood control regulations for the individual reservoir, if the project has a good flood control outlet by which the local agency can regulate floods.

8. Regulation plans or projects owned by the Corps of Engineers are not prescribed in accordance with 33 CFR 208.11. However, regulation plans for projects constructed by the Corps of Engineers and turned over to other agencies or local interests for operation may be prescribed in accordance with 33 CFR 208.11.

9. The small Reclamation Projects Act of 6 August 1956 provides that the Secretary of the Interior may make loans or grants to local agencies for the construction of reclamation projects. Section 5 of the Act provides in part that the contract covering any such grant shall set forth that operation be in accordance with regulations prescribed by the head of the Federal department or agency primarily concerned. Normally, 33 CFR 208.11 is not applicable to these projects.

Appendix C—Procedures for Developing and Processing Regulations for Non-Corps Projects in Conformance With 33 CFR 208.11

1. *Sequence of actions:*

a. Discussions leasing to a clarification of conditions governing allocations of storage capacity to flood control or navigation purposes and project regulation are initiated by District/Division Engineers through contacts with owners and/or operating agencies concerned at regional level.

b. Background information on the project and conditions requiring flood control or navigation services, and other relevant factors, are assembled by the District Engineer and incorporated in a "Preliminary Information Report". The Preliminary Information Report will be submitted to the Division Engineer for review and approval. Normally, the agency having jurisdiction over the particular project is expected to furnish information on project features, the basis for storage allocations and any other available data pertinent to the studies. The Corps of Engineers supplements this information as required.

c. Studies required to develop reservoir regulation schedules and plans usually will be conducted by Corps of Engineers personnel at District level, except where the project regulation affects flows in more than one District, in which case the studies will be conducted by or under supervision of Division personnel. Assistance as may be available from the project operating agency or others concerned will be solicited.

d. When necessary agreements are reached at District level, and regulations developed in accordance with 33 CFR 208.11 and EM 1110–2–3600, they will be submitted to the Division Engineer for review and approval, with information copies for DAEN-CWE-HY. Usually the regulations include diagrams of operating parameters.

e. For projects owned by the Bureau of Reclamation, the respective Regional Directors are designated as duly authorized representatives of the Commissioner of Reclamation. By letter of 20 October 1976, the Commissioner delegated responsibilities to the Regional Directors as follows: "Regarding the designated authorization of representatives of the Commissioner of Reclamation in matters relating to the development and processing of Section 7 flood control regulations, we are designating each Regional Director as our duly authorized representative to sign all letters of understanding, water control agreements, water control diagrams, water control release schedules and other documents which may become part of the prescribed regulations. The Regional Director also will be responsible for obtaining the signature of the designated operating agency on these documents where such is required. Regarding internal coordination within the Bureau of Reclamation, the Regional Directors will obtain the review and approval of this office and at appropriate offices with our Engineering and Research Center, Denver, Colorado, prior to signing water control documents."

f. In accordance with the delegation cited in paragraph e, 33 CFR 208.11 regulations pertaining to Bureau of Reclamation projects will be processed as follows:

(1) After regulation documents submitted by District Engineers are reviewed and approved by the Division Engineer they are transmitted to the respective Regional Director of the Bureau of Reclamation for concurrence or comment, with a request that tracings of regulation diagrams be signed and returned to the Division Engineer.

(2) If any questions arise at this stage appropriate actions are taken to resolve differences. Otherwise, the duplicate tracings of the regulation diagram are signed by the Division Engineer and transmitted to the office of the project owner for filing.

(3) After full agreement has been reached in steps (1) and (2), the text of proposed regulations is prepared in final form. Copies of any diagrams involved are included for information only.

(4) A letter announcing completion of action on processing the regulations, with pertinent project data as specified in paragraph 208.11(d)(11) of 33 CFR 208.11, and one copy of the signed tracings of diagrams are forwarded to HQDA (DAEN-CWE-HY) WASH DC 20314 for promulgation and filing. The Office of the Chief of Engineers will forward the pertinent project data to the Liaison Officer with the Federal Register, requesting publication in the **Federal Register.**

g. Regulations developed in accordance with 33 CFR 208.11 and applicable to projects that are not under supervision of the Bureau of Reclamation are processed in substantially the manner described above. All coordination required between the Corps of Engineers and the operating agency will be accomplished at field level.

h. Upon completion of actions listed above, Division Engineers are responsible for informing the operating agencies at field level that regulations have been promulgated.

2. *Signature blocks:*

a. *General.* Some 33 CFR 208.11 regulations contain diagrams of parameter curves that cannot be published in the **Federal Register,** but are made a part thereof by appropriate reference. Each diagram bears a title block with spaces for the signature of authenticating officials of the Corps of Engineers and the owner/operating agency of the project involved.

3. *Designation of Corps of Engineers Representatives.* Division Engineers are designated representatives of the Chief of Engineers in matters relating to development and processing of 33 CFR 208.11 regulations for eventual promulgation through publication of selected data specified in paragraph 208.11(d)(11) of 33 CFR 208.11. Division Engineers are designated as the Corps of Engineers signee on all letters of understanding, water control agreements and other documents which may become part of prescribed regulations for projects located in their respective geographic areas, and which are subject to the provisions of 33 CFR 208.11.

Appendix D.—*Sample Tabulation*

[Bardwell Lake, Monthly Lake Report, May 1975]

	Elevations		Storage 2,400	Evap. pump release inflow adj.				Rain (inches)
	0600 feet	2,400 feet	(A–F)	(DSF)	(DSF)	(DSF)	(DSF)	
Day:								
1	421.30	421.31	55,979	28	2.0	0	84	.00
2	421.32	421.31	56,196	5	2.0	0	117	.00
3	421.43	421.44	56,449	23	1.9	0	152	.14
4	421.45	421.47	56,558	1	1.8	0	58	.00
5	421.49	421.34	56,088	1	2.0	324	50	.00
6	421.20	421.01	54,902	14	1.9	632	50	.00
7	420.88	420.89	54,473	4	2.0	269	59	.09
8	420.89	420.91	54,544	5	2.3	0	44	.00
9	420.90	420.89	54,473	11	1.5	0	38	.00
10	420.90	420.90	54,509	28	3.0	0	27	.00
11	420.91	421.35	56,124	26	1.8	0	842	.00
12	421.54	421.65	57,213	31	2.1	0	582	1.61
13	421.70	421.75	57,578	29	2.2	0	216	.00
14	421.78	421.76	57,614	34	1.9	249	303	.03
15	421.69	421.52	56,739	22	1.9	643	225	.57
16	421.39	421.28	55,871	39	2.1	535	138	.00
17	421.19	421.09	55,188	10	2.2	393	119	.00

Appendix D.—*Sample Tabulation*—Continued

[Bardwell Lake, Monthly Lake Report, May 1975]

	Elevations		Storage 2,400	Evap. pump release inflow adj.				Rain
	0800 feet	2,400 feet	(A-F)	(DSF)	(DSF)	(DSF)	(DSF)	(inches)
Day:								
18	421.03	421.05	55,045	46	2.0	143	60	.00
19	421.04	421.07	55,116	17	2.3	0	55	.00
20	421.06	421.30	55,943	21	2.1	0	440	.21
21	421.39	421.47	56,558	20	2.1	0	332	.97
22	421.50	421.39	56,268	42	2.1	247	145	.00
23	421.37	424.91	69,726	31	2.0	328	7,146	.22
24	425.61	426.15	74,825	22	2.0	0	2,595	2.38
25	426.15	426.55	76,523	18	2.3	0	876	.11
26	426.72	426.80	77,598	42	2.1	0	586	.00
27	426.95	427.00	78,465	23	2.0	0	462	.00
28	427.14	427.15	79,116	31	2.1	0	361	.19
29	427.31	427.70	81,528	61	1.9	0	1,279	.20
30	427.94	428.05	83,062	11	2.0	0	796	1.02
31	428.20	428.22	83,837	7	2.1	0	389	.00
Monthly total (DSF)				700	64	3,763	18,626	7.74
Monthly total (A-F)			27,966	1,389	126	7,464	36,945	

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1271-6]

Approval and Promulgation of State Implementation Plans; North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This action proposes to approve revisions to the North Dakota State Implementation Plan (SIP) submitted by the Governor of North Dakota on July 17, 1978. The revisions include changes in the State's prevention of significant air quality deterioration (PSD) requirements, changes in the standards of performance for new stationary sources, the adoption of an emission standard for vinyl chloride and the adoption of minor corrections and other changes to various portions of the State's air pollution control regulations.

DATES: Comments must be received on or before August 15, 1979.

ADDRESSES: Copies of the SIP revision, and EPA's evaluation report are available at the following addresses for inspection:

Environmental Protection Agency, Region VIII, Air Programs Branch, 1860 Lincoln Street, Denver, Colorado 80295.

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, SW., Washington, D.C. 20460.

WRITTEN COMMENTS SHOULD BE SENT TO: Mr. Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. DeSpain, Chief, Air Programs Branch, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80295.

SUPPLEMENTARY INFORMATION: In July 1978, the State of North Dakota recodified its regulations. The emission limitations themselves were not changed. In this proposal the State's revised numbering system is utilized. Pertinent rule chapters and descriptive titles are listed as follows:

Chapter number and Chapter Title

33-15-01 General Provisions
33-15-02 Ambient Air Quality Standards
33-15-03 Restriction of Emission of Visable Air Contaminants
33-15-04 Open Burning Restrictions
33-15-05 Emissions of Particulate Matter Restricted
33-15-06 Emissions of Sulfur Compounds Restricted
33-15-07 Control of Organic Compounds Emissions
33-15-08 Control of Air Pollution
33-15-From Vehicles Other Than Internal Combustion Engines
33-15-09 Emission of Certain Settleable Acids and Alkaline Substances Restricted
33-15-10 Control of Pesticides
33-15-11 Prevention of Air Pollution Emergency Episodes
33-15-12 Standards of Performance for New Stationary Sources
33-15-13 Emission Standards for Hazardous Air Pollutants
33-15-14 Designated Air Contaminant Sources, Permit to Construct, Permit to Operate
33-15-15 Prevention of Significant Air Quality Deterioration
33-15-16 Restriction of Odorous Air Contaminants
33-15-17 Restriction of Fugitive Emissions

On July 17, 1978, the State of North Dakota submitted a revision to its State Implementation Plan (SIP) which included (a) revised new source performance standards (NSPS), (b) revised hazardous emission standards, (c) revised provisions for prevention of significant deterioration, and (d) other administrative revisions. The revisions are discussed below.

NSPS and NESHAPS

The North Dakota air pollution control regulations were revised to incorporate changes in the federal new source performance standards (NSPS) and the national emission standards for hazardous air pollutants (NESHAPS). This action relates to delegation of enforcement authority and is not considered a SIP revision. It will be dealt with in a separate **Federal Register** notice.

Prevention of Significant Deterioration

Section 110(a)(2)(D) and Part C of the Clean Air Act establish specific requirements for the prevention of significant deterioration of air quality in areas where ambient levels are lower than the national standards. The Act defines the amount of deterioration that can be tolerated in an area in terms of maximum allowable increases in ambient air quality concentrations (increments). These increments vary and are a function of the classification of an area. There are three applicable classifications under this program: (a) Class I where the increments are very stringent and practically no deterioration is allowed, (b) Class II where moderate, well controlled growth is allowed, and (c) Class III where a considerable amount of growth is allowed. While the Act established several mandatory Class I areas, most of the nation is now Class II, and the Act gives redesignation authority to state Governors and Indian governing bodies.

The principal means of protecting the increments are the review and regulation of major new stationary sources and modifications, the tracking of minor source growth, and the periodic review of increment consumption. At present, EPA is implementing the program by a federal permit system designed to meet the requirements of Part C. In that program, operators of major new sources and major modifications must obtain a permit before commencing construction and the permit will be granted only if, among other things: (a) the increments for the area are protected, and (b) best available control technology will be employed.

As indicated above, this program is presently implemented by EPA through regulations promulgated in 40 CFR 52.21 on June 19, 1978, (43 FR 26388). On that same date EPA promulgated requirements for state PSD programs at 40 CFR 51.24.[1]

The regulations submitted by the State of North Dakota are designed to meet the requirements of 40 CFR 51.24 through the review of major stationary source growth throughout the State. Chapter 33–15–15 of the North Dakota regulations will prohibit new source construction in clean areas unless best available control technology is employed and a demonstration is made that the increments and air quality related values are being protected.

The provisions of Chapter 33–15–15, are in all major respects, identical to the Agency regulations. The principal differences between the two regulations are that the State's definitions for "Major Modification", "Reconstruction", and "Baseline Concentration" are more stringent than those promulgated by EPA in § 52.21(b).

Administrative Revisions

Other revisions to the North Dakota SIP include: changes to the general requirements and definitions as located in the chapter on General Provisions; revision to the visible emission limitations for existing sources and particulate emission limitations for indirect heating equipment and incinerators; changes in the sampling procedures for measuring emissions of particulate matter and sulfur compounds; a revision to the requirements for emissions of organic compounds, the establishment of air pollution episode criteria for oxidants and revisions to the air pollution episode emission reduction plans; revisions to permit procedures concerning time limits for commencing construction and public comments for modification and the adoption of restrictions for odorous air contaminants and fugitive emissions of particulate matter and gaseous materials. These changes in the SIP are consistent with the EPA requirements as defined in 40 CFR 51.12, 51.13, and 51.14. The revisions to the air pollution episode and permitting procedures satisfy the requirements of 40 CFR 51.16 and 51.18 respectively.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This proposed action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 18, 1979.

Roger Williams,

Acting Regional Administrator.

[FR Doc. 79–21786 Filed 7–13–79; 8:45 am]

BILLING CODE 6560–01–M

[1] Many of the regulations were judicially challenged in the U.S. Court of Appeals for the District of Columbia Circuit. On June 18, 1979, the Court issued an opinion, *Alabama Power Company v. Costle*, No. 78–1006 (June 18, 1979). The Court upheld in part and remanded in part the Agency's regulations. The Court also provided an opportunity for filing petitions for rehearing, and specified that its judgment would be stayed until the Court responds to the petitions.

The Court's opinion may affect several aspects of the Vermont Plan for preventing significant deterioration. However, rather than awaiting the Court's final decision (expected by the end of the summer), the Agency believes it appropriate to proceed with its review of the Plan based upon its existing regulations and prior conversations with the State.

When the Agency receives the final opinion from the court, it will advise the State of those changes that are required by the Court's opinion and of those provisions which may be left intact or modified in accordance with the wishes of the State.

As to the nonattainment components of the Plan, the Court opinion does not impede the adoption and approval of provisions needed to satisfy the requirements of Part D. EPA will proceed to review these provisions, advising the states and the public of any aspects of the PSD decision that may be relevant to the nonattainment requirements of Act. EPA will then disapprove the applicable portions of the SIP.

The public is invited to submit written comments on these proposed actions.

[40 CFR Part 52]

[FRL 1273–7]

Approval and Promulgation of Implementation Plans; Florida: Proposed 1979 Plan Revisions

AGENCY: U.S. Environmental Protection Agency, Region IV.

ACTION: Proposed rule.

SUMMARY: EPA today proposed conditional approval action on the State Implementation Plan (SIP) revisions which the Florida Department of Environmental Regulation submitted pursuant to requirements of Part D of Title I of the Clean Air Act, as amended 1977, with regard to nonattainment areas. The SIP revisions contain changes to Chapter 17–2, Florida Administrative Code-Air Pollution. EPA has found most of the nonattainment revisions to be approvable with the exception of certain portions. EPA entends to conditionally approve certain portions of the SIP contingent upon the deficiencies noted being corrected. If these deficiencies are not corrected by December 15, 1979,

DATES: To be considered, comments must be submitted on or before August 15, 1979. A thirty-day comment period is being used to enable publication of final action on the SIP revisions as soon as possible because of the July 1, 1979, statutory deadline in Section 172 of the Clean Air Act, because notice of public availability of the SIP revisions was published in the **Federal Register** of May 21, 1979, and because the SIP submittal and the issues involved are not so complex as to require a longer comment period. Availability of the SIP revision was first announced in the **Federal Register** on May 21, 1979.

ADDRESSES: Written comments should be addressed to Mr. Brian Mitchell of the Air and Hazardous Materials Division of EPA's Region IV office in Atlanta (see complete address below). Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, EPA, 401 M Street, S.W., Washington, D.C., 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street, N.E., Atlanta, Georgia, 30308.

Bureau of Air Quality Management, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida, 32301.

FOR FURTHER INFORMATION CONTACT: Brian Mitchell, Air Programs Branch, Air and Hazardous Materials Division, 345 Courtland Street, N.E., Atlanta, Georgia, 30308, 404/881–3286 (FTS 257–3286).

SUPPLEMENTARY INFORMATION:

Background

In the March 3, 1978, **Federal Register** (43 FR 8962) a number of areas within the State of Florida were designated as not attaining certain national ambient air quality standards (NAAQS). Further changes to the attainment status of areas in the State of Florida were proposed or promulgated in the **Federal Register** of September 11, 1978, January 12, 1979, and April 27, 1979. The areas designated nonattainment for only the secondary standards for particulate matter [TSP] are:

The downtown Jacksonville area located just north and west of the St. Johns River and east of I–95.

That portion of Hillsborough County (Tampa) which falls within the area of

the circle having a centerpoint at the intersection of US 41 and State Road 60 and a radious of 12 kilometers.

EPA has received a formal request from Florida for an 18-month extension to submit a revised SIP for these two areas. This request was made in accordance with 40 CFR 51.31 and EPA proposes to grant that request in a separate **Federal Register** notice.

The only area in the State designated nonattainment for sulfur dioxide [SO_2] is:

The northwest corner of Pinellas County. Both primary and secondary short-term (24-hour and 3-hour, respectively) sulfur dioxide standards were violated.

The only area designated nonattainment for carbon monoxide (CO) is:

Broward County. Only the eight-hour standard which serves as both a primary and secondary standard for CO was violated.

A change in this designation to "unclassifiable" is expected in the near future since it has been determined by the Florida Department of Environmental Regulation (FDER) and EPA that the monitor used for the original designation was unduly influenced by a highway overpass and produced data which is unrepresentative of the ambient air in the County. Extensive monitoring for CO is planned and will be performed throughout Broward County in the future.

The areas designated nonattainment for the standard which serves as both the primary and secondary standard for photochemical oxidants [0_x] are:

Duval County
Orange County
Pinellas County
Hillsborough County
Dade County
Broward County
Palm Beach County
Escambia County

Implementation plan revisions under Part D of Title I of the Clean Air Act were developed by the State for all the foregoing areas with the exception of the Tampa and Jacksonville TSP nonattainment areas. These revisions were submitted for EPA's approval on April 30, 1979; additional information will be submitted in the near future by Florida in order to correct items which will rectify the conditional approval proposed in this notice.

Receipt of the Florida revisions was first announced in the **Federal Register** of May 21, 1979 (44 FR 29496). The Florida revisions have been reviewed by EPA in light of the Clean Air Act, EPA regulations, and additional guidance materials. The criteria utilized in this review were detailed in the **Federal Register** on April 4, 1979 (44 FR 20372) and need not be repeated in detail here. A supplement to the April 4 notice was published on July 2, 1979 (44 FR 38583) involving, among other things, conditional approval.

EPA proposes to conditionally approve the plan where there are minor deficiencies and the state provides assurances that it will submit corrections or additional information by a specified date. This notice solicits comments on approvals, conditional approvals, and disapprovals. A conditional approval will mean that the restrictions on new major source construction will not apply unless the state fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

General Discussion

Section 172(b) of the Clean Air Act, as amended in 1977, contains the requirements for nonattainment State Implementation Plans. The following is a listing of these requirements accompanied by a discussion of the contents and adequacy of the Florida submittals.

172(b)(1) [SIP provisions shall] be adopted by the State (or promulgated by the Administrator under Section 110(c)) after reasonable notice and public hearing;

A public hearing was held in Tallahassee, Florida, on January 24, 1979, following 30 days prior public notification. These SIP revisions were adopted by the State on the same day as the hearing.

172(b)(2) [SIP provisions shall] provide for the implementation of all reasonably available control measures as expeditiously as practicable:

For discussion of reasonably available control measures including Reasonable Available Control Technology (RACT), see discussion under 172(b)(3).

172(b)(3) [SIP provisions shall] require, in the interim, reasonable further progress (as defined in Section 171(1)) including such reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology.

Reasonable further progress (RFP) graphs and calculations accompany the individual inputs from the Metropolitan Planning Organizations for each nonattainment area and in the State document entitled "Revision to the State Implementation Plan for Nonattainment Areas." The SIP calls for meeting national ambient air quality standards for O_x in all areas by the end of 1987. However, the FDER has notified EPA in writing that, due to the recent change by EPA in the designation of the NAAQS from "photochemical oxidants" to "ozone" and the change in the NAAQS for ozone from 0.08 to 0.12 parts per million (ppm), they will be revising their April 30, 1979, submittal to reflect attainment of the 0.12 ppm standard for ozone by the end of 1982 in all areas. In addition, the attainment status designation for Escambia County will be changed to "unclassifiable" due to limited valid data which shows a high of 0.10 ppm. Monitoring will continue in this county and an appropriate designation will be made when sufficient quality assured data is available.

Each nonattainment area plan for ozone is discussed below (with the exception of Escambia County). Since ozone is essentially caused by complex reactions of hydrocarbons with sunlight, the strategies focus on controlling volatile organic compounds (VOC) from stationary sources and motor vehicles. The percent reductions projected to occur by 1982 are from the April 30, 1979, SIP revision submittal excluding projected I/M reductions and are sufficient to show attainment in all areas before December 31, 1982. The State has indicated that revisions to the April 30 submittal will be considered at a June 20, 1979, public hearing in Tallahassee before the Environmental Regulation Commission. Among the proposed revisions will be a change in the ozone design values as determined pursuant to 44 FR 8220 (February 8, 1979) and percentage emissions reductions needed to achieve the NAAQS for ozone of 0.12 ppm.

Duval County—The FDER has calculated that a 23.8% reduction in emissions of VOCs is needed to meet the ozone standard. Reductions that will be obtained through the Federal Motor Vehicle Control Program (FMVCP), consisting of certification of new light duty vehicles and truck engines as meeting emission standards, local transportation control measures (TCMs), and stationary source controls amount to 31.3% of the base year emissions. This allows for a 7.5% emission reduction margin of safety and will provide room for new growth while still providing for maintenance of the standard.

Orange County—The FDER has calculated that a 20% reduction in VOC emissions is needed to attain the 0.12 ppm standard. A 24.1% emissions reduction has been projected by the end of 1982 which again shows attainment of

the standard prior to 1982 and allows a margin for new source growth. Reductions will again be realized through TCMs, FMVCP, and stationary source controls.

Tampa Bay Airshed

Hillsborough County—Considering the entire Tampa Bay area (*i.e.*, Hillsborough and Pinellas Counties) as being under one airshed, the State has calculated a 20% VOC reduction is needed to meet the standard. Reductions for Hillsborough County are projected to be 24.5% by the end of 1982 due to the FMVCP, TCMs, and stationary source controls.

Pinellas County—A 24.9% VOC emissions reduction is expected by the end of 1982 through the FMVCP, locally implemented TCMs, and stationary VOC source control.

Southeast Coast Airshed

Due to the proximity of Dade, Broward, and Palm Beach Counties, an airshed concept is also used for planning purposes in those counties.

The FDER calculated that an 11.1% VOC emissions reduction is needed to attain the standard. Emission reductions projected to be achieved before the end of 1982 for each county are:

Dade County, 22.2%.
Broward County, 24.0%.
Palm Beach County, 18.9%.

These reductions result from future controls on stationary sources, the FMVCP, and TCMs which are to be implemented in each county as indicated in each county's portion of the SIP.

Several MPOs have determined that they will implement TCMs to insure reasonable further progress and provide a margin for additional growth. However, the State must submit from these MPOs the commitments and schedules for the TCMs if they are to be a part of this SIP. The State and the MPOs must also be aware that the reasonably available TCMs contained in the Annual Element of the Transportation Improvement Program which are included in the SIP must demonstrate positive long term as well as short term air quality impacts to insure continued maintenance of the standard as required by the CAA. EPA is concerned that while some of the projects listed in the SIP may have beneficial affects in the short term, they may over the long term period cause increased emissions because of additional growth. EPA concurs that these projects should remain in the current SIP. However, if upon further analysis these projects are shown to cause violations over the long term or interfere with attainment and maintenance of the standards appropriate action will be required.

EPA concurs with the above emission reduction figures calculated by the State.

As stated above, revisions of certain nonattainment area plans will be made by Florida to reflect both the revised NAAQS for ozone and changes in ozone design values. It is anticipated through calculations of compiled data that all of the nonattainment areas for ozone in Florida will meet the attainment deadline of December 31, 1982. However, legal and time constraints have resulted in some of the nonattainment areas submitting portions of the SIP reflecting a standard of .08 ppm. EPA's review of all of the areas is based upon the requirements of the 0.12 ppm standard. If the revised plans still include TCMs, the following deficiencies will need to be addressed:

1. Certain areas contain VOC emission reductions from the implementation of certain TCMs. These counties are Dade, Broward, Palm Beach, Duval, Orange, and Pinellas. In the section describing the analysis results of these measures, there is no schedule for their implementation. EPA recognizes that these measures are not required to attain the NAAQS for ozone of 0.12 ppm. However, according to Section 172(b)(10) of the CAAA, an implementation schedule must be included if emission reductions are applied to achieve reasonable further progress for that area.

2. In Appendix H of the Broward County portion of the SIP, the Section 174 agreement does not contain any commitments to implement any TCMs.

3. In Section 12 of the Dade County portion of the SIP, the Section 174 agreement does not contain any commitments to implement any TCMs.

4. The Pinellas County transportation control plan does not contain a signed Section 174 agreement.

5. The Section 174 agreement for Dade County as submitted is unsigned.

6. The Section 174 agreement for Hillsborough County calls for an attainment deadline of December 31, 1987. This should be changed to December 31, 1982.

The State has indicated that deficiencies will be corrected in later submittals as adopted by the various MPOs. The affected transportion control plans are not approvable without these corrections.

172(b)(4) [SIP provisions shall] include a comprehensive, accurate, current inventory of actual emissions from all sources (as provided by rule of the Administrator) of each such pollutant for each such area which is revised and resubmitted frequently as may be necessary to assure that the requirements of paragraph (3) are met and to assess the need for additional reductions to assure attainment of each standard by the date required under subsection (a);

Appropriate VOC emissions inventories have been submitted. The State has committed to update annually the VOC inventories for nonattainment areas. However, there is no explicit commitment to report these inventories to EPA. This portion of the SIP is proposed to conditionally approved with correction of this deficiency necessary for full approval.

172(b)(5) [SIP provisions shall] expressly indentify and quantify the emissions, if any, of any such pollutant which will be allowed to result from the construction and operation of major new or modified stationary sources for each such area;

The State had identified and quantified the emissions allowed for new or modified major sources in the designated nonattainment areas. An acceptable permitting mechanism for offsetting emissions is also provided for in the air pollution regulations, Chapter 17–2.17(7), FAC.

172(b)(6) [SIP provisions shall] require permits for the construction and operation of new or modified stationary sources in accordance with Section 173 (relating to permit requirements);

The State requires permits for the construction and operation of new or modified major stationary sources locating in or significantly impacting a nonattainment area. These regulations are contained in Chapters 17–2.17, 17–2.18, and 17–2.19, FAC. EPA's continuing review of the permitting requirements has to date revealed the following items which must be addressed by the FDER before such revisions can be approved.

1. The Lowest Achievable Emission Rate (LAER) must be required for affected sources which significantly impact a nonattainment area. This is not contained in the State's proposed regulations for nonattainment areas.

2. A provision must be included which would assure compliance with the reasonable further progress requirement under Section 173(1) of the Clean Air Act when offsets are needed by a source in order to construct and operate. This is not included in the April 30, 1979, SIP revision. In addition, the baseline for emission offsets cannot be the maximum allowable permitted emissions as stated in the SIP revision if the potential

emissions of the affected offsetting source(s) are less than the allowable emissions. This should be corrected.

3. LAER must apply to sources which construct or modify in small amounts such that individually they would not be considered major for a particular pollutant, but the cumulative amount would make them a major source or modification. This must also be included for approvability of this portion of the SIP revision.

Due to the "default" provision in the Florida Administrative Procedures Act (Fla. Stat. Ann. § 120.60(2)(1978)) which states that any application not approved or denied within a 90-day or shorter period shall be deemed approved and a license issued, there is no assurance that the requirements contained in the nonattainment SIP revisions will be applied. A provision should be added to the new source review permitting regulations which requires that any such permit issued by default must also be formally approved by EPA before the permit is effective.

172(b)(7) [SIP provisions shall] identify and commit the financial and manpower resources necessary to carry out the plan provisions required by this subsection;

The State has identified and committed adequate financial and manpower resources needed to carry out the provisions of the SIP revision.

172(b)(8) [SIP provisions shall] contain emission limitations, schedules of compliance and other such measures as may be necessary to meet the requirements of this section;

The Florida SIP revision package contains regulations pertaining to those emission limitations and process and equipment specifications necessary to meet the requirement that RACT be applied to specific sources of VOC emissions. These regulations are for sources in fourteen (14) categories and apply only in the designated nonattainment areas (as opposed to Statewise RACT regulations).

The categories of sources to be controlled by regulations in this SIP revision include: (1) Can coating; (2) coil coating; (3) paper coating; (4) fabric and vinyl coating; (5) metal furniture coating; (6) surface coating of large applicances; (7) magnet wire coating; (8) petroleum liquid storage; (9) bulk gasoline plants; (10) bulk gasoline terminals; (11) gasoline service station—Stage I; (12) petroleum refinery sources including (a) vacuum producing systems, (b) wastewater separators, (c) process unit turnaround; (13) solvent metal cleaning; and (14) cutback asphalt. The Regulations governing these sources are found in Chapter 17–2.16, FAC.

The State has also committed to adopt VOC regulations for additional RACT categories within nine (9) months after the issuance of each complete group of Control Techniques Guideline (CTG) documents by EPA.

No regulation was proposed for the control of VOCs from auto and light duty truck coating operations. The State should certify that no such sources exist in this source category in the nonattainment areas as part of the revised submission contemplated.

The following comments deal exclusively with Florida's proposed VOC regulations. Based on the information in the CTGs, EPA believes that the submitted regulations represent RACT, except as noted below. On the points noted below, the State regulations are not supported by the information in the CTGs, and the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the CTGs.

The following comments deal exclusively with Florida's proposed VOC regulations:

1. The regulation for bulk gasoline terminals has no prohibition on disconnect spillage of gas. The State should include some means of quantifying such losses such that enforcement of this regulation is possible.

2. The regulation for petroleum liquid storage has applicability limits for tanks which are greater than those recommended in the CTG documents. The State should demonstrate that the impact on emissions is insignificant (e.g. less than five percent of the controlled emissions from this category), that it impacts only less than 100-ton sources and is not necessary for attainment, or that the exemption is otherwise justified.

3. The regulation for cutback asphalt allows the use of cutback when the ambient temperature is less than 50° F. The State should include the authoritative source of such temperature determination and should have in written form the procedures to be used to monitor the application of cutback (*i.e.*, how such regulation will be enforced). In addition, the State should justify the exemptions for seal and tack coats or show that the impact on emissions is insignificant (e.g., less than five percent.)

4. The State has not included any testing methods or procedures for determining whether the VOC sources are complying with the emission limitations. Specific test methods or procedures for determining compliance must be included for enforceability of the regulations.

5. The State exempts trichlorotrifluoroethane (Freon 113) as a VOC. It should be noted that, while this exemption is presently allowed for the SIP revision, this compound has been implicated as having deleterious stratospheric ozone effects and may be subject to future regulation under the Clean Air Act.

6. The SIP revision provides that sources subject to the VOC emission limitations have up to 24 months after adoption of the emission limits to comply with those regulations unless extended by the FDER. The actual compliance schedules for the affected sources (either categorical or source specific) would be established at some future date as indicated in the plan. Corrective measures must be taken by Florida in order to receive EPA approval for this part of the SIP revision.

Detailed comments have been sent to the State regarding the above deficiencies and it is anticipated that appropriate revisions from Florida will be forthcoming. Until they are, EPA proposes to give only conditional approval to this aspect of the SIP.

172(b)(9) [SIP provisions shall] contain evidence of public, local government, and State legislative involvement and consultation in accordance with Section 174 (relating to planning procedures) and include (A) an identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions required by this subsection and of the alternatives considered by the State, and (B) a summary of the public comment on such analysis;

Consultation with the public, local governments and State legislative involvement is evidenced by the individual nonattainment County portions (Attachments 1–7) in the SIP. The portion of the analysis that addressed the economic, energy, and social effects has been completed through an EPA contract. Minor deficiencies regarding the effects of the plan are being corrected by the State. No public comments were received on this analysis.

172(b)(10) [SIP provisions shall] include written evidence that the State, the general purpose local government or governments, or a regional agency designated by general purpose local governments for such purpose have adopted by statute, regulation, ordinance, or other legally enforceable documents, the necessary requirements and schedules and timetables for compliance, and are committed to implement and enforce the appropriate elements of the plan;

In the State of Florida, the Department of Environmental Regulation has full statutory authority for enforcing the SIP revisions. The Environmental Regulation Commission adopted on January 24, 1979, the regulatory portion of the SIP. General regulatory deficiencies were addressed in 172(b) (6) and (8) above. Deficiencies in compliance schedules were addressed in 172(b)(8) and details concerning these schedules have been provided to the FDER by EPA. Unless these deficiencies are corrected, the SIP revision cannot be fully approved.

172(b)(11) [SIP provisions shall], in the case of plans which make a demonstration pursuant to paragraph (2) of subsection (a),

(A) establish a program which requires, prior to issuance of any permit for construction or modification of a major emitting facility, an analysis of alternative sites, sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification;

(B) establish a specific schedule for implementation of a vehicle emission control inspection and maintenance program; and

(C) identify other measures necessary to provide for attainment of the applicable national ambient air quality standard not later than December 31, 1987.

Paragraph (11) of subsection 172(b) will not apply to the Florida SIP revision once the SIP is revised to reflect the changes resulting from the new ozone standard.

The State of Florida has submitted a plan for the nonattainment portion of Pinellas County which demonstrates a source specific cause of the short-term SO_2 NAAQS violations. Using the appropriate emissions inventory for the area, attainment of these standards can be achieved by the application of good engineering practice (GEP) to a kiln stack located at the Stauffer Chemical Company plant in Tarpon Springs, Florida, as demonstrated by extensive computer modeling performed by the State.

The modeling approaches used by the State have been accepted by EPA as approvable methods. This modeling clearly demonstrates that a significant downwash situation exists at the kiln stack due to a nonbuoyant plume. A poorly designed stack *(i.e.,* it does not represent GEP) and a plume which is near ambient temperature are the causative factors of this situation. The State has shown that all sources which contribute to the SO_2 air quality in the area are in compliance with the SIP and, were it not for the kiln stack at Stauffer, the standards for SO_2 would be met.

SO_2 emissions at the Stauffer kiln are within its permitted limits and are currently controlled by a wet scrubber; this type of control results in lowering the temperature of the stack gases to near ambient temperature. The State is proposing as a SIP revision the issuance of a Delayed Compliance Consent Order (DCCO), (not to be confused with a "Delayed Compliance Order" under Section 113 of the Clean Air Act), to Stauffer Chemical Company with subsequent operating permit conditions providing requirements on control equipment maintenance. The DCCO would require the company to raise the stack height of the kiln to GEP, as determined by Florida's computer modeling, and would establish a schedule for compliance. This DCCO is not an enforcement order but is being submitted by the State for approval as part of the Florida SIP. The DCCO does not require emission reductions at the plant; EPA is presently evaluating the approvability of this item and invites public comment on this issue. If this portion of the revision is approvable, the requirements of Section 172(b) of the Clean Air Act for attainment and reasonable further progress would be satisfied. In any event, the following items should be addressed by the State for assuring approvability of the SO_2 portion of the SIP revision:

1. The State must commit to update annually the SO_2 emissions inventory in the area and submit this data to EPA.

2. No new source allowance has been identified for new or major sources in the nonattainment area.

3. The SIP revision contains no test method for determining SO_2 emissions for compliance with the SIP. The State should submit an acceptable test method or reference the applicable EPA methods contained in 40 CFR, Part 60—Appendix A.

4. The SIP revision does not contain federally enforceable SO_2 emission limits for processes at Stauffer Chemical Company. (Florida has indicated that permit conditions limiting the SO_2 emissions from Stauffer's processes will be submitted to EPA for approval as part of Florida's SIP in fulfillment of this deficiency.)

Proposed Action

Based on the foregoing, EPA is proposing to conditionally approve the Florida SIP revision under Part D of the CAAA, as it relates to the attainment of ozone standards and sulfur dioxide standards in the affected nonattainment areas. It is EPA's intent to fully approve these revisions when the State corrects the deficiencies discussed in this notice. If these correction are not forthcoming by December 15, 1979, EPA will act to disapprove the related plan revisions.

(Section 110 and 172 of the Clean Air Act [42 U.S.C. 7410 and 7502].)

Dated: June 11, 1979.

John C. White,

Regional Administrator.

[FR Doc. 79-21925 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1273-4]

Approval and Promulgation of Implementation Plans; Massachusetts Plan to Attain Primary Standards for Total Suspended Particulates

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Revisions to the State Implementation Plan (SIP) for the Commonwealth of Massachusetts were submitted to EPA on March 30, 1979 and May 3, 1979 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering (DEQE). The revisions are intended to meet the requirements of the Clean Air Act (the Act), Part D, "Plan Requirements for Non-Attainment Areas," and to implement measures designed to attain the National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). The March 30, 1979 submittal also includes data in support of redesignating the attainment status of certain areas, and a request for an 18-month extension of the deadline for submittal of plans to attain the secondary standard for TSP. In addition, the revision responds to Section 128 of the Act concerning State Boards. This notice discusses the Massachusetts submittal and EPA's proposed actions.

DATES: Comments must be received on or before August 15, 1979.

ADDRESSES: Copies of the Massachusetts submittal and EPA's guidance and evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460; and the Massachusetts Department of Environmental Quality Engineering, Division of Air and Hazardous

Materials, Room 320, 600 Washington Street, Boston, Massachusetts 02111.

Comments should be submitted to Frank Ciavattieri, Air Branch, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: Frank Ciavattieri, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5609.

SUPPLEMENTARY INFORMATION: On April 4, 1979 EPA published a General Preamble describing the considerations that guide EPA's evaluation on non-attainment area SIP revisions in the **Federal Register** (44 FR 20372). That publication supplements this proposal. Copies of that document are available at the locations listed elsewhere in this notice.

EPA is proposing the following actions:

(1) To conditionally approve the TSP primary standard attainment plan for the City of Worcester, upon submittal of narrative amendments within 30 days and adoption of a regulation by March 1, 1980 to resolve the new source review issues (which also affect areas which are non-attainment for other pollutants), and submittal by January 1, 1980 of a comprehensive plan for public participation during continued development of the Worcester plan; in addition, EPA proposes to disapprove or take no action on certain regulation changes, but this does not affect the attainment strategy for Worcester.

(2) To publish at a later date, as amendments to 40 CFR Part 81, "Air Quality Control Regions, Criteria and Control Techniques", the redesignations of the TSP primary standard non-attainment areas requested by DEQE and discussed below, provided that the additional material to be submitted by DEQE is found to be adequate.

(3) To grant the request for an 18-month extension for submittal of a TSP SIP for those areas designated as non-attainment for the secondary standard. EPA also proposes to approve, with certain exceptions, the statewide regulation changes which were submitted in conjunction with the secondary standard attainment plan extension request.

(4) To approve the portion of the Massachusetts submittal which shows compliance with the requirements of Section 128 of the Act.

EPA invites public comments on these revisions, the identified issues, suggested corrections, and whether the revisions should be approved or disapproved, especially with respect to the requirements of Part D of the Act.

Background

Despite significant progress since the Massachusetts SIP was developed and adopted in 1972, violations of the NAAQS, except for sulfur dioxide, have continued to occur in Massachusetts. Accordingly, on March 3, 1978 (43 FR 9002), pursuant to Section 107 of the Act, EPA promulgated lists submitted by the DEQE designating areas as "non-attainment" or as "unclassifiable" with respect to the NAAQS for total suspended particulates, carbon monoxide, nitrogen dioxide, and ozone.

Pursuant to Part D of the Act, each state must satisfy specific requirements in the areas designated as non-attainment. The SIP must be revised to demonstrate attainment of the NAAQS as expediously as practicable, but no later than the end of 1982 (of the end of 1987 for areas with difficult ozone or carbon monoxide problems). In some cases of secondary standard non-attainment, the SIP may provide for an attainment date beyond 1982. These requirements and the major considerations that will guide EPA's evaluation of attainment plans were presented in detail in the **Federal Register** on April 4, 1979 (44 FR 20372) and are briefly summarized below. After each item is a citation to the applicable section of the Act and the applicable paragraphs of the Administrator's February 24, 1978 memorandum on "Criteria for Approval of 1979 SIP Revisions" which was published in the **Federal Register** on May 19, 1978 (43 FR 21673).

Requirements for All Part D SIP's

- Demonstrate that both primary and secondary NAAQS will be attained within the non-attainment area as expeditiously as practicable, but for primary NAAQS no later than the following final deadlines: (§ 172(a); ¶ 1, 3, 5.)

For sulfur oxides, particulate matter, and nitrogen dioxide, December 31, 1982.

For ozone or carbon monoxide, December 31, 1982, except, if the state demonstrates that attainment by December 31, 1982 is impossible despite implementation of all reasonably available measures, December 31, 1987.

- Require reasonable further progress in the period before attainment, including regular, consistent reductions sufficient to assure attainment by the required date. (§ 172(b)(3); ¶ 6.)

- Provide for implementation of all reasonably available control measures (RACM) as expeditiously as practicable, insofar as necessary to assure reasonable further progress and attainment by the required date. This includes reasonably available control technology (RACT) for stationary sources and reasonably available transportation control measures (§ 172(b)(2), (8); ¶ 4–5.)

- Include an accurate, current inventory of emissions that have an impact on the non-attainment area, and provide for annual updates to indicate emissions from existing sources. (§ 172(b)(4); ¶ 2.7–8.)

- Expressly quantify the emissions growth allowance, if any, that will be allowed to result from new major sources or major modificaitons of existing sources, which may not be so large as to jeopardize reasonable further progress or attainment by the required date (§ 172(b)(3) and (5); ¶ 7.)

- Require preconstruction review permits for new major sources and major modifications of existing sources, to be issued in accordance with Section 173 of the Act. (§ 172(b)(6); ¶ 9.)

- Include the following additional SIP elements: (§ 172(b)(7), (9)–(10); ¶ 4, 10–11.)

Identification and commitment of the necessary resources to carry out the Part D provisions of the plan.

Evidence of public, local government, and state legislative involvement and consultation in accordance with Section 174 of the Act.

Identification and brief analysis of the air quality, health, welfare, economic, energy, and social effects of the plan provisions chosen and the alternatives considered, and a summary of the public comment on the analysis.

Written evidence that the state and other governmental bodies have adopted the necessary requirements in legally enforceable form.

Written evidence that the state and other governmental bodies are committed to implement and enforce the appropriate elements of the SIP. There are additional requirements for states where carbon monoxide and ozone attainment will not take place prior to 1982. However, since this portion of the Massachusetts SIP revision pertains to TSP only, the additional requirements have not been reproduced here.

These requirements were discussed in the April 4 issue of the **Federal Register** (44 FR 20372). A supplement to the April 4 notice was published on July 2, 1979 involving, among other things, conditional approval.

EPA proposes to conditionally approve the plan where there are minor deficiencies and the State provides assurances that it will submit corrections by specified deadlines. This notice solicits comment on what items should be conditionally approved, and on the deadlines where specified in this notice. A conditional approval will mean that the restrictions on new major source construction will not apply unless the State fails to submit the necessary SIP revisions by the scheduled dates, or unless the revisions are not approved by EPA.

On March 30, 1979, and on May 3, 1979 the Commissioner of the Massachusetts Department of Environmental Quality Engineering submitted revisions to the SIP designed to attain the primary NAAQS for TSP in the City of Worcester. Worcester is located in the Central Massachusetts Intrastate Air Quality Control Region.

The SIP revisions, in compliance with Section 172(b)(1), were submitted after proper notice and public hearings held in Worcester, Massachusetts on October 13, 1976, February 15, 1979, and February 27, 1979. Regulations were adopted by the DEQE on June 17, 1977 and on May 3, 1979. On May 23, 1979 the DEQE submitted evidence of thier legal authority to adopt and enforce the plan.

On May 16, 1979 (44 FR 28692) EPA published a notice that the Massachusetts SIP revision for the Attainment of Primary Standards for Total Suspended Particulates was available for review and invited the public to comment on its approvability. As yet no comments have been received.

The remainder of this notice is divided into three parts. The first part describes Massachusetts' TSP attainment plan for Worcester and the results of EPA's review. It should be noted that the discussion of the framework of the New Source Review and Permit Program is not limited to sources of particulate matter because these provisions will be effective throughout Massachusetts in areas which are "non-attainment" for any pollutant. The second part addresses Massachusetts' actions affecting the remaining TSP non-attainment areas where attainment plans have not been developed. The third part discusses Massachusetts' responses to certain general requirement of the Act and EPA's judgment as to whether those requirements have been met.

Revisions to the SIP designed to meet the NAAQS for carbon monoxide and ozone were submitted by the DEQE on May 16, 1979. These attainment plans will be discussed in a separate **Federal Register** notice.

TSP Primary Standard Attainment Plan

The present Massachusetts SIP regulates particulate emissions from the following source categories: fossil fuel utilization facilities; foundries, asphalt batching plants, and other industrial sources; incinerators. The SIP contains visible emissions regulations for incinerators; stationary sources other than incinerators; marine vessels; aircraft; internal combustion engines; diesel engines. In addition, there are specific regulations which apply to fossil fuel utilization facilities; characteristics and use of fuels; open burning; incinerators; dust and odor; transportation media. The procedural and administrative requirements in the SIP include plans approval; registration, record keeping, and reporting; stack testing; monitoring devices and reports; variances; hearings; enforcement provisions.

The proposed control strategy is based on an accurate, comprehensive, and current inventory of existing emissions from point, area (including non-traditional), and mobile sources and a determination of emissions/air quality relationships through TSP filter analyses which indicated the level of control needed to attain the NAAQS. Emission reductions to be achieved by each measure (primarily conversions from rotary cup burners by 1980, phasing out of coal use in the public schools by 1980, and changes in winter sanding and salting practices) have been estimated. The plan provides for attainment of both primary standards (24-hour and annual) by 1979 and reasonable further progress (RFP) towards attainment of the secondary standard. The RFP line includes an identification of growth rates which are consistent with the growth rates used by other planning programs in the area. The DEQE will report to EPA annually on the effectiveness of the control strategy in controlling emissions from new and existing sources.

Traditional Source Control Strategy—The traditional source component of the control strategy for Worcester consists of regulations adopted by the DEQE and submitted for EPA approval as revisions to the SIP.

In addition to changes which clarify existing regulations, the revisions add new emission limitations (particulate emission limitations for fuel burning sources in Worcester) and require additional measures to help reduce emissions, such as prohibition of removal of pollution control or monitoring equipment expanded to cover all source categories; annual inspection, maintenance and testing program for fossil fuel burning facilities; installation of viscosity controllers; prohibition in Worcester of unapproved burners and of natural draft secondary air; measures to prevent dust emission during construction/demolition. The DEQE considers these regulations as they apply to existing sources to reflect the application of reasonably available control technology (RACT). Regulations covering new sources, sulfuric acid mist and nitrogen oxide emissions, and storage vessels for petroleum liquids are also added to the SIP.

Issues and Proposed Action: Regulation 310 CMR 7.02(8), which changes the nitrogen oxide emission limitation for new fossil fuel utilization facilities, and Regulation 310 CMR 7.02(12), which requires monitoring of operations of petroleum liquids, are not being evaluated by EPA at this time. EPA will consider these revisions in a future **Federal Register** notice.

EPA proposes to approve the other regulation changes, except for the following three changes which EPA proposes to disapprove. Disapproval of these regulations does not affect the projected emission reductions upon which the control strategy is based. The regulations proposed for disapproval are not required by Part D of the Act, and disapproval would not lead to the imposition of the sanctions contained in the Act.

1. *Regulation 310 CMR 7.02(2)(d).*—This is a new regulation which requires public comment through an implied reference to Regulation 7.02(1) prior to DEQE's issuance or denial of a permit for the following sources: (a) fossil fuel-fired facilities exceeding 150 million British thermal units (Btu) heat input per hour, (b) incinerators capable of receiving more than 250 tons per day of solid waste, and (c) new industrial facilities with greater than 100 tons per year allowable emissions. However, the public comment requirement does not appear to cover all major sources and modifications as defined in the Act. For example, federal law requires regulation of industrial facilities with potential, rather than allowable, emissions greater than 100 tons per year. The DEQE must demonstrate that the public comment procedures are equivalent to the federal requirements or must amend the state regulations accordingly.

2. *Regulation 310 CMR 7.02(9).*—The units of measurement for the particulate emission limitations from certain industrial facilities were changed to be consistent with the units of

measurement used in the New Source Performance Standards (NSPS). In changing the units of the emission limitations for new and existing asphalt batch plants from pounds of particulate per hour to grains per dry standard cubic foot (gr/dscf), the size differentiation by production rate was eliminated. The DEQE has not demonstrated whether the proposed emission limits of 0.06 gr/dscf for existing and 0.04 gr/dscf for new facilities are equivalent to the original regulation. However, if the DEQE shows that the new limits are not a relaxation, EPA will propose to approve the regulation.

3. *Regulation 7.02(8).*—This regulation includes a new section with particulate emission limitations applicable to fossil-fuel fired facilities in the City of Worcester. EPA is proposing to disapprove the proposed emission limitation for new facilities greater than 250 million Btu heat input per hour firing solid fuel because the proposed amendment relaxes the limit from 0.05 pounds of particulate per million Btu to 0.10 pounds per million Btu, and relaxations should not occur in a non-attainment area. Thus, the present SIP limit of 0.05 pounds per million Btu will remain in effect.

Non-traditional Source Control Strategy.—Non-traditional source control measures are the other component of the attainment plan. The submittal includes a schedule for developing a plan to reduce deposition and accumulation of road sand and dust, with July 1, 1982 as the date for finalizing agreements between the City of Worcester and the DEQE on practices to be employed. A joint task force, comprised of representatives from the Worcester Public Works Department, Worcester Health Department, Worcester City Manager's Office, and the DEQE's Central Massachusetts Air Pollution Control District Office, was formed on June 22, 1976 to study the problem, and will be responsible for evaluating and selecting alternatives in accordance with the schedule provided in the plan.

At present, experiments to evaluate the effectiveness of various control measures include using salt instead of sand in the Central Business District (CBD), establishment of salt-only routes, purchase of automated sanders, use of wetted salt technique (calcium chloride instead of sodium chloride), and use of a new vacuum sweeper.

Issues: None.

Proposed Action: EPA finds the scheduled tasks and dates acceptable, but recommends that if, in the course of plan development, it is determined that strategies which affect Vehicle Miles Traveled (VMT) are needed to control road dust reentrainment, the analysis and implementation of these strategies should be incorporated into the transportation plans being developed by the Central Massachusetts Regional Planning Agency under Section 174 of the Act.

New Source Review.—Sections 172(b)(6) and 173 of the Act require that permits be issued subject to certain conditions for construction and operation of major new or modified sources in non-attainment areas. In order to satisfy these requirements, the DEQE adopted EPA's Emission Offset Interpretive Ruling (EOIR), as published in the January 16, 1979 **Federal Register** (44 FR 3282), by adding a new condition for approval as Regulation 310 CMR 7.02(2)(b)(5). This regulatin now provides that no approval be issued unless a subject facility complies with the requirements of the EOIR. (These requirements are found in 40 CFR Part 51 as a new Appendix S.) Any new or modified source with potential emissions of 100 tons per year or more of the criteria pollutants will be subject to the EOIR requirements. Regulation 7.02(4), which lists examples of facilities, is not interpreted by DEQE and by EPA as limiting the applicability of the EOIR requirements. A definition of "potential emission" was adopted by DEQE for purposes of Regulation 7.02(2)(b)(5). In cases where the potential emission rate is not determined by the annual maximum rated capacity of the new source or modification, the potential emission rate is based on the operating rate approved by the DEQE. Since such operating rates are always included as a permit condition in the permit granted by DEQE to the source, the definition is consistent with that in the EOIR.

In adopting the EOIR, DEQE has chosen the "offset" mechanism of Section 173(1)(A) for controlling growth in emissions from major sources and modifications. However, the EOIR allows an exemption from its requirements for major sources with allowable emissions of less than 50 tons per year, which is not allowed by Section 173(1)(A), unless these emissions are accounted for by the growth projections in the attainment plan. Since the Worcester TSP attainment plan appears to accommodate only minor and mobile source growth, the provisions of the EOIR, when considered together with the provisions of the Worcester TSP attainment plan, do not represent reasonable further progress (as defined in Section 171). If the minor source growth projection does in fact include major sources with allowable emissions of less than 50 tons per year, this should be clarified in the narrative portion of the SIP.

Several alternatives for an "offset ratio" sufficient for providing a net air quality benefit were presented in DEQE's submittal. Any of these is acceptable, provided, however, that the narrative portion of the SIP is revised to state that selection of the offset ratio must be consistent with reasonable further progress in the attainment plan. Section 173(1)(A) requires this determination to insure that sufficient emission reductions are achieved if the increase in emissions from area, minor, and mobile sources exceeds the projected growth accounted for in the Worcester TSP attainment plan.

Furthermore, a regulation must be adopted to implement this provision, since it is not included in the EOIR. Adoption of a regulation equivalent to Section 173(1)(A) will give DEQE the legal authority to deny a permit if the proposed source's emissions (in spite of greater than one for one offsets) would be inconsistent with reasonable further progress, and will mean that emission reductions can be used to offset new major source growth only to the extent that they are not needed for reasonable further progress towards attainment of the NAAQS.

The requirements of Sections 173(2) and 173(3) are met by DEQE's adoption of the EOIR. These sections require the source to utilize control technology representing the lowest achievable emission rate (LAER), and stipulate that all sources under common ownership of the applicant must be in compliance with applicable emission limitations.

The EOIR requires that emission offsets be legally enforceable before a permit may be issued. The narrative portion of the SIP should include an explanation of how this requirement will be implemented.

DEQE discussed the advantages and disadvantages of allowing "banking" of excess emission reductions, but has not yet established rules as to how and when "banked" emission offsets would be used. This means that, until such rules are adopted, any banked emission offsets can be tabulated for future use (assuming they were obtained in a manner consistent with the EOIR), but cannot be credited or used against new emissions. Therefore, DEQE should establish a definitive procedure for implementing "banking" and submit it for inclusion in the SIP.

Issues: The DEQE adopted EPA's Emission Offset Interpretive Ruling in order to meet the requirements of Sections 172(b)(6) and 173 of the Clean Air Act. The DEQE has agreed to take the following actions to correct the plan insofar as the EOIR does not meet the requirements of Section 173.

Within 30 days after publication of this notice:

1. A change in the narrative portion of the SIP will be submitted to clarify that the growth projections for minor sources include sources with allowable emissions of less than 50 tons per year.

2. A section will be added to the narrative portion of the SIP to describe how the legal enforceability of any emission offsets obtained will be effected. No later than March 1, 1980:

3. A regulation governing construction and operation of major new and modified sources will be adopted which specifies that by the time the source is to commence operation, total allowable emissions from (1) existing sources, (2) new or modified sources which are not major emitting facilities, and (3) the proposed source will be sufficiently less than total allowable emissions from existing sources prior to the permit application, so as to represent reasonable further progress; the narrative portion of the SIP will be amended accordingly.

In addition, before banked emissions can be used to offset new emissions, DEQE will submit for inclusion in the SIP a definitive procedure for implementing banking.

Proposed Action: Conditional upon resolution of the above issues by the specified dates, EPA is proposing approval of the Massachusetts new source review and permit program, without banking provisions, as it affects sources wishing to locate in areas which are non-attainment for any pollutant. However, the RFP requirement of Section 173(1)(A) is discussed in this notice only with specific reference to the Worcester TSP Primary Standard Attainment Plan; the RFP requirement and the technical adequacy of the program with respect to the carbon monoxide and ozone attainment plans will be addressed in a separate **Federal Register** notice.

EPA is taking no action on the issue of "banking" of emission offsets until a definitive proposal is submitted.

Resource Commitments—The attainment plan includes a letter from the Worcester City Manager to the Director of the DEQE's Central Massachusetts Air Pollution Control District expressing his commitment to continue working with the DEQE to develop and implement the control measures necessary to attain TSP standards in Worcester. Manpower resources committed by the DEQE are identified.

Issue and Proposed Action: DEQE's submittal meets the requirements of Section 172(b)(7).

Public Participation—Public participation in the development of the Worcester attainment plan consisted of three public hearings and local official involvement in the joint task force. A brief identification and analysis of the air quality, health, welfare, economic, energy, and social effects of the plan revisions and alternatives considered was available for public comment, but no comments were made.

Issue: Although the DEQE has documented involvement by the public and local and State officials in determining the substance of these revisions in accordance with Section 172(b)(9), the SIP does not describe a program for broadening that participation during development of the plan to control non-traditional sources in Worcester.

Proposed Action: EPA proposes the following actions: 1. Approval of the participation and involvement efforts to date in the SIP development;

2. Approval of the public participation element conditioned upon compliance with grant conditions to be contained in Massachusetts' Fiscal Year 1980 program grant under Section 105 of the Act. EPA grant guidance to the State requires the State to submit by January 1, 1980 a comprehensive plan for public participation. That plan is to identify a skilled public participation staff person in the State air program with overall responsibility for carrying out an effective public participation program and a commitment of resources to be devoted to that effort.

Summary—EPA is proposing to approve the TSP primary standard attainment plan for the City of Worcester, on the basis of compliance with Part D, provided that the new source review and public participation issues are satisfactorily addressed, and with the exception of the regulation changes specified.

Status of Other Non-Attainment Areas

Redesignations—Attainment plans have not been prepared for the remaining areas identified in the March 3, 1978 **Federal Register** as not meeting the primary NAAQS for TSP. On March 30, 1979, the DEQE submitted documentation showing that the air quality data on which these non-attainment designations were based should not have been used.

1. Boston

The City of Boston was designated as non-attainment with respect to the primary standard based on violations of the 24-hour and annual primary standards at the Kenmore Square monitoring site and the annual primary standard at the Atlantic Avenue site. Secondary standard violations were also recorded at these sites and at the Callahan Tunnel site.

The DEQE showed that the Kenmore Square and Callahan Tunnel sites are unduly influenced by traffic-reentrained road dust, and that temporary construction influenced the TSP levels recorded at the Atlantic Avenue site. The DEQE has requested that Boston be redesignated as "unclassifiable" since there is only one other monitor in the area.

Issue and Proposed Action: EPA feels that this level of monitoring is totally inadequate. Among the specific tasks to be covered under the first objective in DEQE's schedule for development of secondary attainment plans, DEQE must institute an adequate network for Boston.

2. Danvers

Violations of the primary 24-hour NAAQS were recorded at the Andover Street monitoring site, resulting in Danvers being designated non-attainment with respect to the primary standard.

However, the DEQE has found that the data are invalid due to poor quality assurance procecdures in operation of the high-volume sampler over a 2 year period. Based on violations of the secondary standard at the other monitoring site in Danvers, DEQE is requesting that the area be redesignated as non-attainment with respect to the secondary standard only.

Issue and Proposed Action: EPA has informed DEQE that certain material to suport invalidating the data should be provided as an addendum to the March 30, 1979 submittal. If the supporting material is found to be indadequate, the area remains as primary non-attainment and sanctions would apply since no plan has been prepared.

3. Springfield

Violations of the primary 24-hour and annual standards recorded at the East Columbus Avenue monitoring site were used as the basis for designating Springfield as non-attainment with respect to the primary standard.

The DEQE showed that the site is unduly influenced by traffic-reentrained road dust, and requested that the area be redesignated as non-attainment with respect to the secondary standard only, since violations have been recorded at one of the two other monitoring sites in Springfield.

Issue and Proposed Action: EPA concurs with DEQE's proposal to redesignate the Springfield area as non-attainment with respect to the secondary standard.

Plan Submittal Extension Request—The DEQE has not submitted secondary standard attainment plans for the areas in the state which still do not meet the secondary NAAQS for TSP. Instead, on March 30, 1979, DEQE requested an 18-month extension of the deadline for submittal of a secondary standard attainment plan, pursuant to Section 110(b) of the Clean Air Act and EPA requirements in 40 CFR 51.31. The basis for DEQE's request is that application of all reasonably available control measures would be insufficient to attain secondary standards. DEQE's request was accompanied by a schedule for plan development, with a submittal date of July 1, 1980.

In conjunction with the extension request, DEQE submitted several regulation changes for DPA approval as revisions to the SIP. The DEQE considers the revised regulations to reflect the statewide application of reasonably available control technology. These regulations are the same as were submitted as part of the Worcester primary standard attainment plan and were described previously.

Issue and Proposed Action: EPA is proposing to approve the statewide regulation changes as revisions to the Massachusetts SIP, with the exceptions previously discussed, and to grant the 18-month extension, which would mean that the secondary attainment plans are due by July 1, 1980.

Summary—The redesignations of the primary standard non-attainment areas discussed above will be published by EPA in the Federal Register at a later date as amendments to 40 CFR Part 81. That notice will also address other redesignations requested by DEQE (for areas designated non-attainment with respect to the secondary standard). Thus, other than Worcester, there will only be secondary non-attainment area designations in Massachusetts. The DEQE has requested, and EPA is proposing to grant, an 18-month extension of the deadline for submittal of secondary standard attainment plans.

Non-Part D Requirements

Conflict of Interest—Section 128 requires that any existing state board which is empowered to approve or enforce permits required under the Act must have as a majority members who represent the public interest. Any member with any potential conflict of interest must disclose that fact.

The Massachusetts submission has included documentation which concludes that the existing state conflict of interest provisions are adequate to satisfy these requirements, and EPA agrees with this conclusion.

Issues: None.

Proposed Action: EPA proposes to approve this section.

Interstate Pollution—Section 126 requires states to identify existing major sources which may significantly contribute to air pollution levels and to provide written notice to nearby states. In addition, it must do the same for any proposed major new stationary source.

On December 6, and 7, 1977, the DEQE wrote to the States of Connecticut, Rhode Island, and New Hampshire and provided a list of sources which may significantly impact on each state. For new sources, Massachusetts has not submitted this requirement as part of its regulations.

Proposed Action: None at this time.

Prevention of Significant Deteriortion (PSD)—Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by the NAAQS.

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. At present EPA is operating a federal permit system designed to protect the increments and will continue to do so until the state adopts an equivalent program. Regulations under which the Agency is operating are found at 40 CFR Part 52.21 as published June 19, 1978 (43 FR 26388 to 26410). Regulations specifying requirements for approvable State plans are found at 40 CFR Part 51.24 as published June 19, 1978 (43 FR 26380 to 26388).

The Massachusetts submittal does not include a program for Prevention of Significant Deterioration.

Proposed Action: None at this time.

Monitoring—Section 110(a)(2)(C) and Section 319 require a comprehensive air quality monitoring network. Massachusetts has not submitted any revisions to their monitoring network.

Proposed Action: None at this time.

Permit Fees—Section 110(a)(2)(K) requires each state to institute a fee system for those sources applying for a permit to cover the administrative costs of reviewing that application as well as those incurred in monitoring and enforcing the permit conditions.

Because EPA has not yet promulgated regulations concerning the permit fee requirements, Massachusetts has not included this provision with the submittal.

Proposed Action: None at this time.

Consultation—Section 121 requires a state to provide a satisfactory process for consultation with local governments and federal land managers on the development of the SIP. EPA has recently promulgated regulations governing consultation, and the state has until December 18, 1979 to submit a comprehensive consultation plan.

Proposed Action: None at this time.

Stack Height—Section 123 requires that the degree of emission limitation necessary under an applicable SIP not be affected by stack height in excess of good engineering practice or by other dispersion techniques. EPA proposed stack height regulations on January 12, 1979, but has not promulgated regulations to date.

Proposed Action: None at this time.

Interested persons are invited to comment on these SIP revisions and whether they meet the requirements of the Act. Comments should be submitted, preferably in triplicate, to the address listed in the front of this notice. Public comments received by (30 days after the date of publication) will be considered in EPA's final decision. EPA believes the available period for comments is adequate because:

(1) The issues involved in the Massachusetts SIP are sufficiently clear to allow comments to be developed in the available thirty day period;

(2) The SIP has been available for inspection and comment since March 30, and May 3, 1979. EPA's notice published on May 16, 1979 indicated the possibility that the comment period may be less than 60 days; and

(3) EPA has a responsibility under the Act to take final action by July 1, 1979, or as soon thereafter as possible, on that portion of the SIP that addresses the requirements of Part D.

All comments received will be available for inspection at Region I

office, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This notice of proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: June 22, 1979.

William R. Adams, Jr.,

Regional Administrator, Region I.

[FR Doc. 79-21931 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1273-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve a revision to the Ohio State Implementation Plan for sulfur dioxide for Gulf Oil Company's Toledo Refinery. This revision is necessary because of the addition of new sources of sulfur dioxide and elimination of other sources of sulfur dioxide at the Toledo Refinery. Gulf utilized analysis procedures which have been approved by EPA. It is the opinion of Region V that this revision to the Ohio State Implementation Plan should be approved. The purpose of this notice is to invite public comment on EPA's proposed revision to the Ohio State Implementation Plan.

DATE: Comments must be received on or before August 15, 1979. Requests for a public hearing on this revision must be received no later than July 31, 1979.

ADDRESSES: Comments and requests for a hearing should be submitted to Steve Rothblatt, Chief, Air Programs Branch, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The Technical Support Document and the docket (5A-79-2) for this revision are on file at the above address and at Central Docket Section, Room 2903, USEPA, 401 M Street SW., Washington, D.C. 20460. They may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT: Patricia Powell, Assistant Regional Counsel, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2205.

SUPPLEMENTARY INFORMATION: This proposed rule is an amendment to the federally promulgated Ohio State Implementation Plan (SIP) for sulfur dioxide (SO_2). This revision is specifically for sources owned and operated by Gulf Oil Company—Toledo Refinery. Gulf Oil Company operates a fossil fuel-fired refinery in Toledo, Ohio, which is located in Lucas County. The refinery is commonly known as the Gulf Oil Toledo Refinery. On August 27, 1976, (41 FR 36324) the U.S. Environmental Protection Agency (USEPA) promulgated regulations establishing the SIP for the control of SO_2 for the State of Ohio.

On October 31, 1978, Gulf Oil requested a revision of the Ohio SIP for SO_2 for its Toledo Refinery because new sources of SO_2 were added while other sources of SO_2 were eliminated. Gulf's analysis procedures conformed to USEPA's methodology; USEPA's methodology is outlined in the Final Technical Support Document, dated August 1976, and the Supplemental Technical Support Document, dated May, 1977.

Gulf Oil performed an air quality modeling study for the proposed control strategy which utilized the EPA RAM model. The emission inventory was updated to reflect the present situation in Lucas County, Ohio. The receptor network was expanded and adjusted to reflect the stack parameter and emissions changes. Critical meteorological days were selected (more than the same number used by USEPA) and modeled in order to determine the emissions level that could be permitted at Gulf's Toledo Refinery. The proposed control strategy contained in the revision maintains the National Ambient Air Quality Standards (NAAQS).

The following regulations for the control of SO_2 of Gulf's Toledo Refinery have been found acceptable by USEPA. The supporting data is in the Technical Support Document which is available for review at the above locations. Final promulgation of this revision will follow analysis of the comments and will depend on consistency with section 110 of the Clean Air Act. Comments are being solicited. A 30-day comment period will be observed because the emissions limitation is not significantly changed.

Note.—The USEPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

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

Subpart KK—Ohio

1. Section 52.1881 is amended by revising paragraph (b) as follows:

§ 52.188 Control strategy: Sulfur oxides (sulfur dioxide)

* * * * *

(b) Regulations for the control of sulfur dioxide in the State of Ohio

* * * * *

(39) In Lucas County: * * *

* * * * *

(viii) Gulf Oil or any subsequent owner or operator of the Gulf Oil facility in Lucas County, Ohio, shall not cause or permit sulfur dioxide emissions from any stack at the Gulf Oil facility in excess of the rates specified below:

(A) 0.90 pounds of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B001, B002, B003, and B004.

(B) 1.03 pounds of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B005, B006, and B013.

(C) 1.21 pounds of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B007 and B009.

(D) 1.29 pounds of SO_2 per million BTU actual heat input for process heaters or fossil fuel-fired steam generating units numbered B014.

(E) 1.57 pounds of SO_2 per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to the same stack.

(F) 200 pounds of SO_2 per 2,000 pounds of sulfur processed for sulfur recovery plants.

(G) Gulf Oil or any subsequent owner or operator of these facilities located in Lucas County, Ohio, shall not cause or permit the combustion of refinery fuel gas at process heaters or fossil fuel gas-fired steam-generating units numbered B010, B011, B012, B015, or B017 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of SO_2 from any stack at the above units in excess of 0.04 pounds of SO_2 per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio, shall operate only one of the units numbered B001, B002, B003, and B004 simultaneously with units numbered B005, B006 and B016.

(42 U.S.C. 7410)

Dated: July 5, 1979.

John McGuire,

Regional Administrator

[FR Doc. 79-21927 Filed 7-13-79; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 68]

[CC Docket No. 79-143; RM-2893, RM-3303, RM-3334, and RM-3336; FCC 79-344]

Connection of Telephone Equipment, Systems, and Protective Apparatus to Certain Private Line Services and Related Changes in Section 68.308 Signal Power Limitations; Accommodating 4-Wire Telephone Network Connections and Interfaces

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: Notice is given of proposed changes to Part 68 of the FCC's rules (telephone equipment registration) to: (a) encompass certain private line telephone services; (b) encompass 4-wire telephone network connections; (c) establish, if necessary, uniform standard interfaces for these services; and (d) address related technical issues (*e.g.*, signal power specifications). This proceeding will address issues raised in several pending petitions for rulemaking filed by American Telephone and Telegraph Company and Communication Certification Laboratory. The rulemaking will initially be conducted through the vehicle of informal meetings under the FCC's *aegis*. At the conclusion of this process, a formal pleading cycle will be scheduled. It is intended that this process will yield an expeditious resolution of the technical details involved in modifying the Part 68 rules as proposed herein. The text of the proposed amendments will be published at a later date.

DATE: Meetings will be held starting at 10:00 a.m. from July 23 through July 27, and continuing the week of July 30 through August 3, 1979.

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

FOR FURTHER INFORMATION CONTACT: Jay L. Witkin, (202) 632-4890.

Rulemaking

Adopted: June 7, 1979.

Released: June 27, 1979.

In the Matters of petitions seeking amendment of Part 68 of the Commission's rules concerning connection of telephone equipment, systems and protective apparatus to certain private line services, and related changes in § 68.308 signal power limitations; and petition seeking amendment of Part 68 of the Commission's rules to accommodate 4-Wire telephone network connections and interfaces.

By the Commission: Commissioners Washburn and Fogarty absent.

1. Within Dockets Nos. 19528, 20774 and 21182, the Commission adopted a telephone equipment registration program intended to permit direct electrical connection of telephone equipment, systems, and protective apparatus (hereafter referred to in the aggregate as "premises equipment") to the nationwide telephone network without harm, and without a requirement for telephone company-furnished protective devices ("connecting arrangements"). This program is implemented in Part 68 of the FCC's Rules. Although the stated purpose and scope of these rules are broad:

"The purpose of the rules * * * is to provide for uniform standards for the protection of *the telephone network* from harms * * *." (Section 68.1, emphasis added) and: "* * * the rules * * * apply to the direct connection of all terminal equipment to the telephone network for use in conjunction with *all services* other than party line service and coin service." (Section 68.2(a), emphasis added) and would appear to encompass connection to private line services, because Docket No. 19528 was initially directed to Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS), the telephone companies in the past had not acknowledged the existence of the Part 68 rules in their tariffs for Private Line Service. Rather, they continued to maintain tariff regulations for connection of customer-provided equipment which required telephone company-provided protective apparatus for certain private line services (at an additional cost to consumers), and protection built into the facilities (at no additional cost to consumers) for other private line services. This was the status of private line "interconnection" as of June 26, 1978 when the Chief, Common Carrier Bureau addressed a letter to American Telephone and Telegraph Company ("AT&T") raising the "inconsistency between the Commission's legal conclusion that FCC-registered equipment is not harmful and does not require a carrier-provided 'connecting arrangement' to protect the telephone network from harm, and the present requirement that such a 'connecting arrangement' be used with certain private lines even if FCC-registered (or 'grandfathered') equipment, systems and protective circuitry are connected thereto."[1]

2. In response, by letter dated September 14, 1978 AT&T identified three categories of private lines which, in its view, must be treated separately in any expansion of the scope of the Part 68 rules to directly encompass private line "interconnection." These are:

Category I: These are private lines which "access" the switched telephone network (are connected with it at some point), and which have technical characteristics no different than conventional MTS and WATS telephone lines and trunks.[2]

Category II: These are "pure" private lines which are not connected with switched network services. Customer-provided equipment had been allowed to be connected to these lines on a non-discriminatory basis, with no special protective apparatus requirement, as AT&T had maintained in the past that such lines have protection inherent in their facilities.

Category III: These are private lines which "access" the switched telephone network but which, in AT&T's view, have technical characteristics unlike those of conventional MTS and WATS telephone lines and trunks.[3]

It was AT&T's position that the Category I private line services could immediately be accommodated under the Part 68 rules and technical requirements, but that the Category III private line services could not. Although the Category II "pure" private lines did not raise questions of discrimination against customers providing their own equipment—as no special protection requirements were imposed on these lines, with no attendant additional costs to consumers—for consistency AT&T

[1] June 26, 1978 letter from the Chief, Common Carrier Bureau to AT&T, reproduced in Appendix A hereto.

[2] *E.g.*, premises end of foreign exchange ("FX"); station end of off-premises stations for PBX and Centrex services; trunk end of trunk-to-station tie lines; premises ends of CCSA and EPSCS offerings.

[3] *E.g.*, dial repeating tie trunks between PBX systems; services where the terminal equipment or system applies ringing signals.

advocated expansion of Part 68 to these services as well, if the Commission were to encompass the other private line services within part 68. In sum, AT&T was willing to immediately modify its tariffs to allow connection of FCC-registered (and "grandfathered") equipment, systems and protective apparatus to the Category I lines, but it wished to continue the requirement that customer-provided equipment be connected to the Category III lines only through interposed, carrier-furnished, protective devices. On October 20, 1978, AT&T filed tariff revisions which acknowledged Part 68 for the Category I private line services.

3. By letter of November 24, 1978 to AT&T (reproduced in Appendix B hereto) the Chief, Common Carrier Bureau indicated that a continued requirement that carrier-furnished "connecting arrangements" be used for customer-provided premises equipment which conforms to the Part 68 technical requirements, in the case of the Category III private lines, was inconsistent with the Part 68 rules and without legal basis. The Bureau noted that in the past AT&T had defended a requirement for "connecting arrangements" on the theory that others' equipment posed greater dangers of harm than equipment supplied by telephone companies. However, the Bureau concluded that this argument has no merit if the customer-provided equipment involved is registered or "grandfathered" under the Part 68 rules. The processes of Part 68 assure that such equipment poses no threat of harm.

4. The Bureau Chief's letter suggested that AT&T propose interim and long term measures to eliminate apparent discrimination between customer-provided equipment and carrier-provided equipment connected with Category III private lines. (Customers using their own equipment were paying some $5/month per-line for the required "connecting arrangements"; customers using similar equipment furnished by the telephone companies were not paying for "connecting arrangements.") The letter did not accede to AT&T's argument that the existing part 68 rules are inappropriate technically for registration of premises equipment for use with the Category III private lines. Rather, the letter suggested several techniques whereby any technical differences could be accommodated through interpretation of the existing rules.

5. In response, AT&T then filed a petition for rulemaking seeking changes to the Part 68 rules to accommodate claimed differences between Category III private lines and conventional MATS/WATS lines and trunks (consistent with its view that the rules should be changed), and tariff revisions seeking to implement interim measures in the nature of "grandfathering" procedures. AT&T's tariffs implementing interim "interconnection" measures for the Category III private lines are now in effect, and are not before us in this proceeding.[4] This proceeding is concerned with AT&T's petition for rulemaking, and related petitions involving similar issues.

6. Among the matters addressed in AT&T's petition are issues involving proper specification of limitations on signal power (RM–2893) and issues involving appropriate treatment of 4-wire network interfaces. (In this context, a "4-wire" interface refers to connections wherein the transmission directions are split; one (two wire) pair is used for outgoing transmission and the other pair is used for incoming reception.) In addition to the RM–2893 petition involving signal power specification, we have two other petitions before us seeking adoption of rules concerning 4-wire interfaces. Communications Certification Laboratory on January 23, 1979 filed a petition seeking adoption of a new standard jack, in Section 68.500, for connection to 4-wire channels and "E and M lead" connections. Since any such jack specification would of necessity be an outgrowth of our proceedings herein, we are merging that petition in this notice.[5]

7. Also raising related matters is a petition for rulemaking filed on February 2, 1979 by AT&T requesting amendment of the Part 68 rules to accommodate "4-wire" interfaces for switched telephone network services (*e.g.* MTS and WATS). While in the past the interface to the switched network services has been on a two-wire basis (a "tip/ring" path used for bi-directional transmission), AT&T claims that in the future it will be offering such services on a 4-wire basis as well to eliminate unnecessary transformers (called "hybrids" in the telephone industry) which currently are required in certain equipment to interface such equipment to MTS and WATS service. Inasmuch as this petition raises no technical issues not already raised in AT&T's private line petition, to promote regulatory efficiency we will address 4-wire MTS and WATS interfaces herein as well.

8. As will be discussed in greater detail below, it is our intention to address the highly technical matters involved herein to the extent feasible and consistent with the requirements of the Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*, as informally as possible. For this reason, we will not analyze in detail the exact parameters of the technical proposals before us. Rather, we will discuss them in general terms to alert the public to the issues which we seek to have addressed, at least in the first instance, informally. It is our expectation that specific details will change as a consequence of the informal proceedings which we are instituting herein, and detailed summaries of the petitioners' technical proposals in their present form will not necessarily inform the public of the details of ultimate rules which may be adopted. Thus, instead of giving notice herein of the terms or substance of the proposals before us, we will describe in detail the subjects and issues involved in the hope that there will be maximum participation by interested members of the public in this proceeding, both its informal phases and any subsequent formal phases which may prove necessary.[6]

9. Comments filed concerning the petitions for rulemaking herein do not generally reach the merits of petitioners' proposals. In the case of AT&T's RM–3303 petition seeking accommodation of the Category III private lines in Part 68, the Department of Defense and the Association of American Railroads each urge that long-standing tariff exemptions from general "interconnection" requirements in the private line tariffs be continued in effect; these exemptions have relieved the military and railroads from protective apparatus requirements in the past, and these entities do not wish to have any new Part 68 requirements constrain their connections to private lines. In the case of CCL's RM–3334 petition seeking jacks for 4-wire and E and M lead interfaces, AT&T urges that such petition be treated procedurally in the context of treating RM–3303. We agree with this position and are so treating the petition herein. No comments have been filed on AT&T's RM–3336 petition seeking

[4] These tariff provisions are carrier-initiated and have not been approved or sanctioned by the Commission. Our acceptance of them for filing pursuant to Section 203 of the Communications Act connotes no regulatory approval or disapproval of them.

[5] Such jacks need not be specified in the Part 68 rules if they are acknowledged in nationwide tariffs. See *Memorandum Opinion and Order*, 70 F.C.C. 2d 1800, 1834–38 (1979); 47 C.F.R. § 68.104(c).

[6] The terms or substance of petitioner's exact proposed rule changes will be distributed at the informal meetings to be convened in the future by the Chief, Common Carrier Bureau (see paras. 38–39), and will also be published in the Federal Register.

accommodation of 4-wire interfaces to MTS and WATS.

A. AT&T's Proposals for Private Line

10. As discussed previously, it is AT&T's position that Part 68 in its present form must be amended to accommodate registration and connection of equipment (and systems and protective apparatus) to Category III private lines. The Bureau's position was that the rules already encompass such connection and that amendments were not required. Although we intend to maintain this as an open question until the conclusion of these proceedings, when we will be in a better position to assess these conflicting positions, we seek to consider herein the merits of AT&T's proposals.

11. AT&T is proposing that we treat separately four different types of Category III private line services: (1) tie trunks (used generally to connect PBX systems); (2) off-premises station lines; (3) automatic identified outward dialing lines; and (4) message registration private line services. Moreover, AT&T proposes adopting rules which apply generally to all four types of private line service (*e.g.*, common definitions, signal power limitations for through connections and new "scope" language). Finally, AT&T proposes that technical specifications on signal power and voltage, contained in a pending petition for rulemaking (RM-2893), be adopted for general application to all services, particularly in view of the longitudinal transmission component of "simplex" paths involved in AIOD and message registration private lines.

1. General Requirements

12. Among the proposed definition changes are ones intended to bring "E and M" leads directly under the Part 68 rules [7] (*e.g.*, new "auxiliary leads" definition) and definitions intended to clarify the treatment of 4-wire transmission path interfaces (*e.g.*, "longitudinal voltage", "metallic voltage" and "telephone connection"). New definitions are proposed to reference private line channels (*e.g.*, "telephone network", "channel equipment", "private line channel" and "tie trunk transmission interface").

13. AT&T proposes generally that § 68.100 be amended to specifically grant a right of connection of premises equipment to private lines as follows:

"In accordance with the rules and regulations in Subpart B of this Part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a)(ii).[8] In addition, PBX or similar systems may be directly connected to those private line services included in § 68.2(a)(iii)." [9]

14. Its RM-2893 proposed signal power limitations changes generally would apply less stringent longitudinal voltage requirements across the frequency range and would permit averaging of longitudinal voltage over a 100 millisecond interval to correspond with a person's susceptibility to noise. Moreover, AT&T proposes changes in the metallic out-of-band signal limitations to more accurately reflect claimed present vulnerability of carrier systems to out-of-band energy (this is energy that normally is not present, nor utilized, in voice-band premises equipment and is usually unintentionally generated by equipment non-linearities).

15. AT&T is also proposing that our current limitation on net amplification in through-transmission paths, which often are used in tie trunk mode of system operation, be changed to specify what it terms "net amplification" although the proposed specifications appear to require net loss (*e.g.*, −2 dB and −4 dB "net amplification" specifications).

2. Tie Trunk Interfaces

16. AT&T is proposing that two basic forms of "E and M" lead interfaces be established for tie trunks. In one of these, the premises equipment interfaces in a passive mode to these signalling leads; it either senses a contact closure from the interface ("E") or provides a contact closure towards the interface ("M"). In the other, the premises equipment interfaces in a more active mode; it provides a voltage source towards the interface ("M").

17. Consistent with establishing "E and M" lead interfaces and 4-wire transmission interfaces, AT&T proposes clarification of the environment simulation rules (metallic and longitudinal surges), leakage current limitations, and hazardous voltage limitations.

18. In addition to its proposed general changes to signal power limitations, AT&T is proposing two sets of complex changes intended to recognize lower signal power limits on private lines than MTS/WATS channels, and the dedicated nature of a private line. First, it is proposing that signal power limitations be established at levels lower than are permitted on MTS/WATS channels (levels which are no greater than −15 dBm or −19 dBm depending on the type of line). Although signal power levels for live voice are not required to be limited on MTS/WATS channels, they in fact are statistically limited by the equipment and channels to about −9 dBm; this level is a specific limitation for other than live voice signals. During network control signalling (*e.g.* tone signalling) the rules now allow metallic signal power to reach 0 dBm. AT&T proposes here that this limit be established at −4 dBm for private line tie trunks. Second, in recognition that the premises equipment remains connected continuously to a private line channel, it is proposed that circuit stability be controlled to prevent "singing" (circuit oscillations) which might interfere with other circuits. In essence, and without belaboring this discussion with the mathematics, AT&T is proposing that impedance parameters and return loss be controlled in such a manner as to maintain telephone network repeater amplifiers unconditionally stable. The equipment's impedance would be correlated against the network's design impedance of 600 ohms (resistive) in series with 2.16 microfarads of capacitance to compute return loss for 2-wire interfaces. For 4-wire interfaces, a transducer loss would be required to be calculated (and controlled) between the two directions of transmission.

19. Finally, AT&T proposes that our billing protection requirements be amended to ensure that signalling at an "E and M" lead interface is performed on these leads alone, and not on voice transmission paths in the off-hook state.

3. Off-Premises Station Interfaces

20. A new loop simulator is proposed to acknowledge that the communications systems involved (usually PBXs) provide battery to an off-premises station and not the telephone company's central office. Also, different resistance ranges for the loops involved are often encountered and AT&T proposes that this be accommodated as well. Since off-premises stations are supplied not only battery by the communications systems but also ringing signals, AT&T proposes that our hazardous voltage limitations be clarified to specify such signals.[10]

[7] "E and M" lead signalling is a technique which permits simultaneous bi-direction network control signalling both in the receive ("E") direction and the transmit ("M") direction, referenced to the premises equipment.

[8] This is AT&T's proposed definition of the Category I services.

[9] This is AT&T's proposed definition of the Category III services. It should be noted that this language would appear to restrict "interconnection" solely to "PBX or similar" systems, and not encompass key telephone and other communications systems (*e.g.*, radio).

[10] Section 68.306 already allows for use of network control signals "consistent with standards employed by the telephone companies" as an exception to the voltage limitations of that Section.

21. Similarly, AT&T proposes modification of the existing limitation contained in Section 68.308 on dc power which is provided by premises equipment towards a network interface. Instead of the current rule, which requires that any such dc power approximate the conditions of a loop simulator circuit (roughly 48 volts dc), AT&T proposes that such power be permitted to reach 80 volts dc (for extended loops) so long as dc current is limited. More specifically directed to metallic power limitations, AT&T proposes that maximum power of other than live voice signals be limited to −13 dBm for these lines (at the system end, as opposed to the station end).

22. Finally, AT&T proposes that specific on-hook impedance limitations be established for off-premises station connections to prevent "pre-trip" without requiring the high dc resistance now required for MTS/WATS lines.

4. Automatic Identified Outward Dialing ("AIOD") Interfaces

23. An AIOD interface is used to provide the telephone company's automatic message accounting equipment with the identity of the particular system station originating a toll call, to permit per-station billing. Usually, the system involved is a PBX. The PBX is required to transmit the station's identity to the accounting equipment over an AIOD interface, which is used as a primitive data channel (using frequency-shift keying) in simplex (one-way) mode. Currently, in the environment of carrier-furnished protective apparatus, an AIOD interface is accomplished on a 6-wire basis to customer-provided systems. AT&T is proposing that two forms of 2-wire interfaces be used in the future for AIOD: (1) a single AIOD channel; and (2) an array of multiplexed AIOD channels, with channel selection performed by the premises system.

24. AT&T proposes establishing a special AIOD data channel simulator (as a loop simulator for power measurements, etc.) having the battery "simplexed" (applied longitudinally). Moreover, AT&T is proposing requiring the system to, in essence, accept responsibility for transmission of proper station identification, on the theory that wrong number identities will lead to complaints by the telephone company's customer. It should be noted that all calls will be billed in any event; if the AIOD does not function properly, all that is lost is the specific identity of the originating station for a given call. Thus, this really does not represent "harm" within the contemplation of Part 68. It represents a potential service difficulty.

25. Because of the nature of the "simplex" application of battery to an AIOD, AT&T proposes changes to the hazardous voltage limitations to acknowledge that such battery is applied longitudinally, and to minimize the effects of inductive transients (the battery is usually inductively isolated). Thus, AT&T proposes that transients be limited to 2 joules delivered to a 500 ohm resistive termination.

26. AT&T is proposing that signal power be limited to −4 dBm on an AIOD, and proposes special requirements for energy in the 3995–4005 Hertz band. Finally, AT&T proposes amending the billing protection requirements to, in essence, define a failure of station identification as a billing failure.

5. Message Registration Private Line Services

27. A message registration channel is used to convey per-station billing information *from* the telephone company's billing equipment to the system (this is just the reverse of an AIOD channel). Most often, it is employed to convey billing to a hotel or motel PBX for toll calls placed by guests. Message registration information is normally transmitted in the form of dc pulses over wires, and while in the past a "third wire" was often used for this purpose (with the pulses sensed with respect to earth ground), AT&T notes that the Bell System is phasing this mode out and moving towards sending the pulses over full pairs. Its proposals herein accommodate both the older technique and the newer one. Since the premises system is operating passively in this service (it only senses the pulses and does not generate energy), proposed rule changes are minimal.

28. The most significant change proposed is to the longitudinal voltage limitations contained in the signal power limitations rule. Essentially, AT&T seeks such voltage limitations in recognition of the unbalanced nature of the older (ground-return) technique of implementing message register lines. For the newer types of message register lines (using pairs), AT&T seeks an on-hook impedance limitation of no less than 30 kilohms resistive.

B. CCL's Proposal for a 4-Wire Interface Jack

29. CCL has proposed that our plug/jack specification rules (Sections 68.500 *et seq.*) be amended to incorporate a rule-specified means of achieving 4-wire interfaces and "E and M" lead interfaces. While rule specification of such interface means is certainly a possibility, and will be discussed at the meetings which we are convening herein (see below), in view of our "reregulation" of standard plugs and jacks in our *Memorandum Opinion and Order*, 70 F.C.C. 2d 1800, 1834–38 (1979), we see no reason why jacks and plugs (or other means) for any of the interfaces to be addressed in this proceeding cannot be accommodated under an interstate tariff mechanism rather than our Part 68 rules, to permit flexibility and to foster innovation. A likely result of this proceeding will be establishment of new network interfaces. It has been our experience that when new interfaces are established, previously-uncontemplated plug/jack requirements tend to arise as some experience is gained. We would prefer not to inhibit the telephone industry's operation by subjecting plug/jack specifications to formal rule specifications during an uncertain transitional period. However, if any party makes a persuasive showing as to why such interface means must be specified in our rules we will, if necessary, appropriately amend the rules.

C. AT&T's Proposal for 4-Wire MTS and WATS Interfaces

30. As is the case of its various 4-wire private line interface proposals (and related premises equipment technical specifications), AT&T is proposing definitional changes to acknowledge the additional tip/ring pair involved (*e.g.*, "loop simulator", "telephone connection", "metallic voltage"). It proposes changes to the environmental simulation and hazardous voltage requirements both to acknowledge the 4-wire interfaces and to accommodate simplexed dc signalling voltages. Moreover, AT&T proposes that the signal power, longitudinal balance and on-hook impedance limitations be revised to impose less stringent requirements on the receiving pair of a two pair, 4-wire interface. In the case of the on-hook impedance proposed changes, AT&T proposes imposing new requirements on a "phantom circuit" simplexed signalling scheme whereby signalling would be transmitted longitudinally on each of the two pairs (to form an additional two-wire "phantom circuit" for signalling). Finally, AT&T proposes clarifying the billing protection requirements in a 4-wire environment to apply to both sets of pairs.

D. Discussion

31. We agree with the Common Carrier Bureau's basic position that if the Part 68 rules do not already apply to connection of customer-provided premises equipment to private lines they should so apply.[11] We are currently registering a variety of equipment which is connected both to switched telephone network services (MTS and WATS) and to private line services. Examples of this include Private Branch Exchanges (PBXs) and key telephone systems. If our registration process assures that such equipment is harmless on the bulk of its connections (to MTS and WATS), we are hard pressed to find a basis for assuming that the same equipment remains potentially harmful on the remainder of its connections (to private lines). Nevertheless, unless such equipment is eligible for the interim procedures which AT&T incorporated in its tariffs, the private line connections to Category III private lines are still required to be connected to the telephone network through interposed carrier-furnished "connecting arrangements."

32. Thus, users of customer-provided PBX and key telephone systems, as well as other communications systems, which are connected to Category III private lines in some cases are still paying roughly $5/month per line for these system's private line connections, but not for MTS and WATS connections. No such devices are required (or charged for) if the equipment is furnished by the local telephone company. While AT&T's interim procedures—in essence a "grandfathering" technique which allows for direct electrical connection of customer-provided equipment to Category III private lines if the equipment is similar to that used by telephone companies—have cured this apparent discrimination for a large number of customers, they are not applicable to all equipment used with Category III private lines. With the passage of time, this problem will be exacerbated as new designs, not eligible for AT&T's "grandfathering" privileges, are made available.[12]

33. We are therefore faced with a need to resolve the issues herein expeditiously. There is no serious disagreement on the merits of having Part 68's rights of connection apply to equipment connected with private lines or to 4-wire network interfaces. AT&T has come forward with a complex and detailed set of technical proposals for so doing. It has been our experience during the course of Docket No. 19528 that the adversarial written commenting process is ill-adapted to resolving complex technical issues which should be addressed by technically-trained engineers and scientists. In our experience, their technical points and arguments are often obscured when filtered through the process of preparing formal written comments, and the give and take which represents true "communication" is often lost when structured by a process which permits only a discrete number of rounds of comments and replies.

34. In view of our desire for expedition herein, we are adopting a different procedure for the conduct of this proceeding than traditional written notice and comment rulemaking. We are convening informal meetings of all interested entities for the purpose of discussing and debating technically the issues involved herein. It is our expectation that this open forum procedure will permit "interested persons an opportunity to participate in the rulemaking through submission of * * * views or arguments" as is required by the Administrative Procedure Act, 5 U.S.C. section 553(c), and that they will better be able to do so than would be the case if we were to limit them to submission of written comments.[13] We believe this procedure will enhance an "*exchange* of views, information, and criticism between interested persons and the agency."[14] To permit judicial scrutiny (if any) of this process,[15] minutes will be taken of these meetings and made a part of the record herein. In addition, for those who feel it desirable to file written comments, we will provide a formal pleading cycle. Of course, if there is significant disagreement at the meetings over specific issues, further comment will be solicited on such matters to aid in their resolution.

35. These meetings will be conducted under the Commission's *aegis* and will be directed by Commission staff. We are delegating authority herein to the Chief, Common Carrier Bureau to schedule and to conduct these meetings. We encourage all interested entities to send technically competent staff who will be prepared to discuss the technical details of private line and 4-wire interface interconnection, and related technical matters as discussed in this notice.

E. Ordering Clauses

36. Accordingly, and in view of the foregoing, *it is hereby ordered*, pursuant to Sections 1, 4, 201–05 and 403 of the Communications Act of 1934 as amended, 47 U.S.C. §§ 151, 154, 201–05 and 403, and 5 U.S.C. section 553, That a rulemaking proceeding is hereby commenced to consider amendments to Part 68 of the FCC's Rules and Regulations, 47 CFR §§ 68.1 *et seq.*, to accommodate direct electrical connection of premises equipment to private lines and 4-wire network interfaces, and related technical matters, as discussed in this order.

37. *It is further ordered*, pursuant to 5 U.S.C. § 553, That notice is hereby given of proposed amendments to Part 68 of the FCC's Rules and Regulations, 47 CFR §§ 68.1 *et seq.*, as discussed herein. The terms or substance of petitioners' specific proposed rule changes will be distributed at the informal meetings to be convened by the Common Carrier Bureau, and the text of this proposed rulemaking is set forth in a further notice of proposed rulemaking published on this date.

38. *It is further ordered*, pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934 as amended, 47 U.S.C. sections 154(i)–(j), and 5 U.S.C. § 553, That this rulemaking proceeding will be initially conducted through the vehicle of public meetings

[11] For two reasons we do not accept AT&T's position as necessarily correct that Category III private lines are presently not within the scope of the Part 68 rules. First, the stated scope of the rules in Section 68.2(a) appears to include private lines (*e.g.*, ". . . all services other than party line and coin service."). And second, the Category III private lines are connected with MTS/WATS channels at some point, and can be thought of as extensions of these services which, inarguably, are included. For the purposes of this proceeding we will treat as open the question of whether or not Part 68 already applies to Category III private line services.

[12] See, for example, comments filed by STC Communications Corporation in RM–3303. STC apparently is ineligible for AT&T's "grandfathering" privileges as its product is a new design not heretofore used, or permitted to be directly connected, by telephone companies.

[13] The 1947 *Attorney General's Manual on the Administrative Procedure Act*, in discussing rulemaking procedures under Section 4(b) of the original APA (which has not materially been changed in its present codification in 5 U.S.C. section 553(c)], states that rulemaking procedures may take the following forms: "* * * informal hearings (with or without a stenographic transcript), conferences, consultation with industry committees, submission of written views, or any combination of these." p. 31. Thus this procedure is squarely within the bounds established by the APA. As the Supreme Court recently noted in its decision in *Vermont Yankee Nuclear Power* v. *Natural Res. D. C.*, — *U.S.*, —, 98 S.Ct. 1197, 1202 (1978), "* * * the formulation of procedures was basically to be left within the discretion of the agencies to which Congress had confided the responsibility for substantive judgments." citing *F.C.C.* v. *Schreiber*, 381 U.S. 279, 290 (1965) a decision which analyzed the broad procedural discretion of this agency under Section 4(j) of the Communications Act.

[14] *Home Box Office, Inc.* v. *F.C.C.*, 185 U.S. App. D.C. 142, 168 (1977).

[15] *Id.*, 168–69.

under the *aegis* of the Commission and under the direction of Commission staff. Minutes will be taken summarizing these meetings and will be associated with the docket file of this proceeding.

39. *It is further ordered*, pursuant to Sections 4(i), 4(j) and 5(d) of the Communications Act of 1934 as amended, 47 U.S.C. sections 154(i)–(j) and 155(d), That the Chief, Common Carrier Bureau is hereby delegated authority to: (1) by order convene such meetings as may be necessary for the conduct of this proceeding; (2) direct any such meetings; (3) by order schedule a formal pleading cycle; and (4) issue such further orders as may be necessary for the conduct of this proceeding. To the extent necessary to allow Commission staff to attend and participate in this meeting, Subpart H of Part 1 of the Commission's Rules and Regulations, 47 CFR §§ 1.1201 *et seq.*, is hereby waived.

40. It is further ordered, that the Secretary shall cause a copy of this order to be published in the **Federal Register**

Federal Communications Commission.

William J. Tricarico,

Secretary.

Federal Communications Commission,

Washington, D.C. 20554, June 26, 1978.

In reply refer to: 9700.

Mr. David L. Byers,

Executive Assistant, American Telephone and Telegraph Company, 195 Broadway, New York, New York 10007.

Dear Mr. Byers: In Docket No. 19528, the FCC adopted a telephone equipment registration program which generally allows for direct electrical connection of FCC-registered telephone equipment with the telephone network, without a requirement for carrier-provided "connecting arrangements" or other protective apparatus. In its *First Report and Order* in that proceeding, 56 FCC 2d 593 at 598–99 (1975), the Commission concluded that equipment (or protective circuitry) registered as conforming to the technical standards of Part 68 of the FCC's rules "will provide the necessary minimal protection against network harm . . . and will serve the public interest."[1]

Pursuant to the proceedings in Docket No. 19528, AT&T and the other telephone companies have amended their tariffs to permit direct electrical connection of FCC-registered (and grandfathered") equipment, systems, and protective circuitry to comport with this conclusion. However, as Docket No. 19528 directly considered only interconnection limitations in the MTS and WATS tariffs, your private line tariffs continue to contain such limitations. Thus, the tariffs for voice-grade private line service generally provide that:

Voice-grade private lines which "access" the switched telephone network (*e.g.* foreign exchange, tie-line and off-premises extension lines) require a "connecting arrangement" when connected to customer-provided equipment, systems, and protective circuitry, whether or not FCC-registered or "grandfathered".

Voice-grade private lines which do not "access" the switched telephone network have protective functions built into their line facilities. As perceived by the user, any equipment may be directly connected to these lines so long as it conforms to technical limitations in the tariff, without an intervening "connecting arrangement".

Several weeks ago, we informally discussed the inconsistency between the Commission's legal conclusion that FCC-registered equipment is not harmful and does not require a carrier-provided "connecting arrangement" to protect the telephone network from harm, and the present requirement that such a "connecting arrangement" be used with certain private lines even if FCC-registered (or "grandfathered") equipment, systems, and protective circuitry are connected thereto. During the course of that discussion, you indicated your willingness to amend the tariffs for voice-grade private line service to properly acknowledge the network protection accorded by Part 68 of the Commission's rules. However, you also identified several technical problems related primarily to the signaling protocols used on these lines which, in your view, might require changes in the rules or tariffs of a technical nature. For example, you noted that certain of these private lines use single-frequency signaling protocols which are not permitted to be generated by FCC-registered equipment, under the provisions of § 68.314.

In the Bureau's view, the *status quo* is inconsistent with the legal conclusions and intent of the Commission's Docket No. 19528 decisions. PBX and key telephone systems, which often are connected to private lines as well as MTS and WATS lines, may be connected without any "connecting arrangement" if carrier-provided, but would appear to require, under present tariffs, "connecting arrangements" for some of the private lines if customer-provided, an obviously discriminatory result. Moreover, such discrimination would appear to be wholly unjustified inasmuch as the potential for harm by these customer-provided PBX and key telephone systems will already have been evaluated under the procedures of Part 68 of the FCC's rules.

We are not taking a position at this time as to what procedures should be used to cure the existing inconsistencies between the private line tariffs, in their present form, and the intent of the registration program. As you indicated during our informal discussion, some private lines use the same interface and signaling protocols as do the lines and loops already directly encompassed within Part 68, and there would appear to be no impediment to directly bringing these offerings within the scope of the registration program through immediate tariff changes. Other such private lines may well be compatible with the technical standards of Part 68 provided that additional interface requirements relating to compatibility are complied with; these requirements could be disseminated informally, and were not intended to be encompassed by the "harm" standards of Part 68. *See*, 58 FCC 2d 736 at 743 and 61 FCC 2d 396 at 404 (1976). Finally, those private lines whose signaling protocols are incompatible with the technical requirements of Part 68 (*e.g.*, those which use single-frequency signaling, *supra.*) might be accommodated through the use of interim measures, pending formal procedures to change the affected rules. For example, we note that Series 2000/3000 private lines are offered, *inter alia*, for termination by a standard telephone instrument. Presumably, where the user requests this termination, equipment is built into the line facilities to render the signaling protocols on the private line compatible with those of a telephone instrument (the latter of which is directly encompassed by Part 68's technical requirements). Perhaps as an interim measure, this last class of private lines could be provided to users of FCC-registered (or "grandfathered") equipment, systems, and protective circuitry, with this type of equipment built into the line facilities, where warranted.

While the Bureau is not at this time taking a position as to what procedures should be used to cure the existing inconsistencies, we feel that private lines should be accommodated expeditiously. At a bare minimum, we would hope that the private lines which commonly are used for tie-trunks (and tie-lines), foreign exchange lines, and off-premises extensions, with PBX and key telephone systems will rapidly be accommodated, and that customers of these systems will not continue to be burdened with a requirement for unnecessary "connecting arrangements" and the charges associated therewith. To that end, it is my hope that you will make appropriate changes in your private line tariffs as rapidly as is feasible.

Sincerely,

Walter R. Hinchman,

Chief, Common Carrier Bureau.

Federal Communications Commission,

Washington, D.C. 20554, November 24, 1978.

In reply refer to: 9100

Mr. David L. Byers,

Executive Assistant, American Telephone and Telegraph Company, 195 Broadway, New York, New York 10007.

Dear Sir: On June 26, 1978, Walter R. Hinchman, then Chief of the Common Carrier Bureau, wrote to you raising a problem which is presently created by AT&T's Tariff F.C.C. No. 260 (interstate private lines) and its failure to properly acknowledge the telephone network protection against "harm" which is accorded by registration or "grandfathering" of equipment, systems and protective circuitry under the procedures of Part 68 of the FCC's rules. Mr. Hinchman's position was that equipment which complies with Part 68's technical requirements is benign when connected to the nationwide telephone network, regardless of whether that connection is to switched telephone

[1] See also, *Second Report and Order*, 58 FCC 2d 736 (1976).

network tariffed services (MTS and WATS, the tariffs already subject to Part 68) or to private line tariffed services (the tariffs for which, at that time, failed totally to acknowledge the Part 68 protection).

Mr. Hinchman noted that AT&T's private line tariffs generally permitted connection of customer-provided equipment in two ways. First, for private lines which do not "access" the switched telephone network (the pure private lines which are not connected at any point with switched network services), here were no limitations on the use of customer-provided equipment other than certain technical requirements contained in the tariff. Second, for private lines which "access" the switched telephone network (are connected with it at one or both ends, either at telephone company facilities or in terminal equipment or systems), a carrier-furnished protective device was required for customer-proved equipment but not for similar carrier-provided equipment.

Mr. Hinchman observed the obvious discrimination between customer-provided equpment and similar carrier-provided equipment where such equipment is connected to this second category of private line services. if AT&T furnishes the equipment, no protective devices are required. if competitors furnish the equipment, protective devices are required at a rate of about $5 a month per line. In the past, AT&T has argued that such discrimination is not unjust or unreasonable under Section 202(a) of the Communications Act because, in your view, others' equipment poses greater dangers of "harm" than does your own. This argument has no merit if the customer-provided equipment is registered or "grandfathered" under Part 68 of the FCC's rules. The processes of Part 68 assure that customer-provided equipment poses no threat of "harm." *First Report and Order*, 56 F.C.C. 2d 593 at 598–99 (1975) and *Second Report and Order*, 58 F.C.C. 2d 736 (1976), *affirmed sub. nom. North Carolina Utilities Comm'n* v. *F.C.C.*, 552 F.2d 1036 (4th Cir., 1977) *cert. denied*, ——— U.S. ——— (1977).

Mr. Hinchman did not suggest what procedures you should use to cure the existing inconsistencies between AT&T's private line and other tariffs on this point, but stated his view that "private lines should be accommodated expeditiously." He also stated that the private lines which are used with equipment already registered or "grandfathered" pursuant to Part 68 (*e.g.*, PBX and key telephone systems) should not continue to be burdened with the existing anomoly which permits this equipment to be directly connected to switched telephone network services, while at the same time the *same* equipment's other connections to private line services required a carrier-furnished protective device. It is hard to imagine how the same equipment can be both harmful and benign at the same time, yet in maintaining this tariff inconsistency AT&T has implicity taken this position.

On September 14, 1978, you replied to Mr. Hinchman's June letter. You indicated that AT&T has been reviewing for some time accommodation of private line services and Part 68; and, you proposed the following for what you identified as three separate categories of private line services:

Category I—These are private lines which "access" the switched telephone network and which then required carrier-furnished protective devices for customer-provided equipment but not for carrier-provided equipment, and which, according to you, have characteristics identical to the loops and trunks contemplated by Part 68's rules. They include the premises end of FX services; station end of off-premises stations for PBX and Centrex services; trunk end of trunk-to-station tie lines; and the premises ends of CCSA and EPSCS offerings. You acknowledged that there was no basis for excluding these services from connection pursuant to Part 68 and proposed revising the tariffs accordingly. You have since done so.

Category II—These are private lines which do not "access" the switched telephone network and which require no protective devices for customer-provided equipment. Equipment registered or "grandfathered" pursuant to Part 68 may be directly connected to these lines without prejudice or special requirements other than certain technical standards in the tariffs. You proposed no changes for these private lines as they created no problems.

Category III—These would appear to comprise the bulk of voice-bandwidth private lines normally used with PBX and key telephone systems, and represent those lines or services not within the two previous categories. You exemplified them by dial repeating tie trunks and services where the terminal equipment or system applies ringing signals to the private line. You proposed no tariff modifications at this time to accommodate these lines and services. Rather, you stated that these "are of a nature that require . . . development of standards for additions to the Part 68 Rules to assure adequate network protection."

You indicated your view that the current rules are inadequate to protect the telephone network if equipment, circuitry or systems registered under them is connected to private lines in the third category above. You suggested industrywide informal meetings to discuss your company's proposals concerning these Category III lines and services "prior to instituting formal rulemaking procedures" as a means of expediting the rulemaking which you feel is required, although you acknowledged that "the required additions to the Rules may require a considerable amount of time." Finally, you indicated the Bell System's willingness to work with the Commission "to develop a means to implement proposed plans on an expedited, temporary basis pending final adoption of the Rules" if a general consensus in favor of your proposals developed at industry wide informal meetings.

As you know, the Commission is very much in favor of informally resolving technical issues such as those involved in the Category III private lines, within the requirements of the Communications Act and the Administrative Procedures Act. It was for this reason that Mr. Hinchman wrote to you inviting an interim solution to the private line interconnection issues, rather than recommending adoption of a notice in June. Thus, I welcome your offer to employ informal procedures where feasible. Moreover, your recent filing of tariff revisions to acknowledge Part 68's protection for the Category I private lines indicates your willingness to act expeditiously.

However, I do not see why interim procedures cannot be adopted under the existing requirements of Part 68 for the Category III private lines, particularly since these appear to comprise the bulk of private lines which cause FCC-registered PBX and key telephone systems to continue to require a carrier-furnished protective device on some of their connections, while the rest of their connections to the telephone network require no such devices. At a meeting in mid-August between your staff and mine directed to exploring the technical details of private line interface characteristics, the inconsistencies which were identified between MTS-type facilities (directly encompassed by Part 68) and the Category III private line offerings were: (1) ringing signals are generated for certain of the private line interfaces which may exceed the voltage limitations of Section 68.306; (2) some private line interfaces are directionally separated into two tip/ring paths (a so-called "4-wire" interface); and (3) if "E and M" lead signalling is used, connection of these additional network control signalling leads is not specified in Section 68.502. Moreover, the signal power level for interfacing data equipment to private lines often is 0 dBm, a level which can be achieved using the programmable jack configurations of Part 68 but not with the fixed -4 dBm data jack configurations.

Under the present provisions of Section 68.306, "voltages for network control signalling and supervision" are exempted from that section's voltage limitations if "consistent with standards employed by the telephone companies." See 58 F.C.C.2d 716, 724 (1976) which adopted this language. Thus, the rule already accommodates any differences between MTS-type lines and the Category III private lines in the nature of network control signalling such as ringing and "E and M" lead signals. Similarly, Section 68.506 allows the telephone company and installation supervisor to agree to use electrical connections on interface connectors which are different from, or in addition to, those specified in Section 68.502, including electrical connections which might encompass an additional tip/ring pair for 4-wire interfaces, and "E and M" lead signalling interfaces.

I share your basic desire that technical requirements for equipment, systems and protective circuitry used with the Category III private lines be unambiguously specified; and that it would be most appropriate to change the Part 68 rules to address more specifically matters such as ringing generation 4-wire interfaces, and "E and M" lead signalling. But, I do not believe it would serve our mutual desire for expedition to go to formal rulemaking prior to the adoption of interim procedures, or to convene industrywide meetings at this time under the Commission's auspices.

As the essence of this matter is an expeditious elimination of apparent existing discrimination, I propose as an alternative that in arriving at your proposals for interim and long-term approaches, you consider a short-term solution which can be implemented under the existing requirements of Part 68 and through interim tariff requirements, pending adoption of more specific final rules. As noted above, I believe that this approach is possible because of the existing provisions of Sections 68.306 and 68.506. Moreover, it is consistent with your existing approach to the Category II private lines where additional technical limitations, not contained in Part 68, are imposed on equipment through your tariffs if necessary.

In sum, your letter and your recent tariff modifications for the Category I private lines represent movement towards a satisfactory resolution of the problems identified in Mr. Hinchman's letter, but we are not quite there yet. We have embarked on this interim approach to resolving these problems in the belief that the public would better be served by expedition rather than time-consuming rulemaking processes. Your letter and recent tariff modifications indicate that you share this belief and are also committed to this goal.

I would thus appreciate your filing more detail on the Bell System's proposed approach to the Category III private line offerings so that we can better evaluate whether, and to what extent, interim procedures may be adopted prior to alternative measures such as formal rulemaking.

Sincerly,

Larry F. Darby,

Acting Chief, Common Carrier Bureau.

[FR Doc. 79-20489 Filed 7-13-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[49 CFR Part 635]

[Docket No. 79-B]

Public Hearing Requirements

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Proposed Rule.

SUMMARY: The Urban Mass Transportation Administration (UMTA) is proposing regulations to implement Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. This section requires a public hearing or an opportunity for a public hearing prior to increases in general levels of transit fares or substantial changes in service.

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

ADDRESSES: Comments should be submitted to UMTA Docket No. 79-B, 400-7th Street, S.W., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 5:00 p.m., Monday through Friday. Receipt of comments will be acknowledged by UMTA if a self-addressed, stamped postcard is included with each comment.

FOR FURTHER INFORMATION CONTACT: Charlotte Adams, Office of Program Analysis, (202) 472-6997.

SUPPLEMENTARY INFORMATION: All comments received before the expiration of the comment period will be considered before the final action is taken on this proposal.

The Administrator has determined that this regulation is not a significant regulation under the criteria in the DOT Order for Improving Government Regulations (44 FR 11042, February 26, 1979).

Under the DOT Order, a full evaluation is not warranted because the expected economic impact of the proposed regulations is minimal. The proposed regulations set out the procedural standards for, and implement, a public hearing requirement which is mandated by the statute.

Discussion of Proposal and Background

Under Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended, which was added by the Surface Transportation Assistance Act of 1978, recipients of Section 5 funds must make assurances satisfactory to the Secretary that any public mass transportation system receiving financial assistance under such project will not change any fare and will not substantially change any service except (A) after having held public hearings or having afforded an adequate opportunity for such hearings, (B) after having given proper consideration to views and comments expressed in such hearings, and (C) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service.

The Conference Report on Section 5(i)(3) (H. Rept. No. 1797, 95th Cong. 2nd Sess. 132 (1978)) indicates that it is the intent of Congress that public hearings be held prior to increases in general levels of fares and prior to substantial changes in general levels of service. Section 635.7 of the proposed regulation sets out the minimum levels of change for which a public hearing is required. Service levels affected by service changes and ridership affected by fare increases are emphasized.

It is UMTA's intent that the recipient of Section 5 funds making the assurance be responsible for holding the public hearing (or affording such opportunity) or ensuring that the public hearing be held by the mass transit operator who plans to increase fares or substantially change services.

Section 5(i)(3) applies to any mass transit system funded under Section 5 of the Act for which a general fare increase or substantial change in service is made based on a final local decision made after November 6, 1978 (the effective date of the legislation). If there was a local decision to institute the fare increase or service change prior to November 6, 1978, Section 5(i)(3) does not apply, even if the actual implementation of the changes occurred after November 6, 1978.

Accordingly, Title 49 of the Code of Federal Regulations is amended by adding a new Part 635 to read as follows:

PART 635—SECTION 5—FORMULA GRANT URBAN MASS TRANSIT PROGRAM—REQUIREMENTS

Subpart A—Public Hearing Requirements

Sec.

635.1 Purpose.
635.2 Definitions.
635.3 Assurances.
635.5 Submittal of assurances.
635.7 When hearing is required.
635.9 Hearing requirements.
635.11 Sanctions.
Appendix A—Assurance format.

Authority—49 U.S.C. 1604(i)(3) (Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended); 49 CFR 1.51.

§ 635.1 Purpose.

(a) Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended (hereinafter referred to as the Act), requires that recipients of Section 5 funds must make "assurances satisfactory to the Secretary that any public mass transportation system receiving financial assistance under such project will not change any fare and will not substantially change any service except (1) after having held public hearings or having afforded an adequate opportunity for such hearings, after adequate public notice, (2) after having given proper consideration to views and comments expressed in such hearings, and (3) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service."

(b) This Subpart sets out the regulations implementing the statutory requirement that a public hearing be

held for changes in fares and substantial changes in service.

§ 635.2 Definitions.

As used in this Subpart:

(a) Recipient means a Governor or entity designated as a recipient under Section 5(b) of the Urban Mass Transportation Act of 1964, as amended. The recipient undertakes the legal responsibility for carrying out Section 5 projects directly by lease, by contract, or otherwise.

(b) Transit system means a public mass transportation service provided by a single operator.

(c) A transit route mile is a distance of one statute mile along a route regularly travelled by transit vehicles while carrying passengers or while available for the general public to carry passengers. The length of a route is the round trip distance traversed in travelling completely over the route and returning to the starting point to begin another circuit of the route. If a route is only defined in one direction, then this one-directional distance is the route length. The total number of transit route miles of a transit system is the sum of the transit route miles operated by or under contract for the transit system.

(d) A transit revenue vehicle mile is a distance of one statute mile travelled while a transit vehicle is carrying passengers, or is available to the general public to carry passengers. The total number of revenue vehicle miles is the sum of the transit revenue vehicle miles operated by or under contract for the transit system.

(e) Ridership means the number of unlinked revenue passenger trips carried. An unlinked passenger trip does not include any transfers. (A single trip by a transit user involving three vehicles and two transfers is three unlinked passenger trips.)

§ 635.3 Assurances.

(a) Each recipient of Section 5 funds must execute and submit an assurance that the requirements of Section 5(i)(3) of the Act have been complied with. The format for the assurance is contained in Appendix A to this Subpart.

(b) Each recipient must abide by the terms and conditions stated in the assurance.

§ 635.5 Submittal of assurances.

(a) A Section 5(i)(3) assurance is not required for projects approved prior to November 6, 1978.

(b) A Section 5(i)(3) assurance must be submitted for all projects approved by UMTA after November 6, 1978.

(c) If a Section 5 project application has been approved after November 6, 1978, and the application does not contain the required assurance, the assurance must be submitted (within 90 days after the effective date of the regulation) or within 30 days after UNTA notifies the recipient that the assurance must be submitted, whichever date is earlier. If the recipient does not submit the assurance within the prescribed time periods, UNTA may impose one or more of the sanctions set out in § 635.11.

(d) If a recipient is unable to submit the assurance because a local decision was made after November 6, 1978 to raise fares or make a substanital change in service without a public hearing, the recipient shall ensure that a public hearing is held (within 120 days after the effective date of the regulation) or within 60 days after UMTA notifies the recipient that such a hearing must be held, whichever date is earlier. In addition to ensuring that the public hearing be held, the recipient must also submit an assurance that Section 5(i)(3) will be complied with for future fare changes or substantial changes in service. If the public hearing is not held or the assurance is not submitted within the prescribed time periods, UMTA may impose one or more of the sanctions set out in § 635.11.

(e) UMTA may grant time extensions for the requirements of paragraphs (c) and (d) if the recipient submits adequate justification for delay in meeting the requirements.

§ 635.7 When hearing is required.

(a) A hearing required by Section 5(i)(3) of the Act must be held when—

(1) There is a service change which directly affects—

(i) 10% or more of the total number of transit route miles of the transit system;

(ii) 10% or more of the total number of transit revenue vehicle miles operated by the transit system; or

(iii) 25% or more of the total ridership of the transit system; or

(2) There is an increase in the fares which would affect 25% or more of the total ridership of the transit system.

(b) In addition to a hearing being held as required by paragraph (a), UMTA may require a hearing under specific circumstances such as significant public controversy.

(c) In an emergency situation, a service change may be implemented immediately without a public hearing after approval by UMTA. A public hearing on the service change must be held within 60 days of the implementation of the change.

§ 635.9 Hearing requirements.

(a) Prior to the institution of a service change or fare increase that falls within the levels established in § 635.7, each recipient shall ensure that a notice of intent to hold the public hearing is published in a newspaper of general circulation in the urbanized area. The notice must also be published in newspapers oriented to specific groups or neighborhoods that may be affected.

(b) The notice must be published at least twice before the hearing. The first publication must be at least 30 days prior to the hearing.

(c) The notice must contain a description of the contemplated service changes, or the fare increase, as appropriate.

(d) The recipient must give notice of the hearing to the principal elected official of each general purpose unit of government within the service area of the mass transportation operator(s) receiving assistance from UMTA.

(e) The public hearing requirement of Section 5(i)(3) of the Act may be satisfied if a fare increase or substantial change in service is addressed in a transit-related public hearing held in the locality where the changes are to occur, if the requirements of paragraphs (a) to (d) of this section are carried out for this hearing.

§ 635.11 Sanctions.

(a) If a fare increase or substantial service change is instituted without the requirements of Section 5(i)(3) of the Act being met after having submitted the assurance required by § 635.3, the recipient has breached the grant contract.

(b) When a recipient has breached a contract because of noncompliance with Section 5(i)(3) of the Act, UMTA may impose one or more of the following sanctions:

(1) Require that the fare in place prior to the fare increase be reinstituted (rollback of fare increase) or that the service change be cancelled—

(i) Until there is compliance with Section 5(i)(3); or

(ii) For a period of time equal to the period between the fare increase or service change and the date of compliance.

(2) Deny approval of the following fiscal year's Section 5 application until there is compliance with Section 5(i)(3).

(3) Deny approval of applications for Section 3 or other UMTA funds until there is compliance with Section 5(i)(3).

(4) Suspend all payments under all active Section 5 grants until there is compliance with Section 5(i)(3). Under this sanction, the recipient will not

suffer a loss of funds but will be unable to receive UMTA Section 5 funds from the date of notification until the date of compliance. Funding after that time can cover the period during which payments were suspended.

(5) Declare all costs incurred from the date of the actual service change or fare increase ineligible for Section 5 assistance until such time as Section 5(i)(3) is complied with.

Appendix A.—Format for Assurance of Compliance With Section 5(i)(3)—Changes to Fares and Service Levels

The recipient of Section 5 funds hereby certifies that for any public mass transportation system receiving financial assistance under this project no increases in general levels of fares or substantial changes in general levels of service have been adopted after November 6, 1978 and assures that no increases in general levels of fares or substantial changes in general levels of service during the period after November 6, 1978 for which Section 5 assistance is requested will be instituted, except—

(a) after a public hearing is held or an opportunity for such hearing is afforded, after adequate public notice;

(b) after proper consideration to views and comments expressed in such hearing is given; and

(c) after consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service is given.

Dated: ————.

Signed ————————————

Title ————————————

Organization————————————

(49 U.S.C. 1604(i)(3); 49 CFR 1.51)

Dated: July 10, 1979.

Gary D. Gayton,

Deputy Administrator.

[FR Doc. 79-21859 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 33]

Opening of Certain National Wildlife Refuges to Sport Fishing.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service proposes to add Felsenthal National Wildlife Refuge, Arkansas; D'Arbonne National Wildlife Refuge, Louisiana; and J. N. "Ding" Darling National Wildlife Refuge, Florida, to the refuge areas open for sport fishing. Fishing, subject to annual special regulations, will provide additional public recreational opportunity.

DATES: Comments must be received on or before August 15, 1979.

ADDRESS: Comments may be addressed to the Director, (FWS/RF), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Ronald L. Fowler, Divisin of Refuge Management, U.S. Fish and Wildlife Service, Washington, D.C. 20240. Telephone 202–343–4305. Ronald L. Fowler is the primary author of this proposed rulemaking.

SUPPLEMENTARY INFORMATION: As a general rule, most areas within the National Wildlife Refuge System are closed to fishing until officially opened by regulation. The Director may open refuge areas to sport fishing upon a determination that such use is compatible with the major purposes for which such areas were established, and that funds are available for the development, operation and maintenance of the permitted forms of recreation. This action will be in accordance with provisions of all laws applicable to the area, will be compatible with the principles of sound wildlife management and will otherwise be in the public interest. It is the purpose of this proposed rulemaking to seek public input regarding the opening of the above cited refuges to sport fishing. Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C) environmental assessments have been prepared on each of these proposals and are available for public inspection and copying at Room 2024, Department of the Interior, 18th and C Streets, NW, Washington, D.C. 20240, or by mail, addressing the Director at the address above.

The policy of the Department of Interior is, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment. All relevant comments will be considered by the Department prior to the issuance of a final rulemaking. The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14. Accordingly, it is proposed to amend 50 CFR Part 33 by the addition of Felsenthal, D'Arbonne, and J. N. "Ding" Darling National Wildlife Refuges to § 33.4 as follows:

§ 33.4 List of open areas; sport fishing.

* * * * *

Arkansas

* * * * *

Felsenthal National Wildlife Refuge

* * * * *

Florida

* * * * *

J. N. "Ding" Darling National Wildlife Refuge

* * * * *

Louisiana

* * * * *

D'Arbonne National Wildlife Refuge

* * * * *

Dated: July 5, 1979.

Lynne A. Greenwalt,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-21817 Filed 7-13-79; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 44, No. 137
Monday, July 16, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Deletion of Specified Service Point at Hereford, Tex., for the Plainview Grain Inspection & Weighing Service, Inc.

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the deletion of Hereford, Texas, as a specified service point of the Plainview Grain Inspection & Weighing Service, Inc., Plainview, Texas.

EFFECTIVE DATE: July 16, 1979.

FOR ADDITIONAL INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, USDA, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: On February 28, 1979, the Plainview Grain Inspection & Weighing Service, Inc. (the PGIWS), requested that its designation be amended by deleting Hereford, Texas, as a specified service point within its assigned geographic area. This request was made by PGIWS on the basis that the demand for inspection services at Hereford, Texas, does not warrant the full-time employment of an inspector at that location. The PGIWS will maintain its specified service point at 1100 North Broadway Street, P.O. Box 717, Plainview, Texas 79072.

A specified service point for the purpose of this notice is a city, town or other location specified by an agency for the conduct of all or specified official inspection functions and where the agency or one or more of its licensed inspectors is located. In addition to the specified service points within the geographic area, the Agency would provide official inspection services not requiring a licensed inspector at the Hereford, Texas, location as well as at all other areas within its geographic area.

The April 25, 1979, issue of the **Federal Register** (44 FR 24331–24332) announced the proposed action and provided an opportunity for interested persons to submit views and comments on the proposed deletion.

No views or comments on the proposed action were received. After review of all facts and information available, the amendment of the designation document to delete Hereford, Texas, as a specified service point, is granted. This action will not affect the assigned geographic area announced in the April 25, issue of the **Federal Register.**

(Section 8, Pub. L. 94–582, 90 Stat. 2870, (7 U.S.C. 79))

Done in Washington, D.C. on: July 10, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–21828 Filed 7–13–79; 8:45 am]

BILLING CODE 3410–02–M

Administrative Extension of Official Agency Designations

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: This notice announces the administrative procedures established by the Administrator of the Federal Grain Inspection Service (FGIS) to modify the designations of official agencies under the United States Grain Standards Act, as amended, to terminate on a staggered basis, with one-third of the official agency designations terminating each year. The procedure will provide FGIS time to adequately review and evaluate the official agencies, process renewal applications and maximize administrative efficiency and minimize costs.

EFFECTIVE DATE: July 16, 1979.

FOR FURTHER INFORMATION CONTACT: J. T. Abshier, Director, Compliance Division, Federal Grain Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–8262.

SUPPLEMENTARY INFORMATION: The United States Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (the "Act"), specifies that official agency designations under the Act shall terminate at such time as specified by the Administrator of the Federal Grain Inspection Service (FGIS), but not later then 3 years after the effective date of the designation. The Act also provides that official agency designations may be renewed in accordance with the criteria and procedures prescribed in Section 7 of the Act.

Considering the time required for the conduct of administrative review and evaluation of each agency prior to granting a renewal under the recent 1976 amendments, and the large number of official agencies involved nationwide whose designations will expire in the same year, it is necessary that appropriate adjustment of the termination dates of such designations be made in the early phase of the program, as amended, to maximize administrative efficiency and minimize costs. Accordingly, a procedure has been developed where approximately one-third of all designated official agencies would be reviewed each year. This would provide time to adequately review and evaluate each agency and avoid the difficulty of attempting to review, in the span of approximately one year, all designated official agencies as their original designations under the Act terminates.

After a review of agency functions and a determination of eligibility, two-thirds of the agencies will have their designations modified to adjust the original 3-year designations to terminate on a staggered basis, so that approximately one-third of all agency designations will terminate each year thereafter. All designations are subject to being renewed under the Act. Accordingly, the designation documents of those 26 agencies designated between July 1, 1978, and September 15, 1978, will be modified to terminate in 1982. The designation documents of those 30 agencies designated between September 16, 1978, and November 10, 1978, will be modified to terminate in 1983. The designation documents of those 30 agencies designated between November 11, 1978, and thereafter, will not be modified.

Agencies will be given appropriate notification prior to the FGIS onsite agency review. Agencies will also be given advance notification if there is

any deviation from the aforementioned schedule.

(Secs. 8, 9, Pub. L. 94–582, 90 Stat. 2870, 2875 (7 U.S.C. 79, 79a))

Done in Washington, D.C. on July 10, 1979.

L. E. Bartelt,

Administrator.

[FR Doc. 79–21829 Filed 7–13–79; 8:45 am]

BILLING CODE 3410–02–M

CIVIL AERONAUTICS BOARD

[Docket No. 33363]

Former Large Irregular Air Service Investigation; Hearing

1. The hearing set for July 9, 1979 on the application of Lelco, Inc. (44 FR 33919, June 13, 1979) is continued to August 2, 1979 at 9 a.m. at the place heretofore set.

2. The hearing set for July 23, 1979 on the application of Military Overseas Travel Corporation, d/b/a Militair (44 FR 33919, June 13, 1979) is continued to July 24, 1979 at 9 a.m. at the place heretofore set.

3. Hearings will be held on the following applications on the dates set opposite the applicants' names at 9:00 in Room 1003, Hearing Room B, 1875 Connecticut Avenue, NW., Washington, D.C. 20428:

Sundance International, August 7, 1979
World Air Leasing, August 17, 1979
International Travel Arrangers, August 27, 1979.

Dated at Washington, D.C., July 9, 1979.

Rudolf Sobernheim,

Administrative Law Judge.

[FR Doc. 79–21867 Filed 7–13–79; 8:45 am]

BILLING CODE 6320–01–M

COMMISSION ON CIVIL RIGHTS

North Carolina Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the North Carolina Advisory Committee (SAC) of the Commission will convene at 9:00 am and will end at 5:00 pm on August 8, 1979, at The Plaza, 1 Thomas Wolfe Plaza, Petite Salon, 12th Floor, Asheville, North Carolina 28807.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, Citizens Trust Bank Building, Room 362, 75 Piedmont Avenue NE., Atlanta, Georgia 30303.

The purpose of this meeting is to report on meetings with migrant interest groups and state officials in connection with the follow-up program. Additional agenda items include planning for next Fiscal Year's project, and the September press conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 10, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79–21885 Filed 7–13–79; 8:45 am]

BILLING CODE 6335–01–M

Virginia Advisory Committee; Meeting; Amendment

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 Virginia Advisory Committee (SAC) of the Commission originally scheduled for July 24, 1979 (FR Doc. 79–20183) on page 37967 has been cancelled.

Dated at Washington, D.C., July 11, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79–21884 Filed 7–13–79; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss: (1) Surf Clam/Ocean Quahog Fishery Management Plan (FMP); (2) Squid, Mackerel, and Butterfish FMP's; (3) status of other FMP's; and (4) other business.

DATES: The meeting will convene on Wednesday, August 8, 1979, at 1 p.m. and will adjourn on Friday, August 10, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Best Western Airport Motel, Philadelphia International Airport, Route 291, Philadelphia, Pennsylvania 19153. Telephone: (215) 365–7000.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: July 10, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–21773 Filed 7–13–79; 8:45 am]

BILLING CODE 3510–22–M

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), will meet to discuss: Report of Groundfish Oversight Committee Hearings; Status of Georges Bank Marine Sanctuary; and Lobster Fishery Management objectives.

DATES: The meeting will convene on Wednesday, August 1, 1979, at approximately 10 a.m. and will adjourn on Thursday, August 2, 1979, at approximately 5 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Holiday Inn, Junction of Routes 1 and 128, Peabody, Massachusetts.

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960, Telephone: (617) 535–5450.

Dated: July 10, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–21774 Filed 7–13–79; 8:45 am]

BILLING CODE 3510–22–M

United States Travel Service

Supplement to Final Environmental Impact Statement for Energy Expo '82

Notice is hereby given that a Supplement to the Final Environmental Impact Statement (FEIS) on the proposed International Energy Exposition (Energy Expo '82) to be held in Knoxville, Tennessee, in 1982 is now available for public review and comment. This document was prepared pursuant to Section 102 (2) (c) of the National Environmental Policy Act. The Supplement contains the results and conclusions of the Department of Commerce's analysis of the proposed U.S. Pavilion and the results of its on-going environmental monitoring and

research concerning the overall exposition program.

Copies of the Supplement and FEIS can be obtained by submitting a written request for either or both documents to the address set forth below. Written comments on the Supplement will still be considered if they are postmarked by July 23, 1979, instead of July 12, 1979, and sent to the same address.

Mr. C. C. Pusey, United States Travel Service, Room 1858, U.S. Department of Commerce, Washington, D.C. 20230.

Questions or requests for further information should be directed to Mr. C. C. Pusey at the above address or by calling telephone (202) 377–5211.

Lee J. Wells,

Acting Deputy Assistant Secretary for Tourism.

[FR Doc. 79–21982 Filed 7–13–79; 8:45 am]

BILLING CODE 3510–11–M

DEPARTMENT OF DEFENSE

Department of the Army

Fort Bliss, Tex.; Filing of Environmental Impact Statement

The Army, on July 11, 1979, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing missions at Fort Bliss, Texas. The alternatives of maintaining, discontinuing, or changing missions at Fort Bliss are analyzed. Copies of the statement have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, US Army Air Defense Center and Fort Bliss, ATTN: Environmental Office, Fort Bliss, Texas 79916.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health OASA (IL&FM).

[FR Doc. 79–21869 Filed 7–13–79; 8:45 am]

BILLING CODE 3710–08–M

Proposed Land Withdrawals at Forts Richardson, Wainwright, and Greely, Alaska; Filing of Environmental Impact Statements

The Army, on July 10, 1979, provided the Environmental Protection Agency three separate but similar Draft Environmental Impact Statements (DEIS) concerning the proposed continued withdrawal of lands from the public domain at Forts Richardson, Wainwright and Greely, Alaska. The alternatives of no action, relocating military activities, and State and Federal management actions are analyzed. Copies of the statements have been forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Commander, 172d Infantry Brigade (Alaska), ATTN: AFZT–FE–EQ, Fort Richardson, Alaska 99505.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694–3434.

Bruce A. Hildebrand,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

[FR Doc. 79–21868 Filed 7–13–79; 8:45 am]

BILLING CODE 3710–08–M

Privacy Act of 1974; Amendments to Systems of Records

AGENCY: Department of the Army.

ACTION: Notice of amendments to systems of records.

SUMMARY: The Army proposes to amend 6 systems of records subject to the Privacy Act of 1974. Specific changes to the systems being amended are set forth below, followed by the systems published in their entirety as amended.

DATE: The systems shall be amended as proposed without further notice on August 15, 1979, unless comments are received on or before August 15, 1979 which would result in a contrary determination and require republication for further comments.

ADDRESS: Any comments, including written data, views or arguments concerning the action proposed should be addressed to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mr. Cyrus H. Fraker, The Adjutant General Center (DAAG–AMR–R), Headquarters, Department of the Army, 1000 Independence Avenue SW., Washington, D.C. 20314; Telephone 202/693–0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices, as prescribed by the Privacy Act, have been published in the Federal Register as follows:

FR Doc. 77–28225 (42 FR 50396) September 28, 1977

FR Doc. 78–23953 (43 FR 38070) August 25, 1978

FR Doc. 78–22562 (43 FR 40272) September 11, 1978

FR Doc. 78–26732 (43 FR 42026) September 19, 1978

FR Doc. 78–25819 (43 FR 42374) September 20, 1978

FR Doc. 78–26699 (43 FR 43050) September 22, 1978

FR Doc. 78–26996 (43 FR 43539) September 26, 1978

FR Doc. 78–29130 (43 FR 47604) October 16, 1978

FR Doc. 78–29211 (43 FR 48894) October 19, 1978

FR Doc. 78–29962 (43 FR 49557) October 24, 1978

FR Doc. 78–31795 (43 FR 52512) November 13, 1978

FR Doc. 78–34586 (43 FR 58111) December 12, 1978

FR Doc. 78–35523 (43 FR 59869) December 22, 1978

FR Doc. 79–5788 (44 FR 11105) February 27, 1979

FR Doc. 79–6621 (44 FR 12231) March 6, 1979

FR Doc. 79–8787 (44 FR 17767) March 23, 1979

FR Doc. 79–11350 (44 FR 22140) April 13, 1979

FR Doc. 79–13252 (44 FR 24904) April 27, 1979

FR Doc. 79–15909 (44 FR 29700) May 22, 1979

FR Doc. 79–37654 (44 FR 19958) June 28, 1979

Proposed amendments are not within the purview of the provisions of 5 U.S.C. 552a(o) of the act which require the submission of a new or altered system report.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

July 10, 1979.

Amendments

A0306.01aDACA

System name

306.01 Civilian Employee Pay System (42 FR 50454) September 28, 1977.

Changes

System location

Add: "; Offices of the United States Property and Fiscal Officers in the several States, Puerto Rico, the Virgin Islands, and the District of Columbia."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

After "FAO", add: "/United States Property and Fiscal Offices:".

System manager(s) and address

Add: "; National Guard Bureau, Army Comptroller Division, Management Services and Systems Branch, 5600 Columbia Pike, Falls Church, VA 22041."

Notification procedure

Add: "Information pertaining to National Guard technicians may be obtained from: National Guard Bureau, Army Comptroller Division (NGB–ARC–M), Room 9–112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041, telephone: Area Code 202/756–2457.

United States Property and Fiscal Officers of the several States, Puerto Rico, the Virgin Islands, and the District of Columbia."

Record access procedures

Add to first paragraph: "; National Guard Bureau, Army Comptroller Division (NGB–ARC–M), Room 9–112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041; Offices of the United States Property and Fiscal Officer of the several States, Puerto Rico, the Virgin Islands, and the District of Columbia."

Add to last paragraph: "; National Guard Bureau, Area Code 202/756–2457."

A0501.08aUSARJ

System name

501.08 Blackmarket Monitoring Files (42 FR 50480) September 28, 1977.

Changes

System identification

Change "A0501.08aUSARJ" to: "A0508.17bUSARJ".

Categories of individuals covered by the system

Delete entry and substitute: "Members of the US Armed Forces, civilian employees, and their dependents, who are assigned to, or under the judicial or administrative control of the United States Army Japan (USARJ), including contractors and their employees, who make purchases of controlled items from authroized resale activities on mainland Japan."

Categories of records in the system

Add: "; Overspending/Overpurchase Printout, produced monthly and forwarded from the central computer facility."

Authority for maintenance of the system

Add: "; Title 10 U.S.C., Section 3012".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry and substitute: "Records are used to assist Military Police, United States Army Criminal Investigation Command, United States Air Force Office of Special Investigations, and the Navy Investigative Service in monitoring purchases of controlled items; also to reflect those individuals who have had shopping privileges revoked or suspended and to comply with USARJ and Joint Services blackmarket control policies."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Add: "Paper printouts are stored by run type and number."

Retrievability

Add: "Printouts filed by social security number (SSN), name, unit or station."

Notification procedure

Delete entry and substitute: "Information may be obtained from: United States Army Garrison, Honshu, Office of the Provost Marshal, Camp Zama, APO San Francisco 96343."

Record access procedures

Delete entry and substitute: "Requests from individualsl should be addressed to: Commander, United States Army Garrison, Honshu, ATTN: GARH–MP–PM, APO San Francisco 96343.

Written requests for information should contain the full name of the individual, SSN, and current address.

For personal visits, the individual should be able to provide acceptable identificatrion such as valid driver's license or employee identification card."

Record source categories

Deleted entry and substitute: "Sales slips and control sheets from exchanges, clubs, commissaries, and other authorized resale activities."

A0501.08dUSARJ

System name

501.08 Transfer of POV Files (42 FR 50481) September 28, 1977.

Change

System identification

Change "A0501.08dUSARJ" to: "A0508.17c USARJ".

A0703.04aDAPC

System name

703.04 ROTC Member File (42 FR 50518) September 28, 1977.

Changes

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Safeguards

Add: "Each on-line terminal employs user identification and password edits to protect the system from unauthorized access and to restrict each user to specific files and data elements. User identifications and passwords are changed at random times; control data is maintained by the system manager in a sealed envelope in an approved safe."

A0708.01bNGB

System name

708.01 Army National Guard Automated Personnel Reporting System (FR 50527) September 28, 1977.

Changes

Routine uses of records maintained in the system, including categories of users and the purposes of such uses.

After "Department of the Army (DA)", insert: "(to include United States Army Forces Command (FORSCOM) and United States Army Reserve Components Personnel and Administration Center (RCPAC):".

A0720.04bDAPE

System name

720.04 Individual Correctional Treatment Files (42 FR 50556) September 28, 1977.

Changes

System location

After "Primary System:", delete "Trainee" and substitute: "Personnel and".

After "Decentralized Segment:", delete entry and substitute: "Team and Battalion levels units, United States Army Retraining Brigade, Ft Riley, KS 66442; Research and Evaluation Division, United States Army Retaining Brigade, Ft Riley, KS 66442."

Categories of individuals covered by the system

Delete entry and substitute: "Any United States military servicemember in confinement or training status at the United States Army Retraining Brigade, Ft Riley, KS.

Categories of records in the system

Delete entry and substitute: "System contains documents and items of information relating to the training and administration of individual military confinees and trainees at the United

States Army Retraining Brigade; court-martial orders; confinement and release orders; past, present or future duty assignment orders; records of disciplinary actions of a judicial or nonjudicial nature; military police reports; prisoner identification records; medical examination records; requests and receipts for health and comfort supplies; clothing and equipment issue records; mail records; forms authorizing correspondence; individual prisoner utilization records; interview records; fingerprint cards; prisoner identification records; parolee agreements; inspection records on prisoners in segregation; documents reflecting custodianship of personal funds and property; correspondence or other documents reflecting coordination between trainee's present, past or future unit of assignment; personal history data to include name, sex, social security number (SSN), date of birth, race, marital status, educational level, military skills test scores, military rank levels and qualifications; data relating to separation from service; documents relating to progress and training of confinees or trainees."

Authority for maintenance of the system

Delete "Chapter 48, 'Military Correctional Facilities' " and substitute: "and 3012."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

Delete first paragraph and substitute: "Retraining Brigade Commanders, subordinate commanders, and staff: To determine initial custody classifications, to determine what type of custody appropriate, to guage prisoner's adjustment to confinement, to identify areas of particular concern to individual prisoners, to determine work assignment, to determine educational needs, to serve as basis for correctional treatment or training program, to assist in development of correctional treatment or training program, to determine confinee or trainee's potential for future duty performance, to evaluate effectiveness of correctional treatment program or training program, to monitor performance and progess of confinees or trainees, to establish the function of information mangement, to provide valid statistical data for research projects, to analyze retraining program effectiveness, to perform follow-up studies of trainee performance, to determine cost effectiveness of correction systems, and to provide guidelines for decision making."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Add: "; magnetic tapes and disks."

Retrievability

Delete entry and substitute: "Information is maintained and filed alphabetically by last name of service-member. Information retrieved alphabetically or by SSN by computer."

Safeguards

Delete "and punch cards" and substitute: ", punch cards, tapes, and disks".

Retention and disposal

Delete entry and substitute: "Paper files are retained in an inactive status until the end of the calendar year in which the individual departed the Retraining Brigade, held for 2 years, transferred to the local records holding area for 2 additional years, and then destroyed. Transfer of a prisoner from one confinement facility to another is not construed as released from confinement. When a prisoner is transferred to another facility in confined status, the file is transferred also. Computer punch cards, tapes or disks containing information on confinees or trainees which is used to provide statistical data concerning effectiveness of the retraining program, cost effectiveness of corrections systems and to provide guidelines for decision making, are retained by Chief, Research and Evaluation Division, United States Army Retraining Brigade, for an indefinite period after individual completes the training or otherwise departs the Retraining Brigade. However, names and other individual identifiers are retained only for a period of 4 years after the close of the year individual departed the Retraining Brigade. Upon completion of the 4 year retention period, individual indentifiers are purged from the computer tapes/disks and information retained in statistical form only."

System manager(s) and address

Following "The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army", add: "Washington, DC 20310."

Notification procedure

Delete "See Exemption." and substitute: "Information may be obtained from: Commander, United States Army Retraining Brigade, ATTN: Chief, Personnel and Administrative Division, Ft Riley, KS 66442, Telephone: Area Code 913/239-6119."

Record access procedures

Delete "See Exemption." and substitute: "Requests from individuals should be addressed to: Commander, United States Army Retraining Brigade, ATTN: Chief, Personnel and Administrative Division, Ft Riley, KS 66442.

"Requests should include the full name of the individual desiring access to the information, SSN, military status, present address, telephone number, and approximate dates individual trained at the United States Army Retraining Brigade.

"Personal visits are limited to Chief, Personnel and Administrative Division, Bldg 1204, United States Army Retraining Brigade, Ft Riley, KS 66442. Individuals must present acceptable identification such as driver's license or social security card and give verbal information which could be verified with information in their file."

Contesting record procedures

Delete "See Exemption." and substitute: "The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505)."

Record source categories

Delete entry and substitute: "Military personnel records, military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of nonjudicial administrative proceedings; United States military commanders; staff members and cadre supplying information relevant to servicemember's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed."

A0306.01aDACA

SYSTEM NAME:

306.01 Civilian Employee Pay System.

SYSTEM LOCATION:

Army Finance and Accounting Offices (FAO) worldwide and United States Property and Fiscal Offices in the United States, Puerto Rico, the Virgin Islands, and the District of Columbia, having civilian payroll responsibilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilians and contract teachers employed by Department of the Army

(DA), Office, Secretary of Defense, and specified elements of the Navy and Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employees' pay, leave, and retirement records; individual withholding/deduction authorization for dependents, allotments, health benefits, savings bonds, etc.; tax exemption certificates; personal exception and indebtedness papers; subsistence and quarters records, statements of charges, claims, repatriated payment files; roster of authorized timekeepers and signature cards; payroll and retirement control and working paper files; unemployment compensation data requests; reports of retirement fund deductions to Office of Personnel Management (OPM); management narrative and statistical reports relating to pay, leave, and retirement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

FAO/United States Property and Fiscal Offices: To provide basis for computing civilian pay entitlements; to record history of pay transactions; to record leave accrued and taken, bonds due and issued, taxes paid; to answer inquiries and process claims.

Treasury Department: To record checks and bonds issued.

Social Security Administration (SSA): To report earned wages by employee under the Federal Insurance Contributions Act.

Internal Revenue Service: To record taxable earnings and taxes withheld.

OPM: To record monies paid into Federal Retirement Fund and to provide information pertaining to health benefits.

States and cities: To provide taxable earnings of civilian employees to those states and cities which have entered into an agreement with DA and Treasury Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and in bulk storage, card files, computer magnetic tapes, disks and printouts, and microfilm.

RETRIEVABILITY:

In automated media: By social security number (SSN) within payroll block. In manual form: By last name within payroll block.

SAFEGUARDS:

Records are restricted to personnel who are properly cleared and trained, and have an official need therefor. In addition, integrity of automated data is ensured by internal audit procedures, data base access accounting reports, and controls to preclude unauthorized disclosure.

RETENTION AND DISPOSAL:

Individual pay record files: Permanent. Forward to National Personnel Records Center (NPRC) after 3 years.

Individual retirement records file: Permanent. Retain at installation while member is actively employed. Forward to new installation when member is transferred to another DA activity. Forward to OPM when employee transfers to another installation under the Department of Defense (DOD) NOT serviced by Army or separates from Federal Service. Forward microfilm of manually maintained individual retirement records to NPRC after 3 years.

Personnel exception and indebtedness files: Permanent. Filed in official personnel folder (OPF). Upon separation or transfer, if OPF is not on file locally, files are forwarded to NPRC, General Services Administration, St. Louis, MO 63118.

Repatriated personnel payment files: Permanent. Forward to NPRC after 3 years.

Subsistence and quarters rate deviation files: Permanent. Retire on discontinuance of the installation.

Other records: Retention periods vary according to category of record. The minimum retention period is 2 years and the maximum period 12 years, after which records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Comptroller of the Army, Headquarters, Department of the Army, The Pentagon, Washington, DC 20310; National Guard Bureau, Army Comptroller Division, Management Services and Systems Branch, 5600 Columbia Pike, Falls Church, VA 22041; and Finance and Accounting Officer, United States Army Finance and Accounting Offices, worldwide.

NOTIFICATION PROCEDURE:

Information may be obtained from: Comptroller of the Army, Headquarters, Department of the Army (DACA–FAF–C), Washington, DC 20310.

Finance and Accounting Officers at United States Army Finance and Accounting Offices, worldwide.

Information pertaining to National Guard technicians may be obtained from: National Guard Bureau, Army Comptroller Division (NGB–ARC–M), Room 9–112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041. Telephone: Area Code 202/756–2457.

United States Property and Fiscal Officers (NGB) of the United States, Puerto Rico, Virgin Islands, and the District of Columbia.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Comptroller of the Army (DACA–FAF–C). Records are located at the United States Army Finance and Accounting Center, Indianapolis, IN 46249; appropriate Finance and Accounting Offices, worldwide; National Guard Bureau, Army Comptroller Division (NGB–ARC–M), Room 9–112, Columbia Bldg., 5600 Columbia Pike, Falls Church, VA 22041; or United States Property and Fiscal Officers (NGB) of the United States, Puerto Rico, the Virgin Islands, or the District of Columbia.

Written requests for information should contain the full name, SSN, and current address.

Information may be obtained by telephone: Army: 202/697–5105; National Guard Bureau: 202/756–2457.

CONTESTING RECORD PROCEDURES

The Army's rules for access to records and for contesting content and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES

DOD Staff agencies and field installations, former employers, SSA, financial organizations, Treasury Department, and automated systems interfaced.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

A0508.17bUSARJ

SYSTEM NAME

508.17 Blackmarket Monitoring Files

SYSTEM LOCATION

Office of Provost Marshal, United States Amry Garrison, Honshu, Japan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Members of the US Armed Forces, civilian employees, and their dependents, who are assigned to, or under the judicial or administrative control of the United Sates Army Japan (USARJ), including contractors and their employees, who make purchases of controlled items from authorized resale activities on mainland Japan.

CATEGORIES OF RECORDS IN THE SYSTEM

Sales slips and control sheets used in sales of controlled items by US Forces, Japan sales outlets; Overspending/ Overpurchase Printout, produced and forwarded from the central computer facility.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM

Status of Forces Agreement between the United States of America and Japan; Title 10 U.S.C., Section 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

Records are used to assist Military Police, United States Army Criminal Investigation Command, United States Air Force Office of Special Investigations, and the Navy Investigative Service in monitoring purchses of controlled items; also to reflect those individuals who have had shipping privileges revoked or suspended and to comply with USARJ and Joint Services blackmarket control policies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE

Paper records in individual envelopes. Paper printouts are stored by run type and number.

RETRIEVABILITY

Paper records filed alphabetically by last name. Printouts filed by social security number (SSN), name, unit or station.

SAFEGUARDS

Records are maintained in room accessibe only to authorized personnel who are properly screened and cleared.

RETENTION AND DISPOSAL

Records are maintained in the active file until departure of the sponsor on permanent change of station. The records are then placed in the inactive file. The inactive file is cut off at the end of the calendar year, held 2 years in the current files area, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS

Commander, United States Amry Japan, APO San Franciso 96343.

NOTIFICATION PROCEDURE

Information may be obtained from: United States Army Garrison, Honshu, Office of the Provost Marshal, Camp Zama, APO San Franciso 96343.

RECORD ACCESS PROCEDURES

Requests from individuals should be addressed to: Commander, United States Army Garrison, Honshu, ATTN: GARH–MP–PM, APO San Francisco 96343.

Written requests for information should contain the full name of the individual, SSN, and current address.

For personal visits, the individual should be able to provide acceptable identifications such as valid driver's license or employee identification card.

CONTESTING RECORD PROCEDURES

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES

Sales slips and control sheets from exchanges, clubs, commissaries, and other authorized resale activities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT

None.

A0508.17cUSARJ

SYSTEM NAME

508.17 Transfer of POV Files.

SYSTEM LOCATION

Office of Provost Marshal, United States Army Garrison, Honshu, Japan.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM

Members of the United States Armed Forces and members of the civilian component and their dependents, as defined in Articles I and XIV of the Status of Forces Agreement.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards and documents pertaining to acquisition, disposition, and transfer of ownership of privately owned vehicles (POV) between the United States of America and Japan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain record and control on purchase and disposal limitations, transfer of POV to other authorized United States personnel, and transfer to residents of Japan.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Visible file cards.

RETRIEVABILITY:

Filed alphabetically by last name.

SAFEGUARDS:

Records are maintained in room accessible only to authorized personnel who are properly screened and cleared.

RETENTION AND DISPOSAL:

Records are cut off at the end of a calendar year, held 2 years in the current files area, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Japan, APO San Francisco 96343.

NOTIFICATION PROCEDURE:

Information may be obtained from: United States Army Garrison (PA–PM), Room 8, Bldg 400, Camp Zama, Japan, APO San Francisco 96343. Telephone: AUTOVON 315/223–3011/223–3732.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, United States Army Garrison, Honshu, ATTN: PA–PM, APO San Francisco 96343.

Written requests for information should contain the full name of the individual, current address, and telephone number.

For personal visits, the individual should be able to provide acceptable identification, e.g., driver's license, employing office's identification, and give verbal information that could be verified with their case folder.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Department of Defense Form 430, Military Registration and Certificate of Title of Motor Vehicle.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0703.04aDAPC

SYSTEM NAME:

703.04 ROTC Member File

SYSTEM LOCATION:

Primary System: United States Army Military Personnel Center (MILPERCEN).

Decentralized Segments: Office of the Secretary of the Army (OSA), Department of the Army (DA) Staff agencies, Army commands, Reserve Officers Training Corps (ROTC) elements of civilian educational institutions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and enrolled members of the ROTC conducted under direction, operation, and supervision of the DA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual application for membership; enrollment record; record of enlistment; record of military status; security questionnaire; deferment agreement; personal history statement; acknowledgment of understanding and service requirement; graduate branch of service selection; medical examination; photograph; cadet record of evaluation of training; academic achievement; corps award; financial record relating to pay, travel, and entitlements; alien registration and related Justice Department records when applicable; Department of Labor records pertaining to entitlements by FECA (Title 5 U.S.C., Section 8140); Federal Aviation Agency (FAA) student pilot certification and related flight record requirements; and correspondence between (1) MILPERCEN, (2) applicant or enrolled member, (3) Army staff offices and Army commands, (4) other Federal Government agencies, and (5) ROTC accredited civilian institutions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Section 301; Title 10 U.S.C., Section 2101–2111.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

MILPERCEN: To provide policies and procedures for administering the ROTC including application, enrollment, enlistment, training programs, cadet administration, and disenrollment and commissioning.

OSA: For formulation of plans, policies, directives, and instructions relating to statutory requirements for ROTC.

DA: To implement requirements within their respective sphere of staff activity.

Army Commands: To exercise command authority and jurisdictional control of established, organized, and constituted elements containing enrolled and enlisted members of ROTC.

Department of Labor: To accomplish actions when required under provisions of FECA.

FAA: To control and accomplish flight certification in applicable cases.

National Selective Service System: To accomplish requirements relative to registration and deferment.

Department of Defense Agencies: To coordinate, review, and control student administrative actions relative to interdepartmental relationships.

Civilian Educational Institutions: To administer academic training and related institutional requirements relating to students.

Veterans Administration: For member Group Life Insurance election, coverage, and administration.

DA Staff Agencies and Army Commands: To coordinate, exchange, and administer applicant and enrollee requirements and actions necessary for mission accomplishment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; selected data automated for management facility in a perishable manner on tapes, disks, and cards.

RETRIEVABILITY:

Records accessed by name, social security number, automatic data processing parameter of characteristics of qualification or identity.

SAFEGUARDS:

Records maintained in areas accessible only to authorized personnel who are trained and cleared for duties relating to personnel administration. Each on-line terminal employs user identification and password edits to protect the system from unauthorized access and to restrict each user to specific files and data elements. User identifications and passwords are changed at random times; control data is maintained by the system manager in a sealed envelop in an approved safe.

RETENTION AND DISPOSAL:

Records range from permanent to 1 year retainability depending on the continuing value to the individual or the department. Permanent records are retired to the National Personnel Records Center through appropriate records holding activities in accordance with schedules established by departmental instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, United States Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Information may be obtained from: Professor of Military Science of the civilian educational institution in which the individual is an enrolled ROTC member.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Professor of Military Science of the civilian educational institution in which the individual is an enrolled ROTC member.

Written requests for information should contain the full name of the requester, current address and telephone number, and definitive identification of the information desired.

For personal visits, the individual should be able to provide commonly used identification such as driver's license or personal identification card used in the normal transaction of business.

CONTESTING RECORD PROCEDURES:

The Army's rules for contesting contents of records and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Application and related forms, records, and correspondence from the applicant or enrollee; personal clearance, financial transactions and entitlement status, medical examination and treatment facilities, and related records generated and accumulated from individual membership in the program by the appropriate civilian institution, Army staff agencies, Army commands, and Federal executive department agencies responsible for the action concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.01bNGB

SYSTEM NAME:

708.01 Army National Guard Automated Personnel Reporting System.

SYSTEM LOCATION:

Primary System: National Guard Computer Center, National Guard

Bureau, Columbia Bldg, 5600 Columbia Pike, Falls Church, VA 22041.

Decentralized Segments: Offices of the Adjutants General of all States, Puerto Rico, the Virgin Islands, and the District of Columbia and units of the Army National Guard (ANG) not on active duty.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Each individual who is a member of the ANG in a commissioned officer, warrant officer or enlisted status.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains items of data relating to individual's service which have been extracted from his/her military records or computed from the information contained therein. The records from which the data are extracted are: military personnel records jacket; financial records data folder; health records; statement of service, qualification record; group life insurance election; application for appointment; enlistment records; medical examination; active duty report; record of retirement points; notification of eligibility for retired pay at age 60; voluntary reduction; academic report; officer evaluation report; transcript of military record; oath of enlistment extension; temporary disability record; change of name; statement for enlistment; acknowledgment of service requirements; report of proceedings of physical fitness board; report of proceedings of physical review board; birth certificate; citizenship statement and status; record of security clearance; educational constructive credit; educational transcript; flight record; Federal recognition orders; special orders; recommendation for promotion, notification of non-selection for promotion; miscellaneous correspondence documents and other military orders relating to military service including information pertaining to dependents, interservice actions, intraservice actions, assignments, attachments, details, military qualifications, determinations, reliefs, component, branch of service, military awards, pay entitlements, releases, transfers, and other military service data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Section 275; Title 32 U.S.C.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Department of Defense and Department of the Army (DA) (to include United States Army Forces Command (FORSCOM) and United States Army Reserve Components Personnel and Administration Center (RCPAC): To provide feeder information necessary to enable computation of the monthly pay for each member of the ANG who is paid by the Joint Military Pay System for Reserve Components of the Army; to provide syspense information to assure completion of individual personnel actions required by Federal statute at the expiration of specified periods of time. These actions are: removal from an active status upon completion of maximum periods of service or attainment of maximum ages; to provide lists of female personnel to facilitate selection of individuals for specialized assignments in connection with ANG activities; to provide lists of military chaplains and chaplains' assistants to facilitate the selection of individuals for specialized duties or training.

Record of the identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in Title 21 U.S.C., Section 1175. This statute takes precedence over the Privacy Act of 1974, in regard to accessibility of such records except to the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

By name, social security number or automatic data processing parameter.

SAFEGUARDS:

Access to data storage area and distribution of printouts are controlled. Approval of functional manager must be obtained before data may be retrieved or distributed.

RETENTION AND DISPOSAL:

Data retained in file until updated or service of individual is terminated. In case of enlisted personnel, the data are destroyed 1 month after individual is separated from the ANG. In the case of commissioned officers and warrant officers, the data are retained indefinitely in separate file.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, National Guard Bureau, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Chief, Army Personnel Division, National Guard Bureau, The Pentagon, Washington, DC 20310.

RECORD ACCESS PROCEDURES:

Written requests for information should contain full name of individual, service identification number, current military status, and appropriate return address.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations may be obtained from the SYSMANAGER.

RECORD SOURCE CATEGORIES:

Enlistment, appointment or commission related forms pertaining to the individual having a current or former military status; academic, training or qualification records acquired prior to or during military service; correspondence, forms, records, documents, and other related papers originating in or collected by DA Staff agencies and commands; other Federal departmental agencies, administrations, Federal separate agencies, commissions, boards, service or authority; state and local governmental entities; civilian education and training institutions; and members of the public when such information directly concerns the military servicemember.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0720.04bDAPE

SYSTEM NAME:

720.04 Individual Correctional Treatment Files

SYSTEM LOCATION:

Primary System: Personal and Administrative Service Division, United States Army Retraining Brigade, Ft. Riley, KS 66442.

Decentralized Segment: Team and Battalion levels units, United States Army Retraining Brigade, Ft. Riley, KS 66442; Research and Evaluation Division, United States Army Retraining Brigade, Ft. Riley, KS 66442.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any United States military servicemember in confinement or training status at the United States Army Retraining Brigade, Ft. Riley, KS.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains documents and items of information relating to the training and administration of individual military confinees and trainees at the United States Army Retraining Brigade; court-martial orders; confinement and release orders; past, present or future duty assignment orders; records of disciplinary actions of a judicial or nonjudicial nature; military police reports; prisoner identification records; medical examination records; requests and receipts for health and comfort supplies; clothing and equipment issue records; mail records; forms authorizing correspondence; individual prisoner utilization records; interview records; fingerprint cards; prisoner identification records; parolee agreements; inspection records on prisoners in segregation; documents reflecting custodianship of personal funds and property; correspondence or other documents reflecting coordination between trainee's present, past or future unit of assignment; personal history data to include name, sex, social security number (SSN), date of birth, race, marital status, educational level, military skills test scores, military rank levels and qualifications; data relating to separation from service; documents relating to progress and training of confinees or trainees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 10 U.S.C., Sections 951–953 and 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Retraining Brigade Commanders, subordinate commanders, and staff: To determine initial custody classifications, to determine what type of custody appropriate, to gauge prisoner's adjustment to confinement, to identify areas of particular concern to individual prisoners, to determine work assignment, to determine educational needs, to serve as basis for correctional treatment or training program, to assist in development of correctional treatment or training program, to determine confinee or trainee's potential for future duty performance, to evaluate effectiveness of correctional treatment program or training program, to monitor performance and progress of confinees or trainee, to establish the function of information management, to provide guidelines valid statistical data for research projects, to analyze retraining program effectiveness, to perform follow-up studies of trainees performance, to determine cost effectiveness of correction systems, and to provide for decision making.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORGE:

Paper records in file folders; punch cards; magnetic tapes and disks.

RETRIEVABILITY:

Information is maintained and filed alphabetically by last name of servicemember. Information retrieved alphabetically or by SSN by computer.

SAFEGUARDS:

Records, punch cards, tapes, and disks are maintained in secure area accessible only to authorized personnel who are properly screened, cleared, and trained.

RETENTION AND DISPOSAL:

Paper files are retained in an inactive status until the end of the calendar year in which the individual departed the Retraining Brigade, held for 2 years, transferred to the local records holding area for 2 additional years, and then destroyed. Transfer of a prisoner from one confinement facility to another is not construed as release from confinement. When a prisoner is tranferred to another facility in confined status, the file is transferred also. Computer punch cards, tapes or disks containing information on confinees or trainees which is used to provide statistical data concerning effectiveness of the retraining program, cost effectiveness of corrections systems and to provide guidelines for decision making, are retained by Chief, Research and Evaluation Division, United States Army Retraining Brigade, for an indefinite period after individual completes the training or otherwise departs the Retraining Brigade. However, names and other individual identifiers are retained only for a period of 4 years after the close of the year individual departed the Retraining Brigade. Upon completion of the 4 year retention period, individual identifiers are purged from the computer tapes/disks and information retained in statistical form only.

SYSTEM MANAGER(S) AND ADDRESS:

The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Information may be obtained from: Commander, United States Army Retraining Brigade, ATTN: Chief, Personnel and Administrative Division, Ft. Riley, KS 66442. Telephone: Area Code 913/239–6119.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Commander, United States Army Retraining Brigade, ATTN: Chief, Personnel and Administrative Division, Ft. Riley, KS 66442.

Requests should include the full name of the individual desiring access to the information, SSN, military status, present address, telephone number, and approximate dates individual trained at the United States Army Retraining Brigade.

Personal visits are limited to Chief, Personnel and Administrative Division, Bldg. 1204, United States Army Retraining Brigade, Ft. Riley, KS 66442. Individuals must present acceptable identification such as driver's license or social security card and give verbal information which could be verified with information in their file.

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Military personnel records, military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of nonjudicial administrative proceedings; United States military commanders; staff members and cadre supply information relevant to servicemember's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under Title 5 U.S.C., Section 552a(j)(2).

For additional information, contact the SYSMANAGER.

[FR Doc. 79-21771 Filed 7-13-79; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

SEMICOA; Intent To Grant Limited Exclusive Patent License

Pursuant to the provisions of Part 746 of Title 32, *Code of Federal Regulations*, (41 FR 55711-55714, December 22, 1976) the Department of the Navy announces its intention to grant to SEMICOA, a corporation of the State of California, a revocable, nonassignable, limited exclusive license for a period of five years under Government-owned United States Patent Number 4,005,282, issued January 25, 1977, entitled "Decometer," inventor, Kirk E. Jennings.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license, or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which has established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217 on or before September 14, 1979. Copies of the patent may be obtained for fifty cents ($0.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams, Staff Patent Adviser, Office of Naval Research (Code 302), Ballston Tower No. 1, 800 North Quincy Street, Arlington, VA 22217, Telephone no. (202) 696-4005.

Dated: July 9, 1979.

P. B. Walker,

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

[FR Doc. 79-21949 Filed 7-13-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Source Evaluation Board: Availability of Procurement Regulation Handbook

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy Source Evaluation Board (SEB) Handbook was published in the January 30, 1979, 44 FR 6038, **Federal Register** because the Department of Energy Procurement Regulation (DOE-PR) had not been issued as a final rule. The Handbook essentially establishes internal policy and procedures for the Department of Energy in the source evaluation and selection process. In the June 14, 1979, 44 FR 34424 **Federal Register** the Department of Energy provided notice of issuance of the DOE-PR as a final rule with an effective date of June 30, 1979. Since all regulatory coverage of the SEB Handbook is contained in the DOE-PR, there is no requirement to publish the Handbook as a rule.

This notice announces the availability of the SEB Handbook pursuant to 44 U.S.C. Section 1505(b) and informs all interested persons that the SEB Handbook will be employed by DOE in accordance with its terms beginning June 30, 1979. The SEB Handbook provides the Source Evaluation Board process which is utilized by DOE to evaluate proposals submitted in response to formal requests for proposals above a specified dollar amount. The provisions of the Handbook will be used in appropriate major procurements, as provided for in DOE Directives and Procurement Regulations, and for other situations as determined by the Secretary, Deputy Secretary, or Under Secretary.

EFFECTIVE DATE: June 30, 1979.

ADDRESS: The Handbook will be available to other Government agencies, contractors, and the public in general through sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT:

Robert J. Walsh, Procurement Policy Branch (PR-211), Policy and Procedures Division, Procurement and Contracts Management Directorate, Department of Energy, 400 1st Street NW., Washington, D.C. 20585, Room 308RB, Telephone 202-376-1759.

E. Barclay Van Doren, Office of General Counsel, Attorney, AGC for Procurement, Department of Energy, 1000 Independence Avenue, Washington, D.C. 20585, Telephone 202-252-6902.

SUPPLEMENTARY INFORMATION: No public comments were received in response to publication of the Handbook for comment. The SEB Handbook is not a significant regulation likely to have a major impact within the meaning of Department of Energy Order 2030, because the Handbook establishes internal policy and procedures for the DOE in the source evaluation and selection process. The Energy Research and Development Administration SEB Handbook was used as the baseline with relatively minor changes made to make it consistent with and applicable to all elements of the DOE.

For the Department of Energy.

Date: July 5, 1979.

Hilary J. Rauch,

Deputy Director, Procurement and Contracts Management Directorate.

[FR Doc. 79-21486 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Task Groups of the NPC Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities; Meeting

Notice is hereby given that three task groups of the Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities will meet in July 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters, relating to oil and natural gas or the oil and natural gas industries. The Committee on U.S. Petroleum Inventories, and Storage and Transportation Capacities will analyze the potential constraints in these areas which may inhibit future production and will reports its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The three task groups scheduling meetings are the Inventory and Storage Task Group, the Tank Cars/Trucks Task Group and the Petroleum Pipeline Task Group. The time, location and agenda of each task group meeting follows:

The ninth meeting of the Inventory and Storage Task Group will be held on Tuesday, July 17, 1979, starting at 10:30 a.m., in the Blue Room, The Hampshire House, 1000 Grant Street, Denver, Colorado. The tentative agenda for the meeting follows:

1. Introductory remarks by William P. Madar, Chairman.
2. Remarks by Earl Ellerbrake, Government Cochairman.
3. Review of preliminary inventory and storage data.

4. Review of draft description of storage and inventories.

5. Discussion of the timetable for completion of task group report.

6. Discussion of any other matters pertinent to the overall assignment of the task group.

The sixth meeting of the Tank Cars/Trucks Task Group will be held on Thursday, July 19, 1979, and Friday, July 20, 1979, starting at 9 a.m., in the Georgetown Room, the Brown Palace Hotel, 321 17th Street, Denver, Colorado. The tantative agenda for the meeting follows:

1. Introductory remarks by Walter B. Smith, Jr., Chairman.

2. Remarks by Barry Yaffee, Government Cochairman.

3. Discuss status of data collection.

4. Discuss timetable for completion of the task group report.

5. Discuss any other matters pertinent to the overall assignment of the task group.

The eighth meeting of the Petroleum Pipeline Task Group will be held on Monday, July 23, 1979, starting at 1:30 p.m., in the State Room, the Fairmont Hotel, Atop Nob Hill, San Francisco, California. The tentative agenda for the meeting follows:

1. Introductory remarks by G. D. Kirk, Chairman.

2. Remarks by Robert G. Bidwell, Jr., Government Cochairman.

3. Review of Draft Petroleum Pipeline Task Group report.

4. Discussion of any other matters pertinent to the overall assignment of the task group.

The meetings are open to the public. The chairman of the task group is empowered to conduct the meetings in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statement should inform Mario Cardullo, Office of Resource Applications, 202–633–8828, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, Room GA–152, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on July 10, 1979.

R. Dobie Langenkamp,

Deputy Assistant Secretary, Oil, Natural Gas and Shale Resources, Resource Applications.

July 10, 1979.

[FR Doc. 79–21816 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

Office of Environment

Environmental Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Date, time, and place: Thurday, August 2, 1979, 9:00 a.m. to 5:00 p.m., Committee and interested public will tour the Solvent Refined Coal Demonstration Plant (SRC–I) at Ft. Lewis, WA.

Thurday, August 2, 1979, 7:00 p.m. to 9:00 p.m., Hyatt Seattle Hotel, Phoenix D Room, 17001 Pacific Highway, South, Seattle, WA.

Friday, August 3, 1979, 9:00 a.m. to 4:00 p.m., Federal Building, 915 Second Ave., 3rd Floor, Room 380, Seattle, WA.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G031, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202–252–5187.

Publish participation: The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should call the Advisory Committee Management Office at the above number at least 5 days prior to the meeting and reasonable provision will be made to include their presentation on the agenda.

Members of the public who are interested in touring the Solvent Refined Coal Demonstration Plant at Ft. Lewis, Washington, should contact the Advisory Committee Management Office at the above number at least 5 days prior to the meeting.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room GA–152, Forrestal Building, 1000 Indepdendence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Purpose of committee: To advise the Department of Energy on the overall activities which pertain to the goals of restoring, protecting and enhancing environmental quality and assuring public health and safety.

Tentative agenda:

Thurday, August 2, 1979, 7:00 p.m. to 9:00 p.m., Discuss Community Environmental Issues Which Relate to SRC–I and Other Existing Environmental Problems.

Friday, August 3, 1979, 9:00 a.m. to 4:00 p.m., Analysis and Status Report on Synfuels Legislation, Report from Ad Hoc Subcommittee on Demand Growth Projections, Administrative and New Business.

Issued at Washington, D.C. on July 9, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79–21815 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Palo Pinto Oil & Gas Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective date: June 28, 1978.

COMMENTS BY: August 15, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFOMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] 214/749–7626.

SUPPLEMENTARY INFORMATION: On June 28, 1979 the Office of Enforcement of the ERA executed a Consent Order with Palo Pinto Oil and Gas Company of Wichita Falls, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interests, becomes effective upon its execution.

Because the DOE and Palo Pinto Oil and Gas Company wish to expeditiously resolve this matter as agreed and to avoid delay in the payment of refunds,

the DOE has determined that it is in the public interest to make the Consent Order with Palo Pinto Oil and Gas Company effective as of the date of its execution by the DOE and Palo Pinto Oil and Gas Company.

I. Consent Order

Palo Pinto Oil and Gas Company, is a firm engaged in the processing of natural gas and sale of natural gas liquids, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of NGL's, the Office of Enforcement, ERA and Palo Pinto Oil and Gas Company entered into a Consent Order, the Significant terms of which are as follows:

1. The period covered by the audit was September 1973 through December 1978 and it included all sales of natural gas liquids which were made during that period.

2. Palo Pinto Oil and Gas Company improperly applied the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquids; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customer.

3. In order to expedite resolution of the disputes involved, the DOE and Palo Pinto Oil and Gas Company have agreed to a settlement in the amount of $530,000. The settlement includes a refund of overcharges amounting to $434,822, plus interest of $94,178 and a penalty of $1,000. The negotiated settlement was determined to be in the public interest as well as the best interest of the DOE and Palo Pinto Oil and Gas Company.

4. Because sales of the natural gas liquids were made to a refiner and the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR part 205, Subpart V as provided below.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Palo Pinto Oil and Gas Company agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $530,000. The terms of the refund consist of 25 percent of the total to be refunded immediately upon acceptance of the Consent Order, with the balance divided into four equal installments to be paid within six months. Refunded overcharges will be in the form of a certified check made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 749–7626.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Palo Pinto Oil and Gas Company Consent Order." We will consider all comments we receive by 4:40 p.m., local time, on August 15, 1979. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 6th day of July, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79-21612 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 79-CERT-033]

Delmarva Power & Light Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

Delmarva Power and Light Company (Delmarva) filed an application for certification of an eligible use of natural gas to displace fuel oil at its Edge Moor Power Plant in Wilmington, Delaware, with the Administrator of the Economic Regulatory Administration pursuant to 10 CFR Part 595 on June 5, 1979. Notice of that application was published in the **Federal Register** (44 FR 37530, June 27, 1979) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The Administrator has carefully reviewed Delmarva's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Interim-Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas for Fuel Oil Displacement (44 FR 20398, April 5, 1979). The Administrator has determined that Delmarva's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. A copy of the transmittal letter and the actual certification are appended to this notice.

Issued in Washington, D.C. July 11, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

Appendix I

Re: ERA Certification of Eligible Use, ERA Docket No. 79–CERT–033, Delmarva Power & Light Co.

Mr. Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C.

Dear Mr. Plumb: Pursuant to the provisions of 10 CFR Part 595, I am hereby transmitting the enclosed certification of an eligible use of natural gas to displace fuel oil to the Commission. This certification is required by the Commission as a precondition to interstate transportation of fuel oil displacement gas in accordance with the authorizing procedures in 18 CFR Part 284, Subpart F (FERC Order No. 30, 44 FR 30323, May 25, 1979). As noted in the certificate, it is effective for one year from the date of issuance, unless a shorter period of time is required by 18 CFR Part 284, Subpart F. A copy of the enclosed certification is also being published in the **Federal Register** and provided to the applicant.

Should the Commission have any further questions, please contact Mr. Finn K. Neilsen, Director, Import/Export Division, Economic Regulatory Administration, 2000 M Street, NW., Room 6318, Washington, D.C. 20461, telephone (202) 254–9730. All correspondence and inquiries regarding this certification should reference ERA Docket No. 79–CERT–033.

Sincerely,

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

Certification by the Economic Regulatory Administration to the Federal Energy Regulatory Commission of the Use of Natural Gas for Fuel Oil Displacement by the Delmarva Power & Light Co.

[ERA Docket No. 79–CERT–033]

Application for Certification

Pursuant to 10 CFR Part 595, Delmarva Power and Light Company (Delmarva) filed an application for certification of an eligible use of up to 16,000 Mcf of natural gas per day at its Edge Moor Power Plant in Wilmington, Delaware, with the Administrator of the Economic Regulatory Administration (ERA) on June 5, 1979. The application states that the eligible seller of the gas is the Delhi Gas Pipeline Corporation (Delhi) and that the gas will be transported by the Transcontinental Gas Pipe Line Corporation. The application and supplemental information indicate, among other things, that the natural gas will be used to displace approximately 2,660 barrels of No. 6 fuel oil (1% sulfur) per day and that neither the gas nor the displaced fuel oil will be used to displace coal in the applicant's facilities.

Certification

Based upon a review of the information contained in the application, as well as other information available to ERA, the Administrator hereby certifies, pursuant to 10 CFR Part 595, that the use of up to 16,000 Mcf of natural gas per day at Delmarva's Edge Moor Power Plant purchased from Delhi is an eligible use of gas within the meaning of 10 CFR Part 595.

Effective Date

This certification is effective upon the date of issuance, and expires one year from that date, unless a shorter period of time is required by 18 CFR Part 284, Subpart F.

Issued in Washington, D.C. on July 11, 1979.

Doris J. Dewton,

Acting Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

[FR Doc. 79–21887 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. G–4579, et al.]

Cities Service Co., et al.; Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates[1]

June 29, 1979

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 6, 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.

Take further ntoice 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 on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the propsoed abandonment is required by the public convenience and necessitty. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G–4579, D, 4/16/79	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Lone Star Gas Company, South half of the Southeast Quarter of Sec. 36–2N–2W, Garvin County, Oklahoma.	(1)	
G–4579, D, 6/18/79	Cities Service Company	Colorado Interstate Gas Company, North one-half of Sec. 18–27S–31W, Haskell County, Kansas, from Formations below 3,400 feet.	(2)	
G–15969, D, 6/15/79	ARCO Oil and Gas Company, a Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Arkansas Louisiana Gas Company, Bethany Longstreet Field, DeSoto Parish, Louisiana.	(3)	
CI64–1274, D, 6/11/79	Continental Oil Company, P.O. Box 2197, Houston, Texas 77001.	Northern Natural Gas Company, Denison Strawn Field, Sutton County, Texas.	Leases and parts of leases never produced and were surrendered as unattractive for further development.	

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI66-1037, D, 1/13/79	Mobil Oil Corporation, Three Greenway Plaza East, Suite 800, Houston, Texas 77046.	Texas Eastern Transmission Corporation, Chapman Ranch Field, Nueces County, Texas.	(*)	
CI76-342, D, 6/20/79	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, Sec. 14-21N-20W, Woodward County, Oklahoma.	Applicant has assigned its interest in said acreage to Hamilton Brothers Oil Company.	
CI77-294, D, 6/1/79	Amoco Production Company, Security Life Building, Denver, Colorado 80202.	Cities Service Gas Company, Wamsutter Area, Carbon and Sweetwater Counties, Wyoming.	Amoco is assigning their 25% interest to Champlin Petroleum Company.	
CI77-797, C, 6/25/79	Gulf Oil Corporation, P.O. Box 2100, Houston, Texas 77001.	Mountain Fuel Supply Company, Whitney Canyon and Yellow Creek Fields, Uinta County, Wyoming.	(5)	14.73

[1] Last sales from the Hart "A" Lease occurred on 1-11-71. The last well on the lease was sold to Moran Pipe and Supply Co. Inc. for plugging and abandoning, effective 1-1-71, and plugging was completed on 3-9-71. The lease expired on 4/75 and was released at that time.

[2] No well was drilled on the committed acreage. The lease reached its term and was released by Cities Service on 1-18-65. No gas was either produced or sold from the committed acreage by Cities Service.

[3] All producing wells and all formations from the surface to the base of the Pettit were sold or assigned on 5-25-59 and 4-9-74.

[4] By Partial Assignment of Oil and Gas Leases (S-25-R) executed 2-20-75, Mobil assigned to John T. Schulz, Jr., all of its right, title and interest in and to that acreage from surface to 7,116' excluding L-20 and the C-3 Sands.

[5] Applicant is willing to accept a permanent certificate at the maximum lawful rate applicable in conformance with the Commission's Regulations under the Natural Gas Act and the Natural Gas Policy Act of 1978 in accordance with the area and/or national rate clause of the contract between Gulf and Mountain Fuel.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 79-21676 Filed 7-13-79: 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-97]

Tucson Electric Power Co.; Order on Rehearing and Granting Intervention

Issued: June 25, 1979.

I. Background

On December 5, 1978, Tucson Electric Power Company (Tucson) tendered for filing a power sale and interconnection agreement between Tucson and San Diego Gas & Electric Company (San Diego). The agreement specified the terms, conditions, and rates under which Tucson agreed to sell power and energy to San Diego for a ten year period from exisitng and future generating facilities. The agreement further provided that such transactions would be accomplished in five successive "Phases" beginning on March 1, 1979.[1]

By order issued February 28, 1979, the Commission, *inter alia*, accepted in part and rejected in part the proposed filing. Our review indicated that the rate schedules applicable to each of the five Phases are essentially five separate, discrete rate schedules; according, we considered and disposed of these five schedules individually. The power sale agreement as well as the rate schedule applicable to Phases One and Two were accepted for filing, to go into effect as of March 1, 1979 and July 1, 1979, respectively. With respect to the Phase Three, Four and Five rate schedules, we declined to exercise our discretion to grant waiver of the Commission's notice requirments and, consequently, rejected the proposed rate schedules.

[1] The various Phases are described in the Commission's "Order Accepting in Part and Rejecting in Part Rate Filing, and Granting Waiver of Notice Requirements" issued in this docket on February 28, 1979.

II. Applications for Rehearing

On March 23, 1979, Tucson filed with the Commission an application for rehearing and reconsideration of its February 28th Order. In its application, the Company describes the balance of benefits embodied in the contract between itself and San Diego stating that the ten year power sale agreement was designed as an integrated arrangement comprised of "inseparable provisions." According to Tucson, its agreement to advance the in-service date of two coal-fired generating units and to make the resulting capacity available to San Diego for a period of years during which Tucson would not otherwise require that capacity was predicated on San Diego's agreement to purchase the additional capacity under the comprehensive five-phase payment plan. Tucson states that the rate structure reflects the fact that Tucson and San Diego will each benefit to different degrees and at different times during the ten year period. Tucson further asserts that the underlying order in this docket would compromise the agreed-upon arrangement by viewing the various rate schedules independently. the power sale and interconnection agreement. These modifications (1) would acknowledge the Commission's ongoing authority to investigate the justness and reasonableness in the cost of service formulae applicable to the Phase Three, Four and Five rates and to order any appropriate refunds on the basis of such inquiry and (2) would make some modifictions in the proposed wholesale service formulae.[2]

[2] The modifications include: (1) A revised definition of loss factor to provide for only those losses associated with service to customer. (2) A determination of rate base on the basis of test period average rather than end of test period. (3) An allocation of purchased power expense to demand or energy related expense as appropriate, rather than entirely to energy. (4) A revision providing that Exhibit Three cost of service determinations are to be made on the basis of successive twelve month periods following initiation of Phase Three, rather than on the basis of the historical twelve-month period immediately preceding Phase Three.

Concurrent with Tucson's filing,[3] San Diego filed on untimely petition to intervene as well as an application for rehearing of our February 28, 1979 order, adopting each of the grounds for rehearing asserted by Tucson and expressing its willingness to agree to Tucson's proposed alternative to rehearing.

On April 23, 1979, the Commission issued an "Order Granting Rehearing for Further Consideration."

Subsequently, Tucson and San Diego filed a number of additional pleadings in connection with the applications for rehearing. On May 25, 1979, Tucson submitted a "supplemental statement." This pleading was filed, according to Tucson, "in order to respond to requests made by the Commission's Staff for further information and clarification." [4] It includes a discussion of various items incorporated in Tucson's filing [5] in addition to further proposed contract changes.[6]

On May 30, 1979, San Diego also filed a "supplemental statement", submitted, like Tucson's, to provide information to the Commission Staff.[7] The pleading discusses San Diego's need for the power to be purchased from Tucson,

[3] March 23, 1979.

[4] "Supplemental Statement of Tucson Electric Power Company in Connection with Application for Rehearing," filed May 25, 1979, at 1.

[5] Cost of Service approach, tax normalization, investment tax credit, Western Coal Company contract, coal supply for Springerville Units, working cash capital.

[6] The additional proposed charges involve revisions to the formula for monthly demand charge, working cash capital, the determination of the income tax component, investment tax credits, and treatment of charges by an affiliate.

[7] Both pleadings state that due notice of meetings with Staff was given to all parties.

urging the Commission to favorably dispose of Tucson's proposal.

On May 30, 1979, Tucson and San Diego filed a joint motion to expedite decision on rehearing, claiming the need for Commission action prior to undertaking the major commitments contemplated in their contract.

III. Discussion

Upon review of Tucson's pleading, we do not agree that Tucson has identified any error in our February 28 order. However, our analysis of the language suggested by Tucson in the application for rehearing and the supplemental statement indicates that the alternative proposal will satisfy many of the concerns underlying our earlier order. In particular, the Commission is no longer being asked to rule upon the proposed rates of return on equity specified in those rate schedules prior to the time at which Tucson notifies the Commission and the public that it intends to commence service under each of the revised rates. We emphasize that we are not now approving any rate of return for Phases Three, Four and Five and that we will undertake an evaluation of the requested rates of return only at such times as the revised rates are proposed to become effective.

Further, we believe that acceptance for filing of the schedules of rates for Phases Three, Four and Five should be conditioned upon the acceptance by Tucson and San Diego of the following requirements: (1) that data to accompany notice of Phase initiation be expanded to include full estimated cost of service data for the first twelve months of service in that Phase; and (2) that revenues to be collected subject to refund (should the Commission order an investigation) include those based upon costs incurred from purchases from an affiliated supplier.

Further, Tucson utilized comprehensive interperiod tax allocation (normalization) in Phases Three, Four and Five. On February 16, 1979, the United States Court of Appeals, District of Columbia Circuit, in *Public Service Systems, et al.* v. *FERC*, Nos. 76–1609 and 76–1830, ——F.2d——, remanded Commission Order No. 530–B, Interperiod Allocation of Income Taxes, to the Commission on the grounds that the Commission had not adequately explained or supported its policy decision. Since we are conducting a re-examination of Order 530–B, we shall make the tax normalization issue in Tucson's rate schedule subject to the outcome of that proceeding.

These conditions are appropriate in light of the fact that the Phase Three rates would be based upon a set of cost of service specifications to be applied to successive twelve month periods potentially spanning more than five years. In addition, the Phase Four and Five rates, although apparently appropriate to the unit sales applicable during these Phases, are not scheduled to commence until 1985. Further, the unit sales contemplated in Phases Four and Five may, under certain circumstances, not occur and sales under the Phase Three rate schedule may extend into these Phases.

Based upon the unique circumstances surrounding the arrangement between Tucson and San Diego, we shall approve the long-term agreement [8] subject to the conditions described above and the caveats and modifications expressed in Tucson's alternative language.[9]

The Commission orders:

(A) The proposed rate schedules for Phases Three, Four and Five are hereby accepted for filing subject to the following conditions:

1. Within fifteen (15) days of the issuance of this order, Tucson Electric Power Company and San Diego Gas & Electric Company shall submit written acceptance of the following conditions with respect to each of Phases Three, Four and Five of the Tucson-San Diego Ten Year Power Sale and Interconnection Agreement:

(a) Tucson shall give the Commission notice of the intended date for commencement of service under the Phase within 120 days and not less than 60 days prior to such date, together with:

(i) Its justification for the proposed rate of return overall and on equity for such phase (including information required under the rate of return statement to comply with Regulations Section 35.13 as then in effect), and

(ii) The estimated cost of service for the first 12 months of service in the phase, utilizing Exhibits Three, Four and Five as appropriate to the phase.

(b) In the event the Commission after the date so noticed and before the commencement of service under the Phase orders an investigation into the justness and reasonableness of the proposed rate of return on equity (and associated income taxes) and the cost of service effects of fuel costs incurred on account of purchases from an affiliated supplier, Tucson shall collect subject to refund all revenues derived from the items so investigated, and shall, upon the issuance of a Commission order determining the related just and reasonable rate determinants, make refunds in accordance with the Commission's then existing Rules and Regulations.

2. Within thirty (30) days of the issuance of this order, Tucson Electric Power Company shall, with respect to Exhibits Three, Four and Five, amend the Tucson-San Diego Ten Year Power Sale and Interconnection Agreement as set forth in Attachment B.

(c) The treatment to be accorded interperiod tax allocation shall be subject to the Commission's determination on remand of Order 530–B.

(B) San Diego is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by this intervenor shall be limited to the matters set forth in its petition to intervene; and *Provided, further,* that the admission of this intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission in this proceeding.

(C) Ordering Paragrah (E) of the Commission's February 28, 1979 order in this docket is hereby amended to conform with the rulings embodied in this order.

(D) Waiver of the 120 day notice requirement of Section 35.3 of our Regulations is granted with regard to the Phase Three, Four and Five rate schedules.

(E) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

Commissioner Holden, dissenting, will have a separate statement to be issued later.

Kenneth F. Plumb,

Secretary.

Attachment A

Designation	Description
Tucson Electric Power Company, Supplements to Rate Schedule FERC No. 26	Ten Year Power Sale and Interconnection Agreement
No. 3	Exhibit Three (Phase Three).
No. 4	Exhibit Four (Phases Four and Five).
No. 5	Exhibit Five (Phase Five).

III. Proposed Contract Changes

A. Exhibit Three of the Ten Year Power Sale and Interconnection Agreement will be revised in the following respects:

[8] The request for waiver of our notice requirements, implicit in the Company's filing, shall be granted. The rate schedule supplements shall become effective upon the initiation of service in each successive Phase. *See* Attachment A for rate schedule designations.

[9] *See* Attachment B for proposed contract changes.

(1) Page 3, definition of Lr: Change to read:

Loss factor for service to Customer hereunder (estimated if necessary) expressed in decimal form.

(2) Page 4: Substitute the following for the first paragraph:

Purchaser shall pay the full Cost per Unit of demand and energy (including fuel) associated with the production and delivery of this power and energy as determined in accordance with the following formula for each successive period of twelve months following the initiation of service hereunder, based on a test period consisting of the 12 calendar month period in which such service is rendered. Where San Diego is simultaneously purchasing power to which this Exhibit Three applies and purchasing capacity from Springerville Unit 1 (to which Exhibit Four applies) or Springerville Unit 2 (to which Exhibit Five applies) there shall be excluded from the elements which enter into this Exhibit Three formula the costs of service which San Diego is payng under either of Exhibits Four or Five and the related demands and energy.

Since the charges for each successive twelve calendar month test period cannot be finally determined until after the end of the period, estimated monthly bills shall be submitted and paid during the period on the basis of projected costs and demand data for the period. Projected costs shall be reviewed periodically and adjustments made for extraordinary deviations between projected and actual data. Following the end of the period the monthly bills will be recalculated, based upon the actual costs for the period and Purchaser shall pay or be refunded the amount by which the actual bills exceed or are less than, respectively, the estimated bills with interest at the prime rate from the due dates of estimated bills.

(3) Page 4, formula for "Monthly Demand Charge per KW": Change to read:

$$\frac{\text{Sum of Items 1 through 5 less Item 13}}{\text{Sum of 12 Monthly One Hour Peak Demands of Tucson's System}}$$

(4) Page 4, under formula for E, next to last line:

Change "loss factor for wholesale power service" to "loss factor for service to customer hereunder."

5. Page 5: revise Item 1a to read:

O&M Production and Transmission expenses shall include those amounts properly chargeable under the Uniform System of Accounts to Accounts 500 to 573, inclusive, excluding Accounts 501, 512, 513, 518, 547, 548 and 553 and that portion of 555 included in Item 7.

(6) Page 6: Revise the first paragraph of Item 4 to read:

The return will be the cost of capital (determined by weighting the imbedded costs of debt and preferred stock and a return of 15% on common equity) on April 30, 1982 (and not changed for succeeding test periods hereunder) multiplied by the average of thirteen successive month end balances of net plant in service (as defined below), beginning with the end of the month preceding the test period and ending with the end of the last month in the test period.

(7) Page 6, first line of subparagraph 1 of Item 4:

Insert before the word "monthly" the words "corresponding thirteen".

(8) Page 6: Change subparagraph 2 of Item 4 to read:

2. Cash working capital equal to 1/12 of the sum of Item 1 (exclusive of any amounts in Account 555) and Item 6 for the test period.

(9) Pages 6 and 7, Item 5: Revise to read:

"The income tax component shall be determined as the product of the fraction TR/1–TR (where TR equals the composite State and Federal Income Tax rate) and the algebraic sum of: (1) the common and preferred stock portion of the return as derived in Item 4 above, plus (2) the depreciation expense as determined in Item 2 above related to production plant placed in service prior to January 1, 1979 and transmission plant placed in service prior to January 1, 1980, and minus (3) the applicable tax depreciation for such plant. Elements (2) and (3) of the above computation are not applicable to plant placed in service on and after the above dates because the intent is to reflect flow through tax treatment for the earlier plant and normalization tax treatment for the plant placed in service on and after those dates.

(10) Page 7, Item 6: Add the following sentence at the end of the Item:

Where such amounts include charges by an affiliated company (as defined in the Uniform System of Accounts) only such portions thereof shall be included in this Item as represent costs allowable for ratemaking by the Federal Energy Regulatory Commission.

(11) Page 7: Change Item 7 to read:

This Item shall include charges on a kilowatt hour basis for purchased power chargeable to Account 555 of the Uniform System of Accounts.

(12) Page 8: Add the following at end

Item 13—Investment Tax Credit

This Item shall be an amount equal to that which would amortize the investment tax credits related to property in the rate base hereunder over the book lives of such property.

B. Exhibit Four of the Ten Year Power Sale and Interconnection Agreement will be revised in the following respects:

(1) Page 1, formula for "Monthly Demand Charge": Change to read:

$$\frac{\text{Sum of Items 1 through 5 less Item 8}}{\text{Net Dependable Capability—MW}} \times (230\ \text{MW})$$

(2) Page 4, Item 6: Add the following sentence at the end of the Item:

Where such amount includes charges by an affiliated company (as defined in the Uniform System of Accounts) only such portions thereof shall be included in this Item as represent costs allowable for ratemaking by the Federal Energy Regulatory Commission.

(3) Page 5: Insert after end of Item 7:

Item 8—Investment Tax Credit

An amount equal to that which would amortize the investment tax credits related to property in the rate base hereunder over the book lives of such property.

C. Exhibit Five of the Ten Year Power Sale and Interconnection Agreement will be revised in the following respects:

(1) Page 1, formula for "Monthly Demand Charge": Change to read:

$$\frac{\text{Sum of Items 1 through 5 less Item 8}}{\text{Net Dependable Capability—MW}} \times \begin{array}{l}\text{Purchaser's MW Entitlement from Springerville Unit 2 pursuant to Sections 4.5.1.2 and 4.5.1.3}\end{array}$$

(2) Page 4, Item 6: Add the following sentence at the end of the Item:

Where such amount includes charges by an affiliated company (as defined in the Uniform System of Accounts) only such portions thereof shall be included in this Item as represent costs allowable for ratemaking by the Federal Energy Regulatory Commission.

(3) Page 5: Insert after end of Item 7:

Item 8—Investment Tax Credit

An amount equal to that which would amortize the investment tax credits related to property in the rate base hereunder over the book lives of such property.

D. Page 18, paragraph 4.5.5, 4th line of the Ten Year Power Sale and Interconnection Agreement will be revised to read: "Diego shall be in accordance with Exhibit Three." The

balance of the paragraph beginning with ", except" shall be deleted.

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BILLING CODE 6450-01-M

[Docket No. ID-1709 and ID-1710]

Willis C. Fitkin and William Cyrus MacInnes; Order Denying Authorization Pursuant to Section 305(b).

Issued June 25, 1979.

On October 4, 1973, Willis C. Fitkin (Applicant), Chairman of the Board of Directors, Green Mountain Power Corporation, Burlington, Vermont, filed an application pursuant to Section 305(b) of the Federal Power Act [1] to hold the following positions:

Director & Chairman of the Board of Directors,[2] Green Mountain Power Corp., (Green Mountain Power), Public Utility.
Director,[3] Tampa Electric Company (Tampa Electric), Public Utility.

Also on October 4, 1973, William Cyrus MacInnes (Applicant) Chairman of the Board of Directors, Tampa Electric Company, Tampa, Florida, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director & Chairman of the Board of Directors,[4] Tampa Electric Company (Tampa Electric) Public Utility.
Director,[5] Green Mountain Power Corp. (Green Mountain Power), Public Utility.

Since both applications involve the same companies and raise identical questions of law and fact, they will be treated jointly in this order.

The jurisdictional status of Tampa Electric as a public utility was not finally established until the decision of the Supreme Court in *FPC* v. *Florida Power and Light Company*, 404 U.S. 453 (1972). Thus, although both applicants have served on the boards of Tampa Electric and Green Mountain Power for a number of years, no applications were made prior to the Supreme Court's decision cited above.

This is the second time that the applications in Docket Nos. ID-1709 and ID-1710 have been subject to review. On April 7, 1976, the then four-member Federal Power Commission considered these cases, but was unable to reach a majority decision. The Applicants' requests for authorization have since remained pending. There is no reason to delay action further. The Applicants are entitled to a decision which will remove the current uncertainty as to their status.

Notices of these applications were issued on October 19, 1973 with protests or petitions due on or before November 1, 1973. None have been received.

Green Mountain Power is engaged in the generation, purchase, transmission and distribution of electric energy in north central Vermont.

Tampa Electric is engaged in the generation, purchase, transmission and distribution of electric energy in Tampa, Florida, and the nearby surrounding areas.

Other Positions Held by Mr. Fitkin

President, Wiramal Corporation, Personal Holding Company.

The Wiramal Corporation, of which the Applicant is President, a Director and a principal stockholder, owns 56,900 shares of the common stock of Green Mountain Power. The Corporation also owns 3,000 shares of common stock of Tampa Electric.

Other Positions Held by Mr. MacInnes

Director, Citizens Gas Fuel Company, Gas Distribution Company.
Director, Exchange National Bank of Tampa, Commercial Bank.
Trustee, First Union Real Estate Equity, Real Estate Investment Trust.
Director, Host International, Inc., Service Food and Gifts.
Director, National Gypsum Company, Building Materials.
Director, Resource, Inc., Educational Materials.
President and Director, River Park City Center, Inc., Urban Renewal Property.
Chairman of the Board, Urban Center Developers, Inc., Land Developers.
Director, Current Income Shares, Inc., Closed-in Diversified Management Investment Company.
Chairman of the Board, Electro-Coal Transfer Company,[6] Transfer and Storage of Coal.
Chairman of the Board, Gulfcoast Transit Company,[6] Water Transportation.
Chairman of the Board, Mid-South Towing Company,[6] Water Transportation.
Chairman of the Board, Southern Marine Management Company,[6] Operating and Management Services.
President & Director, Tampa Bay Industrial Corporation,[6] Real Estate.

Both Mr. Fitkin and Mr. MacInnes seek authorization to serve on the boards of these physically widely separated utilities. The Companies involved clearly do not operate in adjoining territories, they are not under common ownership, nor do they operate as a single integrated system. Under such circumstances there is nothing to commend the existence of common directorships or management between these companies. On the contrary, it is just such relationships which the Federal Power Act seeks to curb. As the Commission noted in its *Order to Show Cause*, Docket Nos. ID-1316, ID-1643, ID-1599, ID-1095, George A. Carlson, et al., orders issued September 15, 1975, with the exception of the "Tenney Group", it had never granted authorization "for persons to hold interlocking positions with public utilities which extend outside a group of utilities which operate as an integrated utility system." *Slip Op.* p. 3. After issuance of the above-mentioned show cause order the "Tenney Group" members also resigned from such positions.

The Commission in *John Edward Aldred*, 2 FPC 247, 261, (1940), recognized long ago some of the evils to be eliminated by Section 305(b) as follows:

1. Control over a large number and geographically widespread public utilities by a small group of individuals with perhaps a minimum of investment.
2. The evasion by means of common control of competition resulting in higher costs and poorer service to the consumers.
3. The lack of arm's length dealings between public utilities and organizations furnishing financial services or electrical equipment.
4. The employment of dummy directors designated solely for the purpose of executing the orders of those in control, and nominal directors who give little time and attention to the affairs of the companies.
5. Violations of laws, ethics, and good business practices by those holding such interlocking positions whereby such relationship is employed for their own benefit or profit, or for the benefit or profit of any other person or persons and to the detriment of the companies, their security holders or the public interest.

Here, local management is not being promoted by the existence of the interlocking directorships held by the Applicants. Further, in this situation, it is possible that either of the Applicants may be able to assure the continuance of the other in a board position to their

[1] This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] Mr. Fitkin has been a Director of Green Mountain Power since 1953, and Chairman of the Board of Directors since June 5, 1958.

[3] Mr. Fitkin has been a Director of Tampa Electric since April 12, 1955.

[4] Mr. MacInnes has been a Director of Tampa Electric since February 4, 1954, and Chairman of the Board of Directors since April 18, 1967.

[5] Mr. MacInnes has been a Director of Green Mountain Power since March 4, 1954.

[6] Wholly owned subsidiary of Tampa Electric.

mutual benefit and profit and to the possible detriment of the companies, their securities holders and the public interest. There is the additional possibility that the Applicants may act in concert, rather than independently of each other in exercising judgment and discharging board of director responsibilities.

Both Mr. Fitkin and Mr. MacInnes assert that in their long standing association with the two public utilities they serve, neither public nor private interests have ever been adversely affected. Whether there have been any such adverse effects would be of little consequence to our decision.

We do not mean to imply by our discussion that either Applicant has acted in a manner contrary to the interest of Tampa Electric, Green Mountain Power or the general public. The Act itself contemplates approval or rejection of interlocking directorates prior to or contemporaneous with an Applicant's assumption of the interlocking position(s). Ordinarily therefore, the Commission cannot act with hindsight, it must deal with potentialities.

That is as the statute commands. Section 305(b) is prophylactic in nature; it "is directed to the possible future effect upon public or private interests and is not dependent upon the establishment that a person involved actually has operated in a manner inimical to the public interests."[1]

The Act makes unlawful the holding of interlocking positions between public utilities under this Commission's jurisdiction, subject only to those exemptions granted by the Commission. It is the applicant's burden to establish justification for exemptions from the statute's general prohibitions. Neither Applicant here has demonstrated the existence of any countervailing positive benefits which would warrant approval of their respective applications.

The Commission finds: (1) Applicants have failed to demonstrate that approval of the applications filed herein will not adversely affect public or private interests.

(2) The applications should be denied, subject to Applicants' opportunity to supplement their respective applications and seek rehearing within thirty days from the date of issuance of this order.

The Commission orders: (A) The applications of Mr. Fitkin and Mr. MacInnes to hold interlocking positions pursuant to Section 305(b) of the Federal Power Act are hereby denied subject to Applicant's opportunity to supplement their respective applications and seek rehearing within thirty days from the date of issuance of this order.

(B) Mr. Fitkin is hereby directed to remove himself from his positions as a director and as Chairman of the Board of Green Mountain Power or as a director of Tampa Electric within sixty (60) days from the effective date of a final order in this proceeding and is further directed to refrain henceforth from maintaining any interlocking positions, direct or indirect, between the two companies.

(C) Mr. MacInnes is hereby directed to remove himself from his positions as a director and as Chairman of the Board of Tampa Electric or as a director of Green Mountain Power within sixty (60) days from the effective date of a final order in this proceeding and is further directed to refrain from maintaining any interlocking positions, direct or indirect, between the two companies.

(D) The Secretary shall cause the prompt publication of this order to be made in the **Federal Register.**

By the Commission. Commissioner Sheldon, concurring and dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

Willis C. Fitkin, Docket No. ID–1709

William Cyrus MacInnes, Docket No. ID–1710

Issued: June 25, 1979.

Sheldon, Commissioner, *concurring and dissenting:*

I concur with the majority that the applications, as presented, should be denied. What concerns me is in denying the applications my colleagues have raised a procedural due process issue upon which I disagree. Thus, I must dissent on the procedural issue for the same reasons I stated in my dissent to the Commission's order in *Charles T. Fisher, III,* Docket No. ID–1758 and *Richard C. Gerstenberg,* Docket No. ID–1759 issued on June 25, 1979.

Georgiana H. Sheldon,

Commissioner.

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[1] *Lelan F. Sillin, Jr.,* 33 FPC 1006, 1007 (1965).

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 6, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Louisiana Office of Conservation

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–09893
2. 17–061–20146
3. 102
4. Jones-Obrien Incorporated
5. 6500 RB SUA E O Brooks No. 2
6. Choudrant Field
7. Lincoln, LA
8. 548.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

Texas Railroad Commission,

Oil and Gas Division

1. Control number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–10103
2. 42–071–30812
3. 103
4. Sun Oil Company (Delaware)
5. State tract 288 well 13–L
6. Red Fish Reef SW (F–14 SD)
7. Chambers, TX
8. 374.0 million cubic feet
9. June 21, 1979
10. United Texas Transmission Co

1. 79–10104
2. 42–245–30440
3. 103
4. Sun Oil Company (Delaware)
5. Long well 28–U
6. Nome (VZ)
7. Jefferson, TX
8. 393.0 million cubic feet
9. June 21, 1979
10. Texas Gas Pipe Line Corp.

1. 79–10105
2. 42–079–30834
3. 103
4. Sun Oil Company (Delaware)
5. Dela S Wright D No 1
6. Levelland
7. Cochran, TX
8. 2.0 million cubic feet
9. June 21, 1979
10. Cities Service Company

1. 79–10106
2. 42–079–30543
3. 103
4. Sun Oil Company (Delaware)
5. Dela S Wright A No
6. Levelland
7. Cochran, TX
8. 1.0 million cubic feet
9. June 21, 1979
10. Cities Service Company

1. 79–10107

2. 42–079–30914
3. 103
4. Sun Oil Company (Delaware)
5. Dela S Wright D No 2
6. Levelland
7. Cochran, TX
8. 5.0 million cubic feet
9. June 21, 1979
10. Cities Service Company

1. 79–10108
2. 42–135–32987
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No. 173
6. Cowden South
7. Ector, TX
8. 9.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10109
2. 42–135–32990
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No. 175
6. Cowden South
7. Ector, TX
8. 3.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10110
2. 42–135–32991
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No. 166
6. Cowden South
7. Ector, TX
8. 3.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10111
2. 42–135–32875
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No. 172
6. Cowden South
7. Ector, TX
8. 2.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10112
2. 42–135–32777
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 163
6. Cowden South
7. Ector, TX
8. 5.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10113
2. 42–135–32778
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 162
6. Cowden South
7. Ector South, TX
8. 11.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10114
2. 42–135–32996
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 182
6. Cowden South
7. Ector, TX
8. 8.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10115
2. 42–135–32988
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 170
6. Cowden South
7. Ector, TX
8. 3.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10116
2. 42–135–32878
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 169
6. Cowden South
7. Ector, TX
8. 6.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10117
2. 42–135–32877
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 168
6. Cowden South
7. Ector, TX
8. 4.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10118
2. 42–135–32876
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 167
6. Cowden South
7. Ector, TX
8. 1.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10119
2. 42–135–32104
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 160
6. Cowden South (Canyon 8790)
7. Ector, TX
8. 15.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10120
2. 42–179–00000
3. 108
4. Dorchester Gas Producing Co
5. Herber G–1 (24354)
6. West Panhandle
7. Gray, TX
8. 60.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Co

1. 79–10121
2. 42–135–32998
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 185
6. Cowden South
7. Ector, TX
8. 13.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10122
2. 42–135–32997
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 183
6. Cowden South
7. Ector, TX
8. 3.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10123
2. 42–135–32994
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 180
6. Cowden South
7. Ector, TX
8. 4.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10124
2. 42–135–32993
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 179
6. Cowden South
7. Ector, TX
8. 3.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10125
2. 42–135–32989
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 178
6. Cowden South
7. Ector, TX
8. 8.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10126
2. 42–135–32874
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 165
6. Cowden South
7. Ector, TX
8. 11.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

1. 79–10127
2. 42–135–32779
3. 103
4. Sun Oil Company (Delaware)
5. Paul Moss Unit Well No 164
6. Cowden South
7. Ector, TX
8. 2.0 million cubic feet
9. June 21, 1979
10. Odessa Natural Corporation

Virginia Department of Labor and Industry, Division of Mines and Quarries

1. Control Number (F.E.R.C./State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–10057
2. 45–027–19971–0003
3. 108
4. Ashland Exploration Inc.
5. Clinchfield Coal Corp. No. 3—025670
6. Virginia
7. Buchanan, Va.
8. 7.8 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10058
2. 45–027–19975–0003
3. 108
4. Ashland Exploration Inc.
5. Clinchfield Coal Corp. No. 5—026570
6. Virginia
7. Buchanan, Va.
8. 6.2 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10059
2. 45–027–19883–0003
3. 108
4. Ashland Exploration Inc.
5. W. H. Matney No. 1—016010
6. Virginia
7. Buchanan, Va.
8. 6.4 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10060
2. 45–027–19940–0003
3. 108
4. Ashland Exploration Inc.
5. W. H. Matney No. 3—020690
6. Virginia
7. Buchanan, Va.
8. 16.2 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10061
2. 45–027–19962–0003
3. 108
4. Ashland Exploration Inc.
5. Pocahontas Mining Corp. No. 2—024150
6. Virginia
7. Buchanan, Va.
8. 12.3 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10062
2. 45–027–19967–0003
3. 108
4. Ashland Exploration Inc.
5. Pocahontas Mining Corp. No. 3—025030
6. Virginia
7. Buchanan, Va.
8. 13.2 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10063
2. 45–027–19930–0003
3. 108
4. Ashland Exploration Inc.
5. W. M. Ritter Lumber Co. No. 10–019760
6. Virginia
7. Buchanan, Va.
8. 5.6 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10064
2. 45–027–19935–0003
3. 108
4. Ashland Exploration Inc.
5. W. M. Ritter Lumber Co. No. 11—020140
6. Virginia
7. Buchanan, Va.
8. 5.6 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10065
2. 45–027–19945–0003
3. 108
4. Ashland Exploration Inc.
5. W. M. Ritter Lumber Co. No. 14—021500
6. Virginia
7. Buchanan, Va.
8. 5.6 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10066
2. 45–027–19942–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 1—021050
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10067
2. 45–027–19947–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 2—021760
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10068
2. 45–027–19950–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 3—022010
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10069
2. 45–027–19953–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 4—022400
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10070
2. 45–027–19954–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 5—022410
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10071
2. 45–027–19955–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 6—022960
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10072
2. 45–027–19957–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 7—023630
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10073
2. 45–027–19958–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 8—023790
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10074
2. 45–027–19959–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 9—023800
6. Virginia
7. Buchanan, Va.
8. 14.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10075
2. 45–027–19968–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 12—025310
6. Virginia
7. Buchanan, Va.
8. 14.8 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10076
2. 45–027–19984–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 15—031590
6. Virginia
7. Buchanan, Va.
8. 17.6 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10077
2. 45–027–19987–0003
3. 108
4. Ashland Exploration Inc.
5. Lon Rogers No. 17—032010
6. Virginia
7. Buchanan, Va.
8. 10.0 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10078
2. 45–027–19937–0003
3. 108
4. Ashland Exploration Inc.
5. Slocum Land Corp. No. 5—020470
6. Virginia
7. Buchanan, Va.
8. 8.5 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10079

2. 45–027–19903–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 3—015630
6. Virginia
7. Buchanan, Va.
8. 5.4 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10080
2. 45–027–19905–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 5—01647
6. Virginia
7. Buchanan, Va.
8. 5.4 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10081
2. 45–027–19876–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 10—01722
6. Virginia
7. Buchanan, Va.
8. 5.4 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10082
2. 45–027–19925–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 15—0193
6. Virginia
7. Buchanan, Va.
8. 5.9 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10083
2. 45–027–19929–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 19—01968
6. Virginia
7. Buchanan, Va.
8. 5.7 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

1. 79–10084
2. 45–027–19931–0003
3. 108
4. Ashland Exploration Inc.
5. Yukon Pocahontos Coal Co. No. 20—0198
6. Virginia
7. Buchanan, Va.
8. 5.9 million cubic feet
9. June 21, 1979
10. Consolidated Gas Supply Corp.

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–10085
2. 47–039–01705
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #9—029950
6. Paint Creek
7. Kanawha, WV
8. 5.2 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10086
2. 47–039–01716
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #13—031190
6. Paint Creek
7. Kanawha, WV
8. 11.4 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10087
2. 47–039–01758
3. 108
4. Ashland Exploration, Inc
5. Bedford-Prichard #1—032410
6. Paint Creek
7. Kanawha, WV
8. 8.3 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10088
2. 47–039–01759
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #15—032420
6. Paint Creek
7. Kanawha, WV
8. 4.8 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10089
2. 47–039–01767
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #16—032580
6. Paint Creek
7. Kanawha, WV
8. 8.8 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10090
2. 47–039–01792
3. 108
4. Ashland Exploration, Inc
5. Bedford Land Co #1—033100
6. Paint Creek
7. Kanawha, WV
8. 6.0 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10091
2. 47–039–01814
3. 108
4. Ashland Exploration, Inc
5. Christian Colliery Co #1—033810
6. Paint Creek
7. Kanawha, WV
8. 1.9 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10092
2. 47–039–01810
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #19—033700
6. Paint Creek
7. Kanawha, WV
8. 7.1 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10093
2. 47–039–01828
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #22—034020
6. Paint Creek
7. Kanawha, WV
8. 16.9 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10094
2. 47–109–00428
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #141—023590
6. Logan, Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

1. 79–10095
2. 47–109–00434
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #143—023710
6. Logan, Wyoming
7. Wyoming, WV
8. 10.1 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

1. 79–10096
2. 47–109–00436
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #144—023850
6. Logan, Wyoming
7. Wyoming, WV
8. 10.1 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

1. 79–10097
2. 47–039–02576
3. 108
4. Ashland Exploration, Co
5. Bedord Land Co #11 050490
6. Paint Creek
7. Kanawha, WV
8. 11.0 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10098
2. 47–039–02121
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #56—048730
6. Paint Creek
7. Kanawha, WV
8. 7.3 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10099
2. 47–039–02065
3. 108
4. Ashland Exploration, Inc
5. Eastern Gas & Fuel #51—042770
6. Paint Creek
7. Kanawha, WV
8. 6.3 million cubic feet
9. June 22, 1979
10. Columbia Gas Transmission, Inc

1. 79–10100
2. 47–109–00291
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #75—015640
6. Logan, Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

1. 79–10101
2. 47–109–00298
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #78—015730
6. Logan, Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

1. 79–10102
2. 47–109–00302
3. 108
4. Ashland Exploration, Inc
5. W. M. Ritter Lumber Co #79—015740
6. Logan, Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 22, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–10056
2. 30–039–05076–0000–0
3. 108
4. Sherman F. Wagenseller
5. Mobil Apache #6
6. South Blanco PC
7. Rio Arriba, NM
8. 10.7 million cubic feet
9. June 21, 1979
10. El Paso Gas Company

U.S. Geological Survey, Casper, Wyo.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–09903
2. 05–103–08216–0000–0
3. 102
4. David M Munson Inc
5. David M Munson Inc 5–22–99 (Fed LS No)
6. Unnamed
7. Rio Blanco, CO
8. 300.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas

1. 79–09911
2. 05–045–06082–0000–0
3. 108
4. Provident Resources Inc
5. Government 5–2–5–102
6. Foundation Creek
7. Garfield, CO
8. 14.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09918
2. 05–103–80870–0000–0
3. 103
4. Coseka Resources (USA) Ltd
5. Taiga Federal 8–G–21
6. Thunder
7. Rio Blanco, CO
8. 41.6 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09938
2. 05–103–08133–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 1–31
6. North Douglas Creek
7. Rio Blanco, CO
8. 182.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporaton

1. 79–09939
2. 05–103–08080–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 6–5
6. Dragon Trail
7. Rio Blanco, CO
8. 104.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09940
2. 05–103–08284–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 10–22–1–2
6. North Douglas Creek
7. Rio Blanco, CO
8. 420.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09941
2. 05–103–08134–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 16–31
6. Dragon Trail
7. Rio Blanco, CO
8. 102.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09942
2. 05–103–08151–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 11–7
6. Dragon Trail
7. Rio Blanco, CO
8. 90.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09943
2. 05–103–08081–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 12–11
6. Dragon Trail
7. Rio Blanco, CO
8. 48.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09944
2. 05–103–08148–0000–0
3. 103
4. Chandler & Associates Inc
5. Fork Unit 12–32
6. Dragon Trail
7. Rio Blanco, CO
8. 102.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09949
2. 05–103–08003–0000–0
3. 103
4. Continental Oil Company
5. Conoco Government 35 #1
6. Cathedral SWNW 35–T2S–R101W
7. Rio Blanco, CO
8. 91.0 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company

1. 79–09963
2. 05–103–08083–0000–0
3. 102
4. David M Munson Inc
5. David M Munson Inc 25–1–100 (Fed LS)
6.
7. Rio Blanco, CO
8. 100.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Co

1. 79–09964
2. 05–103–08124–0000–0
3. 103
4. Twin Arrow Inc
5. Mountain Fuel 5–34
6. Cathedral
7. Rio Blanco, CO
8. .1 million cubic feet
9. June 21, 1979
10. IGC Production Company

1. 79–09968
2. 05–103–07942–0000–0
3. 103
4. Husky Oil Company
5. Federal 12–6
6. Rangely
7. Rio Blanco, CO
8. 1.4 million cubic feet
9. June 21, 1979
10. IGC Production Co

1. 79–09980
2. 05–103–08051–0000–0
3. 103
4. Continental Oil Company
5. West Douglas Creek #12
6. Douglas Creek SE 25–T2S–R103W
7. Rio Blanco, CO
8. 146.0 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company

1. 79–09981
2. 05–103–08117–0000–0
3. 103
4. Continental Oil Company
5. West Douglas Creek #13
6. Douglas Creek NE 25–T2S–R103W

7. Rio Blanco, CO
8. 146.0 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company (4899)

1. 79–09982
2. 05–103–08052–0000–0
3. 103
4. Continental Oil Company
5. Conoco Government 30 #1
6. Texas Mountain NW 30–T3S–R102W
7. Rio Blanco, CO
8. .0 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company

1. 79–09985
2. 05–103–08241–0000–0
3. 103
4. Coseka Resources (USA) Limited
5. Taiga Federal 4–E–9–4S–102W
6. Unnamed
7. Rio Blanco, CO
8. 54.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp

1. 79–09986
2. 05–103–08238–0000–0
3. 103
4. Coseka Resources (USA) Limited
5. Taiga Federal 6–I–9–4S–102W
6. Unnamed
7. Rio Blanco, CO
8. .0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp

1. 79–09987
2. 05–103–08195–0000–0
3. 103
4. Coseka Resources (USA) Limited
5. Taiga Federal 4–RX–16
6. Thunder
7. Rio Blanco, CO
8. 50.5 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp

1. 79–09988
2. 05–103–08242–0000–0
3. 103
4. Coseka Resources (USA) Limited
5. Taiga Federal 5–H–9–4S–102W
6. Unamed
7. Rio Blanco, CO
8. 211.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline

1. 79–10014
2. 05–045–06082–0000–0
3. 108
4. Provident Resources Inc
5. 1–25 Government
6. Foundation Creek
7. Rio Blanco, CO
8. 17.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp

1. 79–10023
2. 05–103–82450–0000–0
3. 103
4. Mountain Fuel Supply Company
5. Lower Horse Draw No. 25
6. Lower Horse Draw
7. Rio Blanco, CO
8. 225.5 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company

1. 79–10034
2. 05–103–08176–0000–0
3. 103
4. Mobil Oil Corporation
5. Piceance Creek Unit No T73–19G
6. Piceance Creek
7. Rio Blanco, CO
8. 335.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–10036
2. 05–103–07527–0000–0
3. 102
4. David M Munson Inc
5. David M Munson Inc 2–8 (Fed Ls No C-
6. Unamed
7. Rio Blanco, CO
8. 100.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Co

1. 79–10038
2. 05–103–07956–0000–0
3. 103
4. Chandler & Associates Inc
5. NDC Federal 2–3
6. North Douglas Creek
7. Rio Blanco, CO
8. 27.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–10049
2. 05–045–06149–0000–0
3. 103
4. Fuel Reources Development Co
5. A–19–7–104–S
6. Prairie Canyon
7. Garfield, CO
8. 26.0 million cubic feet
9. June 21, 1979
10. Western Slope Gas Company

1. 79–10054
2. 05–103–08135–0000–0
3. 103
4. Chandler & Assoc Inc
5. Fork Unit 9–32
6. Dragon Trail
7. Rio Blanco, CO
8. 87.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–09924
2. 25–071–21521–0000–0
3. 102
4. Midlands Gas Corporation
5. 3070 No. 1 Federal
6. Bowdoin
7. Phillips, MT
8. 18.0 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co Inc

1. 79–09946
2. 25–005–21710–0000–0
3. 108
4. Tricentrol United States Inc
5. US 2–17–26–19
6. Sherard Unit
7. Blaine, MT
8. 6.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Company

1. 79–09953
2. 25–015–21161–0000–0
3. 102
4. Joseph J C Paine and Associates
5. Federal No. 1–2706
6. Unnamed
7. Valley, MT
8. 1892.0 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–09954
2. 25–015–21162–0000–0
3. 102
4. Joseph J C Paine and Associates
5. Federal 1–0707
6.
7. Valley, MT
8. 83.2 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–09955
2. 25–105–21148–0000–0
3. 102
4. Joseph J C Paine and Associates
5. Federal No. 1–1907
6.
7. Valley, MT
8. 29.9 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–09956
2. 25–105–21142–0000–0
3. 102
4. Joseph J C Paine and Associates
5. Midlands Gas Federal No. 1–0296
6.
7. Valley, MT
8. 328.5 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co

1. 79–09973
2. 25–083–21184–0000–0
3. 102
4. Farmers Union Central Exchange Inc
5. Federal 15–30
6. Mon Dak West
7. Richland, MT
8. 15.0 million cubic feet
9. June 21, 1979
10. Shell Oil Company

1. 79–09974
2. 25–083–21226–0000–0
3. 102
4. Farmers Union Central Exchange Inc
5. Federal 13–30
6. Mon Dak West
7. Richland, MT
8. 15.0 million cubic feet
9. June 21, 1979
10. Shell Oil Company

1. 79–09975
2. 25–083–21245–0000–0
3. 102
4. Farmers Union Central Exchange Inc
5. Federal 14–32
6. Mon Dak West
7. Richland, MT
8. 25.0 million cubic feet
9. June 21, 1979
10. Shell Oil Company

1. 79–10012
2. 25–005–21292–0000–0
3. 108
4. Tricentrol United States Inc
5. Federal 7A–27–26–19
6. Sherard Unit
7. Blaine, MT
8. 8.0 million cubic feet

9. June 21, 1979
10. Northern Natural Gas Company
1. 79–10013
2. 25–005–21685–0000–0
3. 108
4. Tricentrol United States Inc
5. US 87–7–25–18
6. Sherard Unit
7. Blaine, MT
8. 3.6 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Company
1. 79–10050
2. 25–041–22022–0000–0
3. 102
4. Tricentrol United States Inc
5. US 15–14–30–15
6. Bullhook Unit—Tiger Ridge
7. Hill, MT
8. 365.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Company
1. 79–10055
2. 25–015–21422–0000–0
3. 108
4. Tricentrol United States Inc
5. US 9–8–25–17
6. Huebschwerlen Unit—Sherard
7. Chouteau, MT
8. 1.0 million cubic feet
9. June 21, 1979
10. Northern Natural Gas Company
1. 79–10045
2. 25–033–21712–0000–0
3. 103
4. Marathon Oil Company
5. Marathon Government No. 8–36
6. West Engelland
7. Cheyenne, NB
8. 183.0 million cubic feet
9. June 21, 1979
10. Kansas-Nebraska Natural Gas Co Inc
1. 79–09908
2. 33–053–00671–0000–0
3. 102
4. Terra Resources Inc
5. Federal 1–18
6. Bicentennial
7. McKenzie, ND
8. 60.0 million cubic feet
9. June 21, 1979
10. True Oil Company
1. 79–09913
2. 33–053–00751–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Shell Federal No. 24–12
6. Mondak
7. McKenzie, ND
8. 22.0 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09914
2. 33–053–00750–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Petroleum Inc Federal No. 20–44
6. Wildcat
7. McKenzie, ND
8. .0 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09915
2. 33–053–00745–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Petroleum Inc Federal No. 29–33
6. Mondak
7. McKenzie, ND
8. 7.5 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09916
2. 33–053–00700–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Federal No. 7–13
6. Wildcat
7. McKenzie, ND
8. .0 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09917
2. 33–053–00810–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Federal No. 3–32X
6. Mondak
7. McKenzie, ND
8. 40.0 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09977
2. 33–053–00717–0000–0
3. 102
4. Brownlie Wallace Armstrong & Bander
5. Federal No.24–43
6. Mondak
7. McKenzie, ND
8. 6.2 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–09978
2. 33–053–00753–0000–0
3. 102
4. Brownlie Wallace Armstrong and Band
5. Yates Federal #24–12
6. Earl
7. McKenzie, ND
8. 12.0 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–10025
2. 33–053–00722–0000–0
3. 102
4. Shell Oil Company
5. USA 33X–10–3
6. Mondak Field
7. McKenzie, ND
8. 32.5 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co
1. 79–10031
2. 49–005–24637–0000–0
3. 103
4. Exxon Corporation
5. Robert C. Harper Federal Well #2
6. Hartzog Draw
7. Campbell, WV
8. 38.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–09905
2. 43–047–30396–0000–0
3. 103
4. Gas Producing Enterprises Inc.
5. NBU 33–17B30396
6. Natural Buttes Unit
7. Uintah, UT
8. 10.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co.
1. 79–09906
2. 43–047–30377–0000–0
3. 103
4. Gas Producing Enterprises Inc
5. NBU 6–27B30377
6. Natural Buttes Unit
7. Uintah, UT
8. 100.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79–09907
2. 43–047–30273–0000–0
3. 103
4. Gas Producing Enterprises Inc
5. NBU 4–35B30273
6. Natural Buttes Unit
7. Uintah, UT
8. 350.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79–09919
2. 43–047–30397–0000–0
3. 102
4. Gas Producing Enterprises Inc
5. NBU 35–8B 30397
6. Natural Buttes Unit
7. Uintah, UT
8. .0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79–09934
2. 43–013–30416–0000–0
3. 103
4. Diamond Shamrock Corporation
5. UTE 1–4C6
6. Cedar Rim
7. Duchesne, UT
8. 28.0 million cubic feet
9. June 21, 1979
10. Koch Oil Company
1. 79–09937
2. 43–013–30447–0000–0
3. 103
4. Diamond Shamrock Corporation
5. UTE 1–5C6
6. Cedar Rim
7. Duchesne, UT
8. 94.0 million cubic feet
9. June 21, 1979
10.
1. 79–09948
2. 43–047–30277–0000–0
3. 103
4. Texaco Inc
5. Seep Ridge Unit Well No 5
6. Seep Ridge
7. Uintah, UT
8. 27.0 million cubic feet
9. June 21, 1979
10. Mesa Pipeline Company
1. 79–09950
2. 43–047–30259–0000–0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 229
6. Red Wash
7. Uintah, UT
8. 54.0 million cubic feet
9. June 21, 1979

10. Northwest Pipeline Corp
1. 79-09951
2. 43-047-30349-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 245
6. Red Wash
7. Uintah, UT
8. 300.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp
1. 79-09952
2. 43-047-30343-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 239
6. Red Wash
7. Uintah, UT
8. 18.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp
1. 79-09960
2. 43-047-30375-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 41-12-10-21
6. Bitter Creek
7. Uintah, UT
8. 220.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09965
2. 43-047-30338-0000-0
3. 103
4. Continental Oil Company
5. Conoco Mountain Lion 34-2
6. Ouray NW6 T9S-R21E
7. Uintah, UT
8. .0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply
1. 79-09972
2. 43-047-30345-0000-0
3. 103
4. Chevron USA Inc
5. Red Wash Unit 241
6. Red Wash
7. Uintah, UT
8. 145.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corp
1. 79-09979
2. 43-047-30208-0000-0
3. 103
4. Continental Oil Company
5. Conoco Chapita Fed 15-2
6. Chapita Wells SE 15 T9S R23E
7. Uintah, UT
8. .0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply
1. 79-09991
2. 43-047-30358-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 7-8-10-21
6. Bitter Creek
7. Uintah, UT
8. 108.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09992
2. 43-047-30356-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 6-19-9-21
6. Bitter Creek
7. Uintah, UT
8. 126.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09993
2. 43-047-30334-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 4-9-10-21
6. Bitter Creek
7. Uintah, UT
8. 404.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09994
2. 43-047-30483-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 16-20-10-22
6. Bitter Creek
7. Uintah, UT
8. 18.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09995
2. 43-047-30299-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 29-11-10-21
6. Bitter Creek
7. Uintah, UT
8. 138.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-09999
2. 43-047-30427-0000-0
3. 103
4. Gas Producing Enterprises Inc
5. Natural Buttes 8-35-9-22
6. Bitter Creek
7. Uintah, UT
8. 514.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co
1. 79-10037
2. 43-013-30440-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Gulf Ute 1-17B2
6. Bluebell
7. Duchesne, UT
8. 15.0 million cubic feet
9. June 21, 1979
10. Gary Operating Company
1. 79-10039
2. 43-013-30431-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Ute 1-34B6
6. Wasatch
7. Duchesne, UT
8. 5.0 million cubic feet
9. June 21, 1979
10. Koch Oil Company
1. 79-10052
2. 43-013-30392-0000-0
3. 103
4. Gulf Oil Corp
5. Ute 1-2C5
6. Altamont
7. Duchesne, UT
8. 12.0 million cubic feet
9. June 21, 1979
10. Shell Oil Co
1. 79-09894
2. 49-005-24484-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Anniemary Federal 31-25
6. Hartzog Draw
7. Campbell, WY
8. 6.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79-09895
2. 49-009-21213-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Well Draw Federal 43-10
6. Well Draw
7. Converse, WY
8. 4.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79-09896
2. 49-005-24499-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Anniemary Federal 33-25
6. Hartzog Draw
7. Campbell, WY
8. 6.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79-09897
2. 49-009-21250-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Martin Spring 44-5
6. Martin Spring
7. Converse, WY
8. 3.0 million cubic feet
9. June 21, 1979
10.
1. 79-09898
2. 49-009-21276-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Martin Spring 42-8
6. Martin Spring
7. Converse, WY
8. 3.0 million cubic feet
9. June 21, 1979
10.
1. 79-09899
2. 49-005-24702-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Lacoy Federal 12-19
6. Big Hand
7. Campbell, WY
8. 20.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79-09900
2. 49-005-24434-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Philrock Federal 13-12
6. West Housecreek
7. Campbell, WY
8. 3.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09901
2. 49-037-21217-0000-0
3. 102
4. Marathon Oil Company
5. Latham #1-14
6. Latham
7. Sweetwater, WY
8. 174.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09902
2. 49-023-20271-0000-0
3. 102
4. Marathon Oil Company
5. Whiskey Buttes Unit #22
6. Whiskey Buttes Unit
7. Lincoln, WY
8. 748.0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply Company

1. 79-09904
2. 49-037-20996-0000-0
3. 103
4. Smokey Oil Company Inc
5. Bluewater Federal #2-32
6. Sentinel Ridge
7. Sweetwater, WY
8. 72.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09909
2. 49-037-20958-0000-0
3. 102
4. C & K Petroleum Inc
5. Lincoln Road Unit No 2
6. Lincoln Road Unit
7. Sweetwater and Lincoln, WY
8. 120.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation Colorado Interstate Co Thermal Exploration Inc Interex Inc Development Assoc Inc

1. 79-09910
2. 49-037-20969-0000-0
3. 102
4. C & K Petroleum Inc
5. Lincoln Road Unit No 3
6. Lincoln Road Unit
7. Sweetwater and Lincoln, WY
8. 166.0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation Colorado Interstate Co Thermal Exploration Inc Interex Inc Development Assoc Inc

1. 79-09912
2. 49-005-24667-0000-0
3. 102
4. Anderman Operating Company
5. Anderman-So Roy #1-7 Federal
6. Hartzog Draw
7. Campbell, WY
8. 8000.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09920
2. 49-009-21119-0000-0
3. 103
4. Woods Petroleum Corporation
5. Box Creek Federal #25-1
6. Mikes Draw
7. Converse, WY
8. 18.0 million cubic feet
9. June 21, 1979
10. Inexco Oil Co

1. 79-09921
2. 49-013-20670-0000-0
3. 103
4. Husky Oil Company
5. Fuller Reservoir II Unit #41-25
6. Fuller Reservoir
7. Fremont, WY
8. 338.2 million cubic feet
9. June 21, 1979
10. Panhandle Eastern Pipe Line Co, Colorado Interstate Gas Co

1. 79-09922
2. 49-023-20225-0000-0
3. 103
4. Pacific Transmission Supply Co
5. Pts 42-33 Federal
6. Fontenelle
7. Lincoln, WY
8. 32.3 million cubic feet
9. June 21, 1979
10. Pacific Gas Transmission Company

1. 79-09923
2. 49-023-20151-0000-0
3. 108
4. Pacific Transmission Supply Company
5. Pts 14-31 Federal
6. Fontenelle
7. Lincoln, WY
8. 15.0 million cubic feet
9. June 21, 1979
10. Pacific Gas Transmission Company

1. 79-09925
2. 49-035-20504-0000-0
3. 103
4. Belco Petroleum Corporation
5. Saddle Ridge Bng 107-32 20504
6. Big Piney-La Barge
7. Sublette, WY
8. .0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79-09926
2. 49-023-20221-0000-0
3. 103
4. Pacific Transmission Supply Company
5. Pts 13-9 Federal
6. Fontenelle
7. Lincoln, WY
8. 29.2 million cubic feet
9. June 21, 1979
10. Pacific Gas Transmission Company

1. 79-09927
2. 49-232-02180-0000-0
3. 103
4. Pacific Transmission Supply Company
5. Pts 23-35 Federal
6. Fontenelle
7. Lincoln, WY
8. 1.6 million cubic feet
9. June 21, 1979
10. Pacific Gas Transmission Company

1. 79-09928
2. 49-009-21432-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 2-32
6. Mikes Draw
7. Converse, WY
8. 5.0 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09929
2. 49-009-21216-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 4-14 W-8431
6. Mikes Draw
7. Converse, WY
8. 3.9 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09930
2. 49-009-21270-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 2-10 W-0320568
6. Mikes Draw
7. Converse County, WY
8. 4.8 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09931
2. 49-009-21382-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 3-20 W-12379
6. Mikes Draw
7. Converse, WY
8. 7.0 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09932
2. 49-009-21298-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 2-11 W-28640
6. Mikes Draw
7. Converse, WY
8. 2.9 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09933
2. 49-009-21367-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 4-11 J S W-0316151
6. Mikes Draw
7. Converse, WY
8. 680.0 million cubic feet
9. June 21, 1979
10. McCulloch Gas Processing Corporation

1. 79-09935
2. 49-005-24808-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Lindstrom Federal 41-21
6. Gibbs
7. Campbell, WY
8. 3.0 million cubic feet
9. June 21, 1979
10. None-Gas Consumed in Lease Operation

1. 79-09936
2. 49-009-21210-0000-0
3. 103
4. Diamond Shamrock Corporation
5. Trainer Federal 44-3
6. Mikes Draw
7. Converse, WY
8. 6.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09945
2. 49-009-21299-0000-0
3. 103
4. Mitchell Energy Corporation
5. Federal 3-3 W-8431
6. Mikes Draw
7. Converse, WY

8. .0 million cubic feet
9. June 21, 1979
10. Liquid Energy Corporation

1. 79-09947
2. 49-009-21253-0000-0
3. 103
4. Michigan Wisconsin Pipe Line Company
5. South Spearhead Ranch #1-2
6. South Spearhead Ranch
7. Converse County, WY
8. 60.0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply Co

1. 79-09957
2. 49-037-21062-0000-0
3. 103
4. Kenneth Luff Inc
5. #2-22 Federal
6. Pine Canyon
7. Sweetwater, WY
8. 300.0 million cubic feet
9. June 21, 1979
10. Stauffer Chemical Co of Wyoming

1. 79-09958
2. 49-037-21302-0000-0
3. 103
4. Kenneth Luff Inc
5. #2-8 Federal
6. Crooked Canyon
7. Sweetwater, WY
8. 100.0 million cubic feet
9. June 21, 1979
10. Stauffer Chemical Company

1. 79-09959
2. 49-013-20768-0000-0
3. 107
4. Monsanto Company
5. Lester #1-32
6. Madden
7. Fremont, WY
8. 1095.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09962
2. 49-013-20552-0000-0
3. 102
4. Monsanto Company
5. Cevin #1-6
6. Madden
7. Fremont, WY
8. 1460.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Co

1. 79-09966
2. 49-013-00000-0000-0
3. 103
4. W A Monorief Jr
5. Bonneville II 23-1
6.
7. Fremont, WY
8. 132.0 million cubic feet
9. June 21, 1979
10. Montana Dakota Utilities Co

1. 79-09967
2. 49-005-24198-0000-0
3. 103
4. Brownlie Wallace Armstrong & Bander
5. Federal #3-31
6. H A Creek
7. Campbell, WY
8. .0 million cubic feet
9. June 21, 1979
10. Panhandle Eastern Pipeline Co

1. 79-09969
2. 49-005-24547-0000-0
3. 102
4. Woods Petroleum Corporation
5. Gilbertz Federal #14-1
6. Hartzog Draw
7. Campbell, WY
8. 20.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09970
2. 49-005-24623-0000-0
3. 102
4. Woods Petroleum Corporation
5. Schlautmann Federal #9-2
6. Hartzog Draw
7. Campbell, WY
8. 20.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09971
2. 49-005-24771-0000-0
3. 102
4. Woods Petroleum Corporation
5. Jordan Federal #8-1
6. Hartzog Draw
7. Campbell, WY
8. 20.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-09983
2. 49-037-21247-0000-0
3. 103
4. Santa Fe Energy Company
5. Canyon Creek 14-3
6. Canyon Creek Post Lewis
7. Sweetwater, WY
8. 73.0 million cubic feet
9. June 21, 1979
10.

1. 79-09984
2. 49-037-21245-0000-0
3. 103
4. Santa Fe Energy Company
5. Canyon Creek 13-35
6. Canyon Creek (Wasath)
7. Sweetwater, WY
8. 73.0 million cubic feet
9. June 21, 1979
10.

1. 79-09989
2. 49-007-20352-0000-0
3. 103
4. Sinclair Oil Corporation
5. Hamilton Federal 26-1
6. Blue Gap
7. Carbon, WY
8. 73.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09990
2. 49-007-20345-0000-0
3. 103
4. Sinclair Oil Corporation
5. Hamilton Federal 22-1
6. Blue Gap
7. Carbon, WY
8. 144.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09996
2. 49-007-20320-0000-0
3. 103
4. Sinclair Oil Corporation
5. Sinclair Federal 1-8
6. Wild Rose
7. Carbon County, WY
8. 815.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09997
2. 49-037-60034-0000-0
3. 102
4. Smokey Oil Company Inc
5. Bluewater Federal 2-18
6. Wildcat
7. Sweetwater, WY
8. 91.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-09998
2. 49-037-21229-0000-0
3. 102
4. Smokey Oil Company Inc
5. King Resources Federal 2-12
6. Iron Pipe Draw
7. Sweetwater, WY
8. 292.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79-10000
2. 49-019-20367-0000-0
3. 103
4. Davis Oil Company
5. Culp Draw 31
6. Culp Draw
7. Johnson, WY
8. 84.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-10001
2. 49-005-24863-0000-0
3. 103
4. Davis Oil Company
5. Hahn Federal
6. Hilight
7. Campbell, WY
8. 600.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-10002
2. 49-005-24589-0000-0
3. 103
4. Davis Oil Company
5. Eldred Federal No. 1
6. Hilight
7. Campbell, WY
8. 300.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79-10003
2. 49-035-20426-0000-0
3. 103
4. Belco Petroleum Corporation
5. Saddle Ridge BNG 98-4 20426
6. Saddle Ridge
7. Sublette, WY
8. .0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79-10004
2. 49-035-20431-0000-0
3. 103
4. Belco Petroleum Corporation
5. SRU 99-4 20431
6. Saddle Ridge
7. Sublette, WY
8. .0 million cubic feet

9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–10005
2. 49–035–20463–0000–0
3. 103
4. Belco Petroleum Corporation
5. Saddle Ridge BNG 101–33 20463
6. Saddle Ridge
7. Sublette, WY
8. .0 million cubic feet
9. June 21, 1979
10. Northwest Pipeline Corporation

1. 79–10006
2. 49–037–21233–0000–0
3. 102
4. Pacific Transmission Supply Company
5. PTS 3–22 Federal
6. Siberia Ridge
7. Sweetwater, WY
8. 273.0 million cubic feet
9. June 21, 1979
10.

1. 79–10007
2. 49–035–20440–0000–0
3. 103
4. Chevron USA Inc
5. Birch Creek Unit 100
6. Birch Creek
7. Sublette, WY
8. 235.0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply Co

1. 79–10008
2. 49–035–20441–0000–0
3. 103
4. Chevron USA Inc
5. Birch Creek Unit 101
6. Birch Creek
7. Sublette, WY
8. 3358.0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply Co

1. 79–10009
2. 49–035–20442–0000–0
3. 103
4. Chevron USA Inc
5. Birch Creek Unit 102
6. Birch Creek
7. Sublette, WY
8. 839.0 million cubic feet
9. June 21, 1979
10. Mountain Fuel Supply Co

1. 79–10010
2. 49–029–06068–0000–0
3. 108
4. Continental Oil
5. South Elk Basin Unit No. 7
6. South Elk Basin NW 20–T57N R99W
7. Park, WY
8. 12.2 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co

1. 79–10011
2. 49–029–06024–0000–0
3. 108
4. Continental Oil
5. South Elk Basin Unit No. 25
6. South Elk Basin Unit SW 29–T57N R99
7. Park, WY
8. 18.5 million cubic feet
9. June 21, 1979
10. Montana-Dakota Utilities Co

1. 79–10015
2. 49–005–24636–0000–0
3. 103
4. Exxon Corporation
5. Robert C. Harper Federal Well No. 1
6. Hartzog Draw
7. Campbell, WY
8. 60.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10016
2. 49–005–24560–0000–0
3. 103
4. Southland Royalty Company
5. Hartzog Federal No. 1–28
6. Hartzog Draw
7. Campbell, WY
8. 10.8 million cubic feet
9. June 21, 1979
10. Panhandle Eastern Pipeline Company

1. 79–10017
2. 49–005–24607–0000–0
3. 102
4. Southland Royalty Company
5. Hartzog Federal No. 1–34
6. Hartzog Draw
7. Campbell, WY
8. 19.2 million cubic feet
9. June 21, 1979
10. Panhandle Eastern Pipeline Company

1. 79–10018
2. 49–019–20317–0000–0
3. 103
4. Southland Royalty Company
5. Teton Federal No. 1–21
6. Holler Draw
7. Johnson, WY
8. 3.8 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10019
2. 49–009–21422–0000–0
3. 103
4. Gulf Oil Corp
5. Ackerman USA 2–15
6. Mikes Draw
7. Converse, WY
8. 7.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10020
2. 49–019–20318–0000–0
3. 103
4. Southland Royalty Company
5. Teton Federal No. 2–21
6. Holler Draw
7. Johnson, WY
8. 2.7 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company Panhandle Eastern P L Co

1. 79–10021
2. 49–005–24580–0000–0
3. 103
4. Southland Royalty Company
5. Hartzog Federal No. 1–21
6. Hartzog Draw
7. Campbell, WY
8. 3.7 million cubic feet
9. June 21, 1979
10. Panhandle Eastern Pipeline Company

1. 79–10022
2. 49–009–21261–0000–0
3. 103
4. Mitchell Energy Corporation
5. Echo-Federal No. 3–23
6. Mikes Draw
7. Converse, WY
8. 5.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10024
2. 49–009–21366–0000–0
3. 103
4. Mitchell Energy Corporation
5. Federal No. 4–3 TD W–0316151
6. Mikes Draw
7. Converse, WY
8. 682.0 million cubic feet
9. June 21, 1979
10. McCulloch Gas Processing Corporation

1. 79–10026
2. 49–037–20929–0000–0
3. 103
4. Texaco Inc
5. Table Rock Unit Well No. 24
6. Table Rock
7. Sweetwater, WY
8. 788.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company

1. 79–10027
2. 49–009–21271–0000–0
3. 103
4. Diamond Shamrock Corporation
5. Mikes Draw 44–10
6. Mikes Draw
7. Converse, WY
8. 4.0 million cubic feet
9. June 21, 1979
10.

1. 79–10028
2. 49–005–24515–0000–0
3. 103
4. Diamond Shamrock Corporation
5. Casada Federal 13–28
6. Hartzog Draw
7. Campbell, WY
8. 33.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10029
2. 49–005–24516–0000–0
3. 103
4. Diamond Shamrock Corporation
5. Casada Federal 33–28
6. Hartzog Draw
7. Campbell, WY
8. 22.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10030
2. 49–009–21387–0000–0
3. 103
4. Diamond Shamrock Corporation
5. Trainer Federal 24–23
6. Mikes Draw
7. Converse, WY
8. 41.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company

1. 79–10032
2. 49–005–24645–0000–0
3. 103
4. Exxon Corporation
5. Christensen Fed Com 4 Well #1
6. Hartzog Draw
7. Campbell, WY
8. 28.0 million cubic feet

9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10033
2. 49–005–24683–0000–0
3. 102
4. Pennzoil Company
5. Pennzoil-Federal 1–22
6. Hartzog Draw
7. Campbell, WY
8. 17.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10035
2. 49–055–24561–0000–0
3. 103
4. Southland Royalty Company
5. Hartzog Federal 2–28
6. Hartzog Draw
7. Campbell, WY
8. 5.7 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10040
2. 49–009–00000–0000–0
3. 103
4. Diamond Shamrock Corporation
5. DSC Don Draw 13–21
6. Don Draw
7. Converse, WY
8. 3.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10041
2. 49–019–20420–0000–0
3. 102
4. Davis Oil Company
5. Table Mountain #4
6. Table Mountain
7. Johnson, WY
8. 29.4 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10042
2. 49–019–20421–0000–0
3. 102
4. Davis Oil Company
5. Table Mountain #3
6. Table Mountain
7. Johnson, WY
8. 35.9 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10043
2. 49–019–20471–0000–0
3. 102
4. Davis Oil Company
5. Heldt Draw Unit #58
6. Table Mountain Field
7. Johnson, WY
8. 35.1 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10044
2. 49–019–20363–0000–0
3. 102
4. Davis Oil Company
5. Table Mountain #1
6. Table Mountain
7. Johnson, WY
8. 6.8 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10046
2. 49–037–20904–0000–0
3. 103
4. Marathon Oil Company
5. Wamsutter #1–8
6. Wamsutter
7. Sweetwater, WY
8. 208.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company
1. 79–10047
2. 49–005–24461–0000–0
3. 103
4. Diamond Shamrock Corporation
5. Conrock Federal 31–3
6. House Creek West
7. Campbell, WY
8. 3.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–10048
2. 49–037–21131–0000–0
3. 103
4. Marathon Oil Company
5. Wamsutter Unit A #7
6. Wamsutter Unit
7. Sweetwater, WY
8. 208.0 million cubic feet
9. June 21, 1979
10. Colorado Interstate Gas Company
1. 79–10051
2. 49–005–24640–0000–0
3. 103
4. Exxon Corporation
5. Robert C Harper Federal Well #3
6. Hartzog Draw
7. Campbell, WY
8. 1.0 million cubic feet
9. June 21, 1979
10. Phillips Petroleum Company
1. 79–09976
2. 49–009–21197–0000–0
3. 103
4. Michigan Wisconsin Pipeline Co
5. South Spearhead Ranch #1–24
6. South Spearhead Ranch
7. Converse, WY
8. 60.0 million cubic feet
9. June 21, 1979
10. Quasar Energy, Inc
1. 79–10053
2. 49–009–21369–0000–0
3. 103
4. Mitchell Energy Corp
5. Federal 3–22 HK W–9145A
6. Mikes Draw
7. Converse, WY
8. 5.0 million cubic feet
9. June 21, 1979
10. McCulloch Gas Processing Corp

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are avaiable for inspection, except to the extent such materail is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, room 1000, 425 North Capital Street NE., Washington, D.C. 20426.

Persons objecting to any of these final determination, may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–21901 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

July 6, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Indiana Department of Natural Resources, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–09472
2. 13–055–20278
3. 102
4. Chandler & Associates, Inc
5. Evylyn Horning #1–32
6. Lyons West
7. Greene, In
8. 146.0 million cubic feet
9. June 20, 1979
10.

1. 79–09473
2. 13–055–20268
3. 102
4. Chandler & Associates, Inc
5. Freda AX #1
6. Lyons West
7. Greene, In
8. 146.0 million cubic feet
9. June 20, 1979
10.

1. 79–09474
2. 13–125–20130
3. 102
4. Arthur J Fritz & Fritz Oper Co
5. Loehr Farms #1 Formerly Alma McCoy
6.
7. Pike, In
8. 25.0 million cubic feet
9. June 20, 1979
10. City of Huntingburg

1. 79–09475
2. 13–125–20128
3. 102

4. Arthur J Fritz & Fritz Oper Co
5. Hagemeyer-Wellmeyer #1
6.
7. Pike, In
8. 25.0 million cubic feet
9. June 20, 1979
10. City of Huntingburg

Louisiana Office of Conservation

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79–09095
2. 17–101–21074
3. 103
4. McCormick Oil & Gas Corporation
5. St Mary Parish Land Co #1
6. Bayou Sale
7. St Mary Parish, La
8. 596.0 million cubic feet
9. June 8, 1979
10. Southern Natural Gas Company

1. 79–09476
2. 17–075–22351
3. 103
4. Gulf Oil Corporation
5. VU 73 J G Timolat B #130
6. West Bay
7. Plaquemines, La
8. 183.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

1. 79–09477
2. 17–075–22327
3. 103
4. Gulf Oil Corporation
5. VU 65 BLD E #147
6. West Bay
7. Plaquemines, La
8. 77.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

1. 79–09478
2. 17–075–22433
3. 103
4. Gulf Oil Corporation
5. VU 60 SL 192 PP #138
6. West Bay
7. Plaquemines, La
8. 438.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

1. 79–09479
2. 17–075–22408
3. 103
4. Gulf Oil Corporation
5. VU 8 J G Timolat B #134
6. West Bay
7. Plaquemines, La
8. 529.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

1. 79–09480
2. 17–075–22330
3. 103
4. Gulf Oil Corporation
5. VU 25 J G Timolat B #131
6. West Bay
7. Plaquemines, La
8. 77.0 million cubic feet
9. June 21, 1979
10. Texas Eastern Transmission Corp

1. 79–09481
2. 17–067–20289
3. 108
4. Pennzoil Producing Company
5. Crossett TBR & Dev Co No. 171
6. Monroe
7. Morehouse, La
8. 10.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79–09482
2. 17–109–21889
3. 103
4. Mobil Oil Corporation
5. Mas Nelson #15
6. Point Au Fer
7. Terrebonne, La
8. 33.0 million cubic feet
9. June 21, 1979
10. Transcontinental Gas Pipeline Corp

1. 79–09483
2. 17–700–20146
3. 103
4. Exchange Oil & Gas Corporation
5. S L 3839 #8
6. West Cameron 17
7. Cameron, La
8. 5584.0 million cubic feet
9. June 21, 1979
10. Michigan Wisconsin Pipe Line Co

1. 79–09484
2. 17–700–20156
3. 103
4. Chevron USA Inc
5. OCS–G–1439 #9
6. West Cameron Block 49
7. Cameron, La
8. 1861.0 million cubic feet
9. June 21, 1979
10. Natural Gas Pipeline Co of America

1. 79–09485
2. 17–111–21381
3. 103
4. Mid Louisiana Gas Company
5. MLGC fee gas #664 Ser #158835
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09486
2. 17–111–21382
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #665 Ser #158836
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09487
2. 17–001–01786
3. 103 Denied
4. Pel-Tex Oil Company, Inc
5. No. 1 Leonards, et al
6. Ellis
7. Acadia, La
8. 900.0 million cubic feet
9. June 21, 1979
10. Columbia Gas Transmission Corp

1. 79–09488
2. 17–057–20252
3. 103 Denied
4. Amoco Production Company
5. C E Gheens No. 97
6. Bayou Des Allemands
7. Lafourche, La
8. 44.0 million cubic feet
9. June 21, 1979
10. Transcontinental Gas Pipe Line Corp

1. 79–09489
2. 17–073–00146
3. 108
4. Lahoma Gas Company
5. John T. Cole #3
6. Monroe Gas Rock Field
7. Quachita Parish, La
8. 3.8 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09490
2. 17–073–00000
3. 108
4. Lahoma Gas Company
5. Abe Arent ET EL #1
6. Monroe Gas Rock Field
7. Quachita Parish, La
8. 3.2 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09502
2. 17–073–21033
3. 108
4. Steel
5. West Virginia #2
6. Monroe Gas Rock
7. Quachita, La
8. 1.1 million cubic feet
9. June 21, 1979
10. City of Monroe

1. 79–09503
2. 17–073–21039
3. 108
4. Steel
5. West Virginia #3
6. Monroe Gas Rock
7. Quachita, La
8. 1.7 million cubic feet
9. June 21, 1979
10. City of Monroe

1. 79–09504
2. 17–073–21038
3. 108
4. Steel
5. West Virginia #4
6. Monroe Gas Rock
7. Quachita, La
8. 3.4 million cubic feet
9. June 21, 1979
10. City of Monroe

1. 79–09505
2. 17–073–00109
3. 108
4. Lahoma Gas Company
5. John T Cole #12
6. Monroe Gas Rock Field
7. Ouachita, LA
8. 2.8 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09506
2. 17–073–00111

3. 108
4. Lahoma Gas Company
5. John T Cole #14
6. Monroe Gas Rock Field
7. Ouachita, LA
8. 3.9 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09507
2. 17–073–00112
3. 108
4. Lahoma Gas Company
5. John T Cole #15
6. Monroe Gas Rock Field
7. Ouachita, LA
8. 2.4 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09508
2. 17–009–20210
3. 107
4. Gulf Oil Corporation
5. Roy O Martin Jr A No 2
6. North Bayou Jack
7. Avoyelles, LA
8. 1200.0 million cubic feet
9. June 21, 1979
10. Louisiana Intrastate Gas Corporation

1. 79–09509
2. 17–111–21660
3. 103
4. Primos Production Co
5. Nolan #1
6. Monroe Field
7. Union, LA
8. 20.5 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09510
2. 17–111–21696
3. 103
4. Primos Production Co
5. Fee 125 #1
6. Monroe Field
7. Union, LA
8. 25.6 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09511
2. 17–111–21638
3. 103
4. Primos Production Co
5. Grayling #1
6. Monroe Field
7. Union, LA
8. 20.5 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09512
2. 17–111–21639
3. 103
4. Primos Production Co
5. Grayling #3
6. Monroe Field
7. Union, LA
8. 25.7 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09513
2. 17–111–21640
3. 103
4. Primos Production Co
5. Grayling #4
6. Monroe Field
7. Union, LA
8. 10.3 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09514
2. 17–111–21643
3. 103
4. Primos Production Co
5. Grayling #5
6. Monroe Field
7. Union, LA
8. 36.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09515
2. 17–111–21644
3. 103
4. Primos Production Co
5. Grayling #6
6. Monroe Field
7. Union, LA
8. 30.8 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09516
2. 17–111–21656
3. 103
4. Primos Production Co
5. Grayling #7
6. Monroe Field
7. Union, LA
8. 25.7 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09517
2. 17–111–21657
3. 103
4. Primos Production Co
5. Grayling #9
6. Monroe Field
7. Union, LA
8. 30.8 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09518
2. 17–075–22378
3. 102
4. C & K Petroleum Inc
5. Louisiana Land & Exploration No 1
6. Drakes Bay
7. Plaquemines, LA
8. 270.0 million cubic feet
9. June 21, 1979
10. Farmland Industries Inc

1. 79–09519
2. 17–075–22464
3. 102
4. C & K Petroleum Inc
5. LL&E No 2 Alt
6. Drakes Bay
7. Plaquemines Parish, LA
8. 420.0 million cubic feet
9. June 21, 1979
10. Sugar Bowl Gas Corporation

1. 79–09520
2. 17–073–00106
3. 108
4. Lahoma Gas Company
5. John T Cole #11
6. Monroe Gas Rock FIeld
7. Ouachita, LA
8. 4.0 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09521
2. 17–007–20224
3. 107
4. American Quasar Petroleum Co
5. Brownell Kidd #1
6. Sec 12–13S–12E
7. Assumption Parish, LA
8. 1095.0 million cubic feet
9. June 21, 1979
10. Dow Chemical Company

1. 79–09522
2. 17–073–00291
3. 108
4. Lahoma Gas Company
5. John T Cole #8
6. Monroe Gas Rock Field
7. Ouachita, LA
8. 5.0 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09523
2. 17–071–00276
3. 108
4. Lahoma Gas Company
5. John T Cole #9
6. Monroe Gas Rock Field
7. Ouachita, LA
8. 4.0 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09524
2. 17–700–20156
3. 103
4. Chevron USA Inc
5. OCS–G–1439 #90
6. West Cameron Block 49
7. Cameron, LA
8. 1117.0 million cubic feet
9. June 21, 1979
10. Natural Gas Pipeline Co of America

1. 79–09525
2. 17–073–00107
3. 108
4. Lahoma Gas Company
5. John T Cole #10
6. Monroe Gas Field
7. Ouachita, LA
8. 2.7 million cubic feet
9. June 21, 1979
10. IMC Exploration Company

1. 79–09526
2. 17–007–20267
3. 103
4. American Quasar Petroleum Co
5. Hannie N Kfoury #1
6. Sec 7 T13S R13E
7. Assumption Parish, LA
8. 1825.0 million cubic feet
9. June 21, 1979
10. Dow Chemical Co

1. 79–09527
2. 17–121–20090
3. 107
4. Chevron USA Inc
5. 19800 Tusc Ra Suh F E Farwell #1
6. False River
7. West Baton Rouge, LA
8. 372.0 million cubic feet
9. June 21, 1979
10. Sugar Bowl Gas Corporation

1. 79–09528
2. 17–113–20825
3. 103
4. Arco Oil and Gas Company

5. Camile Adam No 4
6. East Gueyden
7. Vermilion, LA
8. 2920.0 million cubic feet
9. June 21, 1979
10. Tennessee Gas Pipeline Co

1. 79–09529
2. 17–057–21464
3. 103
4. Amoco Production Company
5. Val Su A Mack Acosta No 3
6. Valentine
7. Lafourche, LA
8. 730.0 million cubic feet
9. June 21, 1979
10. Columbia Gas Transmission Corp

1. 79–09530
2. 17–109–02239
3. 103
4. The Superior Oil Company
5. 74 Ra Sua LL&E U–B No 5
6. Four Isle Dome
7. Terrebonne, LA
8. 761.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79–09531
2. 17–111–20365
3. 108
4. Roy M Teel
5. Bryan #1
6. Monroe Gas Rock Field
7. Union, LA
8. 7.6 million cubic feet
9. June 21, 1979
10. IMC Exploration

1. 79–09532
2. 17–111–21112
3. 108
4. Roy M Teel
5. Exxon 31–2
6. Monroe Gas Rock Field
7. Union, LA
8. 10.1 million cubic feet
9. June 21, 1979
10. Louisiana Power and Light

1. 79–09533
2. 17–111–21120
3. 108
4. Roy M Teel
5. Exxon 31–3
6. Monroe Gas Rock Field
7. Union, LA
8. 10.8 million cubic feet
9. June 21, 1979
10. Louisiana Power and Light

1. 79–09534
2. 17–111–21154
3. 108
4. Roy M Teel
5. Exxon 31–4
6. Monroe Gas Rock Field
7. Union, LA
8. 10.1 million cubic feet
9. June 21, 1979
10. Louisiana Power and Light

1. 79–09535
2. 17–027–20402
3. 103
4. Amoco Production Company
5. Smka RA SU H Tatum Estate #3
6. Lisbon
7. Claiborne, LA
8. 883.0 million cubic feet
9. June 21, 1979
10. Texas Gas Transmission Corp

1. 79–09536
2. 17–097–20454
3. 107
4. Gulf Oil Corporation
5. 16600 Tusc RA Sud Turner Lumber Co N
6. Moncrief
7. St Landry, LA
8. 1700.0 million cubic feet
9. June 21, 1979
10. Louisiana Intrastate Gas Corporation

1. 79–09537
2. 17–111–21664
3. 103
4. Primos Production Co
5. School Board #2
6. Monroe Field
7. Union, LA
8. 14.4 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09538
2. 17–111–21665
3. 103
4. Primos Production Co
5. School Board #3
6. Monroe Field
7. Union, LA
8. 11.3 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09539
2. 17–111–21666
3. 103
4. Primos Production Co
5. School Board #4
6. Monroe Field
7. Union, LA
8. 15.4 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09540
2. 17–111–21667
3. 103
4. Primos Production Co
5. School Board #5
6. Monroe Field
7. Union, LA
8. 9.2 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09541
2. 17–111–21668–0000
3. 103
4. Primos Production Co
5. School Board #6
6. Monroe Field
7. Union, LA
8. 11.3 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09542
2. 17–067–21309
3. 103
4. Primos Production Co
5. Tensas Delta C–21
6. Monroe Field
7. Morehouse, LA
8. 15.4 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09543
2. 17–111–21663
3. 103
4. Primos Production Co
5. School Board #1
6. Monroe Field
7. Union, LA
8. 10.3 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09544
2. 17–001–20738
3. 102
4. Quintana Petroleum Corporation
5. Charles A Cary No 1
6. Mermentau River
7. Acadia, LA
8. 1460.0 million cubic feet
9. June 21, 1979
10. Columbia Gas Transmission Co

1. 79–09545
2. 17–119–20111
3. 108
4. F. E. Hargraves & Sons Drlg. Co., Inc.
5. Bl Ra Su D Gruner #1
6. Minden
7. Webster, LA
8. 10.0 million cubic feet
9. June 21, 1979
10. Texas Gas Transmission Corp.

1. 79–09546
2. 17–031–20197
3. 108
4. Marathon Oil Company
5. M. L. H. Dowdell Hoss (Sui) No 1
6. Logansport
7. DeSoto, LA
8. 21.5 million cubic feet
9. June 21, 1979
10. Southern Natural Gas Company

1. 79–09547
2. 17–055–20164
3. 103
4. Goldking Production Company
5. Stutes Ra Sue E Foreman No 1
6. Scott
7. Lafayette, LA
8. 73.0 million cubic feet
9. June 21, 1979
10. Louisiana Intrastate Gas Corp.

1. 79–09548
2. 17–055–20160
3. 103
4. Goldking Production Company
5. Stutes Ra Sue M. D. D. DuPont No 1
6. Scott
7. Lafeyette, LA
8. 36.0 million cubic feet
9. June 21, 1979
10. Louisiana Intrastate Gas Corp.

1. 79–09549
2. 17–119–20122
3. 108
4. F. E. Hargraves & Sons Drlg. Co., Inc.
5. Bl Ra Su F McDow Lee et al. #2
6. Minden
7. Webster, LA
8. 5.6 million cubic feet
9. June 21, 1979
10. Texas Gas Transmission Corp.

1. 79–09550
2. 17–015–00426
3. 108
4. Phillips Petroleum Company
5. Crystal-D No 1

6. Ivan
7. Bossier, LA
8. 15.0 million cubic feet
9. June 21, 1979
10. Arkansas Louisiana Gas. Co.

1. 79–09551
2. 17–111–21659
3. 103
4. Primos Production Co.
5. Grayling #11
6. Monroe Field
7. Union, LA
8. 46.2 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09552
2. 17–111–21662
3. 103
4. Primos Production Co.
5. Grayling #12
6. Monroe Field
7. Union, LA
8. 25.6 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09553
2. 17–111–21669
3. 103
4. Primos Production Co.
5. Grayling #13
6. Monroe Field
7. Union, LA
8. 41.1 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09554
2. 17–067–21168
3. 103
4. Primos Production Co.
5. Tensas Delta C #11
6. Monroe Gas Field
7. Morehouse, LA
8. 15.2 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09555
2. 17–111–21658
3. 103
4. Primos Production Co.
5. Grayling #10
6. Monroe Field
7. Union, LA
8. 41.1 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09556
2. 17–111–201157
3. 108
4. Roy M. Teel
5. Exxon 31–5
6. Monroe Gas Rock Field
7. Union, LA
8. 10.1 million cubic feet
9. June 21, 1979
10. Louisiana Power and Light

1. 79–09557
2. 17–111–21637
3. 103
4. Primos Production Co.
5. Grayling #2
6. Monroe Field
7. Union, LA
8. 25.7 million cubic feet
9. June 21, 1979
10. United Gas Pipeline

1. 79–09558
2. 17–067–21040
3. 103
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil-School Board A #3
6. Monroe Gas
7. Morehouse, LA
8. .0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09559
2. 17–067–21041
3. 103
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil—School Board A #4
6. Monroe Gas
7. Morehouse, LA
8. 17.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09560
2. 17–067–21042
3. 103
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil—School Board A #5
6. Monroe Gas
7. Morehouse, LA
8. 17.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09561
2. 17–067–21043
3. 103
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil—School Board A #6
6. Monroe Gas
7. Morehouse, LA
8. 17.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09562
2. 17–111–20537
3. 108
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil—School Board #A–1
6. Monroe Gas
7. Union, LA
8. 9.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09563
2. 17–067–20674
3. 108
4. K. D. Lankford Jr & L&N Drlg. Co.
5. Pennzoil School Board #2
6. Monroe Gas
7. Morehouse, LA
8. 15.0 million cubic feet
9. June 21, 1979
10. United Gas Pipeline Co.

1. 79–09564
2. 17–113–20574
3. 102
4. Union Oil Company of California
5. Alton Abshire No 1
6. Wright
7. Vermilion, LA
8. 146.0 million cubic feet
9. June 21, 1979
10. Columbia Gas Transmission Corp.

1. 79–09565
2. 17–055–20152
3. 102
4. Reb Petroleum Company
5. Euda Richard No 1
6. Anselm Coulee Field
7. Lafayette Parish, LA
8. .0 million cubic feet
9. June 21, 1979
10.

1. 79–09566
2. 17–111–21495
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #691 Ser. #159855
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09567
2. 17–111–21453
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #688 Ser. #159562
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09568
2. 17–111–21452
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #687 Ser. #159561
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09569
2. 17–111–21451
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #686 Ser. #159560
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09570
2. 17–111–21449
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #684 Ser. #159558
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09571
2. 17–111–21065
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #685 Ser. #159559
6. Monroe Gas Field
7. Union Parish, LA
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79–09572
2. 17–031–20665
3. 108
4. Southwest Industries Investment Co.
5. No 1 Haris Estate 155204
6. Benson

7. DeSoto, LA
8. .0 million cubic feet
9. June 21, 1979
10. Louisiana Intrastate Gas Corp.

1. 79-09573
2. 17-015-21450
3. 103
4. Tenneco Oil Company
5. CV Ra Su 108 James T. White #1
6. Elm Grove
7. Bossier Parish, LA
8. .0 million cubic feet
9. June 21, 1979
10.

1. 79-09574
2. 17-031-21053
3. 103
4. Wm. Inabnet
5. Wm. Inabnet No 2
6. Monroe Gas
7. Ouachita, LA
8. 9.2 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09575
2. 17-111-21486
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #700 ser #159846
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09576
2. 17-111-21487
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #699 ser #159847
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09577
2. 17-111-21488
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #698 ser #159848
6. Monroe Gas Field
7. Union Parish, La
8. 284.7 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09578
2. 17-111-21489
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #697 ser #159849
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09579
2. 17-111-21490
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #696 ser #159850
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09580
2. 17-111-21387
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #674 ser #159842
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09581
2. 17-111-21383
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #666 ser #159837
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09582
2. 17-111-21485
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #701 ser #159845
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09583
2. 17-111-21492
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #694 ser #159852
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09584
2. 17-111-21493
3. 103
4. Mid Louisiana Gas Company
5. MLGC Fee Gas #693 ser #159853
6. Monroe Gas Field
7. Union Parish, La
8. 28.5 million cubic feet
9. June 21, 1979
10. Mid Louisiana Gas Company

1. 79-09585
2. 17-075-22385
3. 102
4. Gulf Oil Corporation
5. S L 7332 #1
6. Quarantine Bay
7. Plaquemines, La
8. 59.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79-09586
2. 17-109-22063
3. 102
4. The Superior Oil Company
5. Southdown Inc A No 8
6. Sunrise
7. Terrebonne, La
8. 2200.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79-09587
2. 17-051-20474
3. 103
4. Exxon Corporation
5. UL-4 Ra Suma Amer Pet Fee 9-D
6. Avondale
7. Jefferson, La
8. 1500.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79-09588
2. 17-051-20461
3. 103
4. Exxon Corporation
5. UL-4 Ra Sua Exxon Fee No 12
6. Avondale
7. Jefferson, La
8. 1350.0 million cubic feet
9. June 21, 1979
10. United Gas Pipe Line Co

1. 79-09589
2. 17-075-22474
3. 102
4. Arkla Exploration Company
5. Delacroix Corp #2
6. Caskett Bayou
7. Plaquemines, La
8. 745.0 million cubic feet
9. June 21, 1979
10. Southern Natural Gas Company

1. 79-09590
2. 17-031-20674
3. 102
4. Phillips Petroleum Company
5. Cook Taylor-A No 1
6. Grogan
7. De Soto, La
8. 300.0 million cubic feet
9. June 21, 1979
10.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State of block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09451
2. 30-025-09285
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 41
6. Jalmat/Yates
7. Lea, NM
8. 13.1 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09452
2. 30-025-09577
3. 108
4. Texas Pacific Oil Co Inc
5. Cooper B #2
6. Jalmat/Yates
7. Lea, NM
8. 7.3 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09453
2. 30-025-09405
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 #50

6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 2.6 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09454
2. 30-025-09401
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 #17
6. Langlie Mattix/7R-Queen
7. Lea, NM
8. 3.5 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09455
2. 30-025-08797
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 2 No 44
6. Jalmat/Yates/Eunice Queen
7. Lea, NM
8. 10.2 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09456
2. 30-025-08843
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 2 No 56
6. Jalmat/Yates
7. Lea, NM
8. 10.5 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09457
2. 30-025-10453
3. 108
4. Texas Pacific Oil Co Inc
5. Sims No 2
6. Tubb
7. Lea, NM
8. 13.5 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09458
2. 30-015-22160
3. 108
4. Texas Pacific Oil Co Inc
5. Glen Farmer No 1
6. Kennedy Farms/Morrow
7. Eddy, NM
8. 20.4 million cubic feet
9. June 20, 1979
10. Transwestern Pipeline Co

1. 79-09459
2. 30-025-11857
3. 108
4. Texas Pacific Oil Co Inc
5. Legal No 2
6. Jalmat/Yates
7. Lea, NM
8. 1.4 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09460
2. 30-025-11856
3. 108
4. Texas Pacific Oil Co Inc
5. Legal No 1
6. Jalmat/Yates
7. Lea, NM
8. .3 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09461
2. 30-025-09282
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 12
6. Jalmat/Yates
7. Lea, NM
8. 9.5 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09462
2. 30-025-09370
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 8
6. Jalmat/Yates
7. Lea, NM
8. 3.6 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09463
2. 30-045-23338
3. 103
4. Manana Gas Inc
5. Bobbie Herrera #1—Fruitland
6. Undesignated Fruitland
7. San Juan, NM
8. .0 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09464
2. 30-025-25695
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 421
6. Drinkard
7. Lea, NM
8. 37.0 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09465
2. 30-025-25696
3. 103
4. Gulf Oil Corporation
5. Central Drinkard Unit Well No 422
6. Drinkard
7. Lea, NM
8. 203.0 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09466
2. 30-025-21119
3. 108
4. Texas Pacific Oil Co Inc
5. S E Cone No 2
6. Drinkard
7. Lea, NM
8. 3.4 million cubic feet
9. June 20, 1979
10. Warren Petroleum Corporation

1. 79-09467
2. 30-025-08853
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 2 #4
6. South Eunice/7 Rivers Queen
7. Lea, NM
8. 5.6 million cubic feet
9. June 20, 1979
10. Phillips Petroleum Company

1. 79-09468
2. 30-025-09358
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 #39
6. Jalmat/Yates
7. Lea, NM
8. 2.9 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09469
2. 30-025-09403
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 1 No 25
6. Jalmat/Yates
7. Lea, NM
8. 5.7 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09470
2. 30-025-08838
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 2 No 49
6. Jalmat/Yates
7. Lea, NM
8. 2.9 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

1. 79-09471
2. 30-025-08824
3. 108
4. Texas Pacific Oil Co Inc
5. State A A/C 2 No 12
6. Jalmat/Yates
7. Lea, NM
8. 5.6 million cubic feet
9. June 20, 1979
10. El Paso Natural Gas Co

West Virginia Department of Mines, Oil and Gas Division

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-09433
2. 47-109-00049
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #10-011710
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79-09434
2. 47-109-00055
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #13-011890
6. Logan Wyoming
7. Wyoming, WV
8. 9.0 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79-09435
2. 47-109-00058
3. 108

4. Ashland Exploration Inc
5. W M Ritter Lumber Co #14–011900
6. Logan Wyoming
7. Wyoming, WV
8. 9.0 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09436
2. 47–109–00077
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #20–012520
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09437
2. 47–109–00065
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #15–012030
6. Logan Wyoming
7. Wyoming, WV
8. 9.0 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09438
2. 47–109–00072
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #18–012410
6. Logan Wyoming
7. Wyoming, WV
8. 7.8 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09439
2. 47–109–00147
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #41–014100
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09440
2. 47–109–00142
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #39–013890
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09441
2. 47–109–00137
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #38–013880
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09442
2. 47–109–00325
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #23–016340
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09443
2. 47–109–00278
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #15–015160
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09444
2. 47–045–00666
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #51–026180
6. Logan Wyoming
7. Logan, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09445
2. 47–045–00683
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #53–026550
6. Logan Wyoming
7. Wyoming, WV
8. 4.1 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09446
2. 47–109–00282
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #16–015420
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09447
2. 47–045–00470
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #45–023840
6. Logan Wyoming
7. Logan, WV
8. 4.1 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09448
2. 47–109–00295
3. 108
4. Ashland Exploration Inc
5. Pardee Land Co #17–015560
6. Logan Wyoming
7. Wyoming, WV
8. 5.5 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09449
2. 47–109–00146
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #40–013900
6. Logan Wyoming
7. Wyoming, WV
8. 7.8 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

1. 79–09450
2. 47–109–00120
3. 108
4. Ashland Exploration Inc
5. W M Ritter Lumber Co #29–13450
6. Logan Wyoming
7. Wyoming, WV
8. 7.8 million cubic feet
9. June 20, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control Number (FERC/State)
2. API Well Number
3. Seciton of NGPA
4. Operator
5. Well Name
6. Field Or OCS Area Name
7. County, State or Block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)

1. 79–09411
2. 30–045–22037–0000–0
3. 108
4. Dugan Production Corp
5. Thomas Jefferson #2
6. WAW Fruitland PC
7. San Juan, NM
8. 1.2 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co

1. 79–09412
2. 30–039–20562–0000–0
3. 108
4. Dugan Production Corp
5. Tiger #4
6. Tapacito PO
7. Rio Arriba, NM
8. 3.5 million cubic feet
9. June 19, 1979
10. Northwest Pipeline Corp

1. 79–09413
2. 30–045–22215–0000–0
3. 108
4. Dugan Production Corp
5. Tonkin #3R
6. Kutz PC West
7. San Juan, NM
8. 7.5 million cubic feet
9. June 19, 1979
10. Gas Co of New Mexico

1. 79–09414
2. 30–045–06574–0000–0
3. 108
4. Dugan Production Corp
5. Tonkin #4
6. Kutz PC West
7. San Juan, NM
8. 12.5 million cubic feet
9. June 19, 1979
10. Gas Co of New Mexico

1. 79–09415
2. 30–045–20652–0000–0
3. 108
4. Dugan Production Corp
5. WAW #1
6. WAW Fruitland PC
7. San Juan, NM
8. 5.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co

1. 79–09416

2. 30–045–22018–0000–0
3. 108
4. Dugan Production Corp
5. Western Federal #6
6. Gallegos Fruitland South
7. San Juan, NM
8. 3.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas

1. 79–09417
2. 30–045–22411–0000–0
3. 103
4. J G Merrion & R L Bayless
5. Chaco #5
6. WAW Fruitland Pictured Cliffs
7. San Juan, NM
8. 40.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09418
2. 30–045–08720–0000–0
3. 108
4. Riggs Oil & Gas Corp
5. #1 Federal
6. Crouch Mesa FR & Fulcher Kutz PC
7. San Juan, NM
8. 10.8 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Co

1. 79–09419
2. 30–045–22429–0000–0
3. 103
4. J G Merrion & R L Bayless
5. Chaco Limited #1
6. WAW Fruitland Pictured Cliffs
7. San Juan, NM
8. .4 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09420
2. 30–043–00000–0000–0
3. 108
4. Benjamin Elenbogen
5. Jicarilla A–55 No 1
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 4.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09422
2. 30–043–20024–0000–0
3. 108
4. Benjamin Elenbogen
5. Jicarilla A–55 No 3
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 4.7 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09423
2. 30–043–20028–0000–0
3. 108
4. Benjamin Ellenbogen
5. Jacarilla A–55 No 7
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 19.1 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09424
2. 30–043–20014–0000–0
3. 108
4. Benjamin Elenbogen
5. Jicarilla 55 No 2
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 8.8 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09425
2. 30–043–20036–0000–0
3. 108
4. Benjamin Elenbogen
5. Jicarilla 55 No 3
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 3.1 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09426
2. 30–039–20185–0000–0
3. 108
4. Jerome P McHugh
5. Apache #2
6. Basin Dakota
7. Rio Arriba, NM
8. 17.0 million cubic feet
9. June 19, 1979
10. Northwest Pipeline Corporation

1. 79–09427
2. 30–039–20279–0000–0
3. 108
4. Jerome P McHugh
5. Apache #7
6. Basin Dakota
7. Rio Arriba, NM
8. 11.0 million cubic feet
9. June 19, 1979
10. Northwest Pipeline Corporation

1. 79–09428
2. 30–015–22150–0000–0
3. 103
4. Yates Petroleum Corporation
5. Robinson HW Federal #1
6. Cottonwood Creek WC West
7. Eddy, NM
8. .0 million cubic feet
9. June 19, 1979
10. Transwestern Pipeline Company

1. 79–09429
2. 30–015–22150–0000–0
3. 102
4. Yates Petroleum Corporation
5. Robinson HW Federal #1
6. Cottonwood Creek Wolfcamp West
7. Eddy, NM
8. .0 million cubic feet
9. June 19, 1979
10. Transwestern Pipeline Company

1. 79–09430
2. 30–045–20206–0000–0
3. 108
4. Norman L Gilbreath
5. Moonlight Mesa #1 9017701
6. San Juan Basin
7. San Juan, NM
8. 4.2 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas

1. 79–09431
2. 30–045–08235–0000–0
3. 108
4. Energy Reserves Group Inc
5. Gallegos Canyon Unit 77 (Fruitland)
6. W Kutz-Fruitland
7. San Juan, NM
8. 18.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09432
2. 30–039–05277–0000–0
3. 108
4. Trans Delta Oil & Gas Co Inc
5. Crane Federal 1
6. South Blanco
7. Rio Arriba, NM
8. 8.0 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

1. 79–09421
2. 30–043–20014–0000–0
3. 108
4. Benjamin Elenbogen
5. Jicarilla A–55 No 2
6. Ballard-Pictured Cliffs
7. Sandoval, NM
8. 3.3 million cubic feet
9. June 19, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the **Federal Register.**

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–21900 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

[Project No. 2914]

Alabama Electric Cooperative; Application for Preliminary Permit

June 25, 1979.

Take notice that an application for preliminary permit was filed March 9, 1979, and supplemented April 13, 1979, by the Alabama Electric Cooperative [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–825(r)] for a proposed water power project to be known as the Claiborne Hydroelectric Project,[1] FERC No. 2914, located on the Alabama River in Monroe County, Alabama. Correspondence with the Applicant should be directed to: Mr. Charles Lowman, General Manager, Alabama Electric Cooperative, P.O. Box 550, Andalusia, Alabama 36420.

[1]The maps were filed as a part of the original document.

Purpose of Project—The power generated from this project would be fed into an existing transmission system for eventual distribution to members of the Alabama Electric Cooperative, a Rural Electrification Administration generation and transmission cooperative with membership in southern Alabama and western Florida.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would study the technical and economic feasibility of installing a hydroelectric generating unit at the existing Corps of Engineers, Claiborne Lock and Dam, located at river mile 81.78 on the Alabama River, approximately 5 miles north of the Town of Claiborne, Alabama. The proposed work would include preliminary designs, eonomic analysis, environmental analysis, power studies, and other related activities needed for the preparation of an application for a FERC license. Applicant estimates the cost of the work to be performed under the preliminary permit at $95,000.

Project Description—The Claiborne Lock and Dam consists of a lock chamber 84 feet wide with a useable length of 600 feet and a 916-foot-long concrete gravity dam with both a gated spillway section and a free overflow section. Project No. 2914 would consist of an intake with a control gate, a conduit through the dam, and a powerhouse containing a single, 15,000-kW, horizontal axis turbine-generator. The estimated annual output would be 57,500,000 KWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before *August 27, 1979*. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21904 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ID-1758 and Docket No. ID-1759]

Charles T. Fisher III and Richard C. Gerstenberg; Order Denying Authorization Pursuant to Section 305(b)

Issued: June 25, 1979.

On February 24, 1975, Richard C. Gerstenberg (Applicant), Bloomfield Hills, Michigan, filed an application pursuant to Section 305(b) of the Federal Power Act* to hold the following positions:

Director,[1] The Detroit Edison Co. (Detroit Edison), public utility.
Director,[2] General Motors Corp. (GM), supplying electrical equipment.

Also, on February 24, 1975, Charles T. Fisher, III (Applicant), President of National Detroit Corp. and its subsidiary, The National Bank of Detroit, Detroit, Mich., filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director,[3] The Detroit Edison Co. (Detroit Edison), public utility.
Director, General Motors Corp. (GM), supplying electrical equipment.

Since both applications involve the same companies and raise identical questions of law and fact, they will be treated jointly in this order.

This is the second time that the applications in Docket Nos. ID-1758 and ID-1759 have been subject to review. On January 14, 1976, the then four member Federal Power Commission considered these cases, but was unable to reach a majority decision. The Applicants' requests for authorization have since remained pending. There is no reason to delay action further. The Applicants are entitled to a decision which will remove the current uncertainty as to their status.

Notices of these applications were issued on March 7, 1975 with protests or petitions due on or before March 20, 1975. None have been received.

Detroit Edison is engaged in the generation, purchase, transmission, distribution and sale of electric energy in Detroit and surrounding areas in Michigan. The Company also supplies a small amount of steam and water service within its operating area. GM is primarily engaged in the manufacturing of cars, buses, trucks, earthmoving equipment, diesel engines, automobile parts and supplies and household appliances.

Other Positions Held by Mr. Gerstenberg

Director, National Detroit Corp., bank holding co.
Director, National Bank of Detroit,[4] banking.
Director, Marlennan Corp., insurance broking and consulting.

Other Positions Held by Mr. Fisher

President and Director, National Detroit Corp., bank holding co.
President and Director, National Bank of Detroit, banking.
Director, American Airlines, Inc., common carrier.
Director, International Bank of Detroit,[5] banking.
Director, NBD Mortgage Co.,[5] mortgages
Director, Hiram Walker-Gooderman and Worts, Ltd.,[5] liquor.
Director, Hiram Walker & Sons,[5] liquor.
Assistant Treasurer and Director, Prime Securities Corp.[5] family holding co.

Applicants state that Detroit Edison has a commercial banking relationship with National Bank of Detroit. In

*This proceeding was commenced before the FPC. By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission" when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[1] Elected Director January 20, 1975

[2] Elected Director November 2, 1967.

[3] Elected Director September 18, 1961.

[4] Elected Director May 19, 1972.

[5] Subsidiary of National Detroit Corp.

[6] Applicant states that there are no contractual or business relationships between this Company and Detroit Edison.

addition, the National Bank of Detroit has extended to Detroit Edison both short and long term loans at competitive interest rates taking into account the prime rate and other appropriate financial conditions.

Detroit Edison also purchased four franchised bonds with a total annual premium of $50 through Marsch & McClennan, a subsidiary of Marlennan Corporation.

The Applicants state that General Motors sold a transformer to Detroit Edison for $489.20 in August, 1972. From that time until the date of their applications, no other electric equipment was sold to Detroit Edison by General Motors. Subsequent to the date of their applications however, Applicants report the following sales of General Motors' electric equipment to Detroit Edison:

1975—$40,000
1976—$27,252
1977—$14,1550

Of course, the actual magnitude and frequency of intercorporate transactions between General Motors and Detroit is not determinative; the prohibitions of Section 305(b) operate prospectively and deal with possibilities. General Motors is a potentially large supplier of electric equipment.[7] As such, its corporate interests would conflict with those of customers it supplies or may supply with electric equipment.

Interlocking directorates that perpetuate circumstances in which Applicants (or others in similar positions) may find themselves on both sides of the bargaining table are contrary to both public and private interests. Congressional concern over vertical interlocks is reflected in federal statutes covering a number of industries.[8]

The Federal Power Commission, previously charged with the administration of Section 305(b), recognized the problems created by electric equipment supplier—public utility interlocks: Over the years, since the Act was passed, applications under this Section have * * * been confined primarily to interlocking positions between electric utilities within a holding company system approved by the Securities and Exchange Commission. Most of these applications have been granted. There have been only a very few applications filed to hold positions between public utilities and supply companies, the majority of which have either been withdrawn or denied. *As a general principle, we feel that such interlocking positions should not be permitted where the supplier is in a position to furnish any appreciable amount of the electrical equipment in any category purchased by the utility.* In such instances, any possible benefit to the two companies from having an individual serve both of them in a responsible capacity is outweighed by the potential disadvantages to the public utility, its customers and others in the markets in which the utility and the supplier operate.

Lelan F. Sillin, Jr. 33 FPC 1006, 1007 (1965). (emphasis supplied)

By passage of Section 305(b) of the Federal Power Act, Congress intended to establish a general prohibition against interlocking directorates between public utilities and their electric equipment suppliers. Absent a showing of some clear overriding benefit, applications of this type should be denied in accordance with the principles enunciated above.

The Commission finds: (1) Applicants have failed to demonstrate that approval of the applications filed herein will not adversely affect public or private interests.

(2) The applications should be denied, subject to Applicant's opportunity to supplement their respective applications and seek rehearing within thirty (30) days from the date of issuance of this order.

The Commission orders: (A) The applications of Mr. Fisher and Mr. Gerstenberg to hold interlocking positions pursuant to Section 305(b) of the Federal Power Act are hereby denied, subject to Applicants' opportunity to supplement their respective applications and seek rehearing within thirty (30) days from the date of issuance of this order.

(B) Mr. Fisher is hereby directed to remove himself from his position as a Director of Detroit Edison or as a Director of General Motors within sixty (60) days from the effective date of a final order in this proceeding and is further directed to refrain from maintaining any interlocking positions, direct or indirect, between the two companies.

(C) Mr. Gerstenberg is hereby directed to remove himself from his position as a Director of Detroit Edison or as a Director of General Motors within sixty (60) days from the effective date of a final order in this proceeding and is further directed to refrain from maintaining any interlocking positions, direct or indirect, between the two companies.

(D) The Secretary shall cause the prompt publication of this order to be made in the **Federal Register.**

By the Commission. Commissioner Sheldon, dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

Charles T. Fisher, III, Docket No. ID–1758
Richard C. Gerstenberg, Docket No. ID–1759

Issued June 25, 1979.

SHELDON, Commissioner, *dissenting.*

The resolution of Messrs. Fisher's and Gerstenberg's applications for authorization to hold positions on the Boards of Directors of Detroit Edison Company and General Motors has detoured through the halls of this agency for several years. The majority's opinion, while purporting to lift the veil of uncertainty surrounding the status of these petitions, has assured the Applicants and any future Applicant a continued wandering journey, as my colleagues have obscured the pertinent standards and have deprived the Applicants of significant procedural opportunities.

The majority points out that Section 305(b) of the Federal Power Act, 16 U.S.C. § 825d(b), embodies a general prohibition against interlocking directorates between public utilities and their electric equipment suppliers. This fact cannot be denied. But a plain reading of Section 305(b) demonstrates that the prohibition is not unconditional and vests with the Commission discretion for approval of an interlock. These interlocks may be "authorized by order of the Commission upon due showing *in form and manner prescribed by the Commission,* that neither public nor private interests will be adversely affected thereby." (Emphasis added.)

The majority's opinion has adopted a *per se* standard of rejection for any director who seeks Commission approval if this individual is a director of any company which has the "possibility" [1] of supplying electrical equipment.[2] The new standard adds language that effectively undermines Section 305(b). The opinion states "Interlocking directorates that perpetuate circumstances in which Applicants (or others in similar positions) may find themselves on both sides of the bargaining table are contrary to both public and private interests." [3]

Interlocking directorates by their very nature create this type of problem. Congress

[7] The Applicants have supplied information indicating that during the 1975–1977 period General Motors averaged several millions of dollars in sales annually of electric equipment to electric utilities. General Motors regards the specific data as proprietary. We do not divulge it here and therefore need not reach that question.

[8] Section 17 of the Public Utilities Holding Company Act of 1935, 15 U.S.C. § 79 of (C) (1970) (vertical interlocks between trust companies, banks, investment bankers and public utility holding companies); Section 409 of the Federal Aviation Program, 49 U.S.C. § 1379(a) (1970) (vertical interlocks between airline carriers and airplane manufacturers); Section 32 of the National Bank Act, 12 U.S.C. § 78 (1970) (vertical interlocks between securities underwriters and national banks, etc).

[1] Majority opinion page 3.

[2] Electric equipment is not defined in our Regulations, nor has the majority attempted to clarify this term in their opinion. What can be included in this phrase is ambiguous, at best.

[3] Majority opinion page 4.

was not blind to the obvious, yet it still provided an exception and allowed the Commission discretion to determine a "form and manner" in which interlocks could receive approval. With the revision of the previous standards enunciated by the Federal Power Commission in *Lelan F. Sillin, Jr.*, 33 FPC 1006 (1965),[4] the Commission can no longer exercise the discretion which the statute authorized to balance the public and private interest.

In adopting the modified standard the Commission graciously allowed the Applicants the opportunity to supplement their petitions. Supplemental information is permitted under Section 45.5 of the Commission Regulations, but the information sought by the Commission must be considered when the petition is addressed on its merits. Relegation of a supplemental information request to a rehearing order, as my colleagues have authorized, denies the Applicant a procedural right.

The Applicants have made a good faith effort to comply with existing regulations which prescribed the "form and manner" required for an interlock. Now, the Commission believes that the previous showing is not sufficient, without describing where the applications are deficient or what is required to supplement their applications to obtain approval.[5] Moreover, not only are the Applicants afforded the opportunity to comply with an unspecified standard, this opportunity comes at a time in the proceeding which will leave the applicants without suitable administrative recourse. I doubt seriously whether this comports with due process.

My colleagues believed "the Applicants [were] entitled to a decision which [would] remove the uncertainty concerning their status."[6] Now, some five years later, to remove this "uncertainty" requires the loss of procedural due process and a new standard which conflicts with the legislation enacted by Congress. The Commission has placed the Applicants in a leaky lifeboat without compass or oars. In all probability, the Applicants, and all future Applicants, will determine such applications are not worthy of their time. Thus, the Commission will have prevented indirectly what Congress has authorized specifically.

Georgiana H. Sheldon,

Commissioner.

[FR Doc. 79-21905 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[4] *Lelan F. Sillin, Jr.*, stood for the proposition that "interlocking positions should not be permitted where the supplier is in a position to furnish any *appreciable* amount of electrical equipment . . ." (at page 1007, emphasis added). In evaluating the sales between General Motors and Detroit Edison, approximately $80,000 between 1975–1977, compared to the electrical equipment General Motors sold to *all* utilities (an amount substantially exceeding $10,000,000), I believe these purchases are *de minimis* and do not equate to an "appreciable amount." The $80,000 compared to General Motors annual revenues is certainly *de minimis*. From Detroit Edison's perspective, the $80,000 is a small portion of the amount spent on similar equipment from other suppliers.

[5] The supplemental information required by the majority opinion is a showing of "some clear overriding benefit." Is this benefit to the companies or to society? Thus, the applicants are left with semantic imprecision.

[6] Majority opinion page 2.

[Docket No. CP71-68, et al.]

Columbia LNG Corp. et al.; Renotice of Petition To Amend

July 6, 1979.

Take notice that on May 23, 1979, Columbia LNG Corporation (Columbia LNG), 20 Montchanin Road, Wilmington, Delaware 19807, Consolidated System LNG Company (Consolidated LNG), 445 West Main Street, Clarksburg, West Virginia 26301, and Southern Energy Company (Southern Energy), P.O. Box 2563, Birmingham, Alabama 35202, (Petitioners), filed in Docket No. CP71-68 *et al.*, a petition to amend FPC Opinion and Order Nos. 662 and 662-A, as amended,[1] in the instant docket pursuant to Section 3 of the Natural Gas Act for authorization of an increase in import prices consistent with the amended contracts, all as more fully set forth in the petition to amend.

Petitioners state that pursuant to Opinion and Order Nos. 662 and 662-A they were authorized to import into the United States liquefied natural gas (LNG) equivalent of approximately 1,000,000 Mcf per day. Consolidated LNG and Columbia LNG were authorized to import the equivalent of approximately 350,000 Mcf and 300,000 Mcf of natural gas per day, respectively, at Cove Point, Maryland and Southern Energy was authorized to import the equivalent of approximately 350,000 Mcf per day at Elba Island, Georgia, the petition indicates. El Paso Algeria Corporation (El Paso Algeria) purchases such LNG from Sonatrach, the Algerian national oil and gas company, pursuant to an agreement dated October 9, 1969, as amended in 1971, which provides for the sale of LNG f.o.b. Arzew, Algeria at a price of 30.5 cents per million Btu's subject to certain escalation provisions. Deliveries of LNG commenced in March 1978, and LNG is currently being delivered at a load factor of approximately 85 percent, it is asserted.

In Opinion No. 622-A the Commission imposed over the import price a ceiling which was based on 1972 estimates of the cost of delivering LNG at Cove Point, Maryland and Elba Island, Georgia during the first year of full deliveries which was estimated to occur in 1975. Petitioners contend that because of economic and energy conditions, they have met and negotiated an amendment to the contract between Sonatrach and El Paso Algeria to be effective July 1, 1979.

Petitioners state that under the terms of the amendment, the base price for LNG purchased by El Paso pursuant to the Sonatrach contract is U.S. $1.75 per million Btu, effective as of July 1, 1979 and on January 1, 1980, and each July 1 and January 1 thereafter the base price would be adjusted, it is indicated.

Petitioners assert that the parties agreed that the overall economic result of the pricing provisions should produce, during the period July 1, 1979 through June 30, 1983, a cost for LNG, after regasification, no higher than the cost of imported competing fuels on the East Coast of the United States.

Petitioners further assert that Sonatrach's capital and operating costs have increased to such an extent above those contemplated at the time the Sonatrach agreement was executed in 1969, that the commercial and economic viability of the project has been destroyed and Sonatrach cannot continue to deliver LNG to El Paso Algeria at the current contractual sales price. Sonatrach, the Petitioners contend, had advised that the economic circumstances have placed Sonatrach and Algeria in an economically untenable position which require immediate relief.

It is asserted that Sonatrach and El Paso Algeria have agreed and Petitioners have consentd to an interim price of $1.15 per million Btu f.o.b. Arzew, Algeria to be effective July 1, 1979 with payment to commence after appropriate U.S. Regulatory approval, but in no event later than September 1, 1979. The amended agreement further provides that revenues due but not paid between July 1, 1979 and September 1, 1979 would be deferred and recovered with interest by spreading the total amount so due over twice the volume of LNG deliveries between July 1, 1979 and the date the interim sales price becomes effective, it is indicated.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 20, 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.

[FR Doc. 79-21907 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2922]

Electric Plant Board of the City of Glasgow, Ky.; Application for Preliminary Permit

July 3, 1979.

Take notice that on April 4, 1979, the Electric Plant Board of the City of Glasgow, Kentucky, filed an application [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–§ 825(r)(1976)] for a preliminary permit for a proposed hydroelectric power project, to be known as the Nolin River Lake Dam Project (FERC Project No. 2922). The proposed project would be located on the Nolin River in Edmonson County, Kentucky. Correspondence with the Electric Plant Board should be directed to Mr. H. Jefferson Herbert, Jr., Wilson, Herbert, Garmon & Sparks, Richards Building, Glasgow, Kentucky 42141.

Purpose of Project—The Electric Plant Board would provide the total power generated at the project to its consumers.

Proposed Scope and Cost of Studies Under Permit—The Electric Plant Board seeks issuance of a preliminary permit for a period of 24 months, during which time it proposes to study the feasibility of installing hydroelectric generating units at the existing Nolin River Lake Dam of the United States Army Corps of Engineers. The Electric Plant Board estimates that the proposed studies would cost $137,500.

Project Description—The Nolin River Lake Dam Project would consist of: (1) a powerhouse, to be constructed, housing hydroelectric generating units (number, size, and type to be determined in course of the study) with a preliminary estimate of an installed capacity of 14,750 kW; and (2) appurtenant facilities. The estimated annual output of the proposed project is 77,526,000 kWh. The Electric Plant Board estimates the cost of the project at $43,250,000. The Electric Plant Board proposes that the project's generating station be operated in coordination with the interconnected system of the Tennessee Valley Authority. The Board would use the total power generated at the project.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 24-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before *September 4, 1979.* The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21908 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2923]

Electric Plant Board of the City of Glasgow, Ky.; Application for Preliminary Permit

July 3, 1979.

Take notice that on April 4, 1979, the Electric Plant Board of the City of Glasgow, Kentucky, filed an application [pursuant to the Federal Power Act, 16 U.S.C. § 791(a)–§ 825(r)(1976)] for a preliminary permit for a proposed hydroelectric power project, to be known as the Green River Lake Dam Project (FERC Project No. 2923). The proposed project would be located on the Green River in Taylor County, Kentucky. Correspondence with the Electric Plant Board should be directed to Mr. H. Jefferson Herbert, Jr., Wilson, Herbert, Garmon & Sparks, Richards Building, Glasgow, Kentucky 42141.

Purpose of Project—The Electric Plant Board would provide the total power generated at the project to its consumers.

Proposed Scope and Cost of Studies Under Permit—The Electric Plant Board seeks issuance of a preliminary permit for a period of 24 months, during which time it proposes to study the feasibility of installing hydroelectric generating units at the existing Green River Lake Dam of the United States Army Corp of Engineers. The Electric Plant Board estimates that the proposed studies would cost $137,500.

Project Description—The Green River Lake Dam Project would consist of: (1) a powerhouse, to be constructed, housing hydroelectric generating units (number, size, and type to be determined in course of the study) with a preliminary estimate of an installed capacity of 14,500 kW; and (2) appurtenant facilities. The estimated annual output of the proposed project is 76,212,000 kWh. The Electric Plant Board estimates the cost of the project at $42,500,000. The Electric Plant Board proposes that the project's generating station be operated in coordination with the interconnected system of the Tennessee Valley

Authority. The Board would use the total power generated at the project.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 24-month permit.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before September 4, 1979. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21909 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. RP74-14 (PGA79-2)]

Mountain Fuel Resources, Inc.; Order Accepting for Filing and Suspending Proposed Tariff Sheet Subject to Conditions and Denying a Request To Modify Future Semi-Annual PGA Effective Dates

Issued June 29, 1979.

Pipeline Rates: PGA Suspension

On June 1, 1979, Mountain Fuel Resources (Resources) filed Substitute Eighth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1 and proposed that it become effective July 1, 1979. The filing was made to reflect a proposed 17.26 cents per Mcf PGA increase under Resources' Rate Schedule No. 1 for sales to Mountain Fuel Supply Company (Supply). The 17.26 cents per Mcf increase consists of:

(1) a 13.70 cents per Mcf increase that will generate $717,035 of additional annual revenues to reflect the impact of the Natural Gas Policy Act (NGPA) on purchased gas costs;

(2) a 3.56 cents per Mcf increase that includes:

(a) A $122,366 credit to reflect revenues received from an emergency transportation service provided for Supply in excess of the amount allowed pursuant to Sections 157.49 and 157.50 of the Commission's regulations; and

(b) A one-time NGPA adjustment that is made pursuant to Order No. 18 in Docket No. RM79-7 and reflects estimated purchased gas costs totalling $73,518.

Based upon a review of Resources' filing, the Commission finds that the proposed PGA rate increase has not been shown to be just and reasonable, and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Resources' Substitute Eighth Revised Sheet No. 7 to F.E.R.C. Gas Tariff, Original Volume No. 1 for filing, subject to conditions, grant waiver of the 30 day notice requirement and suspend the filing until July 1, 1979, when it will be permitted to become effective, subject to refund. Additionally, while this order permits this filing to become effective on July 1, 1979, we shall deny Resources' request that effective dates of January 1 and July 1 be assigned to its future semi-annual PGA filings.

Our review indicates that Resources has included increased costs of gas purchases from an affiliated producing company that is charging at NGPA rate levels. The Commission has not yet determined the appropriate treatment of the pricing of such affiliate production under the NGPA. The Commission shall therefore require that the costs associated with the affiliate's production be collected subject to refund and subject to the Commission's final NGPA Regulation (on rehearing) governing this issue.

The Commission also notes that Resources has not included interest on amounts carried in the deferred account for January, February and March of 1979, as required by its PGA clause. The failure to include interest, which in this instance is negative, results in a higher balance in Resources' deferred account and related surcharge. The Commission shall therefore require Resources to refile its rates to reflect interest in accordance with its PGA clause.

The acceptance of this filing is further conditioned upon the eliminnation by Resources of those costs from its producer and pipeline suppliers which those suppliers were not actually authorized to charge as of July 1, 1979, pursuant to the Natural Gas Act, the regulations pursuant to the Natural Gas Act, the NGPA, and the regulations pursuant to the NGPA. These proposed costs have not been found to be just and reasonable and may be unjust, unreasonable and unduly discriminatory, or otherwise unlawful.

Finally, as noted above, the Commission will permit a one-time change in Resources' semi-annual PGA effective date but will deny Resources' request for a permanent change in the effective dates for semi-annual PGA rate adjustments. Currently, Order Nos. 13 and 13-A in Docket No. R-406 provide that the semi-annual PGA clause adjustment date for Resources shall be June 1 and December 1 of each year. Resources requests that it be assigned adjustment dates of January 1 and July 1 of each year.

In support of its request, Resources alleges that it interpreted Order No. 13-A to require that it file on June 1 and December 1 of each year with corresponding effective dates of July 1 and January 1. Having determined that its interpretation was not consistent with the interpretation of Commission staff, Resources now argues that sufficient cause nevertheless exists to justify assignment to it of July 1 and January 1 effective dates. Specifically, Resources states that on June 29, 1978, the Commission issued an order permitting Resources to file its PGA rate adjustments on June 1 and December 1 so that Supply, the sole resale customer of Resources, would be able to track Resources' rate changes in quarterly filings that Supply was required to make

with the states of Utah and Wyoming. Subsequently, Order Nos. 13 and 13–A made June 1 and December 1 the dates of adjustment for Resources semi-annual PGA rate filings. While Resources continues to believe that it has correctly interpreted Order Nos. 13 and 13–A, it asserts that the above circumstances demonstrate sufficient justification to apply to it filing dates of June 1 and December 1 with corresponding effective dates of July 1 and January 1.

Resources has misinterpreted Order Nos. 13 and 13–A and has also failed to adequately justify modification of the effective dates set out in those orders. assigning different effective dates to various pipelines was undertaken by the Commission to avoid the imposition of undue financial and administrative burdens upon the pipeline companies, their customers, the Commission staff, state commissions and ultimate consumers. Given those considerations a very substantial showing will have to be made before any request for changes in effective dates will be permitted. The request of Resources, however, does not justify a change but merely restates the chronological history of Resources' PGA rate filings.

The June 28, 1978 order permitting Resources to file on June 1 and December 1 of each year was premised on the Commission's determination to allow Supply's PGA filing to become effective concurrently with Opinion No. 770 state filings in Utah and Wyoming, which do not permit PGA clauses in retail tariffs. With the implementation of the Natural Gas Policy Act, however, it may be that deferred accounting will be permitted in those states. Resources does not explain the effect of the NGPA on the state filings and, consequently, we cannot determine whether the reason underlying the June 28, 1978 order continues to be one of the factors to be considered in entertaining proposals to modify Order Nos. 13 and 13–A. Absent this explanation together with other valid reasons for changing those orders, the Commission will deny the request to change the effective dates for Resources' semi-annual PGA rate filings.

The Commission orders:

(A) Subject to the conditions of the Ordering Paragraphs below, Mountain Fuel Resources, Inc.'s proposed Substitute Eighth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1 is accepted for filing and suspended, and waiver of notice requirements is granted such that the filing shall become effective July 1, 1979, subject to refund.

(B) Mountain Fuel Resources, Inc. shall file within 15 days of the date of issuance of this order revised tariff sheets to become effective subject to refund on July 1, 1979, reflecting the elimination of costs from producer and pipeline supplies which those suppliers are not authorized to charge Mountain Fuel Resources, Inc. on or before July 1, 1979, pursuant to applicable Commission orders, the NGPA, the natural Gas Act and the Regulations thereunder.

(C) The costs associated with increased costs of gas from an affiliated producing company of Mountain Fuel Resources, shall be collected subject to refund, in accordance with Ordering Paragraph (A) above. the ultimate determination as to the just and reasonable rate to be charged for such affiliated company production shall be governed by the Commission's final NGPA Regulations on rehearing governing this issue.

(D) Mountain Fuel Resources, Inc. shall be required to refile to include interest on the deferred account in accordance with its purchased gas adjustment clause.

(E) Mountain Fuel Resources, Inc. will be granted a one-time change in its semi-annual effective date, *Provided However,* that the effective dates of June 1 and December 1 of each year, as set forth in Order Nos. 13 and 13–A shall apply to subsequent filings.

(F) Mountain Fuel Resources, Inc. will be required to file revised tariff sheets to reflect the effective dates set forth in Order Nos. 13 and 13–A and Section 154.38(d)(4)(iv)(*a*) of the Regulations.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79–21910 Filed 7–13–79; 8:45 am]

BILLING CODE 6450–01–M

[Docket Nos. ER79–332 and ER79–333]

Ohio Power Co.; Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Granting Interventions, Consolidating Dockets, and Establishing Procedures

Issued June 27, 1979.

Electric Rates: Suspension, Hearing, Intervention.

On April 27, 1979, Ohio Power Company (Ohio Power or the Company) submitted for filing revised schedules for service to Wheeling Electric Company (Wheeling) under Rate Schedule FPC No. 18 (Docket No. ER79–332) and to 13 Ohio municipalities under the MRS tariff (Docket No. ER79–333). The proposed revisions would increase revenues $9,392,000 (19.34%) for the 12 month test period ending December 31, 1979.[1]

The proposed revised Rate Schedule FPC No. 18 increases the monthly demand charge from $4.54 to $6.22 per Kw and the energy charge from 11.0 mills to 13.1 mills per Kwh. The proposed MRS tariff increases the monthly demand charge from $5.114 to $6.52 per Kw, the energy charge from 11.0 mills to 13.3 mills per Kwh, and the reactive demand charge from $0.25 to $0.30 for all Kvar in excess of 30% of the monthly Kw demand.

Notices of the filings were issued on May 1, 1979, and May 3, 1979. On May 11, 1979, the Public Service Commission of West Virginia filed a notice of intervention in Docket No. ER79–332. On May 25, 1979, 12 of the 13 municipal customers (Municipalities) filed a protest, petition to intervene, motion to reject, and motion for summary disposition in Docket No. ER79–333.[2] On June 14, 1979, Allied Chemical Corporation, Mobay Chemical Corporation, and P.P.G. Industries (the industrials) filed a (late) joint protest, petition to intervene and motion for maximum suspension in Docket No. ER79–332.

The Municipalities allege that the proposed increase creates an unlawful price squeeze warranting a five-month suspension and that the tariff service limitations are anticompetitive and should be summarily eliminated. Based on their price squeeze allegations, the Municipalities request that Ohio Power's use of comprehensive interperiod tax normalization be rejected and the Company be required to adopt flow-through accounting. Additionally, the Municipalities urge rejection of the proposed filing for lack of data supporting Ohio Power's computation of income taxes on a single company instead of consolidated basis and the treatment of Ohio Power's subsidiary, Ohio Electric Company, as if it were merged into its parent. Finally, the Municipalities claim that the Company's failure to roll in the cost of 69 Kv transmission lines and the alleged non-compliance of the proposed rate increase with wage/price guidelines warrant maximum suspension.

The Municipalities' motion to reject the filing shall be denied. There is insufficient basis for summary rejection, because the filing substantially complies

[1] See attachment for rate schedule designations.

[2] The 12 petitioning municipalities are Arcadia, Bloomdale, Carey, Cygnet, Greenwich, Plymouth, Republic, Shilon, St. Clairsville, Sycamore, Wapakoneta and Wharton, Ohio. The thirteenth municipality is Ohio City. On May 29, 1979, the municipalities filed an amended petition.

with our regulations, although each of the issues raised may be addressed in the hearing.

The Municipalities state that Ohio is changing the "availability" provision of its tariff to provide that electrical facilities will be expanded to supply electric service only if the company has adequate generating capacity to provide such service. They ask the Commission to summarily dispose of this provision because the Company could use it to withhold high voltage service or limit their load growth. The Municipalities also claim that this provision violates subsection 202(g) of the Federal Power Act, as added by section 206 of the Public Utilities Regulatory Policy Act of 1978. This issue raises significant legal and factual questions which should be fully addressed in the hearing.[3]

The Municipalities have asked the Commission to summarily dispose of Ohio's use of tax normalization and to require Ohio to submit an appropriate refiling. The municipalities base this request on the appellate decision remanding Order No. 530–B [4] in which the court ruled that the Commission should consider the competitive consequences of allowing tax normalization at the wholesale level when such normalization is disallowed at the retail level. However, the municipalities present no arguments that justify a departure from our policy concerning interperiod tax normalization pending disposition of the court's remand.[5] Accordingly, the municipalities' motion for summary disposition of the tax normalization issue will be denied without prejudice to their right to pursue price squeeze allegations in the hearing.[6]

The industrials state that they are each customers of Wheeling Electric, which has filed a proposal before the Public Service Commission of West Virginia to increase its electric rates to pass on Ohio Power's proposed increase in this proceeding. The industrials complain that the proposed rate of return on equity is excessive, that Ohio Power improperly computed income taxes on a single company basis, that the appropriateness of Ohio Power's proposed tax normalization is unclear, and that Ohio Power has offered no justification for a shorter suspension period than the statutory five-month maximum. These points are either addressed elsewhere in this order or are more appropriately addressed in the hearing order in this proceeding.

Ohio Power's revised tariffs have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, we will accept Ohio Power's revised Schedule No. 18 and MRS tariffs for filing and suspend the rates for five months from 60 days after filing to become effective November 26, 1979, subject to refund.

We shall institute an investigation to determine the reasonableness of the revised Schedule No. 18 and MRS tariffs. We shall require the Company to meet the burden of showing that the use of labor ratios for functionalization of general plant is unreasonable as applied to the company (not merely that its alternative method of functionalization may be reasonable). This treatment follows our consistent policy on labor versus plant ratios.[7]

The Commission orders:

(A) Due to the existence of common issues of law and fact, Docket Nos. ER79–332 and ER79–333 shall be consolidated.

(B) The Municipalities' motion to reject the submittal is denied.

(C) The Muncipalities' motion for summary disposition of certain issues is denied.

(D) Ohio Power's proposed revisions to the Rate Schedule FPC No. 18 and MRS tariffs are accepted for filing and suspended for five months to become effective November 26, 1979, subject to refund.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by subsection 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure ("Rules") and Regulations under the Federal Power Act ("Regulations") (18 C.F.R. ch. 1 (1978)), a public hearing shall be held concerning the justness and reasonableness of Ohio Power's proposed revisions to the Schedule No. 18 and MRS tariffs.

(F) Pursuant to section 2.17 of the Commission's Regulations, price squeeze procedures shall be initiated.

(G) Ohio Power must meet the burden of showing that the use of labor ratios is an unreasonable method of functionalizing its general plant.

(H) Staff shall serve top sheets in this proceeding by September 20, 1979.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a conference in this proceeding, to be held within 15 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The conference shall be for the purpose of hearing the Municipalities' request for data required to present their price squeeze case. At that conference the parties may also discuss any questions they may have concerning their other discovery requests. Within 10 days after the service of top sheets the presiding administrative law judge shall convene a second prehearing conference in this proceeding. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate, sever, or dismiss) as provided for in the Commission's Rules.

(J) Allied Chemical Corporation, Mobay Chemical Corporation, P.P.G. Industries, and the 12 municipalities listed in footnote 2, above, are permitted to intervene in this proceeding subject to the Commission's Rules and Regulations: *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order entered in this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission

Kenneth F. Plumb,

Secretary

Ohio Power Company

Dated: June 26, 1979.
Filed: April 27, 1979.
Docket Nos.: ER79–332 and 333.

Designation and Description

FPC Electric Tariff Original Volume No. 1—

[3] The Municipalities do not allege that this availability provision is now being used by the Company to restrict service. If the situation were to change, the Municipalities should bring it immediately to the attention of the presiding judge.

[4] Public Systems, *et al.* v. FERC, (Nos. 76–1609, *et al.*, D.C. Cir.), Feb. 16, 1979, *rehearing denied,* Mar. 30, 1979.

[5] *See* Order Establishing Interim Procedures, Docket Nos. RM–424 and RM–446 (June 8, 1979).

[6] On June 19, 1979, Ohio Power filed a late answer to the Municipalities' protest, petition to intervene, motion to reject, and motion for summary judgement. The answer raises many defenses to the Municipalities' allegations. As noted elsewhere in this order, those allegations would be more appropriately addressed in the hearing that we are ordering. Ohio Power's defenses should also be raised in that hearing. Accordingly, it is not necessary to set forth or analyze those defenses here.

[7] *See* Pennsylvania Electric Co., Docket No. ER78–494 (Sept. 29, 1978); Minnesota Power & Light Co., Docket Nos. E–9499 and E–9502, and Superior Water, Light & Power Co., Docket No. ER76–20, Opinion Nos. 20 and 20–A (Aug. 3 and Oct. 30, 1978, respectively).

Second Revised Sheet Nos. 1 and 2 (Supersedes First Revised Sheet Nos. 1 and 2)—Title Sheet and Table of Contents.
Third Revised Sheet No. 6 (Supersedes Second Revised Sheet No. 6)—Index of Purchasers.
Second Revised Sheet Nos. 7 through 10 (Supersedes First Revised Sheet Nos. 7 through 10)—Tariff MRS and Adjustments.
First Revised Sheet No. 10A (Superseding Original Sheet No. 10A)—Terms and Conditions of Service.
Service to *Wheeling Electric Company:* Supplement No. 7 to Rate Schedule FPC No. 18 (Supersedes Supplement No. 6)—Revised Rate.

[FR Doc 79-21911 Filed 7-13-79; 8:45 am]
BILLING CODE 6450-01-M

[Docket Nos. E-7796 and E-7777 (Phase II)]

Pacific Gas & Electric Co.; Order Denying Extraordinary Relief

Issued June 27, 1979.

Electric Rates: Extraordinary Relief.

On April 6, 1979, the Cities of Anaheim, Riverside, Colton and Azusa, California and the Northern California Power Agency and its members (Cities) filed a Motion for Extraordinary Relief, seeking (1) Commission reversal of numerous evidentiary rulings of the Presiding Judge that strike substantial portions of testimony of Cities' expert witnesses, (2) instruction to the Presiding Judge as to the appropriate evidentiary principles to govern evidentiary rulings in the proceeding or, in the alternative, substitution of the Presiding Judge in this proceeding. Responses [1] to the motion were filed by Pacific Gas & Electric Company (PG&E), Southern California Edison Company (Edison) (both on April 24, 1979), and Staff (on April 30, 1979). Cities filed an opposition to Edison's motion to strike from the record Cities' Motion for Extraordinary Relief on May 3, 1979.

In their motion, Cities challenge a considerable number of evidentiary rulings by the Presiding Judge which found portions of prefiled testimony of several witnesses sponsored by Cities to be inadmissable in advance of hearing.[2] Cities request that the Commission consider the motion under Section 1.28(a) of the Rules of Practice and Procedure which permits appeal of judicial rulings "in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest."

Our review of the pleadings does not convince us that substantial harm to Cities' presentation of its case has been demonstrated to warrant extraordinary relief at this time. We therefore do not address, in any way, the merits of the arguments contained in Cities' motion.

The Commission orders:

(1) Cities' motion for extraordinary relief is hereby denied.

(2) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-21922 Filed 7-13-79; 8:45 am]
BILLING CODE 6450-01-M

[1] On April 23, 1979, the Secretary of the Commission issued a Notice Granting Extension of Time, permitting an extension until April 30, 1979, for responses to the motion.

[2] See Judge's Order on Motions to Strike Testimony, issued December 28, 1978, and Order on Motion to Strike, issued January 3, 1979.

[Docket No. ID-1823]

Robert P. Reuss; Order Denying Authorization Pursuant to Section 305(b)

Issued: June 25, 1979

Interlocking Directorate

On February 2, 1978, Robert P. Reuss (Applicant) filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Chairman of the Board, and Chief Executive Officer[1]—Central Telephone & Utilities Corporation (Public Utility).

Director[2]—McGraw Edison Company (Public Utility).

Central Telephone & Utilities Corporation (Central) owns and operates two non-interconnected electric systems. One, in the southeastern part of Colorado, serves an area of approximately 400 square miles with approximately 65,000 retail customers. The other electric system extends from the northern boundary to the southern boundary of Kansas through the central portion of the State. This system serves approximately 60,000 retail customers.

Central also owns and operates telephone properties in Kansas. It controls, directly or indirectly, seven subsidiaries which own telephone properties providing service in and around various communities in the states of Florida, Illinois, Iowa, Minnesota, Nevada, North Carolina, Texas, Virginia and Missouri. As of December 31, 1976, Central and its subsidiaries served 1,509,039 telephones. In 1976, eighty-six percent of Central's

[1] Elected to this position on January 1, 1977.

[2] Elected to this position on April 26, 1978.

operating revenues was derived from its telephone business.

McGraw-Edison Company manufactures and distributes electrical appliances, tools and other products for the consumer market as well as equipment for electric utilities and industrial uses. It is, by any definition, a large corporation—operating 96 manufacturing plants in the United States, Canada, Europe and Mexico.

Other Positions Held by Applicant

Director, Money Marts Assets, Inc. (Investment Company).
Director, American Medical Association, Tax Exempt Income Fund, Inc. (Mutual Fund).
Public Governor, Midwest Stock Exchange (Securities Market).

Notice of this application was published in the **Federal Register** with protests or petitions due on or before April 3, 1978. None have been received.

During 1977, purchases by Central from McGraw-Edison amounted to $177,380 primarily for transformers, switching equipment and related repair or replacement parts. Total additions to Central's electric plant in service in these categories in 1977 amounted to $2.39 million. Thus McGraw-Edison's sales represented a not insubstantial portion of Central's 1977 purchases in these categories.

In a related case before us today, we have concluded that General Motors' position as a potentially large supplier of electric equipment to Detroit Edison creates an inherent conflict for any individual holding interlocking positions with both companies. This is so irrespective of whether the individual applicant has acted in a manner adverse to public or private interests. *Charles T. Fisher, III, Richard C. Gerstenberg,* Docket Nos. ID–1758, ID–1759, order issued ——— 1978, Applicant's positions as Director of both Central, a public utility, and McGraw-Edison, a large manufacturer and supplier of electric equipment, create a similar conflict. In these circumstances, the Commission's proper course of action is quite clear: we must deny the application. Our predecessor, the Federal Power Commission, explained the controlling considerations, which we adopt, governing interlocks between public utilities and their electric equipment suppliers:

"As a general principle, we feel that such interlocking positions should not be permitted where the supplier is in a position to furnish any appreciable amount of the electrical equipment in any category purchased by the utility. In such circumstances, any possible benefit to the two companies from having an individual serve both of them in a responsible capacity is outweighed by the potential disadvantages to the public utility, its customers and others in the markets in which the utility and supplier operate." *Lelan F. Sillin,* 33 FPC 1006, 1007 (1965).

By passage of Section 305(b) of the Federal Power Act, Congress intended to establish a general prohibition against interlocking directorates between public utilities and their electric equipment suppliers. Absent a showing of some clear, overriding benefit, applications of this type should be denied in accordance with the principles enunciated above.

The Commission finds:

(1) Applicant has failed to demonstrate that approval of the application filed herein will not adversely affect public or private interests.

(2) The application should be denied, subject to Applicant's opportunity to supplement his application and seek rehearing within thirty days from the date of issuance of this order.

The Commission orders:

(A) The application of Mr. Reuss to hold interlocking positions pursuant to Section 305(b) of the Federal Power Act is hereby denied subject to Applicant's opportunity to supplement his application and seek rehearing within thirty (30) days from the date of issuance of this order.

(B) Mr. Reuss is hereby directed to remove himself from his position as a Director of McGraw-Edison or as Director, Chairman of the Board and Chief Executive Officer of Central Telephone & Utilities Corporation within sixty (60) days from the effective date of a final order in this proceeding and is further directed to refrain henceforth from maintaining any interlocking positions, direct or indirect, between the two companies.

(C) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission. Commissioner Sheldon, dissenting, filed a separate statement appended hereto.

Kenneth F. Plumb,

Secretary.

Robert P. Reuss: Docket No. ID–1823.

Issued: June 25, 1979.

SHELDON, Commissioner, *dissenting:*

I dissent to the majority opinion for the reasons stated in my dissent to the Commission's order in *Charles T. Fisher, III,* Docket No. ID–1758 and *Richard C. Gerstenberg,* Docket No. ID–1759 issued on June 25, 1979.

Georgiana H. Sheldon,

Commissioner.

[FR Doc. 79–21913 Filed 7–13–79; 8:45 am]
BILLING CODE 6450–01–M

[Project Nos. 2886 and 2891]

Seminole Electric Cooperative, Inc., and City of Tallahassee; Applications for Preliminary Permit

July 3, 1979.

Take notice that Seminole Electric Cooperative, Inc. (SEC) [1] and the City of Tallahassee, Florida, filed on November 3, 1978 (supplemented May 21, 1979), and November 29, 1978 (supplemented March 9, 1979), respectively, competing applications [pursuant to the Federal Power Act 16 U.S.C. § 791(a)–825(r)] for preliminary permits for proposed hydroelectric power projects each to be known as the Jackson Bluff Project, FERC Projects Nos. 2886 and 2891, respectively, located on the Ochlockonee River in Leon, Gadsen, and Liberty Counties, Florida. Correspondence with SEC should be directed to: Robert W. Claussen, Director of Engineering, Seminole Electric Cooperative, Inc., Suite 108, 2410 East Busch Boulevard, Tampa, Florida, 33612. Correspondence with the City of Tallahassee should be directed to: Joe B. Dykes, Jr., City Manager, City Hall Tallahassee, Florida, 32301, and J. V. Williamson, Parkner, R. W. Beck and Associates, 200 Tower Building, Seattle, Washington, 98101.

Purpose of Project.—The power developed from Project No. 2886 would be furnished by SEC to Talquin Electric Cooperative, Inc., to partially serve loads in the area. The power generated from Project No. 2891 would be used by the City of Tallahassee to partially meet its anticipated load requirements.

Proposed Scope and Cost of Studies Under Permit.—Both Applicants seek issuance of a preliminary permit for a period of 36 months. SEC completed in 1978, a Cost Evaluation and feasibility Evaluation to rehabilitate the Jackson Bluff Plant. The proposed work to be accomplished under the permit would include design of the facilities required to rehabilitate the plant, preparation of plans, environmental analyses, and other related activities needed for the preparation of an application for a FERC license. SEC estimates the cost of the work to the performed under the preliminary permit at $300,000. The City of Tallahassee would study the

[1] The maps were filed as a part of the original document.

feasibility of installing hydroelectric generating units, at the existing Jackson Bluff Dam, similar to units previously licensed and ultimately removed under Project No. 682. The proposed work would include preliminary designs, economic analyses, preparation of preliminary plans, power studies, environmental analyses, and other related activities needed for the preparation of an application for a FERC license. The City of Tallahassee estimates the cost of making the proposed studies would range from $60,000 to $400,000.

Project Description.—Each of the proposed Jackson Bluff Projects would consist of: (1) the existing 3,600-foot-long and 40-foot-high earth dam; (2) the existing 550-foot-long and 9-foot-high earth saddle dam; (3) the existing concrete and brick powerhouse-spillway structure which would contain three generating units with a total installed capacity of 8800 kW; (4) Lake Talquin reservoir with a surface area of 10,500 acres; and (5) appurtenant facilities. SEC estimates the annual output would be 28,600,000 kWh. The City of Tallahassee estimates the annual output would be 22,122,000 kWh.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described applications for preliminary permit. A copy of the application may be obtained directly from the Applicant. Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene.—Anyone desiring to be heard or to make any protest about either application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before September 4, 1979. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The applications are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21906 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 199]

South Carolina Public Service Authority; Application for Use of Project Lands and Waters for a Proposed 1,800 Megawatt Coal-Fired Steam Electric Plant

July 3, 1979.

Take notice that an application was filed on February 20, 1979 and supplemented May 8, 1979, for use of project lands and waters by the South Carolina Public Service Authority (SCPSA), Licensee for Santee-Cooper Project No. 199. The Santee-Cooper hydroelectric project is located on the Santee and Cooper Rivers, South Carolina and includes Lakes Marion and Moultrie. Correspondence concerning the application should be sent to: Mr. W. Andrew Burke, Executive Staff Assistant, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and to Mr. William J. Madden, Jr., Esq., Debevoise and Leberman, 1200 17th Street, NW., Washington, D.C. 20036.

SCPSA requests authorization to use lands and waters of the Santee-Cooper Project for cooling water purposes for the proposed Cross coal-fired steam-electric plant. The plant would eventually consist of four 450-megawatt (MW) units. The Cross steam plant would be constructed outside the boundary of Project No. 199 near the north side of the diversion canal which connects Lakes Moultrie and Marion. The cooling water intake and discharge facilities for the steam plant would be constructed on project lands and in project waters flowing through the diversion canal. The maximum amount of water proposed to be withdrawn for the operation of the steam plant would be 37 million gallons per day. This withdrawal amount represents about 0.5 percent of the average daily flow through the canal. Approximately 4.6 million gallons of water per day would be returned to the canal. Other facilities that would be associated with the Cross steam plant, but would be located off project lands, include: (1) a 10.5-mile-long railroad spur and switchyard; (2) 180 miles of transmission lines to be located in Berkley, Orangeburg, Dorchester, and Williamsburg counties; (3) the steam plant eventually consisting of four 450 MW units; (4) a total of eight 600-foot chimneys with dual flues; (5) bottom ash and wastewater treatment ponds; (6) coal unloading, conveyance and storage facilities; (7) wastewater treatment system and discharge pipe; and (8) appurtenant facilities. Commercial operation of the first unit is scheduled for May of 1983 with succeeding units scheduled for 1985, 1987, and 1988. When completed, the Cross Station steam plant will occupy 2,600 acres of land.

Two identical makeup water intake structures would be located adjacent to each other on project lands and in project waters. Each structure would contain trash racks, a vertical traveling water screen and three makeup pumps (1 spare) to supply two units. The intake velocity would be less than 0.5 feet per second.

Sources of wastewater at Cross Station will include cooling tower blowdown, boiler blowdown, water treatment and demineralizer wastes, plant drains, equipment cleaning wasters, bottom ash sluice water, material storage area runoff and sanitary wastes. The major features of the planned wastewater treatment system are a bottom ash pond, a wastewater treatment pond, and a central waste treatment plant. The wastewater treatment effluent would be discharged primarily to the diversion canal by a submerged 36-inch diameter discharge pipe.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or

to participate in any hearing a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before August 17, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 79-21914 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Sweden.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval of the following retransfer: RTD/SW (EU)-102, retransfer from West Germany to Sweden of 14,100 kilograms of uranium, containing 458.250 kilograms of U-235 (3.25%) for fabrication of fuel elements for the Ringhals 2 power reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval for retransfer of this nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (July 31, 1979).

For the Department of Energy.

Dated: July 6, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-21813 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreements for Cooperation Between the Government of the United States of America and the Government of the Republic of Korea, Austria, and Portugal.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfers and sales:

RTD/KO(EU)-1, retransfer from West Germany to the Republic of Korea of 78.300 grams of Uranium containing 2.506 grams of U-235 (3.20%) and 874.000 grams of normal uranium, to be used for research on the fabrication of ceramic fuel.

RTD/AT(EU)-52, retransfer from West Germany to Austria of 30 grams of Uranium, containing 28 grams U-235 (93.333%) and 300 grams of Thorium for analytical work.

S-EU-576, sale to England of 1 gram of Plutonium enriched to greater than 98% in Pu-240, to be used for measurement of tritium yields in both fast and thermal reactors.

S-EU-578, sale to England of 1 gram of Plutonium, enriched to greater than 93% in Pu-241, to be used for measurement of tritium yields in both fast and thermal reactors.

S-PO-5, sale to Portugal of 500 milligrams of Plutonium, enriched to 99.978% in Pu-239, to be used in studies of organometallic compounds of plutonium.

S-EU-570, sale to West Germany of 2 grams of Plutonium, enriched to greater than 97% in Pu-238, to be used for experiments on the behavior of tritium in solution in the presence of actinides.

S-EU-596, sale to Belgium of 10 grams of Plutonium, enriched to greater than 99.7% in Pu-242, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.

S-EU-597, sale to Belgium of 5 grams of Plutonium, enriched to greater than 98.5% in Pu-244, to be used for spike and isotopic reference materials needed in mass spectrometry, mainly for safeguards.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice (July 31, 1979).

For the Department of Energy.

Dated: July 6, 1979.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 79-21814 Filed 7-13-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1271-3]

Agency Comments on Environmental Impact Statements and Other Actions Impacting the Environment

Pursuant to the requirements of the section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of May 1, 1978 and May 31, 1978.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the EPA source for copies of the comments as set forth in Appendix VI.

Appendix IV contains a listing of final environmental impact statements reviewed but not commented upon by EPA during this review period. The listing includes the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix VI.

Appendix V contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of

the Clean Air Act, as amended, during the referenced reviewing period. This listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in the Appendix VI.

Appendix VI contains a listing of the names and addresses of the sources of EPA reviews and comments listing in Appendices I, III, IV, and V.

Note that this is a 1978 report; the backlog of reports should be eliminated over the next three months.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Information Reference Unit, Environmental Protection Agency, Room 2922, Waterside Mall SW., Washington, D.C. 20460, telephone 202/755-2808. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: July 6, 1979.

Peter L. Cook,

Acting Director, Office of Environmental Review.

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
D-COE-C30004-NY	Harbor of Refuge, Port Ontario, Oswego County, New York	EU-2	C
D-COE-C36026-NY	Flood Control, Cayuga Creek, Cheektowaga, Erie County, New York	ER-2	C
D-COE-E34012-00	Fifth Unit Installation, Hartwell Lake, Savannah River, Georgia and South Carolina	LO-2	E
DS-COE-E35022-NC	Navigation Improvements, Lockwoods Folly Inlet, Brunswick County, North Carolina	LO-2	E
DS-COE-G36042-LA	Federal Maintenance, Lake Ponchartrain, North Shore, Louisiana	LO-1	G
D-COE-K36026-CA	Cache Creek Basin, Clear Lake, Water Resources Development, Lake and Yolo Counties, California.	LO-2	J
	DEPARTMENT OF AGRICULTURE		
D-AFS-G65028-TX	Sam Houston Unit Plan, Houston National Forest, Montgomery, Walker, and San Jacinto Counties, Texas.	LO-1	G
D-AFS-K65025-CA	Timber Management Plan, Tahoe National Forest, California	LO-2	J
D-AFS-L61104-WA	Tonasket Planning Unit, Land Management Plan, Colville and Okanogan National Forest, Ferry and Okanogan Counties, Washington (USDA-FS-R6-DES(ADM)78-8).	ER-2	K
D-AFS-L65040-WA	Ten-Year Timber Resource Management Plan, Shelton Cooperative Sustained Yield Unit, Olympic National Forest, Mason County, Washington (USDA-FS-R6-DES(ADM)-78-10).	LO-2	K
D-SCS-D36028-WV	Pond Run Watershed Project, Wood County, West Virginia	ER-2	D
D-SCS-D36029-WV	Brush Creek Watershed Project, Mercer County, West Virginia	LO-1	D
D-SCS-L36056-OR	South Priceboro Creek, Upper Willamette RC&D Area Flood Prevention Measure, Linn County, Oregon.	LO-1	K
	DEPARTMENT OF COMMERCE		
DS-DOC-K69003-CA	Proposed Expo '81, Universal Exposition, Los Angeles, San Bernadino County, California	EU-2	J
D-NOA-B91009-OO	Atlantic Herring Fishery of the Northwestern Atlantic	LO-1	B
D-NOA-C90002-PR	Puerto Rico Coastal Zone Management Program, Puerto Rico	ER-2	C
D-NOA-E60004-NC	North Carolina Coastal Management Program (CZM)	LO-1	E
	DEPARTMENT OF DEFENSE		
D-USA-A11060-OO	Restationing of Troops Redeploying From Korea	LO-2	A
	DEPARTMENT OF ENERGY		
D-DOE-B09000-RI	Wind Turbine Generating System, Block Island, Rhode Island (DOE/EIS-0006-D)	LO-1	B
D-DOE-A01050-OO	Coal Loan Guarantee Program	LO-1	A
	DEPARTMENT OF INTERIOR		
D-BLM-L60001-ID	Silver City, Lease of Public Lands, Owyhee County, Idaho	LO-1	K
D-BIA-K61023-AZ	Fort Apache Indian Reservation Projects, Arizona	LO-2	K
D-IBR-G34028-OK	McGee Creek Project, Atoka County, Oklahoma	LO-1	G
D-NPS-G61006-TX	Master Plan, Big Bend National Park, Brewster County, Texas	LO-1	G
D-NPS-K61020-CA	Development Concept Plan, Giant Forest and Lodgepole Area, Sequoia and Kings Canyon National Parks, Tulare County, California.	LO-2	J
D-SFW-K64002-HI	Kealia Pond, National Wildlife Refuge, Maui, Hawaii	LO-1	J

Appendix I.—*Draft Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1978* —Continued

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF TRANSPORTATION		
D-FAA-F51014-MI	Menominee County Airport, Runway Construction, Menominee, Michigan	ER-2	F
D-FAA-F51016-IN	Fort Wayne Airport, Baer Field, Allen County, Indiana	LO-2	F
D-FHW-E40141-TN	TN-53, Appalachian Development Highway Corridor "J", Obey River Bridge to Kentucky State Line, Clay County, Tennessee.	LO-2	E
DS-FHW-E40142-AL	U.S. 43, Sunflower to Leroy, Washington County, Alabama (FHWA-ALA-EIS-71-60-DS)	LO-1	E
D-FHW-F40106-MI	MI-29, Reconstruction, St. Clair County, Michigan	LO-2	F
D-FHW-F40108-TN	Circumurban Route at Fort Wayne Bypass, U.S. 30, Allen County, Indiana	LO-2	F
D-FHW-G40065-NM	Tramway Boulevard (Parkway), City of Albuquerque, Bernalillo County, New Mexico	3	G
D-FHW-H40079-NB	U.S. 77, Beatrice Bypass, Gage County, Nebraska (FHWA-NEBR.-EIS-78-01-D)	LO-2	H
D-FHW-H40080-NB	Nebraska Highway N-370 and Bellevue Interchange in Sarpy County, Nebraska (FHWA-NEBR.-EIS-78-03-D).	ER-2	H
D-FHW-L40064-OR	Pine Street to Trade Street, Front Street Bypass, City of Salem, Marion County, Oregon (FHWA-OR-EIS-78-06-D).	LO-2	K
D-FHW-L40065-OR	Foothill Boulevard, Rogue River and Redwood Highways, 3rd Bridge Grants Pass, Josephine County.	LO-2	K
	FEDERAL MARITIME COMMISSION		
D-FMC-A52128-OO	Investigation of Rates, Rules and Practices on Movement of Wastepaper and Woodpulp From U.S. to Parts of Japan.	LO-1	A
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
D-HUD-D89022-VA	Church Street and Huntersville II Redevelopment Projects, Norfolk, Virginia (CDBG)	LO-2	D
D-HUD-E28028-NC	Enka Water Project, Phase I, Buncombe County, North Carolina (CDBG)	LO-1	E
D-HUD-E85034-TN	East Hampton Subdivision, Bartlett, Shelby County, Tennessee (HUD-RO4-EIS-77-28D)	ER-2	E
D-HUD-E85035-TN	Farmington Subdivision, Knoxville, Knox County, Tennessee (HUD-RO4-EIS-77-128D)	ER-2	E
D-HUD-E85036-TN	Northwood Hills Subdivision, Shelby County, Tennessee (HUD-RO4-EIS-77-29D)	ER-2	E
D-HUD-E85037-NC	Six Forks North, and Mine Valley Subdivision, Raleigh, Wake County, North Carolina (HUD-RO4-EIS-78-05-D).	LO-2	E
D-HUD-E89006-NC	East End, Valley Street Redevelopment Plan, Asheville, Buncombe County, North Carolina (CGDG).	LO-1	E
D-HUD-E89007-AL	CDBG Program, Non Metro Discretionary Fund FY 1977, Macon County, Alabama	LO-1	E
D-HUD-F85032-MI	Elmwood III Development, Lafayette-Elmwood Park Renewal Project, Wayne County, Michigan	LO-2	F
D-HUD-G85098-TX	Village East Estates, Vista Hills, El Paso County, Texas	LO-2	G
D-HUD-G85099-TX	Woodbridge Subdivision, Tarrant County, Texas	LO-1	G
D-HUD-G85101-TX	Briarwood Estates Subdivision, Dallas County, Texas	LO-1	G
D-HUD-G85103-TX	Northcliffe Subdivision, Houston, Harris County, Texas	LO-1	G
D-HUD-G85104-TX	Atascocita North Subdivision, Houston, Harris County, Texas	LO-1	G
DS-HUD-H91000-MO	Dangerous Buildings and Demolition Program, City of Kansas City, Jackson County, Missouri	LO-1	H
D-HUD-K85016-CA	Community Development Block Grant, 3 Year Plan July 1978-June 1981, San Jose, California	LO-2	J
	GENERAL SERVICES ADMINISTRATION		
D-GSA-B81004-MA	Courthouse and Federal Office Building, Springfield, Hampden County, Massachusetts (EMA78001).	LO-1	B
D-GSA-D81008-DC	Leasehold, 1900 Half Street, SW, Buzzards Point, Washington, D.C.	LO-1	D
	NUCLEAR REGULATORY COMMISSION		
DS-NRC-A06140-TX	Allen's Creek Nuclear Generating Station, Unit No. 1, Austin County, Texas	ER-2	G
DS-NRC-A00115-OO	Floating Nuclear Power Plants Part II	EU-2	A
	U.S. POSTAL SERVICE		
D-UPS-B81003-CT	U.S. Post Office and Vehicle Maintenance Facility, Stamford, Fairfield County, Connecticut	ER-2	B

Appendix II.—Definitions of Codes for the General Nature of EPA; Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservation

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III.—*Final Environmental Impact Statements for Which Comments Were Issued Between May 1 and May 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	CORPS OF ENGINEERS		
F-COE-F35018-IN	Operation and Maintenance, Michigan City Harbor, Porter and La Porte Counties, Indiana.	EPA's concerns were adequately addressed in the final EIS. EPA made specific recommendations to prevent adverse water quality impacts upon local water intake facilities during maintenance dredging activities.	F
F-COE-K30003-HI	Kekaha Beach Shore Protection, Kekaha, Hawaii	EPA's concerns were adequately addressed in the final EIS	J
F-COE-K32015-HI	Pohoiki Bay Navigation Improvements, Pohoiki Bay, Hawaii County, Hawaii.	EPA's concerns were adequately addressed in the final EIS	J
	DEPARTMENT OF AGRICULTURE		
F-AFS-L61083-WA	Kettle Range Planning Unit, Colville National Forest, Ferry County, Washington (USDA-FS-R6-FES(ADM)-77-4).	Generally, EPA's concerns were considered in the final EIS. However, EPA did not feel adequate consideration was given to nonpoint monitoring and the necessary constraints on road construction and related impacts.	K
F-AFS-A82004-00	Cooperative Gyspy Moth Suppression Program 1978.	EPA's review has found the FEIS to be unresponsive to the issues raised in the draft comments. In addition to the issue of unresponsiveness several other serious concerns regarding use of pesticides and NEPA processing were stated.	A
	DEPARTMENT OF ENERGY		
F-DOE-G03011-LA	Strategic Petroleum Reserves, Sulphur Mines Salt Dome, Calcasieu Parish, Louisiana.	EPA continues to have environmental reservations on the proposed project. Furthermore, EPA requests that DOE make available data to support the proposed deep well injection of brine water. The amount and type of data requested is specifed in EPA's administrator's decision statement No. 5 and is similar to the requirements under title 30 of the revised Louisiana statutes regarding underground injection control. This information would allow EPA to make an effective evaluation of the environmental impacts of such operations. Until EPA has received and evaluated this information, we will continue to have environmental reservations with this proposed SPR candidate site.	G
	DEPARTMENT OF COMMERCE		
F-NOA-A99141-00	Wisconsin Coastal Management Program, Wisconsin.	EPA expressed serious reservations on the proposed program. Specifically EPA believes the requirements of the Clean Air Act and the Clean Water Act must be integrated into the proposed program.	A
	DEPARTMENT OF TRANSPORTATION		
F-FHW-C40031-NY	Canadaigua Southwest Bypass, Canadiagua, Ontario County, New York.	EPA's concerns were adequately addressed in the final EIS	C
F-FHW-D40052-VA	VA-168, Great Bridge Bypass, Chesapeake, Virginia.	EPA's concerns were adequately addressed in the final EIS	D
F-FHW-F40074-WI	Knowlton Bridge and Approaches, Dancy-Knowlton Road WI-34, Marathon County, Wisconsin.	EPA's concerns were adequately addressed in the final EIS	F
F-FHW-J40011-UT	I-215 Southeast Belt Route, Salt Lake County, Utah.	EPA continues to have environmental reservations on the proposed project relating to noise and air quality impacts. EPA strongly urges the FHWA reconsider alternatives which would reduce the adverse impacts of the proposed project.	I
FS-UMT-A54019-NY	East 63rd Street Line, Manhattan and Queens, New York (UMTA Project No. NY-03-0045).	EPA's concerns were adequately addressed in the final EIS	C
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
F-HUD-F85024-IL	Fox Trails Development, Cary, McHenry, County, Illinois.	Generally, EPA's concerns were adequately addressed in the final EIS. However, EPA requires adequate water treatment as a condition to obtain mortgage insurance. Also, a permit will be required from the U.S. Corps of Engineers for construction of the proposed marina.	F

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1 and May 31, 1978*

Identifying No.	Title	Source of review
	CORPS OF ENGINEERS	
F-COE-G36054-TX	Vince and Little Vince Bayous, Harris County, Texas	G
F-COE-H34013-KS	Operation and Maintenance of Milford Lake, Geary, Clay, and Dickinson Counties, Kansas	H
	DEPARTMENT OF AGRICULTURE	
F-AFS-H65000-00	Prairie Dog Management on Lands Administered by the Nebraska National Forest, South Dakota and Nebraska	H
F-AFS-J65049-MT	Magpie and Confederate Planning Unit, Helena National Forest, Lewis County, Montana	I
F-AFS-L61082-OR	Grande Ronde Planning Unit, Land Use Allocation, Wallowa-Whitman and Umatilla National Forest, Union County, Oregon	K
F-AFS-L82003-ID	Western Spruce Budworm, Boise and Payette National Forests and Private Lands Near McCall and Cascade, Idaho (USDA-FS-R4-78-2)	K
F-REA-J08005-WY	62 Miles of 230 kV Transmission Line, Wyodak to Antelope, Wyoming	I

Appendix IV.—*Final Environmental Impact Statements Which Were Reviewed and Not Commented on Between May 1 and May 31, 1978* —Continued

Identifying No	Title	Source of review
	DEPARTMENT OF COMMERCE	
F-NOA-L90014-00	Northern Anchovy Fishery Resource, U.S. Fishery Conservation Zone Off the Pacific Coast	K
	FEDERAL ENERGY COMMISSION	
F-FEA-D03003-MD	Allocation of Petroleum Feedstock, Baltimore Gas and Electri, Sollers, Maryland	D
	DEPARTMENT OF DEFENSE	
F-USA-E11005-GA	Change of Mission at Fort Stewart, Bryan, Chatham, Evans, Long, Liberty, and Tatinall Counties, Georgia	E
F-USA-G60003-TX	Land Use Withdrawal, McGregor Range, Fort Bliss, El Paso County, Texas	G
	DEPARTMENT OF INTERIOR	
F-BLM-G61005-NM	Rio Puerco Livestock Grazing Management Program, Sandoval and McKinley Counties, New Mexico	G
F-IBR-J39003-00	Water for Energy, Missouri River Reservoirs, Montana, North Dakota, South Dakota, Wyoming	I
	DEPARTMENT OF TRANSPORTATION	
F-FAA-G51002-LA	Baton Rouge, New General Aviation Airport, East Baton Rouge County, Louisiana	G
F-FHW-E40006-AL	I-565, I-65 to Huntsville, Madison, and Limestone Counties, Alabama (FHWA-ALA-EIS-72-08-F)	E
F-FHW-E40095-GA	Albany connector to I-75 South of Cordele, Dougherty, Worth, and Crisp Counties, Georgia	E
F-FHW-H40067-IA	U.S. 30, Marshall and Tama Counties, Iowa (From IA-330 to IA-212)	H
F-FHW-H40069-MO	Route M, MO-60, Greene County, Springfield, Missouri	H
F-FHW-L40035-OR	Allen Boulevard Interchange, Beaverton to Tigard Highway, OR-217, Washington County, Oregon (FHWA-OR-EIS-76-02-F)	K
F-FHW-L40056-ID	Shakwak Highway Improvement, British Columbia and Yukon, Canada, Haines Road and Alaska, British Columbia Border to Haines Junction, Yukon Territory (FHWA-BC/YT-EIS-77-01-F).	K
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
F-HUD-F85027-MN	Jonathan New Community, Chaska, Carver County, Minnesota	F
F-HUD-G24007-AR	Improvement, North Brinkley Sewer Collection System, Monroe County, Arkansas	G
F-HUD-G85065-TX	Robinwood Subdivision, Formerly North Forest, Montgomery County, Texas	G
F-HUD-G85076-TX	Heritage Park Subdivision, Harris County, Texas	G
F-HUD-G85095-TX	Foster Village, Windcrest Park, Bristol Square Subdivisions, Wautauga and North Richland Hills, Texas	G

Appendix V.—*Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between May 1 and May 31, 1978*

Identifying No.	Title	General nature of comments	Source for copies of comments
	DEPARTMENT OF INTERIOR		
R-BLM-A03079-00	43 CFR Part 2880, Proposed Rulemaking Procedures for Management of Oil and Natural Gas Pipelines and Facilities on Federal Lands, Rights-of-Way Under Mineral Lease Act.	EPA made several comments on the BLM proposed rulemaking. EPA urges the BLM to include the appropriate references to EPA's underlying authority for air and water quality programs on Federal lands administered by Interior.	A

Appendix VI.—Source for Copies of EPA Comments

A. Public Information Reference Unit (PM-213), Environmental Protection Agency, Room 2922, Waterside Mall, SW., Washington, D.C. 20460.
B. Director of Public Affairs, Region 1, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Massachusetts 02203.
C. Director of Public Affairs, Region 2, Environmental Protection Agency, 26 Federal Plaza, New York, New York 10007.
D. Director of Public Affairs, Region 3, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.
E. Director of Public Affairs, Region 4, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, GA 30308.
F. Director of Public Affairs, Region 5, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.
G. Director of Public Affairs, Region 6, Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270.
H. Director of Public Affairs, Region 7, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.
I. Director of Public Affairs, Region 8, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203.
J. Office of External Affairs, Region 9, Environmental Protection Agency, 213 Fremont Street, San Francisco, California 94108.
K. Director of Public Affairs, Region 10, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 79-21783 Filed 7-13-79; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1271-7; Docket No. 483]

Fifteen Herbicide Registrations Held by Velsicol Chemical Corp.; Intent To Hold Hearing; Correction

In the matter of Correction to notice of filing of written response to statement of issues.

Notice of Filing of Written Responses to Statement of Issues was issued pursuant to §164.8 of the rules of practice on July 3, 1979, (44 FR 40132). Subsequent thereto on July 6, 1979, Velsicol Chemical Corporation filed with the Hearing Clerk a correction to affidavit of Ingrid K. Allen which changes the figure "80%" in paragraph 2 of such affidavit to read "53%" as follows:

"Velsicol purchases 53% of its raw material requirements for 2, 4–D, the active ingredient in Vegetrol A–4D and Vegetrol LV–4D, directly from the Dow Chemical Company."

For information concerning the issues involved and other details of this proceeding interested persons are referred to the dockets of these proceedings on file with the Hearing Clerk (A–110), United States Environmental protection Agency, Room 3708, 401 M Street, SW., Washington, D.C. 20460 (202/755–5476).

Edward B. Finch,

Administrative Law Judge

July 10, 1979.

[FR Doc. 79–21782 Filed 7–13–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1272–7; OPP–50434]

Issuance of Experimental Use Permits

The Environmental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 148–EUP–22. Thompson-Hayward Chemical Co., Kansas City, KS 66106. This experimental use permit allows the use of 127.5 pounds of the insecticide diflubenzuron on cotton to evaluate control of cotton leaf perforator. A total of 390 acres is involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, and Texas. The experimental use permit is effective from June 14, 1979 to June 14, 1980. Permanent tolerances for residues of the active ingredient in or on cottonseed, eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep have been established (40 CFR 180.379). (PM–17, Franklin Gee, Room: E–340, Telephone: 202/426–9417)

No. 3125–EUP–162. Mobay Chemical Corp., Kansas City, MO 64120. This experimental use permit allows the use of 23.75 pounds of the insecticide 2-chloro-N-[[[4-(trifluoromethoxy)phenyl]amino]carbonyl] benzamide on rangeland to evaluate control of the rangeland caterpillar. A total of 960 acres is involved; the program is authorize only in the State of New Mexico. The experimental use permit is effective from June 7, 1979 to June 7, 1980. (PM–17, Franklin GEE, Room: E–340, Telephone: 202/426–9417)

No. 10182–EUP–5. ICI Americas, Inc., Wilmington, DE 19897. This experimental use permit allows the use of the remaining supply of 28.52 pounds of the insecticide permethrin on farm animals and the testing and breeding site of livestock to evaluate control of arthropod pests. A total of 690 animals are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Mexico, New York, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Wisconsin. The experimental use permit is effective from June 15, 1979, to June 15, 1980. This experimental use permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (PM–17, Franklin Gee, Room: E–340, Telephone: 202/426–9417)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Washington, D.C. 20460. The descriptive paragraph for permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: July 2, 1979

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79–21776 Filed 7–13–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1272–6; OPP–50432]

Issuance of Experimental Use Permits

The Enviromental Protection Agency (EPA) has issued experimental use permits to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 201–EUP–59. Shell Chemical Company, Washington, D.C. 20036. This experimental use permit allows the use of 2,200 pounds of the insecticide fenvalerate on apples, broccoli, caulflower, corn grain (except popcorn), cucumbers, dry beans, dry peas, fresh corn (including sweet corn), grapes, peppers, head lettuce, peaches, snap beans, squash, and tomatoes to evaluate control of phytophagous insects. A total of 1,670 acres is involved; the program is authorized only in the States of Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, Washington, and Wisconsin. The experimental use permit is effective from May 18, 1979 to May 18, 1981. Temporary tolerances for residues of the active ingredient in or on the raw agricultural commodities have been established. (PM–17—Franklin Gee, Room: E–229, Telephone: 202/426–9425.)

No. 241–EUP–90. American Cyanamid Company, Princeton, New Jersey 08540. This experimental use permit allows the use of 4,900 pounds of the herbicide 2-chloro-N-(2,3-dimethylphenyl)-N-(1-methylethyl) acetamide and its metabolite N-isopropyl-2,3-dimethyloxanilic acid on corn grain to evaluate control of various weeds. A total of 1,225 acres is involved; the program is authorized only in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Dakota, and Wisconsin. The experinental use permit is effective from May 22, 1979 to May 22, 1980. A temporary tolerance for residues of the active ingredient in or on corn grain has been established. (PM–23—Robert Ikeda, Room: E-351, Telephone: 202/755–1397.)

No. 1471–EUP–43. Elanco Products Company, Indianapolis, Indiana 46206. This experimental use permit allows the use of 15,300 pounds of the herbicide tebuthiuron on rangeland, pastureland, and in fence rows to evaluate control of brush. A total of 4,989 acres is involved; the program is authorized only in the 48 contiguous States. The experimental use permit is effective from June 15, 1979 to June 15, 1980. Temporary tolerances for residues of the active ingredient in or on grasses (pasture and rangeland) and grass hay have been established. (PM–25—Dan Dickson, Room: E–301, Telephone: 202/755–2196.)

Interested parties wishing to review the experimental use permits are referred to the designated Product Manager (PM) Registration Division (TS–767), Office of Pesticide Programs, EPA, 401 M Street, SW., Washington, D.C. 20460. The descriptive paragraph for each permit contains a telephone number and room number for information purposes. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. The files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136))

Dated: July 2, 1979.

Herbert S. Harrison,

Acting Director, Registration Division.

[FR Doc. 79-21777 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[PF-138; FRL 1272-5]

Pesticide Programs; Filing of Pesticide Petition

Atlantic and Pacific Research, Inc., PO Box 14366, North Palm Beach, FL 33408, has submitted a petition (PP 9F2208) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.1042 be amended by establishing an exemption from the requirement of a tolerance for the combined residues of the plant growth regulator aqueous extract of seaweed meal derived from *Laminaria digitata, Laminaria hyperborea, Fucus serratus,* and *Ascophylum nodosum* when used on the raw agricultural commodities peaches, peanuts, apples, corn, wheat, celery, grapes, carrots, peppers, soybeans, and strawberries. The proposed analytical method for determining residues is a radish leaf bioassay procedure. 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. Comments may be submitted, and inquiries directed, to Product Manager (PM) 25, Room E-359, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, telephone number 202/755-2196. Written comments should bear a notation indicating the petition number "PP 9F2208". 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 Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: July 5, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-21778 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[PF-136 FRL 1272-4]

Pesticide Programs; Filing of Pesticide/Food Additive Petitions

Pursuant to sections 408(d)(1) and 409 (b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 9F2209. Pennick Corp., 215 Watchung Ave., Orange, NJ 07050. Proposes that 40 CFR Part 180 be amended by establishing an exemption from the requirement of a tolerance for the insecticide resmethrin ([5-(phenylmethyl)-3-furanyl]methyl 2,2-dimethyl-3-(2-methyl-1-propenyl)cyclopropanecarboxylate) from application to feedlots, croplands, pastures, and rangelands. The proposed analytical method for determining residues is a gas chromatography procedure using a flame ionization detector. PM17-Mr. Franklin Gee, Room E-341, 202/426-9417.

FAP 9H5205. Pennick Corp. Proposes that 21 CFR Part 193 be amended by permitting residues of the above insecticide on processed foods with a tolerance limitation of 3.0 parts per million (ppm). PM17.

Interested persons are invited to submit written comments on these petitions. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, DC 20460, or by telephone at the number cited. Written comments should bear a notation indicating the petition number to which the comments pertain. 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 Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: July 5, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-21779 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[PF-139; FRL 1272-3]

Pesticide Programs; Filing of Pesticide/Food Additive Petitions

Pursuant to sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 9F2223. Monsanto Agricultural Products Co., 800 N. Lindberg Blvd., St. Louis, MO 63166. Proposes that 40 CFR 180.364 be amended by establishing tolerances for the combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the raw agricultural commodities olives at 0.1 part per million (ppm) and bananas (plantain) at 0.2 ppm. The proposed analytical method for determining residues is by gas chromatography using a phosphorus-specific flame photometric detector. PM-25, Mr. Robert Taylor, Room E-359, 202/755-2196.

FAP 9H5226. Dow Chemical USA, PO Box 1706, Midland, MI 48640. Proposes that 21 CFR 193.85 be amended by permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in the commodity peanut oil at 1.5 ppm. PM-12, Mr. Frank Sanders, Room E-335, 202/426-2635.

Interested persons are invited to submit written comments on these petitions. Comments may be submitted, and inquiries directed, to the designated Product Manager (PM), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW, Washington, D.C. 20460, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. 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 Product Manager's office from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

Dated: July 5, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79-21780 Filed 7-13-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1272-2; PP 8G2023/TT212]

Establishment of Temporary Tolerances; Cyano (S-phenoxyphenyl) methyl-4-chloro-α-(1-methylethyl) benzeneacetate

Shell chemical Co., 1025 Connecticut Ave., N.W., Washington, D.C. 20036, submitted a pesticide petition (PP 8G2023) to the Environmental Protection Agency (EPA). This petition requested that temporary tolerances be established for residues of the insecticide cyano (*S*-phenoxyphenyl) methyl-4-chloro-α-(1-methylethyl) benzeneacetate in or on the raw agricultural commodities apples, cabbage, and peaches at 2 parts per million (ppm); head lettuce, cauliflower, grapes, bell peppers, and tomatoes at 1 ppm; broccoli, snap beans, and dried beans and peas at 0.5 ppm; and cucumber, summer squash, corn squash, corn grain (except popcorn) and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.05 ppm.

These temporary tolerances will permit the marketing of the above raw agricultural commodities when treated in accordance with an experimental use permit (201–EUP–59) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material showed that the requested tolerances were adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerances would protect the public health. The temporary tolerances have been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Shell Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Aministration.

These temporary tolerances expire May 18, 1981. Residues not in excess of the above temporary tolerances remaining in or on the above raw agricultural commodities after this expiration date will be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Franklin Gee, Product Manager 17, Registration Division (TS–767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755–9458).

(Sec. 408(j) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j))]

Dated: July 5, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79–21781 Filed 7–13–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1271–8; PP 9G2173/T208A]

Establishment of a Temporary Exemption From the Requirement of a Tolerance; n-Tetradecyl Formate; Correction

In FR Doc. 79–19067 appearing at page 35287 in the **Federal Register** of Tuesday, June 19, 1979, the experimental use permit number "8730–EUP–7" in the fifth line of the second paragraph is corrected to read "8730–EUP–5."

Dated: July 9, 1979.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 79–21784 Filed 7–13–79; 8:45 am]

BILLING CODE 6560–01–M

[OTS–530003; FRL 1272–8]

Premanufacture Notices; Status Report for June 1979

AGENCY: Environmental Protection Agency (EPA).

ACTION: Monthly Summary of Premanufacture Notices.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires that EPA publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for June 1979.

DATE: Interested parties wishing to file written comments on a specific chemical substance should submit those comments no later than 30 days before the expiration of the applicable review period.

ADDRESS: Written comments should bear the PMN number of the particular substance and should be addressed to the Document Control Officer (TS–793), Office of Toxic Substances, EPA, 401 M St. SW., Washington, D.C. 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 9 a.m. to 4 p.m., Monday through Friday (excluding holidays), in Room E–447 at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacture Review Division (TS–794), Office of Toxic Substances, EPA, Washington, DC 20460, 202/426–8816.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA at least 90 days before he begins manufacture or import. A new chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. On May 15, 1979, the Agency announced the availability of this inventory in the **Federal Register** (44 FR 28558), and set June 1, 1979 as the publication date of this inventory. Therefore, the section 5 requirements are effective for all new chemical substances manufactured or imported for a commercial purpose after July 1, 1979. Once EPA receives a PMN, the Agency normally has 90 days to review it. However, under section 5(c) of TSCA, EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that such an extension is necessary, the Agency will publish the reasons for the extension in the **Federal Register.**

The monthly status report required under section 5(d)(3) will identify (a) each chemical substance for which a PMN has been received and for which the review period has not expired; (b) each chemical substance for which the premanufacture review has expired since publication of the last monthly summary; and (c) each "new" chemical substance which has been in the review process for less than 30 days. Eventually the report will also identify each chemical which has been added to the inventory since the last monthly report.

(Section 5, Toxic Substances Control Act (90 Stat. 2012; (15 U.S.C. 2604)))

Dated: July 9, 1979.

Steven D. Jellinek,

Assistant Administrator for Toxic Substances.

Premanufacture Notices; Status Report for June 1979

I. Premanufacture Notices Received During Month: None.

II. Premanufacture Notices Still Under Review at the Beginning of the Month for Which Period Has Not Expired:

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ0479–0002–1	Isobutyric acid carbomonocyclic ester	44 FR 23310 (4/19/79)	Sept. 2, 1979.*
5AHQ0479–0002–2	Propiophenone, ring substitute-2-methyl	do	Do.
5AHQ0479–0002–3	Butyronitrile, 2-(substituted phenyl)-3-methyl	do	Do.

PMN No.	Identity/generic name	FR citation	Expiration date
5AHQ0479-0002-4	Benzyl alcohol, ring substituted-alpha-isopropyl	do	Do.

*Per section 5(c), TSCA extension of 60 days.

III. Premanufacture Notices Completing Review During the Month: None.

[FR Doc. 79-21775 Filed 7-13-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

Statement of Organization, Functions, and Delegations of Authority

Part F of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Health Care Financing Administration (HCFA) is amended to reflect the reorganization of HCFA announced on March 29, 1979. Part F now reads as follows:

Section F.00 Health Care Financing Administration (F) (Mission)

The mission of the Health Care Financing Administration (HCFA) is to administer the Medicare and Medicaid programs and related provisions of the Social Security Act in a manner which (1) promotes the timely and economic delivery of appropriate quality health care to eligible beneficiaries, (2) promotes beneficiary awareness of the services for which they are eligible and improves the accessibility of those services, and (3) promotes efficiency and quality within the total health care delivery system. To accomplish this mission, HCFA provides operational direction and policy guidance for the nation-wide administration of the Medicare and Medicaid health care financing programs; the Professional Standards Review Organizations (PSRO) and related quality assurance programs designed to promote quality, safety, and appropriateness of health care services provided under Medicare and Medicaid; quality control programs designed to assure the financial integrity of Medicare and Medicaid funds; and various policy planning, research and demonstration activities.

Section F.10 (Organization)

The Health Care Financing Administration (HCFA) is a Principal Operating Component of HEW. It is headed by an Administrator, HCFA, who reports to the Secretary and it consists of the following organizational elements:

A. Office of the Administrator (F)
B. Office of Executive Operations (FB)
C. Office of Intergovernmental Affairs (F-1)
D. Office of Special Programs (FC)
E. Office of Professional and Scientific Affairs (F-2)
F. Office of Health Regulations (F-3)
G. Equal Opportunity Office (F-4)
H. Office of Public Affairs (FJ)
I. Office of Management and Budget (FM)
J. Office of Research, Demonstrations, and Statistics (FK)
K. Office of Legislation and Policy (FL)
L. Health Standards and Quality Bureau (FQ)
M. Bureau of Quality Control (FN)
N. Bureau of Program Operations (FR)
O. Bureau of Program Policy (FT)
P. Bureau of Support Services (FS)
Q. Office of the Regional Administrators (FD)

Section F.20 Office of the Administrator (F) (Functions)

The Administrator directs the planning, coordination and implementation of the programs under Titles XI, XVIII, and XIX of the Social Security Act and related statutes as amended and directs the development of effective relationships between these programs and other private and Federally supported health related programs. Within broad Department of Health, Education, and Welfare policy and guidelines, the Administrator oversees the establishment of program goals and objectives and the development of policies, standards and guidelines; evaluates progress in the administration of HCFA programs; and ensures that required actions are taken to direct or redirect efforts to achieve program objectives. The Administrator works with the States, other Federal agencies and other concerned non-governmental organizations in administering health care financing programs. The Administrator is assisted by a general deputy, who functions with full authority during the Administrator's absence.

Section FB.10 Office of Executive Operations (FB) (Organization)

The Office of Executive Operations (OEO), under the leadership of the Director for Executive Operations, includes:

A. The Executive Secretariat (FBS)
B. The Office of Field Operations (FBF)
C. The Office of Issuances (FBL)
D. The Office of Regulations Management (FBM)

Section FB.20 Office of Executive Operations (FB) (Functions)

Assures the exchange of important information among the Administrator, HCFA components, and the Office of the Secretary. Prepares or coordinates the preparation of written documents in order to assist the Administrator in resolving HCFA program and administrative policy issues. Directs efforts which aid the Administrator in evaluating HCFA regional operations. Represents regional office needs and concerns regarding organizational and administrative issues as well as the development, review, and clearance of program policies, procedures, and instructions. Coordinates the preparation of manuals and other policy issuances required to meet the instructional and informational needs of providers, contractors, State agencies, regional offices, Professional Standards Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of HCFA programs. Manages the HCFA system for developing regulations, setting regulation priorities, and corresponding work agendas. Serves as the HCFA **Federal Register** contact point.

A. *Executive Secretariat (FBS)*

Assists the HCFA Administrator in the resolution of agency program and administrative policy matters through memoranda, action documents, or correspondence. Monitors HCFA performance in developing necessary documents for the Administrator's review. Manages the clearance system and reviews documents for consistency with the Administrator's and Secretary's assignments, previous decisions on related matters, and editorial standards. Facilitates the resolution of issues connected with matters forwarded to the Administrator. Operates the agency-wide correspondence tracking and control system, and provides guidance and technical assistance on standards

for content of correspondence and memoranda. Serves as a primary focal point for liaison with the Executive Secretariat in the Office of the Secretary on HCFA program and policy matters as well as special administrative matters.

B. *Office of field Operations (FBF)*

Coordinates and monitors HCFA regional operations. Assures that HCFA instructions and directives requiring implementation by Regional Offices are carried out. Provides general guidance to Regional Offices. Implements, on behalf of the Administrator, a program for evaluating HCFA Regional Office performance and represents Regional Office needs and concerns regarding organizational and administrative issues as well as the development, review, and clearance of program policies, procedures, and instructions.

C. *Office of Issuances FBL)*

Coordinates the preparation of manuals and other policy issuances required to meet the instructional and informational needs of providers, contractors, State agencies, regional offices, Professional Standards Review Organizations, the Social Security Administration, and other audiences directly involved in the administration of HCFA programs. Reviews all issuances for clarity and consistency among various HCFA components. Develops guidelines for the preparation, clearance, and issuance of instructions. Oversees the clearance of proposed instructions. Reviews materials prepared by regional offices, contractors, and others for conformance with national policies and the need for central office instructions. Analyzes and proposes means of simplifying and consolidating the issuance system from the user point of view.

D. *Office of Regulations Management (FBM)*

Manages the HCFA process for developing regulations, setting regulation priorities, and corresponding work agendas. Coordinates for the Administrator the development of all policy documents associated with specific regulations under development. Negotiates work plans with Bureaus and Offices for the develpment of each regulation and monitors performance through a computerized tracking system. Works jointly with Bureaus and the Office of General Counsel to identify and resolve all issues associated with each regulation. Manages the HCFA process for substantive review and clearance of regulations within HCFA, and with the Office of General Counsel. Establishes editorial and technical standards for writing regulations. Reviews each regulation to ensure consistency with **Federal Register** technical requirements, editorial standards, and policy agreements reached during the development of the regulation. Serves as liason on regulation issues to the Office of the Secretary, the Office of General Counsel, other HEW and Federal agencies, and the **Federal Register**. Provides training to HCFA regulation writers and clerical staff.

Section FC.20 Office of Intergovernmental Affairs (F–1) (Functions)

Provides leadership for HCFA in the area of intergovernmental affairs. Advises the Administrator on all policy and program matters which affect other units and levels of government. In coordination with the Deputy Under Secretary for Intergovermental Affairs, the Principal Regional Officials, and HCFA's Regional Offices, meets with Key State and local officials in order to strengthen HCFA's relationships with other governmental jurisdictions, and to resolve sensitive intergovermental problems and issues. Reviews and consults with State and local officials regarding proposed HCFA policy and operational issuances. Assesses the impact on States and localities of HCFA action sinvolving penalties, disallowances, compliance actions or new performance standards. Assists States and localities in requesting and obtaining technical materials, assistance and support from appropriate HCFA components. Upon State request, arranges for the exchange of HCFA staff with State and local agencies. Develops and provides briefings on intergovernmental affairs issues for HCFA staff. Briefs State and local agencies on HCFA's mission, organization and functions.

Section FD.10 Office of Special Programs (FC) (Organization)

The Office of Special Programs (OSP), under the leadership of the Director for Special Programs, includes:

A. The Office of Child Health (FCH)

B. The Office of End-State Renal Disease (FCE)

Section FD. 20 Office of Special Programs (FC) (Functions)

Administers the Child Health and End-Stage Renal Disease Programs authorized under Titles XIX and XVIII respectively. Coordinates as necessary with other components inside and outside HCFA and maintains contact with provider groups, State officials, carriers or intermediary groups to discuss proposed improvements and operations changes.

A. *Office of Child Health (FCH)*

Administers the Early and Periodic Screening Diagnosis and Treatment Program (EPSDT) under Title XIX, including policy development, program operations and evaluation. Monitors State's performance in administering the EPSDT program. Provides technical assistance as appropriate to State EPSDT programs and, in coordination with the Office of Field Operations, serves as the contact point with HCFA Regional Offices on matters of child health and EPSDT. Coordinates with the Bureau of Quality Control regarding administration of EPSDT program sanctions. Plans and coordinates activities with other HEW agencies and outside groups to promote child health.

1. *Division of Program Implementation (FCH1).* Monitors State implementation of the EPSDT program. Assesses the need for and provision of technical assistance for program improvements and innovations to State EPSDT programs. Coordinates with the Bureau of Quality Control regarding administration of the EPSDT penalty sanctions. In conjunction with other HCFA components, establishes and distributes to Regional Offices and States criteria for program compliance other than penalty sanctions. Maintains knowledge of status of State programs to respond to Congressional, Departmental and public inquiries. Monitors Regional Office activities and conducts regional office on-site reviews in coordination with the Office of Field Operations.

2. *Division of Program Development (FCH2).* Develops policies and materials which support effective implementation of the EPSDT program. Develops ways to coordinate EPSDT services with other related health care delivery programs. Develops regulations specifications and program guidelines. Assists other HCFA offices in developing proposed legislation related to EPSDT and child health. In coordination with the Office of Research, Demonstrations, and Statistics, participates in or initiates research and demonstration activities relating to child health issues, including demonstrations of coordination of EPSDT with related child health programs. Analyzes program data to discern health care characteristics and needs of EPSDT-eligible children and youth.

B. *Office of End-Stage Renal Disease (FCE)*

Administers the End-Stage Renal Disease (ESRD) program under Title XVIII including ESRD reimbursement, coverage, program eligibility, network planning and administration. Maintains contact with the end-stage renal disease provider and beneficiary communities and other governmental agencies concerned with kidney disease. Provides support to the Health Standards and Quality Bureau in developing and implementing health and safety standards relating to providing ESRD services.

1. *Division of Medical Services (FCE1).* Develops policies concerning the coverage of end-stage renal disease services including (1) coverage of dialysis wherever performed and use of durable medical equipment, supplies and services, (2) coverage of services to kidney transplant recipients and donors, and (3) coverage of physician and medical services provided to dialysis and transplant patients. Develops standards and criteria by which to evaluate medical services provided under the program. Coordinates with the Office of Research, Demonstrations, and Statistics regarding studies of non-facility related issues (e.g., home dialysis aides, physician services, etc.).

2. *Division of Information Systems and Beneficiary Entitlement (FCE2).* Develops general systems specifications and requirements for the national ESRD dialysis and transplant registries. Maintains a broad range of information regarding the ESRD program for use in health planning, medical care evaluation, research and legislative planning. Develops ESRD statistical and reporting requirements in coordination with other HCFA units responsible for gathering program statistics. Performs statistical analysis to determine the efficiency and effectiveness of ESRD networks, fiscal intermediaries and renal providers of services. Prepares technical reports on treatment modes, survival and mortality rates and other aspects of kidney disease and treatment. Coordinates with the Bureau of Program Operations regarding the development of policies and procedures concerning entitlement of ESRD patients to Medicare services.

3. *Division of Network Administration (FCE3).* Establishes policies and procedures concerning the organization, support and monitoring of the 32 ESRD networks. Develops regulations and other issuances defining network boundaries, membership requirements and other aspects of network administration. Assists networks in developing criteria for assessing need for additional treatment capacity. Assists the Health Standards and Quality Bureau in defining the criteria for approval of end-stage renal disease facilities. Provides guidance on the development of medical care evaluation studies and criteria by the networks.

4. *Division of Facility Services (FCE4).* Develops policies and procedures concerning the reimbursement of end-stage renal disease services provided by facilities and hospitals including (1) reimbursement of dialysis, (2) reimbursement of facility services to kidney transplant recipients and donors, and (3) reimbursement of organ procurement agencies and histocompatibility testing laboratories. Computes the national incentive rate, target for home dialysis and other end-stage renal disease reimbursement rates. Develops requirements for auditing ESRD networks. Analyzes ESRD cost data and evaluates proposed legislation affecting reimbursement of ESRD facilities. Participates in evaluating Medicare intermediary reimbursement practices.

Section FE.20 Office of Professional and Scientific Affairs (F–2) (Functions)

Maintains liaison with external medical, dental, and allied health practitioners, institutional providers of health services, and academic institutions responsible for the education of health care professionals. Provides professional knowledge and makes recommendations to the HCFA Administrator and managers in the development of policies, regulations, procedures, and legislative proposals which affect the health care field. Serves as a focal point in HCFA for external health care groups to gain understanding of HCFA objectives. Evaluates and transmits suggestions and criticisms from the health care field to the Administrator. Promotes an open exchange of viewpoints between the health care field and HCFA Bureaus and Offices.

Section FF.20 Office of Health Regulations (F–3) (Functions)

Reviews Federal health-related regulations in order to determine where they are not cost effective, are internally conflicting or duplicative, or provide inappropriate behavioral incentives to providers. The Office of Health Regulations has been established as a two year task force. It reports to the Administrator, HCFA and receives additional policy guidance from the Assistant Secretary for Health when Public Health Service regulations are under review. It coordinates with other Executive agencies when their regulations affect health care institutions.

Section FG.20 Equal Opportunity Office (F–4) (Functions)

Provides principal advisory services to the Administrator concerning equal employment opportunity and civil rights policies and programs. Develops equal employment opportunity and voluntary civil rights compliance policy for HCFA and assesses the Agency's compliance with applicable equal opportunity statutes, executive orders, regulations and policies. Identifies policy and operational issues and proposes solutions for resolving these issues. Serves as the central liaison point with HEW on equal employment opportunity and civil rights issues. Coordinates the development of HCFA affirmative equal employment opportunity plans and evaluates their implementation by HCFA components.

Promotes EEO special emphasis programs and activities affecting the concerns of minority groups and women. Provides for conciliation and adjudication of informal and formal discrimination complaints by means of EEO counseling, formal hearings, issuance of final decisions, etc. Manages, coordinates and monitors HCFA's civil rights activities working directly with bureau and office personnel. Develops and implements civil rights plans, systems and activities to promote voluntary compliance with Title VI of the Civil Rights Act of 1964, Section 504, Rehabilitation Act of 1973 and other related statutes or Executive Orders.

Section FH.10 Office of Public Affairs (FJ) (Organization)

The Office of Public Affairs, under the leadership of the Director for Public Affairs, includes:

A. The Division of Public Information (FJP)

B. The Division of Program Development (FJN)

Section FH.20 Office of Public Affairs (FJ) (Functions)

Plans, directs and coordinates the public affairs activities of HCFA including: Media relations, production of radio, television, and film products, and preparation of general purpose publications. Provides advice and counsel from a Public Affairs perspective to the Administrator and all

HCFA components. Reviews and clears all print, audio-visual and exhibit plans and material intended for external dissemination and serves as clearance liaison with the Office of the Secretary, Office of Public Affairs. Maintains liaison with external groups, including the health care industry and intergovernmental organizations to provide information about HCFA programs, policies, and activities. Administers Freedom of Information Act responsibilities for HCFA.

A. *Division of Public Information (FJP)*

Produces information for the general public, health care industry, health insurance industry, intergovernmental organizations, beneficiaries and HCFA employees about HCFA activities. Prepares news releases, fact sheets, and other public information materials related to HCFA programs for the electronic and print media. Develops and coordinates news media interviews with HCFA senior staff. Publishes general purpose wide-circulation publications on HCFA programs.

B. *Division of Program Development (FJN)*

Maintains contacts with HCFA program components and outside groups and organizations to determine public information needs regarding HCFA programs. Develops and manages the HCFA External Affairs Plan. Coordinates HCFA resources on behalf of maintaining a continuing flow of information and views to particular outside organizations. Plans and manages a field information program designed to assist public information managers of State and local agencies administering HCFA-supported programs and funds.

Section FI.10 Office of Management and Budget (FM) (Organization)

The Office of Mangement and Budget, under the leadership of the Director for Management and Budget, includes:

A. The Office of Grants and Procurements (FMG)

B. The Office of Personnel Administration (FMP)

C. The Office of Financial Management (FMM)

D. The Office of the Attorney Advisor (FM-1)

E. The Provider Reimbursement Review Board (FM-2]

Section FI.20 Office of Management and Budget (FM) (Functions)

Provides policy direction, coordination, and overall operational control of the HCFA budget, finance and accounting, personnel, management evaluation and analysis, administrative management services, project grants, contracting and procurement, and work planning programs and operations. Develops HCFA policy in these functional areas and promulgates and executes these policies throughout HCFA.

A. *Office of Grants and Procurements (FMG)*

Establishes grant and procurement policy for HCFA and its components in support of Federal and Departmental requirements. Provides direction and controls project grant and contract solicitation, award, and administration. Directs the provision of administrative management services to all HCFA central office components.

1. *Division of Grants and Contracts (FMG1).* Provides leadership, direction, and control for HCFA regarding project grant and contract solicitation, award, and administration. Provides liaison regarding contracting policy and procedures with the Office of the Secretary and other HEW agencies. Conducts a continuing evaluation of grant and contract award practices to assure compliance by HCFA bureaus and offices with law, approved policy, and regulations.

2. *Division of Administrative Services (FMG2).* Provides administrative management services directly or provides policies and procedures to other HCFA components with respect to award and procurement management for small purchases; personal and real property management; records, directives, and other paperwork management programs; and occupational health and safety management; and related activities. Provides policy and procedure liaison with components of the Office of the Secretary, other HEW agencies, General Services Administration, Government Printing Office, Small Business Administration, Defense Contracts Audit Agency, and contractors and vendors for these activities. Evaluates administrative management services systems to assure compliance with law and regulations.

B. *Office of Personnel Administration (FMP)*

Provides personnel services directly or establishes policy for other HCFA components with respect to recruitment and placement; position classification and management; maintenance of official personnel records for data control, payroll, and program evaluation purposes; employee and labor relations; and employee development and training, including upward mobility, retirement, and career counseling.

1. *Division of Employee Relations (FMP1).* Plans, administers, and evaluates HCFA-wide employee relations activities. Provides general employee counseling on such matters as employee-management communications, consumer and financial guidance, health plans, and related areas. Serves as the central HCFA reference point for employee relations matters. Assures due process in adverse personnel actions. Provides procedural advice and participates, as appropriate, in the processing of grievances and appeals under agency and negotiated procedures. Directs development and operation of the HCFA program for incentive and honor awards, and the employee suggestion program.

2. *Division of Classification (FMP2).* Develops and executes the position classification program for HCFA. Classifies all central office positions and standard job descriptions utilized by the Regional Offices. Plans and implements position classification surveys. Implements regulations and legislation concerning position classification and publishes associated HCFA guides, directives, and bulletins. Provides information concerning position structure for entry into the automated personnel information system and publishes statistical information concerning number, type, grade, average grade, and trend information by cost center.

3. *Division of Staffing and Services (FMP3).* Provides services in the areas of recruitment, in-service staffing, payroll, security, pre-employment investigations, and follow-up survey activity, for all types of appointments and all classes and levels of work. Insures the validity of all personnel actions, benefits, and services and builds the employment data base for routine and special reports and statistical studies related to the employee base. Plans and controls the central system for all personnel transaction processes, serves as official custodian for all personnel folders, clearances, building passes, confidential reports, employment agreements, and other related areas.

4. *Division of Training and Career Development (FMP4).* Promotes the career development of HCFA employees. Develops and oversees the implementation of regulations, policies, and programs pertaining to career training and development, upward mobility, managerial development, and executive development programs. Develops and implements a career

planning process which includes counseling employees on career and educational opportunities. Serves as focal point for HCFA training activities to ensure educational validity, appropriateness, and cost-effectiveness. Conducts a HCFA-wide annual review to identify both employees' and organizational career training needs. Manages the HCFA Training Plan/ Budget.

C. *Office of Financial Management (FMM)*

Provides policy direction, and coordination of HCFA's financial management program, including preparation, justification, and execution of the total HCFA budget, and associated fiscal management and accounting operations. Monitors status of HCFA audits performed by the Office of the Inspector General and the General Accounting Office. Develops and maintains HCFA's work planning cost analysis and allocation. Plans and directs the HCFA organizational and manpower management program. Supports HCFA manpower management and organizational development of HCFA components. Serves as the HCFA focal point for the resolution and tracking of GAO and HEW audit Agency reports.

1. *Division of Finance (FMM1).* Develops, implements, and administers the HCFA accounting system. Performs accouting functions for all appropriations, fund warrants, apportionments, allotments and allowances. Processes all obligation and expenditure documents, including verification of entitlement for all commercial and intergovernmental financial transactions for the compensation and related cost of personnel (payroll), and for employee travel and transportation (domestic and foreign). Reviews time and attendance reports prior to transmittal to the Central Payroll Office, resolves employee leave and payroll problems, and conducts a time and attendance report preparation training program. Performs accounting for all grants issued to fund programs, and schedules payments by check to those grantees not funded through DFAFS. Reviews and reconciles grantees' advance accounts on the basis of verified expenditures. Monitors and reconciles data generated in Agency appropriations as a result of entries made in the Regional Accounting System, and provides cashier services, processes collections, and maintains accounts receivable control records.

2. *Division of Budget (FMM2).* Prepares, presents, and executes HCFA's total budget and operates HCFA's budget system. Serves as the central coordination point for all budgetary matters, including interagency agreements inpacting HCFA funding and transfer of funds to and from other agencies. Reviews proposed and existing legislation and coordinates the development of materials detailing budgetary impact. Provides advice on reporting of program and financial data necessary for presentation and defense of budget requests. Provides advice, guidance, and assistance to HCFA components in the development of budget justification materials and analysis, including implementation of zero base budgeting, mission budgeting, current services budgeting, and other budgetary principles required by the Office of Management and Budget (Executive Office of the President) and the Congress. Insures that appropriate cost allocation systems for both trust funds and general funds are developed. Provides technical direction to HCFA regional components on all budgetary matters. Develops budget control systems necessary to insure that appropriate measures are in place to prevent violation of Anti-Deficiency Act. Maintains and monitors an allotment and allowance system sufficient to pinpoint responsibility and accoutability of Federal funds.

3. *Division of Management Planning and Control (FMM3).* Plans and directs HCFA's organizational and manpower management program. Establishes processes to control employment levels. Controls HCFA organizational processes, including issuance and reporting of manpower/position ceiling, coordination of organization proposals and changes, issuance and development of delegations of authority, and issuance and maintenance of the official record of organization. Plans and coordinates a HCFA management control system which establishes and tracks achievement of priority operational goals and objectives. Clears HCFA public-use forms and reports. Coordinates the reduction of paperwork burden. Operates the HCFA Administrative Issuance System. Conducts management analyses and studies as requested.

D. *Office of the Attorney Advisor (FM–1)*

Recommends initiation of "own motion review" of Provider Reimbursement Review Board decisions under section 1878(f)(1) of the Social Security Act, as amended. Evaluates cases under "own motion review" and recommends as to the disposition of such cases by the Administrator. The Office of the Attorney Advisor is located in the Office of Management and Budget for administrative support only.

E. *Provider Reimbursement Review Board (FM–2)*

Conducts hearings and renders decisions on appeals from Medicare providers under circumstances described in Section 1878 of the Social Security Act. The Provider Reimbursement Review Board is located in the Office of Management and Budget for administrative support only.

Section FJ.10 Office of Research, Demonstrations, and Statistics (FK) (Organization)

The Office of Research, Demonstrations, and Statistics (ORDS), under the leadership of the Director for Research, Demonstrations, and Statistics, includes:

A. The Office of Financial and Actuarial Analysis (FKF)

B. The Office of Statistics and Data Management (FKS)

C. The Office of Demonstrations and Evaluation (FKE)

D. The Office of Research (FKR)

Section FJ.20 The Office of Research, Demonstrations, and Statistics (FK) (Functions)

Provides leadership and executive direction within HCFA for health care financing research, demonstrations and statistical activities pertaining to HCFA programs. Works closely with the Administrator, other bureau/office directors, and high level staff outside HCFA to insure that the Agency's objectives in these areas are accomplished. Publishes HCFA research and program statistics.

A. *Office of Financial and Actuarial Analysis (FKF)*

Conducts and directs the actuarial program for HCFA and directs the development of and methodologies for macroeconomic analysis of health care financing issues. Performs actuarial, economic, and demographic studies to predict HCFA program expenditures under current law and under proposed modifications to current law. Provides program estimates for use in the President's budget and for reports required by Congress. Studies questions concerned with financing present and future health programs, evaluates operations of the Federal Hospital Insurance Trust Fund and Supplementary Medical Insurance Trust Fund, and performs macroanalyses for

the purpose of assessing the impact of various factors of health care financing upon costs of Federal programs. Develops and conducts studies to estimate and project national and area health expenditures. Analyzes trend data sources such as the Consumer Price Index (CPI) to develop projections of health care costs. Analyzes data on physicians' costs and charges to develop reimbursement indices, and monitors expansion of services and inflation of costs in the health care sector. Publishes cost projections and economic analyses, and provides actuarial, technical advice and consultation to HCFA components, governmental components, Congress, and outside organizations.

1. *Division of Medicare Cost Estimates (FKF1).* Oversees the soundness of and evaluates operations of the Medicare trust funds, determining income and outgo and the necessary tax rates for program solvency. Prepares cost estimates for the Hospital Insurance program and the Supplementary Medical Insurance program for use in the President's budget. Determines such variables as the Part B premium rate, the inpatient deductible, the Part A premium rate for voluntary enrollees, and the physician economic index applicable to prevailing fees. Computes workload estimates of the impact of modifications in program benefits and financing. Combines actuarial, economic, statistical, and program analytical skills in preparing its estimates and provides these combined skills as technical consultants throughout the government.

2. *Division of Medicaid Cost Estimates (FKF2).* Provides cost estimates of the Medicaid program and any proposed legislative changes in the program. Creates and maintains a State by State data base relating to the low income population, their health use and incurred and expected costs. Conducts studies measuring the effect of changes in the economy or national health care system on the Medicaid program. Develops annual Medicaid program budget requirements for the President's budget preparation and presentation, including the Congressional justification. Prepares long range program cost estimates, determines gross rates of program cost changes, and revises data requirements for future program costs. Prepares cost estimates for legislative proposals affecting Medicaid benefits and administrative costs. Provides actuarial, statistical, and economic consultation to other HCFA components, States, or outside organizations.

3. *Division of National Cost Estimates (FKF3).* Monitors prices, utilization, and costs of health care and analyzes their impact on HCFA programs and the implications for the national economy. Develops and conducts studies to estimate, project, and analyze national and State health expenditures and the financial and enrollment experience of private health insurance. Prepares cost estimates of proposed national health initiatives. Synthesizes the results of economic and actuarial studies relating to estimating factors, such as the interaction between supply and demand, or the influences of cost sharing on costs, and develops and establishes methodologies for analyzing health care financing problems. Provides cost estimates for specific health areas such as capital, technology, malpractice, etc., in response to Congressional or Administration requests. Provides technical microanalyses for Administration or Department initiatives, such as cost containment, including calculating the economic effect of the proposal on a specific Congressional district or provider, determining the relative performance of a particular provider or group of providers in terms of costs or uses, and projects premium increases of health insurance companies in particular States.

B. *Office of Statistics and Data Management (FKS)*

Directs the development, maintenance, and utilization of data and statistical systems for policy, planning, and research purposes within the Office of Research, Demonstrations, and Statistics (ORDS). Plans and designs procedures and programs to acquire and process data from internal and external sources. Establishes uniform specifications for research and statistical tapes obtained from outside contractors and examines the latest technological developments in data processing research. Manages and updates ORDS statistical data bases, and provides programming, data entry and coding services to other ORDS components. Provides information in quick response to inquiries from other HCFA components.

1. *Division of data Production (FKS1).* Extracts from HCFA, SSA and other health-related sources, health care data necessary to support ORDS activities. Develops programs to array data in accordance with general speifications developed by other ORDS components. Integrates activities of health care data suppliers and utilization of computer systems and information processing networks. Develops and maintains file management systems, data storage techniques, file documentation libraries, and information retrieval systems.

2. *Division of Data Standards and Quality (FKS2).* Develops standards for, and monitors the quality and statistical reliability of, data received and processed by ORDS. Ensures the quality and integrity of program statistical data by advising and consulting on data collection policy and procedures, forms design, and forms clearance with other HCFA components requireing program data. Monitors and improves the accuracy and completeness of information obtained from HCFA contractors and other sources, prior to compilation of statistical data. Performs statistical data quality reviews for consistency and accuracy. Provides technical services to ORDS in the development of common data element definitions and other data standards. Provides advisory and consultative services in the development and use of medical terminology and coding systems, and in the evaluation, development, and operation of automated medical coding systems.

3. *Division of Systems Development and Statistical Programming (FKS3).* Provides sophisticated computational and statistical services, mathematical modeling and simulation, systems analysis, and statistical programming for special ORDS research projects. Designs systems configurations, data bases, and software packages for scientific applications and special purpose information retrieval and processing in support of projects untertaken by ORDS. Processes and disseminates non-recurring technical documents and information.

4. *Division of Information Analysis (FKS4).* Disseminates statistical data, estimates, analyses, and related information on health-related programs in response to questions from legislators, program administrators, policymakers, researchers and health planners, in the public and private sectors. Maintains a data library for ORDS, including publications, computer output, microform, and machine-readable data files. coordinates the development and use of special purpose statistical data bases which are required for supporting ORDS responsibilities in areas such as cost containment, evaluation of the impact of proposals for changing health care financing programs, special research and evaluation studies, and for general data dissemination. Evaluates and participates in determining data requirements and optimum

methodologies for collecting, organizing, maintaining, updating, and retrieving the required statistical data.

C. *Office of Demonstrations and Evaluation (FKE)*

Plans and directs the development, conduct, monitoring, and evaluation of studies, experiments, and demonstration projects designed to assess the cost and effectiveness of alternate methods of reimbursement, alternate benefit packages, alternative eligibility criteria and conditions and expanded or changed provider status of Federal health programs. Assesses the impact of new and innovative reimbursement concepts and questions about those programs. Develops alternate systems of information collection, rate setting, institution classifications, statistics, and accounting, and assesses and synthesizes the results of all projects to determine the potential impact on the health sector. Recommends modifications to existing program policy and legislation. Provides technical advice and consultation to other Federal and external organizations on potential experimental projects and publishes results and analyses of experimental findings.

1. *Division of Long-Term Care Experimentation (FKE1).* Directs and manages the development, implementation, and monitoring of long-term care financing and reimbursement experiments and studies, including prospective and incentive reimbursement for skilled nursing care, intermediate care facilities, residential care facilities, and home health services. Develops and implements State rate setting demonstrations in long-term care, and develops, implements, and monitors experiments and studies involving alternatives to institutional long-term care services. Develops and tests integrated delivery systems for long-term care services including such concepts as triage, swing beds, and hospices. Consults with other division directors to develop or refine data resources and experimental procedures.

2. *Division of Hospital Experimentation (FKE2).* Directs and manages the development, implementation and monitoring of hospital financing and reimbursement studies and experiments, including prospective and incentive reimbursement experimentation for hospitals, and the development and testing of laternative State rate setting programs. Directs and manages the development and testing of methods of coordinating health planning and rate setting, and directs and manages the study, development, and testing of alternative hospital payment systems designed to impact hospital and money market decisions related to capital investment and alternative payment units.

3. *Division of Health Systems and Special Studies (FKE3).* Directs and manages the development, implementation, and monitoring of financing, reimbursement, organizational, and operational studies related to health care delivery systems. Directs the development and testing of cost effective alternatives to existing institutional and ambulatory care patterns. Directs the development of crosscutting special studies in such areas as long-term care substitutes, ambulatory services, provision of durable medical equipment, management of end-stage renal disease and minimization of fraud and abuse. Participates in the development of alternative uniform systems of information, data collection, and statistics accounting.

D. *Office of Research (FKR)*

Directs the development and conduct of research and evaluation studies concerning the impact of Federal financing programs on the health care industry, program beneficiaries, and health care providers, including physicians.

Directs and designs analytical studies to be undertaken by internal staff and outside contractors/grantees in a wide variety of economic and financial aspects of health care delivery in the United States, including the structure of the drug, medical supplies and health insurance industries and the financing of capital investment. Provides technical support to HCFA and HEW components in research design, sampling design, mathematical and statistical analysis, and the application of economic analysis. Makes available research findings to assist in the formulation of reimbursement and other policy questions and publishes results and analyses of these findings.

1. *Division of Reimbursement Studies (FKR1).* Conducts social science research to determine the influences which present and alternative reimbursement methods have on the economic, financial, and behavioral characteristics of providers (e.g., the effects on physician productivity under alternative methods of reimbursement). Conducts research directed toward the development and application of new, improved methods, quantitative models and other technical tools for determining the costs and benefits to providers, patients and financing programs associated with alternative reimbursement schemes. Participates in monitoring grants and the grants award process in those areas related to hospital costs and physician reimbursement. Provides technical assistance and makes available findings from research to assist in policy formulation, recommendations and program initiatives.

2. *Division of Beneficiary Studies (FKR2).* Conducts social science research and publishes statistical reports with information derived from administration records and other data services on utilization, expenditures and access to services by Federal beneficiaries. Directs the development and analysis of special research data bases for this purpose. Participates in HCFA-wide data policy activities related to the development of forms and reporting requirements which provide data regarding beneficiary services and utilization and expenditures which augment existing administration record files. Designs and carries out technical support and research for major selected program evaluation activities (e.g., evaluation of the effectiveness of PSROs in limiting health care overutilization). Participates in monitoring grants and the grants awards process in those areas related to beneficiary utilization. Provides statistics, statistical assistance, analyses and other information upon request for legislative planning and policymaking as well as to other Federal programs requiring data on the Medicare and Medicaid populations.

3. *Division of Economic Analysis (FKR3).* Conducts economic research which analyzes the factors affecting health care costs, expenditures, utilization and quality of services. Supports longer range research projects which are designed to produce an understanding of the relationship between health care financing approaches and the utilization of health care services. Conducts research on factors which affect the demand for the supply of services including supplies of manpower and the structure and future of the health care delivery system. Undertakes research to further the understanding of the organization of the health industry including the drug industry, the insurance industry, the equipment producers and the long-term care industry. Assesses the likely implications of these industries as they affect health care coverage, either in benefits, or beneficiary population. Examines the role of capital in the expansion and replacement of plant and equipment in the health care sector and

the effects of alternative sources and costs of capital in this regard. Studies the impact of HCFA reimbursement, coverage and eligibility policies on the demand and supply of alternative long-term care services, including the interrelationships of payment sources and amounts, utilization, quality and costs.

Section FK.10 Office of Legislation and Policy (FL) (Organization)

The Office of Legislation and Policy, under the leadership of the Director for Legislation and Policy, includes:

A. The Office of Legislation and Congressional Affirs (FLL)

B. The Office of Policy Analysis (FLP)

Section FK.20 Office of Legislation and Policy (FL) (Functions)

Provides leadership and executive direction within HCFA for the legislative planning and policy analysis programs. Develops and evaluates recommendations concerning legislative proposals for changes in health care financing. Develops the long-range HCFA legislative plans. Coordinates its activities with the Office of the Assistant Secretary for Legislation (ASL) and serves as the principal contact point with the ASL on legislative and Congressional relations activities. Develops HCFA strategy for long-range and yearly policy plans in such areas as cost containment, reimbursement limitations, and alternative methods of reimbursement and coverage. Plans, directs, and develops HCFA "strategy planning" documents. Provides technical and advisory services to HCFA components, members of the Executive Branch and other Government agencies interested in health care financing legislation, congressional relations, and policy development. In conjunction with the Office of the Assistant Secretary for Legislation, provides information services to congressional committees, individual Congressmen and private organizations on health care financing legislation.

A. *Office of Legislation and Congressional Affairs (FLL)*

The Office of Legislation and Congressional Affairs directs the legislative planning and congressional relations programs of HCFA. Develops and evaluates recommendations concerning legislative proposals for changes in health care financing. Develops the long-range HCFA legislative plans. Analyzes and makes recommendations to the Administrator and Department on related health legislative proposals, including those which may require coordination with programs conducted by other HEW components or which relate to methods other than health insurance for providing economic security through social insurance. Prepares technical specifications for legislation and coordinates Congressional testimony and briefing materials for all of HCFA. Through the Director, Office of Legislation and Policy, coordinates its activities with the Office of the Assistant Secretary for Legislation and serves as a principal contact point with the Office of the Assistant Secretary for Legislation. Serves as a principal advisor on HCFA's relations with the legislative branch of Government. Maintains HCFA-wide responsibility for keeping Congress informed of HCFA operations and activities. Provides information on HCFA programs to individual members of Congress and committees as requested.

1. *Division of Coverage and Benefits (FLL1).* Directs legislative planning and analysis for HCFA in the areas of cost containment and relationships with other Federal health care programs, such as those operated by the Veterans Administration, CHAMPUS, and FEHB. Develops long-range legislative plans in the substantive areas assigned, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

2. *Division of Health Systems (FLL2).* Directs legislative planning and analysis for HCFA involving innovative methods of delivering health care services (such as PSRO's, HMO's, comprehensive health planning, health manpower, etc.) under Federal programs and in those areas requiring analysis of statutory implications of issues such as privacy, confidentiality of data, and fraud and abuse. The Division of Health Systems develops long-range legislative plans in the above areas, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

3. *Division of Administration and Reimbursement (FLL3).* Directs legislative planning and analysis for HCFA involving reimbursement issues, the use of program statistics and legislative proposals, cost estimates for legislative proposals, and relations with the Provider Reimbursement Review Board. Coordinates "minor and technical" amendments and legislative initiatives for all of HCFA. Develops long range legislative plans in the substantive areas assigned, makes recommendations on related health legislative proposals, prepares technical specifications for legislation, and coordinates Congressional testimony and briefing materials.

4. *Division of Congressional Affairs (FLL4).* Answers constituents' inquiries about HCFA's programs, policies and initiatives. Responds to Congressional requests and inquiries on HCFA's programs and organization. Refers Congressional requests to appropriate HCFA components and coordinates responses to those requests. Provides HCFA staff with timely information on both Congressional actions and interests and concerns of outside interest groups and organizations. Maintains an active liaison with Congressional offices in order to anticipate their requests and their reactions to HCFA policies, programs and initiatives. Confers with Congressional offices to provide them with requested information on HCFA initiatives and actions and coordinates meetings between Congressional offices and HCFA staff. Conducts seminars and briefings for Congressional staff on organizational and operational issues. Maintains relationships with selected interest groups and organizations, serves as HCFA's point of contact with the Department's Congressional Liaison Office, coordinates and consults on issues of significant interest with that office, and coordinates Congressional inquiries with the appropriate HCFA Regional Office.

B. *Office of Policy Analysis (FLP)*

Directs the development and interpretation of the long-term planning process. Coordinates technical and operating policy issues with respect to introducing appropriate statutory modifications through the Office of Legislation and Congressional Affairs. Reviews policy documents, including regulations and memoranda to the Secretary on policy issues, before they are signed by the Administrator. Serves as the focal point for policy development prior to transmitting budgets and legislation to the Congress. Initiates and performs major studies for the Administrator in such areas as eligibility and benefit improvements, alternative cost and quality control strategies, reimbursement of new delivery systems, and regulation for private health insurance. Serves as a major point of interface with the Office of the Assistant Secretary for Planning and Evaluation, other HEW components, and other Federal agencies in such areas as national health insurance, anti-trust issues, long-term care, eligibility, HCFA

reimbursement of Public Health Service projects, and health planning. Works closely with the Office of Research, Demonstrations and Statistics, the Bureau of Program Policy and the academic community to insure that research and experimental results are incorporated into program plans. Provides technical services to other HCFA components, governmental agencies, and other organizations interested in the policy implications of modifications to Federal health programs.

1. *Division of Medicaid and Long-Term Care Policy (FLP1).* The Division of Medicaid and Long-Term Care Policy is responsible for performing special projects, reviewing regulations and other documents for the Administrator, coordinating the development of the HCFA budgetary and legislative program, and undertaking other aspects of the policy analysis function. Substantive areas include Medicaid benefits, eligibility, and financing; HCFA relations with the States; problems of access to health services for low income populations; child health; and long-term care. The head of the Division works with senior staff in the Public Health Service, the Social Security Administration, and the Office of Human Development Services in areas of mutual concern as well as the HCFA senior staff.

2. *Division of Medicare and Reimbursement Policy (FLP2).* The Division of Medicare and Reimbursement Policy is responsible for performing special projects, reviewing regulations and other documents for the Administrator, coordinating the development of the HCFA budgetary and legislative program, and undertaking other aspects of the policy analysis function. Substantive areas include Medicare policy with regard to benefits, eligibility, and financing and Medicare and Medicaid reimbursement to hospitals, physicians, laboratories, and suppliers of durable medical equipment. The head of the Division works with other Federal agencies in areas of mutual concern, including the Public Health Service, the Social Security Administration, and the Federal Trade Commission, as well as with HCFA senior staff.

Section FL.00 Health Standards and Quality Bureau (FV) (Mission)

The mission of the Health Standards and Quality Bureau is to direct activities to assure that health care services provided under Medicare and Medicaid are furnished economically consistent with recognized professional standards of care. To carry out this mission, HSQB develops health quality and safety standards for Medicare and Medicaid in conjunction with the Public Health Service; develops and implements conditions and standards under which providers and suppliers are certified for participation in Medicare and Medicaid; and develops and implements programs of professional standards review, related peer review, utilization review, and utilization control programs.

Section FL.10 Health Standards and Quality Bureau (FV) (Organization)

The Health Standards and Quality Bureau (HSQB), under the leadership of the Director for Health Standards and Quality, includes:

A. The Office of Policy Development and Coordination (FVP)

B. The Office of Program Support (FVS)

C. The Office of Professional Standards Review Organizations (FVR)

D. The Office of Standards and Certification (FVC)

Section FL.20 Health Standards and Quality Bureau (FV) (Functions)

Develops, interprets, and implements health quality and safety standards and evaluates their impact on the utilization, quality, and cost of health care services. (These functions are performed in coordination with the Assistant Secretary for Health who has responsibility for generating broad policy guidelines on issues of quality of care and of health care financing). Develops, interprets, implements, and evaluates the conditions and standards under which providers and suppliers of health services can participate in Medicare and Medicaid. Monitors and validates the process for certifying that these providers and suppliers are in compliance with these conditions and standards. Develops, interprets, implements, and evaluates policies for professional standards review, related peer review, utilization review, and utilization control programs under Medicare and Medicaid, and is responsible for entering into agreements with State Professional Standards Review (PSR) Councils. In support of the Office of Special Programs, develops, interprets, and evaluates health care and health-related policies related to implementation of the End-Stage Renal Disease (ESRD) program. Establishes specifications for information and data reporting, collection and systems requirements for PSRO and provider certification. Serves as the HCFA focal point in the Agency's interface with the Public Health Service on medical care standards, quality assurance, and other health-related policy matters.

A. *Office of Policy Development and Coordination (FVP)*

Acts as the principal policy staff to the Director of the Health Standards and Quality Bureau (HSQB). Identifies and reviews legislative proposals, and represents HSQB in setting HCFA legislative and research agenda relating to health standards and quality. Develops program policy plans, conducts analyses, prepares reports, and makes recommendations to the Director on the implications of Federal and State legislation directly related to the programs administered by the Bureau. Prepares policy analysis papers in support of policy formulation and program implementation for activities of the Bureau. Coordinates program planning and policy positions and alternatives for health standards and quality assurance activities. Initiates, researches, and prepares issues for review by the Office of the General Counsel relating to legal aspects of HSQB programs and participates with the Office of the General Counsel in developing appropriate policies regarding the legal aspects of health standards, peer review and quality assurance.

B. *Office of Program Support (FVS)*

Coordinates management of personnel, financial and material resources within HSQB including work planning, the HSQB budget, contracts and grants and other areas of administration. Develops program operating plans regarding determination of States' allocation for Medicare and Medicaid survey requirements, and issuance of Medicaid grants supporting the Medicaid survey reimbursement program. Interprets and implements Department and HCFA management policies, procedures and systems and conducts management analyses as required. Audits (financial and program assessment) HSQB contracts and grants and completes contract closeouts. Maintains liaison with regional offices and provides advice and support in areas of HSQB expertise and responsibility. Participates in evaluating regional office performance in carrying out HCFA policies and procedures.

C. *Office of Professional Standards Review Organizations (FVR)*

Coordinates implementation of peer and utilization review programs and other quality assurance policies. Develops and implements policies relating to fiscal management of peer

review programs, including the principles of reimbursement for PSROs and State PSR Councils, and to the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and State PSR Councils. Administers and evaluates policies relating to management of peer review and quality assurance including the organization, membership, and management of PSROs and State PSR Councils, and the negotiation of PSRO agreements. Provides advice and assistance to Regional Office staffs, PSROs and State PSR Councils concerning fiscal and program management activities. Prepares issues for Office of the General Counsel review relating to legal aspects of peer review and quality assurance.

1. *Division of Professional Standards Review Organizations Program Operations (FVR1).* Provides overall programmatic and technical management of HSQB contracts and financial agreements with all categories of PSROs and with State PSR Councils. Establishes expenditure levels and final approval of PSRO and State PSR Council funding requests. Provides program guidance and assistance to Regional Office staff in their performance of PSRO related responsibilities and monitors Regional Office operations. Determines eligibility of physician groups to be designated as PSROs and the qualifications of established PSROs for successive levels of development. Communicates and interprets Departmental policies to PSROs and provides or arranges for the provision of all forms of technical assistance to PSROs. Administers a comprehensive system for assessment of individual PSROs to determine compliance with program requirements and to document the effectiveness and impact of PSRO performance. Operates special demonstration programs of PSRO applications in long-term care settings. Compiles, maintains, and disseminates information on all aspects of PSRO implemenation and operation, including the PSRO Manual, PSRO Project Office Manual, Contract Management Manual and PSRO Fact Book.

2. *Division of Peer Review (FVR2).* Designs, develops, and interprets all peer review and quality assurance policies, procedures, and methods for programs of health care review under titles XI, XVIII, XIX, and V of the Social Security Act. These include PSRO review, review conducted by the Medical Review Boards in the End-Stage Renal Disease Program, hospital utilization review, and State superior utilization review. Plans and refines policies and methods and develops guidelines and regulations for the performance of PSRO hospital review, including concurrent review, medical care evaluation studies, and profile analysis, and review of ancillary services and surgical procedures and other physician services. Develops policies and procedures for review of long-term care and ambulatory care. Designs policies and guidelines for the involvement of physicians and other health care practitioners in the review system. Develops policies and procedures for the application of norms, criteria, and professional standards of care in the review system. Develops policies and guidelines with respect to waiver of liability, grace days, and reconsiderations and appeals. Provides guidance on handling of PSRO sanctions against practitioners and providers. Provides technical assistance in the demonstration and assessment of review methods to be used in new settings and the testing of new or alternative methods and techniques of peer review. Participates in the development of evaluation procedures for determining impact of review on patterns of practitioner performance. Provides technical assistance and a source of professional expertise in health care review to other HCFA components, PSROs, and health care providers to support PSRO/UR components, PSROs, and health care providers to support PSRO/UR activities.

3. *Division of Data Planning and Analysis (FVR3).* Develops data systems policies, procedures, and requirements including specifications for the PSRO data systems, minimum data sets, and associated technical assistance materials. Designs and implements statistical and other reporting systems necessary for the effective management and evaluation of the activities performed by the Office of Professional Standards Review Organizations (OPSR). Designs, tests, and manages the PSRO Management Information System and its subsystems to reduce, process, and route program data to assure the proper exchange of data between funded projects and the OPSRO including the development and issuance of comparative reports and profiles of PSRO activity and performace, and operation of a medical care evaluation study clearinghouse. Provides technical assistance to PSROs to facilitate the implementation of PSRO data systems, data quality control, analysis, and Federal reporting. Develops policies, tests approaches, and provides technical assistance to PSROs in the conduct of profile analysis. Acts as OPSRO center for liaison with other HCFA data collection organizations. Provides technical support to the activities of all OPSRO components as they relate to data. In coordination with other components of HCFA, evaluates the performance of PSROs to assess the effectivenss of OPSRO policies and procedures in assuring acceptable levels of performance by PSROs. Carries out ongoing statistical monitoring and special studies to evaluate the performance of PSRO's and other peer review activity. Prepares documentation for, processes, and monitors Office of Management and Budget ADP clearances.

D. *Office of Standards and Certification (FVC)*

Develops, interprets, and implements health and safety standards and other related policies for providers and suppliers of health services under Medicare and Medicaid and other Federal programs. Administers and monitors the nationwide Medicare and Medicaid provider and supplier certification program established and maintained under formal agreements with State survey agencies. Develops policies, procedures, and guidelines for Regional Offices and State survey agencies relating to their standards and certification responsibilities under Medicare and Medicaid. Monitors and validates the application of health and safety standards and the adherence to Medicare and Medicaid policies by State survey agencies and other approved accrediting bodies. Reviews the validity and effectiveness of existing standards. Develops standards for new types of facilities or services recognizing advances in medical practice and technology. Develops and analyzes national data on the administration of the Medicare and Medicaid standards and certification program and develops methods for improvement. Conducts training, informational, and other initiatives for improving the performance of State survey agencies and the providers and suppliers under the Medicare and Medicaid programs.

1. *Division of Hospital Services (FVC1).* Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for hospitals and end-stage renal disease (ESRD) facilities under Medicare, Medicaid, and other Federal programs. Prepares, coordinates and applies regulations and procedures for

the improvement of standards enforcement in hospitals and in validation procedures of accredited hospitals. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of hospital services, and initiates new or revised standards as necessary. Develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors health care and health related policies and regulations related to the implementation of the hospital provisions of the Social Security Act and coordinates these functions with the Bureaus of Program Operations and Program Policy and the Office of Special Programs.

2. *Division of Laboratory and Ambulatory Services (FVC2).* Develops, implements, and monitors health quality and safety standards for clinical and other laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies (HHA), under Medicare, Medicaid, and other Federal programs. Prepares, coordinates, and applies regulations and procedures for the improvement of standards enforcement for these facilities and health care personnel. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality and cost of ambulatory care services. Develops, reviews, and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State survey agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors the enforcement of health quality and safety standards and policies by State survey agencies and other public and private organizations participating in the Medicare/Medicaid programs. Conducts liaison with professional groups and standards setting organizations and is the HCFA center for health quality and safety standards policies and procedures for clinical and other laboratories, ambulatory care facilities, health clinics, outpatient physical therapy and speech pathology, independent physical therapists, and home health agencies.

3. *Division of Long-Term Care (FVC3).* Directs and coordinates activities that develop, implement and monitor health quality and safety standards and other health care policies for skilled nursing facilities (SNF), intermediate care facilities (ICF), and intermediate care mental retardation facilities (ICF/MR) under Medicare, Medicaid and other Federal programs. Prepares and applies regulations and procedures for the improvement of standards enforcement in these facilities. Reviews and analyzes existing standards to determine their effectiveness and impact on utilization, quality, and cost of long-term care services, and initiates new or revised standards as necessary. Develops, reviews and maintains guidelines and instructions for interpretation, implementation and enforcement of health quality and safety standards by the regional offices and State survey agencies. Prepares provider/supplier participation materials and instructions. Develops survey and certification forms and procedures utilized by State survey agencies in the certification process. Monitors the enforcement of health quality and safety standards and policies by State survey agencies and other public and private organizations participating in the Medicare/Medicaid programs.

4. *Division of Program Analysis and Training (FVC4).* Develops and conducts a survey and certification training program for regional and State agency personnel. Provides technical assistance to educational institutions, professional organizations, and State survey agencies in developing training activities. Develops new approaches for standards and certification on the basis of needs identified in other divisions, MMACS data, regional office direct surveys, and comments from State survey agencies. Tests improvements in the State agencies' certification process including modification of reporting procedures, utilization of personnel, and use of financial incentives. Develops criteria for setting surveyor qualifications and methods for reviewing the performance of survey personnel. Collects and analyzes data derived from MMACS for use by regional offices and State agencies in pinpointing specific certification problems and for development of criteria and procedures to assess the quality of care being recorded by Medicare and Medicaid providers. Examines and revises, in coordination with other standards and certification divisions, the survey report forms, guidelines, and instructions to ensure consistency of application and interpretation by both surveyors and providers. Publishes a biennial surveyor inventory.

5. *Division of Field Operations (FVC5).* Develops and coordinates administrative and fiscal policies, procedures and guidelines for State survey and certification agencies. Monitors State agency operations through regular onsite visits, direct surveys of providers, and participation in program and administrative reviews. Develops policies and procedures for evaluating the effectiveness of HSQ regional office oversight of State survey agency performance. Analyzes data derived from MMACS. Makes periodic onsite reviews at HSQ regional offices.

Section FM.00 Bureau of Quality Control (FN) (Mission)

The overall mission of the Bureau of Quality Control (BQC) is to assess and promote the financial integrity of HCFA programs. In accomplishing this mission, BQC determines that payments are being made only on behalf of eligible beneficiaries in amounts according to established reimbursement principles for services actually rendered and medically required.

Section FM.10 Bureau of Quality Control (FN) (Organization)

The Bureau of Quality Control (BQC), under the leadership of the Director for Quality Control, includes:

A. The Executive Operations Staff (FN–1)

B. The Office of Quality Control Programs (FNC)

C. The Office of Program Validation (FNV)

D. The Office of Financial Analysis (FNF)

E. The Office of Systems Analysis (FNS)

Section FM.20 Bureau of Quality Control (FN) (Functions)

Operates statistically-based quality control and penalty programs in the areas of EPSDT, end-of-line bill review, eligibility review, third party liability, Part A quality assurance, and utilization control, and develops similar additional quality control programs which measure the financial integrity of Medicare and Medicaid. Following coordination with pertinent HCFA components, notifies carriers, fiscal intermediaries and State agencies of findings resulting from quality control programs. Makes recommendations to the Administrator regarding financial penalties authorized and determined appropriate under

regulations. Assists State Medicaid contractors and Medicare contractors in improving the management of Federally required quality control programs. Reviews program expenditure information to detect patterns of erroneous expenditures. Reviews selected providers to identify patterns of improper expenditures and assures that corrective action is taken by responsible HCFA components. Develops and conducts an internal HCFA audit program evaluating the effectiveness of HCFA operating policies and procedures with a focus on those which may be resulting in erroneous expenditures. Plans and conducts comprehensive validations of payments made to providers participating in HCFA programs. Serves as the focal point for preparing responses to GAO and HEWAA audits, and overseeing implementation of resulting HCFA actions. Participates with other HCFA components in the development of regulations, policies, and procedures for program administration.

A. *Executive Operations Staff (FN–1)*

Coordinates, for the Bureau Director, matters of bureau policy. Manages the development of Federal regulations prepared by the bureau. Implements BQC correspondence tracking and control procedures, including standards for syle of correspondence and memoranda. Serves as primary contact point with the HCFA Office of Executive Operations. Exercises responsiblity for BQC organizational planning, management analysis and information functions, financial management, manpower control, training, administrative support activities, management advisory services, an EEO program, and related personnel and financial functions.

B. *Office of Quality Control Programs (FNC)*

Designs and implements statistically-based reviews to determine the effectiveness of quality control programs operated by carriers, intermediaries, State agencies, the Office of Direct Reimbursement and other related organizations. Develops and promulgates policies, standards and guidelines for State Medicaid Quality Control programs, State utilization control programs, Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) penalty surveys, the Part A Quality Assurance Program, the Part B end-of-line review and other similar formal quality control efforts. Designs and implements new quality control programs to assure proper stewardship of Federal funds by carriers, intermediaries, State agencies and other HCFA-related organizations. Initiates recommendations for financial penalties and disallowances on the basis of formal review results. Evaluates regional performance in monitoring quality control programs and conducting sample reviews. Participates with other HCFA components in developing regulations, policies and procedures for program administration. Provides consultation and technical guidance to carriers, fiscal intermediaries, State agencies and regional offices.

1. *Division of Quality Control Review (FNC1).* By sampling claims, bills, cases, cost reports and survey reports, reviews the effectiveness of quality control programs operated by carriers, intermediaries, State agencies, the Office of Direct Reimbursement and related organizations. Develops and promulgates policies, standards and procedures for carriers, intermediaries, State agencies, the Office of Direct Reimbursement and related organizations with respect to mandated quality control programs. Evaluates quality control review results and, where indicated by these reviews and authorized by statute, initates recommendations for financial penalties or disallowances. Participates with other HCFA and BQC components in development of regulations, policies and procedures for improved program administration.

2. *Division of Quality Control Planning and Evaluation (FNC2).* Designs new quality control programs, sampling techniques and survey instruments which test the effectiveness of quality control programs operated by HCFA contractors or State agencies or by which HCFA tests directly the accuracy of claims payment operations of HCFA contractors and State agencies. Plans and develops new methods to verify beneficiary eligibility and entitlement to services. Designs and conducts special reviews in response to special needs.

C. *Office of Program Validation (FNV)*

Conducts or provides guidance to the regional offices in conducting comprehensive reviews of selected specific providers showing indications of potential fraud, abuse or waste or misapplication of policies. Reviews selected areas of program reimbursement (e.g., inhalation therapy, durable medical equipment) for evidence of potentially wasteful reimbursement policies or procedures. Monitors fraud and abuse case activities and developments. Where inappropriate payments exist, initiates or refers for appropriate legal or financial action. Makes independent, nonroutine appraisals of title XVIII contractors and title XIX State agencies to evaluate the quality of their processes for identifying and adjudicating instances of potential provider fraud or abuse. Directs administrative sanctions efforts against providers participating in HCFA programs. Develops program-wide policies, procedures, guidelines and studies dealing with the program validation efforts of the office.

1. *Division of Validation Reviews (FNV1).* Develops, conducts or provides guidance to regional offices in conducting on-site program validation reviews of providers showing patterns of potential fraud, abuse, or waste. Reviews are made of both individual providers and specific program aspects or topics of concern to the Bureau of Quality Control, other HCFA components, or the Office of the Inspector General.

2. *Division of Validation Planning and Support (FNV2).* Provides support to the Office of Program Validation in the development and interpretation of applicable program validation policies and procedures. Monitors and assists in fraud and abuse activities of HCFA's regional offices as well as those of the carriers, intermediaries and State agencies within their regions. Directs and organizes ongoing reviews of HCFA's Bureau of Support Services, Office of Direct Reimbursement to determine compliance with Bureau of Quality Control policies and directives. Evaluates HCFA regional office performance in conducting program validation activities. Plans, administers, and sets policies for improving Federal administrative sanctions where providers are found guilty of abusive practices or fraud.

D. *Office of Financial Analysis (FNF)*

Analyzes Medicare/Medicaid expenditures and other program information to detect erroneous expenditures, to identify trends, and to explain differences in various delivery systems. Provides the Offices of Quality Control Programs and Program Validation with lead information for investigation of potentially inappropriate program expenditures. Identifies for other HCFA components areas requiring internal management audits of program policies and procedures related to controlling erroneous expenditures. Acts as HCFA control point for GAO and HEW Audit Agency reports, and monitors HCFA

actions taken in response to these reports.

1. *Division of Provider Data Analysis (FNF1).* Using data supplied from intermediaries and other sources, reviews and analyzes a sample of provider cost reports in order to identify those cost reports showing aberrancies requiring further investigation by other BQC components. Analyzes trends in costs and charges for program services by geographical location, type of payer, or type of service to identify potentially aberrant situations. Identifies for the Office of Quality Control Programs, those intermediaries, carriers and State agencies which appear to be reimbursing for services at higher levels than other payers. Develops and maintains sample information from all provider costs reports for use by other components in the Bureau of Quality Control in identifying potentially improper program payments. Develops and maintains complete information from a sample of provider cost reports. Conducts studies on whether data reported to HCFA by providers is consistent with data reported to other regulatory bodies such as IRS, SEC, etc.

2. *Division of Program Financial Analysis (FNF2).* Develops analytical profiles of HCFA program operations and expenditures using data from quality control programs, validation surveys, program and financial statistics. Provides the Director, BQC with reports on inflationary and deflationary trends in health care financing, cost trends in Medicare and Medicaid, differences in Medicare and Medicaid reimbursement, and differences in the cost of delivering the same services under different delivery systems. Acts as HCFA control point for GAO and HEW Audit Agency reports and identifies areas for HCFA management audits. Monitors HCFA compliance with recommendations and responses with these reports. Directs HCFA Management Audit Program.

E. *Office of Systems Analysis (FNS)*

Provides the Bureau of Quality Control with internal systems expertise to discover patterns of aberrant payment from the manipulation of computer-stored financial and program data and to review the integrity of operating systems. Identifies and accesses operating computer-stored programs and financial information in order to develop lead information for in-depth reviews by other BQC units or the Office of Systems Analysis directly. Develops methods and programs for manipulating operating data and statistics to identify patterns of aberrant payments. On the basis of this information or lead information from other sources, tests selected Medicare and Medicaid claims payment and related systems onsite to assure that erroneous payments are not being made. Reviews model systems or other systems requirements developed by the Bureau of Program Operations or other HCFA components in order to assure the capability of HCFA-reimbursed systems to prevent erroneous payments. Maintains the data base and produces reports required by Section 3 of Pub. L. 95–142.

1. *Division of Claims Payment Operations (FNS1).* Performs periodic tests with test claims packages to validate the integrity of carrier, intermediary, and State agency claims processing systems and to test the adequacy of post-payment systems to determine potentially erroneous payments. Refers periodic field results and recommendations to other Bureau components and to the Bureau of Program Operations for inclusion of Annual Contractor Evaluation Reports (ACER) and State Assessment Report. Assists other HCFA components in the development, testing, and operations of automated systems, particularly as these systems control erroneous expenditures. Maintains liaison with Medicaid Fraud Control Units, the Office of the Inspector General, with respect to the need for special audits. Conducts audits to detect the potential of computer-assisted employee fraud in the administration of Medicare and Medicaid operations. Reviews model systems or other systems requirements developed by the Bureau of Program Operations or other HCFA components in order to assure the capability of HCFA-reimbursed systems to prevent erroneous payments. Keeps abreast of current ADP telecommunications security technologies and assists other HCFA components with respect to utilization of these technologies.

2. *Division of Systems Support (FNS2).* Identifies and accesses operating computer-based programs and financial information in order to develop lead information for in-depth reviews by other Bureau of Quality Control components, or systems validations by the Division of Claims Payment Operations. Develops methods and programs for manipulating operating data and statistics to identify patterns of erroneous expenditures or other aberrant payment patterns. Provides HCFA support to the Office of the Inspector General with respect to special computer-assisted reviews of Medicare and Medicaid payment information. Designs systems necessary for the maintenance of a data base relative to provider ownership to comply with the requirements of Section 3 of Pub. L. 95–142. Develops specifications and documentation for systems aspects of new quality control initiatives.

Section FN.00 Bureau of Program Operations (FR) (Mission)

The mission of the Bureau of Program Operations (BPO) is to provide direction and technical guidance for the nationwide administration of HCFA's health care financing programs. To carry out this mission, BPO develops, negotiates, executes, and manages contracts with Medicare contractors and coordinates review of State plan amendments; analyzes contractor and State performance and directs the establishment of standards for State agencies and evaluates their performance against these standards; develops and promulgates methods, systems, procedures, requirements, and specifications for Medicare and Medicaid claims processing and related operations, and works actively with HCFA-related parties to improve program management.

Section FN.10 Bureau of Program Operations (FR) (Organization)

The Bureau of Program Operations (BPO), under the leadership of the Director for Program Operations, includes:

A. The Executive Office (FR–1)

B. The Group Health Plans Operations Staff (FR–2)

C. The Office of Program Administration (FRP)

D. The Office of Methods and Systems (FRS)

E. The Office of Standards and Performance Evaluation (FRE)

F. The Medicaid/Medicare Management Institute (FRM)

Section FN.20 Bureau of Program Operations (FR) (Functions)

Provides direction and technical guidance for the nationwide administration of HCFA's health care financing programs. Develops, negotiates, executes, and manages contracts with Medicare contractors and coordinates review of State plan amendments. Manages Medicare/Medicaid financial management systems, and national budgets for State and Medicare contractors. Establishes national policies and procedures for the procurement of claims processing and related services from the private sector. Defines the relative responsibilities of all parties in health care financing

operations and designs the operational systems which link these parties. Directs the establishment of standards for contractors and State agencies and evaluates their performance against these standards which result in recommendations regarding termination, rewards, penalties, non-renewals or other appropriate actions. Collects, disseminates, and analyzes operational data regarding contractor and State agency performance, including operational performance in reimbursement and recovery, and intermediary reconsideration performance. Directs the processing of Part A beneficiary appeals and beneficiary overpayments. Promotes improved program management through implementing a corrective action strategy and serves as a clearinghouse of best management techniques. Manages HCFA's conference program with State and contractor groups for consultation and information exchange purposes and provides programmatic training for HCFA staff and training assistance to State contractor staffs for implementing management improvements.

A. *Executive Office (FR–1)*

Develops, coordinates, and implements a Bureau management program which includes operational analysis, organizational analysis and planning, management information, internal Bureau financial management, including formulation and execution of the Bureau's budget, execution of work planning programs, manpower utilization, and personnel administration. Develops and implements a variety of Bureau-level program and administrative delegations of authority. Coordinates, monitors, and assesses regional office operations in areas of Bureau jurisdiction and ensures regional participation in formulating Medicare and Medicaid operating policies and procedures. Coordinates, for the Bureau Director, matters of Bureau policy. Provides Bureau-wide guidance and technical assistance on correspondence tracking and control procedures and on standards of content for correspondence and memoranda. Serves as the primary focal point for the Bureau on operational as well as administrative inquiries. Coordinates Bureau replies on audit reports received from GAO, Office of the Inspector General, etc.

B. *Group Health Plans Operations Staff (FR–2)*

Develops, plans, and conducts a comprehensive program to contract with and make payments to Group Health Plans (Health Maintenance Organizations, Group Practice Prepayment Plans, and Comprehensive Health Centers) for provision of services under the Medicare program. Coordinates and monitors the implementation with other bureaus, HCFA, and HEW components as necessary on problems involving capitation formulae, medical reimbursement policies, systems and data collection. Determines the payments to Group Health Plans and the amounts, methods, and frequency of retroactive adjustments. Evaluates cost reporting and conducts a continuing audit program to determine final program liability. Conducts or participates in studies aimed at long-range improvements and the overall evaluation of the Group Health Plans.

C. *Office of Program Administration (FRP)*

Administers contracts with private organizations to perform Medicare program operations and the grants to States for Medicaid operations. Develops, negotiates, maintains, and modifies all primary contracts and agreements with intermediaries, carriers, States and other organizations required under titles XVIII and XIX of the Social Security Act. Provides direction and guidance to CO and RO staff on contracts and contracting activities. Directs and coordinates all Bureau title XIX compliance activities. Develops, directs, and implements contract procurement including design, development and evaluation of experiments. Establishes policies and procedures to be used by all HCFA contractors and States in procurement of equipment, facilities management, MMIS, software and other services. Develops, implements and evaluates fiscal policies and financial management procedures for use by contractors, States and regional offices. Analyzes and evaluates claims processing and related budget estimates by contractors and State agencies. Investigates operating problems which are national in scope and recommends corrective action. Initiates experiments with new operational approaches. Assesses operational impact of program experiments proposed by HCFA's research and demonstration staffs.

1. *Division of Procurement (FRP1).* Develops, directs and implements HCFA contract procurement activities. Directs and supports contractor, State and regional office contract procurement activities. Reviews contractor configuration and recommends contractors to serve in specified areas. Establishes policies and procedures to be used by all HCFA contractors and States in procurement of equipment, facilities management, MMIS, software and other services. Reviews and recommends approval of RFPs, and evaluates regional office oversight of data processing procurement activities. Prepares procurement-related policy, regulations, general instructions, and operating procedures. Designs, directs, and, as HCFA's central office representative, participates in all transition activities relating to contract limitations, terminations, extensions, nonrenewals, and awards of contracts, including incentive type agreements. Maintains responsibility for the smooth and orderly transition of contract, administrative, and program functions and duties. Directs and participates in the design, development and evaluation of HCFA contract-related experiments.

2. *Division of Agreements (FRP2).* Develops, maintains, negotiates, and modifies all primary contracts and agreements with intermediaries, carriers and State agencies and other organizations as provided under titles XVIII and XIX of the Social Security Act including those awarded on an experimental basis. Develops procedures for award, nonrenewal, termination, extension and amendments of contracts. Approves contracts and proposals to contract by State agencies under title XIX of the Act. Serves as the Bureau's representative in adjudicating contractor claims because of changes in work statements or other disputes involving the selection or non-selection of contractors. Directs contract related surveys requested by both the Executive and Legislative Branches of the Federal Government. Provides direction and guidance to CO and RO staff on proposals to contract, contracts and contract procurement and maintains an oversite role on regional activity in the area of titles XVIII and XIX contracting and title XIX State agreements. In support of the Health Standards and Quality Bureau, reviews States' Memoranda of Understanding with PSROs for conformance with State agreements. The Division directs and coordinates all Bureau title XIX compliance activities. Evaluates State program noncompliance and makes recommendations concerning formal program compliance hearings and the resolution of issues. Supervises the maintenance and update of State Plan materials including development of procedures and controls to monitor the status and adequacy of Plan amendments. Performs analyses of State

Plans and prepares management reports on State Plan status. Determines deficiencies in State Plans and takes or recommends appropriate corrective action.

3. *Division of Operations (FRP3).* Serves as focal point in the Bureau for legislative matters affecting program operations. Recommends and develops legislative proposals and regulations for contractor and State program operations. Develops and implements operational experiments other than contract experiments and serves as liaison with the Office of Research, Demonstrations and Statistics and other HCFA components involved in program initiatives impacting on operations. Determines the need for operational instructions to implement new program policies and legislation and coordinates the development of such instructions in the Bureau. Investigates operating problems which are national in scope and develops corrective action programs. Evaluates all operating experiments, including contract experiments, and prepares reports for Congress and others. Administers a prior consultation program to assure that HCFA contractors and States have an opportunity to comment on proposed HCFA operating policies and instructions.

4. *Division of Budget (FRP4).* Develops policies and procedures by which State agencies, contractors and Regional Offices prepare and submit periodic budget estimates and reports. Analyzes and evaluates budget estimates submitted by contractors and State agencies. Evaluates cost effectiveness of contractor and State agency ADP systems proposals and determines proposal compliance with accepted accounting principles and procedures. Participates in experimental contract RFP preparation and proposal evaluation. Reviews periodic contractor and State agency expenditure reports to evaluate budget execution and allowability of costs. Designs, maintains, and, as necessary, revises the automated Contractor Administrative Cost Information System (CACIS). Provides top management and administrative staff with analyses of cost data assessing administrative costs of HCFA programs. Develops instructions for regional financial review in appropriate areas. Designs, implements and maintains an administrative cost reporting system for the title XIX State agencies. Reviews proposed and existing legislation and regulations to determine financial implications.

5. *Division of Financial Operations (FRP5).* Develops, implements and evaluates fiscal policies and procedures for use by States, contractors and regional offices. Develops, implements and monitors cash management letter-of-credit procedures for State agencies and contractors. Interprets cost reimbursement principles and policies related to operational accounting issues. Maintains liaison with Department of Treasury, HEW Audit Agency, Office of the Inspector General, General Accounting Office, Office of the General Counsel, and other public and private organizations. Prepares recommendations for final resolution of unresolved contractor audit issues. Negotiates unresolved contractor audit settlements referred by regional offices. Monitors implementation of contractor audit recommendations and furnishes appeal testimony before the Armed Services Board of Contract Appeals and the courts. Reviews regional office performance in financial management. Reviews and recommends disallowances of States' claims for Federal Financial Participation, and provides input for the consideration of disallowances. Provides technical assistance to regional staff in the financial review of the Medicaid program to determine the allowability of costs in accordance with Federal law and regulations and approved State Plans.

D. *Office of Methods and Systems (FRS)*

Develops and promulgates specifications, requirements, methods, systems, standards and procedures to implement and maintain operational systems for Medicare and Medicaid programs including detailed definition of the relative responsibilities of providers, State agencies, contractors, HCFA, and the beneficiaries of HCFA programs. Reviews and evaluates systems, systems plans and proposals and ADP acquisition/modifications involving carriers, intermediaries and State agencies and approves Federal Financial Participation for State Medicaid systems. Plans, directs and coordinates operational policy, systems, and procedures for the establishment and maintenance of Medicare entitlement, premium billing and collection and Medicaid eligibility. Directs and coordinates systems security with respect to Medicare and Medicaid contractors and State agencies.

1. *Division of Systems Review and Evaluation (FRS1).* Develops standards, procedures, guidelines and methodologies pertaining to the review, evaluation and assessment of contractors and State agency automated systems to determine their compliance with published federal requirements. Designs and employs test criteria to determine the accuracy and effectiveness of claims processing systems. Reviews State agency or fiscal agent MMIS for approval of increased Federal Financial Participation. Provides technical assistance to the Office of Program Administration and regional offices with respect to EDP procurements and reviews proposed hardware/software modifications and/or equipment upgrades. Establishes technical specifications for EDP procurement procedures and, where appropriate, conducts onsite reviews to determine the necessity and accuracy of such procurement requests. In conjunction with the Medicaid/Medicare Management Institute, serves as a clearinghouse for technical innovations and cost effective methodologies pertaining to the state-of-the-art in EDP development. Provides technical support for experimentation projects pertaining to the combining of all or part of Medicare Part A with Part B, and Medicare with Medicaid. Participates or provides technical assistance to the Medicaid/Medicare Management Institute in the conduct of technical training sessions with HCFA, contractors or State agencies.

2. *Division of Systems Planning and Development (FRS2).* Develops, directs and coordinates systems plans and studies for the effective integration of all Medicare and Medicaid automated and non-automated processing systems at the State agency or contractor level. Designs and conducts studies, demonstrations and surveys to improve Medicare and Medicaid operational systems, methods and procedures. Designs and tests new automated information systems and model systems. Conducts reviews and performs analyses for future development of model systems functions in such areas as data management, data base systems analysis and design, distributed processing, terminal operations, mini-computers and operational security. Coordinates systems demonstration projects, and participates in the review and evaluation of systems research and systems-related application projects. Plans, develops and monitors systems requirements for titles XVIII and XIX and coordinates systems requirements for related programs such as child health assurance.

3. *Division of Eligibility Systems (FRS3).* Plans, directs and coordinates the development and improvement of

operational policy, systems and procedures for the establishment and maintenance of Medicare entitlement records, for the billing and collection of Medicare premiums, for administering the State Buy-in agreements and for coordinating eligibility for individuals covered under the Medicare and Medicaid programs. In addition, assists States to plan, develop and implement Medicaid eligibility systems either as separate eligibility systems or in coordination with other related eligibility systems. Assesses the impact of operating systems on beneficiaries of HCFA programs and develops proposals to better meet their needs. Reviews adequacy of services furnished by the SSA in establishing eligibility for Medicare beneficiaries and collecting premiums. Plans, directs and coordinates the development and improvement of operational policy, systems and procedures at the contractor or state agency level with respect to systems security.

4. *Division of Methods and Systems Requirements (FRS4).* Directs the development and issuance of specifications, requirements, procedures, functional standards and instructional material to implement and maintain operational systems for processing Medicare and Medicaid claims and defining their applications to Medicare contractors, providers and suppliers of services, HCFA, States and beneficiaries of HCFA programs. Prepares general systems plans and develops requirements for the detailed design and programming for model systems used by Medicare contractors and by States in the administration of the Medicaid program. Plans, conducts and evaluates studies aimed at long-range improvements in systems, methods and procedures as they relate to the administration of the Medicare and Medicaid programs and integration of systems within the framework of HCFA policies, goals and objectives, and to promote efficiency and cost-effectiveness. Provides direction to, and liaison with, HCFA components involved in the maintenance of health insurance utilization records and contractor-HCFA data exchange systems and procedures.

E. *Office of Standards and Performance Evaluation (FRE)*

Establishes and monitors quantitative standards and qualitative requirements for contractors, State agencies and fiscal agents participating in the Medicare and Medicaid programs or in experimental arrangements. Coordinates responses to interested organizations prior to formal issuance of new standards and requirements. Develops, implements and maintains the Contract Inspection and Evaluation Program (CIEP) and the Annual Contractor Evaluation Program (ACER) for the inspection and evaluation of contractors and the State Assessment Program for the evaluative reporting with regard to State agencies and fiscal agents. Develops the methodologies to evaluate the performance and to determine the operational effectiveness of contractors, State agencies and fiscal agents. Analyzes specific reports such as CIEPs, ACERs, State Assessment reports and other management and workload reports to investigate particular problem areas and to identify national trends. Prepares recommendations for the HCFA Administrator concerning adverse actions with respect to State agencies and contractors as a result of poor performance. Designs and coordinates with other HCFA components a system of reports that generate Medicare contractor and Medicaid State agency and fiscal agent data of an administrative and program nature. Prepares reports explaining the nature of the statistical information obtained from the established reporting mechanisms. Establishes general specifications for an automated administrative information system for both Medicare and Medicaid. Reviews and evaluates contractor, State agency and State fiscal agent performance in carrying out HCFA reimbursement policy including determining the correct amount of provider, physician and supplier overpayments and assists contractors, State agencies and fiscal agents in negotiations related to the acceptability of the technique for determining the amount of overpayment and the method of recovery. When compromises are not appropriate and overpayments are uncollectable, prepares cases and, in general, assists the General Accounting Office, the Office of the General Counsel and the Department of Justice in filing suit. Prepares manual instructions concerning the proper determination and recovery of overpayments. Designs, implements and maintains a Medicare/Medicaid overpayment tracking system. Directs the processing of all Medicare (Part A) and Medicaid beneficiary appeals and beneficiary overpayments. Plans, directs and coordinates the processing of claims submitted for reconsiderations and hearings. Reviews Office of Hearings and Appeals, Social Security Administration decisions.

1. *Divisions of Standards (FRE1).* Establishes and monitors a program of qualitative and quantitative performance standards and requirements for Part A and Part B Medicare contractors and Medicaid State agencies and fiscal agents. In terms of cost, quality and timeliness of operations, as well as adequacy of beneficiary services, quantifies and describes the acceptable levels of performance by which intermediaries, carriers, State agencies and fiscal agents are evaluated as participants in the Medicare or Medicaid programs or in operational experiments. Negotiates with regional offices, contractors, State agencies, fiscal agents, other HCFA components and national public and private professional organizations to arrive at a consensus on proposed or revised performance standards requirements prior to their formal issuance. Proposes to the Division of Performance Evaluation the integration of new standards and program requirements into, and the subsequent modification to, the Contract Inspection and Evaluation Program (CIEP), the Annual Contractor Evaluation Program (ACER), and the State Assessment Program. Analyzes and monitors all quantitative and qualititative standards and program requirements to assess their operational validity and makes recommendations for appropriate changes. In response to special program needs, designs, develops and conducts special studies and/or coordinates with other HCFA components on the conduct of demonstration projects relating to the areas of responsibility of the Office of Standards and Performance Evaluation.

2. *Division of Reports and Analysis (FRE2).* Designs and develops a system of reports that generate Medicare contractor and Medicaid State agency and fiscal agent data regarding program administration. Reviews contractors', State agencies' and fiscal agents' reporting systems for consistency and ability to transmit the required information and prepares appropriate reporting changes. Prepares written interpretations and analyses of operating data to provide other Bureau components with information necessary in conducting performance evaluations. Develops specifications for an automated administrative information system for Medicare and Medicaid. Coordinates the development of the data set. Prepares statistical documents regarding program administration and operations for public distribution. Provides technical assistance to regional offices, contractors, State agencies and fiscal agents on reporting requirements.

3. *Division of Performance Evaluation (FRE3).* Develops a program for

performance evaluation of Medicare contractors and Medicaid State agencies and fiscal agents. Develops, implements and maintains the Contract Inspection and Evaluation Program (CIEP) and the Annual Contractor Evaluation Program (ACER) for the inspection and evaluation of contractors and the State Assessment Program for the evaluation of State agencies and fiscal agents. Provides technical direction and guidance to regional offices in their overall evaluation of the performance of contractors, State agencies and fiscal agents. Reviews CIEP reports, ACER reports and State Assessment reports to determine the operational effectiveness of contractors, State agencies or fiscal agents. Identifies significant operational porblems and/or issues of national concern with respect to contractors and State agencies. Coordinates appropriate Bureau action and works with other HCFA components to take necessary corrective action. Prepares comparative rankings of contractor and State agency performance. Prepares recommendations for the HCFA Administrator concerning limitations, withholding of federal funds, terminations or nonrenewal of medicare contractors, or any sanctions or adverse actions against Medicaid State agencies or fiscal agents arising as results of these reviews. Coordinates, for the Bureau of Program Operations, the review of regional office evaluations of contractor and State agency compliance with central office policies and procedures.

4. *Division of Reimbursement, Recovery and Reconsideration Evaluation (FRE4).* Reviews and evaluates contractor, State agency and State fiscal agent performance in carrying out HCFA reimbursement policies established by the Bureau of Program Policy. Prepares manual instructions for regional offices, contractors, State agencies and fiscal agents on the proper determination and recovery of overpayments of Medicare and Medicaid funds Analyses, controls, and monitors outstanding overpayments to assure that contractors, State agencies and fiscal agents are timely identifying and collecting overpayments. Advises and assists regional offices, contractors, State agencies and fiscal agents in negotiations with providers, physicians and suppliers relating to the acceptability of particular techniques of determining the amount of overpayments, the responsibility for repayment and the method of recovery. Determines when recovery actions may be nonprofitable and recommends compromises to the Bureau Director. In cases for which recovery action is pursued, maintains the control system relating to the statute of limitations for filing suit; processes uncollectable overpayment cases to, and maintains liaison with, the General Accounting Office, the Office of the General Counsel and the Department of Justice. Provides the U.S. Attorney with complete documentation regarding overpayment cases. Directs the processing of all Medicare (Part A) and Medicaid beneficiary appeals and beneficiary overpayments. Plans, directs, and coordinates the processing of claims submitted for reconsideration and hearings. Reviews decisions by the Office of Hearings and Appeals with respect to the liability and amount of beneficiary overpayments. Evaluates and provides input to other HCFA components on the performance of contractors, State agencies and fiscal agents with respect to the processing of beneficiary appeals and overpayments.

F. *Medicaid/Medicare Management Institute (FRM)*

Serves as the focal point for corrective action initiatives, training programs, technical assistance, and dissemination of program management improvement information to States and contractors. Reviews program management data and reports to identify and document program management problems. Manages and coordinates HCFA's conference and training programs for other agencies and organizations involved in Medicare and Medicaid management (e.g., State Medicaid agencies, Medicare contractors, State fraud and abuse agencies, PSROs, etc.). Coordinates HCFA interface with advisory groups such as the State Medicaid directors' Council, the Carrier Representative Group and the Fiscal Intermediary Group. Sponsors technical program orientation and training for HCFA staff. identifies, validates and documents exemplary program management practices for nationwide dissemination or transfer. Maintains a clearinghouse of written information on program management techniques. Publishes compilations of articles, updates, reports and documents on technical program management areas. Maintains reference lists of Federal, State and nongovernment personnel with specialized expertise who are available for technical assistance, and coordinates requests for such assistance. Provides intensive specialized technical assistance to States and contractors for planning and implementing management improvements.

1. *Improvements Management Staff (FRM–1).* Implements a HCFA-wide corrective action strategy focused on reducing erroneous Medicaid and Medicare program expenditures. Identifies priority State-specific and systemic corrective action needs and evaluates HCFA Regional and Central Office corrective action and technical assistance initiatives and resources. Coordinates initiation of Regional and Central Office corrective action activities to focus appropriate HCFA resources on State initiatives and needs. Monitors and evaluates each HCFA corrective action activity and reports results in terms of program savings, cost/benefits and managerial performance to the Bureau Director. Serves as a focal point for identification, validation and referral for documentation of exemplary State practices in controlling erroneous payments. Manages a cross-State technical assistance consultation program (including maintaining a list of State resource people available for cross-State consultation in selected program areas, coordinating requests for assistance with available resources and evaluating effectiveness of assistance provided). Coordinates HCFA corrective action initiatives with SSA, Food and Nutrition Service and other interested health and welfare organizations.

2. *Improvements Promotion Division (FRM2).* Serves as a forum for technical training and exchange of information, experience and techniques among all HCFA components and related non-HCFA agencies and organizations which administer Medicaid and Medicare. Solicits, publishes and distributes written information on program management techniques and experience (e.g., conference reports, data books, exemplary practices, update notes on program developments, compilations of articles and abstracts). Maintains a clearinghouse of program management reference materials and responds to requests for information. Sponsors conferences and workshops for exchange of information, ideas and experience among, HCFA components, State medicaid agencies, medicare contractors and other HCFA program-related organizations. Conducts technical program orientation and training programs for all HCFA staff. Coordinates HCFA interface with advisory groups such as the State Medicaid Directors' Council, the Carrier Representative Group and the fiscal Intermediary Group.

3. *Corrective Action Projects Division (FRM3).* Provides direct technical assistance to individual State agencies

or contractors. Analyzes causes of error, develops alternative feasible solutions, assisting in implementation of appropriate corrective actions and evaluates effectiveness of action taken. Identifies systemic problems (such as needs of policy clarification or simplification, development of model systems or operating guidelines, etc.) for referral to other HCFA components for action.

Section FO.00 Bureau of Program Policy (FT) (Mission)

The Bureau of Program Policy (BPP) provides HCFA-wide leadership and direction to the development, coordination, evaluation, review, and promulgation of program policy and procedures concerning eligibility, coverage of benefits, utilization effectiveness of providers of services, reimbursement, limits to the costs of health care, and other administrative and technical matters for the Medicare and Medicaid programs; develops, coordinates and reviews regulations and other program policy issuances; in cooperation with the Office of General Counsel coordinates and documents civil litigation and bankruptcy proceedings affecting the Medicare and Medicaid programs; represents HCFA before the Office of Hearings and Appeals (OHA), Social Security Administration and the Provider Reimbursement Review Board; and conducts Medicare and Medicaid hearings on behalf of the Secretary or Administrator that are not within the jurisdiction of BHA or the States.

Section FO.10 Bureau of Program Policy (FT) (Organization)

The Bureau of Program Policy (BPP), under the leadership of the Director for Program Policy, includes:

A. The Management Staff (FT–1)
B. The Executive Secretariat (FT–2)
C. The Regulations Staff (FT–3)
D. The Office of Coverage Policy (FTC)
E. The Office of Reimbursement Policy (FTR)
F. The Office of Eligibility Policy (FTP)

Section FO.20 Bureau of Program Policy (FT) (Functions)

Reviews existing policy and develops new policy concerning eligibility, coverage of benefits, utilization effectiveness of providers of services, reimbursement, limits to the costs of health care, and other administrative and technical matters for the Medicare and Medicaid programs. Develops regulations and other policy issuances for these areas. In cooperation with the Office of General Counsel, coordinates litigation affecting these programs, represents HCFA before the Office of Hearings and Appeals, Social Security Administration and the Provider Reimbursement Review Board and conducts Medicare and Medicaid hearings on behalf of the Secretary or Administrator that are not within the jurisdiction of BHA or the States.

A. *Management Staff (FT–1)*

Develops, coordinates, and directs a management program for the Bureau, including Bureau-wide organization planning and other management analysis functions, internal financial management, manpower selection and placement, training and employee development, position control and manpower utilization. Develops and issues Bureau-wide project control, problem area reporting, coordination of Bureau operational planning activities, management information, and a variety of administrative support services, including property and space management.

B. *Executive Secretariat (FT–2)*

Plans, directs, and coordinates the Bureau inquiries program. Receives, controls, analyzes, and prepares responses to inquiries from beneficiaries and their representatives, Congressmen, State and local agencies, and officials of professional organizations and the mass media. Analyzes trends in congressional and public thinking and reports possible policy implications to management. Coordinates the development of the Bureau's views on proposed legislation. Provides liaison with other components of HCFA on cross-cutting issues.

C. *Regulations Staff (FT–3)*

Coordinates the development of regulations, manual instructions, guidelines and other policy documents originating in the Bureau. Drafts regulations from specifications prepared in the Bureau and pursuant to specific agreements, in other components of HCFA. Coordinates Bureau review and clearance of regulations and other policy documents originating in the Bureau or in other components of HCFA and HEW. Drafts or reviews and edits policy documents other than regulations originating in the Bureau. Maintains up-to-date compilation of regulations; maintains complete files on the preparation and supporting documentation for regulations originating in the Bureau.

D. *Office of Coverage Policy (FTC)*

Develops, evaluates, and reviews national policies and standards concerning the coverage and utilization effectiveness of items and services under the HCFA programs provided by hospitals, long-term care facilities, home health agencies, alternative health care organizations, physicians, health practioners, clinics, laboratories, and other health care providers and suppliers. Develops, evaluates, and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for services. Conducts a review of coverage aspects of State plans under the Medicaid program. Develops, evaluates and reviews national policies concerning the coverage of new and unusual items and services and those medical items and services which are excluded from coverage. Develops, evaluates, and reviews regulations, guidelines and instructions required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for overcoming inadequacies in HCFA program coverage policies resulting from changes in beneficiary health care needs, program objectives, and the health care delivery system. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other organizations, including the Health Standards and Quality Bureau and the Public Health Service, which have responsibilities for health quality and standards.

1. *Division of Provider Services Coverage Policy (FTC1).* Develops, evaluates, and reviews national policies and standards concerning the coverage of institutional and non-institutional services provided by hospitals, skilled nursing facilities and other long-term care facilities, home health agencies and other institutional providers of services, including providers of physical therapy and speech pathology services. Develops, evaluates, and reviews national policies concerning the coverage of mental health, rehabilitation, family planning sterilization, abortion and teenage pregnancy, personal care and Indian health services, utilization review, physician certification and prior authorization requirements, and the comparability of service requirements under the Medicaid program. Develops, evaluates, and reviews national policies concerning the utilization effectiveness of services covered by HCFA programs,

and coordinates HCFA program coverage policies and Professional Standards Review Organization requirements. Develops, evaluates, and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for services. Conducts reviews of State plans under the Medicaid program. Develops, evaluates and reviews regulations, guidelines and instructions which are required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for overcoming inadequacies in HCFA programs coverage policies resulting from changes in beneficiary health care needs, program objectives, and the health care delivery system. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other components responsible for health quality and standards, program operations, and quality control, and with other parties and individuals, as appropriate.

2. *Division of Medical Services Coverage Policy (FTC2).* Develops, evaluates, and reviews national policies and standards concerning the coverage of items and services which are provided by physicians (including hospital-based and teaching physician services, and resident and intern services), nonphysician practioners, ambulatory surgical clinics, health maintenance organizations, group practice and other health prepayment plans, rural health clinics, urban clinics and other types of clinics and alternative health care organizations. Develops, evaluates, and reviews national policies concerning the coverage of medical and other health services including supplies, drugs, eyeglasses, laboratory services, ambulance and other transportation services, preventive services, second opinions, new and unusual items and services, and those medical items and services which are excluded from coverage. Develops, evaluates, and reviews national coverage issues concerning the amount, duration, scope, reasonableness and necessity for services. Develops, evaluates, and reviews regulations, guidelines and instructions required for the dissemination of program policies to program contractors, State agencies and the health care field. Identifies, studies and makes recommendations for overcoming inadequacies in HCFA programs coverage policies resulting from changes in beneficiary health care needs, program objectives, and the health care delivery system. Analyzes and recommends legislative or other remedies to improve coverage and utilization effectiveness. Coordinates with other components responsible for health quality and standards, program operations, and quality control, and with other parties and individuals, as appropriate.

E. *Office of Reimbursement Policy (FTR)*

Establishes national program policy on all issues of Medicare/Medicaid reimbursement, including provider reimbursement policy, provider accouting and audit policy, and physician and medical services reimbursement policy. Develops reimbursement policy for alternative forms of health care delivery such as "cost-basis" and "risk-basis" health maintenance organizations (HMOs), clinics, prepaid health plans, group practice prepayment plans, and nonprovider based Comprehensive Health Centers. Establishes policy for implementing reimbursement controls and cost containment programs. Establishes policy pertaining to the Federal Financial Participation in State Medicaid administrative costs and third-party liability collection procedures. Maintains liaison with interested professional groups, States, intermediaries, and HEW components on issues related to reimbursement. Participates in the development and evaluation of proposed legislation in the area of health care reimbursement.

1. *Pharmaceutical Reimbursement Board Chairman (FTR–1).* Serves in an independent capacity as Chairman of the Pharmaceutical Reimbursement Board and coordinates the staff support for and activities of the Pharmaceutical Reimbursement Board. Issues, on behalf of the Board, recommendations to the Administrator pertaining to Maximum Allowable Cost (MAC) limitations for multiple source drugs. Advises HCFA and other HEW components on the application of the MAC limitations.

2. *Division of Health Care Cost Containment (FTR2).* Formulates and assesses the basic principles and policies for developing and applying national limitations to the costs of health care. Develops methods for classifying health care institutions and services for the purpose of developing effective limitations. Develops and evaluates the criteria for exceptions to the limitations and reviews intermediary recommendations on provider requests for exceptions. Analyzes cost data, develops actual limitations which will be applied to health care costs, develops required notices of limitations and companion instructions and policies needed to implement the limitations. Works with other components of HCFA and the Department in developing changes in the reimbursement system which are designed to improve provider efficiency through the use of financial incentives or penalties. Recommends and evaluates proposed legislative changes in the area of cost containment. Provides technical advice to other components of the bureau, agency, Department, or congressional staffs in the development of cost containment concepts and principles and on the application of policies in effect. Serves as focal point for HCFA and the Bureau of Program Policy in applying government-wide anti-inflation initiatives in health care reimbursement.

3. *Division of Institutional Service Reimbursement (FTR3).* Formulates and evaluates national policies pertaining to reimbursement of institutional providers of service under Medicare and Medicaid. Develops policies pertaining to determining the reasonable cost of provider services, related policies for accounting and auditing of provider costs, and policies for assisting States in implementing programs for auditing institutions participating in medicaid. Evaluates cost reimbursement aspect of State medical assistance plans. Prepares regulations, manuals, program guidelines and other general instructions related to reimbursement of institutional providers. Reviews policies developed by other components for impact on reimbursement, accounting, and audition of institutional services. Provides interpretations of established policies to regional offices, State agencies, fiscal intermediaries, providers of service, congressional staffs, and other HEW offices. Maintains liaison with intermediaries, advisory groups, provider associations, the American Institute of Certified Public Accountants and others. Participates in the development and evaluation of proposed legislation pertaining to reimbursement of institutional providers.

4. *Division of Medical Services Reimbursement (FTR4).* Develops and reviews national policy for Medicare and Medicaid reimbursement as well as fiscal standards for physician services, practitioner services, pharmaceuticals, supplies and equipment, and other medical services. Develops policies related to the Maximum Allowable Cost (MAC) program for multiple source drugs. Drafts program regulations, manuals, guidelines and other general

instructions related to medical services reimbursement. Maintains liaison with other HCFA components, SSA and other HEW components during the development of reimbursement policies for medical services. Participates in the development and evaluation of proposed legislation in the area of medical services reimbursement and recommends alternatives to current methods of reimbursement.

5. *Division of Alternative Reimbursement Systems (FTR5).* Formulates and evaluates policies for reimbursement of alternative methods of health service delivery requiring special methods of cost finding and apportionment. Establishes policies and principles for reimbursing services furnished in ambulatory care settings such as Group Practice Prepayment Plans, "cost-basis" Health Maintenance Organizations (HMOs), "risk-basis" HMOs, prepaid health plans, nonprovider-based Comprehensive Health Centers, and rural health clinics. Analyzes and approves waivers for inpatient hospital service reimbursement under State medical assistance plans. Formulates and evaluates policies and procedures related to long-term care activities including approval and verification of methodologies used by the States to determine cost-related reimbursement to skilled nursing facilites and intermediate care facilities under medical assistance plans. Serves as the focal point in the Bureau for coordination of long-term care reimbursement issues. Conducts or participates with other HCFA components in studies of the impact of long-term care initiatives and alternative modes of health care delivery on health care reimbursement. Provides interpretations of established policies to regional offices, State agencies, fiscal intermediaries, suppliers of services, congressional staffs and other HEW offices. Participates in the development and evaluation of proposed legislation pertaining to alternative delivery systems and long-term care reimbursement.

F. *Office of Eligibility Policy (FTP)*

Develops, interprets, and evaluates program policies pertaining to the conditions under which individuals are eligible to have their health care reimbursed under Medicare and Medicaid and the rights of beneficiaries. Assists the Bureau of Program Operations in developing policy and procedures for provider, supplier, and beneficiary reconsiderations. Develops, interprets, and evaluates Medicare and Medicaid general and technical policies common to various functional or programmatic areas such as hearings and appeals, disclosure and confidentiality of information single State agency, free choice of providers and other Medicaid State plan matters relating to the eligibility of individuals. Coordinates HCFA policies dealing with civil litigation and bankruptcy proceedings. Provides hearing officers for the conduct of Medicare and Medicaid hearings that are outside of the jurisdiction of the Bureau of Hearings and Appeals of the Social Security Administration or the States. Makes recommendations on matters concerning legislative changes and national and program health care administration as they affect questions of eligibility and technical policies.

1. *Hearings Staff (FTP–1).* Provides hearings officers who conduct, on behalf of the Secretary and/or Administrator, Medicare and Medicaid hearings that are not within the jurisdiction of the Office of Hearings and Appeals (SSA) or the States. The types of hearings conducted include issues involving exclusion or suspension from coverage or termination of agreements with providers or others determined to be guilty of fraud or abuse; final Secretary review of intermediary decisions where a provider disagrees with the interpretation of the Medicare statute; Part B fair hearings for HCFA's Office of Direct Reimbursement; limitation on payment where provider fails to make timely review of long-stay cases; and other hearings (e.g., requested by court remand).

2. *Division of Medicare Eligibility Policy (FTP2).* Develops, interprets, and evaluates policies pertaining to the conditions under which individuals are eligible to have their health care reimbursed under Medicare and the rights available to these beneficiaries. Subject areas include beneficiary eligibility and scope of entitlement to hospital insurance, enrollment and coverage periods of medical insurance, deductibles and coinsurance, overpayments and underpayments to beneficiaries, claims for payment and reopening of claims determinations, and nonmedical exclusions from coverage (e.g., workmen's compensation involvement, services paid for by a governmental entity, and charges by immediate relatives). Studies and evaluates existing policies to determine their effectiveness and to develop new and revised policies. Prepares policy materials for issuance in program manuals and instructional materials. Reviews eligibility aspects of special research and demonstration projects as needed. Participates in assessing the needs for legislation and makes recommendations accordingly.

3. *Division of Medicaid Eligibility Policy (FTP3).* Develops, interprets, and evaluates policies pertaining to conditions under which recipients are eligible to have their health care reimbursed under Medicaid and the rights of recipients and applicants. Subject areas include required coverage groups and options; financial eligibility requirements; consideration of resources, dual eligibility, eligibility of suspended and retroactive denial cases; eligibility in 209(b) States; eligibility of grandfathered groups; optional State supplemental payment programs; eligibility of institutionalized persons; residence requirements; eligibility of the medically needy; citizenship requirements; and other related issues. Evaluates the effects of proposed legislation on current eligibility policies. Recommends specifications for new or proposed legislation on eligibility. Provides technical assistance to individual States and Regions as needed. Participates, upon request, on State assessment teams and contributes to the development of assessment guides. Participates in compliance and financial dissallowance reviews and, as needed, provides liaison with the Bureau of Quality Control and corrective action projects in the Bureau of Program Operations in terms of corrective policy actions to be taken. Reviews eligibility aspects of Section 1115 demonstration projects in conjunction with the Office of Research, Demonstrations and Statistics.

4. *Division of Technical Policy and Litigation (FTP4).* Develops, interprets, and evaluates policies and regulations including disclosure and confidentiality of information. Together with the Office of the General Counsel, develops and coordinates HCFA positions on civil litigations and bankruptcy proceedings and formulates recommendations for appeals, compromise settlements and similar matters. In cooperation with the Office of General Counsel, represents HCFA in provider and other appeals situations, as appropriate.

Section FP.00 Bureau of Support Services (FS) (Mission)

The mission of the Bureau of Support Services (BSS) is to provide direction for the nationwide operation of a centralized ADP and telecommunications facility for HCFA, including systems analysis, programming, computer operations, and data transmission; provide

reimbursement services to providers that choose to receive Medicare payments directly from HCFA; establish and maintain computerized records supporting HCFA programs, including records for determining entitlement to and utilization of Medicare benefits and various administrative and program management records that facilitate the administration of HCFA programs.

Section FP.10 Bureau of Support Servicves (FS) (Organization)

The Bureau of Support Services (BSS), under the leadership of the Director for Support Services, includes:

A. The Management Staff (FS–1)

B. The Systems Policy and Planning Staff (FS–2)

C. The Office of Administrative Systems (FST)

D. The Office of Computer Operations (FSC)

E. The Office of Health Program Systems (FSS)

F. The Office of Direct Reimbursement (FSR)

Section FP.20 Bureau of Support Services (FS) (Functions)

Provides direction for the nationwide operation of a centralized ADP and telecommunications facility for HCFA, including systems analysis, programming, computer operations, and data transmission. Provides reimbursement services to providers that choose to receive Medicare payments directly from HCFA. Establishes and maintains computerized records supporting HCFA programs, including records of determining entitlement to and utilization of Medicare benefits and various administrative and program management records that facilitate the administration of HCFA programs.

A. *Management Staff (FS–1)*

Develops, coordinates, and directs a management program for the Bureau, including organization planning and other management analysis functions, financial management, manpower selection and placement, training and employee development, position control and manpower utilization. Develops and issues project control, problem area reporting, coordination of operating planning activities, management information, and a variety of administrative support services including property and space management.

B. *Systems Policy and Planning Staff (FS–2)*

Develops HCFA ADP policy in the areas of systems clearances, equipment procurement, contractual services, telecommunications, data base management, office automation, standards, HCFA computer security, and privacy. Monitors systems activities to insure adherence to established policies. In conjunction with appropriate HCFA users and staff, develops short and long-range ADP and telecommunications design concepts and plans. Coordinates planning and objective setting of all HCFA components having ADP responsibilities. Conducts special ADP and feasibility studies and recommends selected HCFA systems integrations. Reviews major systems development requests and recommends appropriate action. Defines resources accounting information requirements necessary to maintain an awareness of systems resources utilization within HCFA and the Bureau. Provides ADP liaison with HCFA regional offices. Insures that HCFA ADP policy, planning, and systems evaluation activities reflect available state-of-the-art technology.

C. *Office of Administrative Systems (FST)*

Provides ADP and telecommunications support to HCFA with respect to personnel management systems, financial management and administrative systems, management information systems, workload and operating statistical systems, quality control information systems, end-stage renal disease masterfile and cost analysis system, operational information support systems, and beneficiary and provider statistical systems. Provides consultative support to develop application of office automation equipment (word processors) to insure compatibility within the agency, operates various input devices to convert data in machine readable form, and directs a correspondence and control staff with respect to inquiries related to health insurance utilization records.

1. *Division of Administrative Management Systems (FST1).* Provides ADP and telecommunications administrative support systems to HCFA headquarters including administrative personnel support systems, administrative financial management systems, and special administrative projects. Provides technical support to HCFA regional offices in administrative management systems. Provides consultative support to develop applications of office automation equipment to insure compatibility within the agency. Provides telecommunications services and software support services to other HCFA components in the development of administrative systems.

Operates and maintains facsimile transmission equipment.

2. *Division of Program Management Systems (FST2).* Provides ADP and telecommunications program support systems for the processing and analysis of a wide variety of HCFA program data. Prepares programs and procedures for special studies, statistical samplings, workload and operating statistical systems, quality control information systems, end-stage renal disease master file and cost analysis systems, operational support systems, beneficiary and provider statistical systems and the Medicaid Quality Control System. Provides technical support to HCFA regional offices in program management systems areas, and provides technical and latest state-of-the-art expertise to analysts, statisticians and actuaries within HCFA and HEW. Directs a corresponding control staff with respect to inquiries regarding health insurance utilization.

D. *Office of Computer Operations (FSC).* Operates, maintains and establishes workload planning and controls for ADP and telecommunications network equipment in HCFA (with the exception of designated self-contained user ADP equipment facilities). Analyzes, modifies and maintains the operating and telecommunications systems software for HCFA computing facilities. Analyzes and installs vendor-supplied software. Monitors ADP equipment and telecommunications network utilization and performance. Determines additional and replacement equipment needs. Assures the security of operating systems software and the physical security of HCFA computer facilities.

1. *Division of ADP Equipment Operations (FSC1).* Operates, maintains and establishes workload planning and controls for ADP and telecommunications network equipment in HCFA computing facilities (with the exception of designated self-contained user ADP equipment facilities), including EAM equipment. Reports all hardware and software failures for corrective action and maintains an inventory of all ADP files. Facilities exchanges of machinable files, where required. Schedules all work to be processed in the computer center, assembles input data for processing and

reviews outputs for completeness and quality. Coordinates resolution of identified hardware and software problems with appropriate vendors.

2. *Division of Systems Programming (FSC2).* Analyzes, modifies, and maintains the operating systems software for the computer center in the areas of operating systems, telecommunications, minicomputers, and data base management. Analyzes and installs vendors-supplied softare related to operating systems, telecommunications, minicomputers, office automation equipment, and data base management. Assures the security of operating systems software.

3. *Division of Equipment Utilization and Control (FSC3).* Monitors ADP equipment and telecommunications network utilization and performance. Recommends appropriate reconfigurations to improve performance. Maintains an inventory of all ADP equipment. Monitors the acquisition of new equipment and provides procurement liaison on new equipment acquisitions. Assures physical security of HCFA computer facilities. Develops ADP equipment systems to support ADP user requirements for projects not co-located with the HCFA computer facilities. Analyzes need for additional or replacement equipment and initiates procurement action.

E. *Office of Health Program Systems (FSS)*

Directs the design, development, implementation and maintenance of all ADP systems and clerical support services for Medicare beneficiary master enrollment and utilization records and Medicare/Medicaid provider master file.

1. *Division of Beneficiary and Provider Systems (FSS1).* Designs and implements both the clerical and ADP operating policies, procedures, systems and instructions for development and maintenance of a master file of all individuals eligible for Medicare benefits (including Railroad Retirement annuitants); enrollment of beneficiaries; issuance of identification cards; posting of benefit utilization data; responding to utilization queries from intermediaries and carriers; issuance of notices of benefit utilization; accounting controls for reconciliation and audit of providers and carriers; determination, billing, and collection of health insurance premium liability from third party entities and direct paying beneficiaries; determination and reconciliation of the payment liability for Group Practice Prepayment Plans (GPPP) and Health Maintenance Organizations (HMO). Furnishes a variety of management data for review, appraisal and planning purposes and assists other HCFA systems components.

2. *Division of Operations (FSS2).* Provides a clerical data entry and data handling capability for the Office of Health Program Systems (OHPS) to control and process a variety of bill, query, enrollment and premium billing transactions. Receives and resolves data errors from the ADP processes and prepares corrective data for reentry into the automated system. Maintains microfilm files for search and microprint services. Provides technical services to Office programming personnel. Releases OHPS-prepared computer programs and procedures.

F. *Office of Direct Reimbursement (FSR)*

Directs HCFA's function of reimbursing those Medicare providers who are reimbursed directly by the Federal government. Plans and designs operational systems and develops methods and procedures for the review, disallowance or authorization of Medicare claims submitted by these providers. Determines the methods and procedures for interim reimbursement and establishes interim reimbursement rates. Receives and analyzes Medicare cost reports submitted by these providers to validate aggregate and program costs to determine final Medicare program payments. Participates with HEW components in a wide range of experimental health care delivery projects. Performs claims adjudication, cost reimbursement, and data collection for demonstration projects. Provides a setting for testing proposed policies and procedures which impact on fiscal intermediary operations, and provides the capacity for serving specialized providers.

1. *Technical Support Staff (FSR1).* Coordinates all assignments, projects and activities involving more than one of the Office's divisions. Provides direction and assistance to assure performance of assigned responsibilities. Serves as a liaison point for communicating with providers of services and with outside organizations whose activities interrelate with the Office of Direct Reimbursement (ODR). Carries out a comprehensive internal quality assurance program. Negotiates and awards individual Medicare or joint Medicare/Medicaid audit contracts with CPA firms with respect to direct-dealing providers. Coordinates ODR activities with respect to cost report appeals from providers and beneficiary appeals involving direct-dealing facilities.

2. *Division of Provider Reimbursement (FSR2).* Develops procedures for and establishes interim reimbursement rates for direct-dealing providers. Determines final provider reimbursement. Assesses provider accounting structures and reporting capability to determine reimbursement formulas, arranges for audits, determines final program liability, and provides advice and interpretations regarding program matters. Plans, directs and coordinates studies of the administrative and fiscal arrangements of municipal hospitals and health care cooperatives to determine the need for and to develop special policies, procedures, audits. Maintains liaison with Federal hospitals providing emergency services and develops reimbursement policies and procedures for payments.

3. *Division of Claims Processing (FSR3).* Plans, directs, coordinates and performs the examination, review, authorization of payment or disallowance of Medicare bills submitted by direct-dealing providers. Designs systems and develops methods and procedures for processing these bills. Collaborates and follows up with other HCFA components, as necessary, on problems involving health care reimbursement systems. Determines payment methods, procedures, policies. Programs and maintains electronic operations for provider payment. Determines the amount, method and frequency of utilization adjustments. Participates with HCFA components and other Governmental and nongovernmental organizations on projects to develop unified and innovative health care reimbursement mechanisms.

4. *Division of Health Services Studies (FSR4).* Serves as fiscal intermediary for experiments and demonstrations conducted under legislative authorities in the Social Security Act and Public Health Services Act. Provides a wide range of duties related to the development, implementation, and ongoing operation of the demonstrations. Provides technical advice and assistance prior to the start of the demonstrations and throughout the period of the experiment to other bureaus and agencies in developing service definitions, reimbursement protocols, contracts, and reporting mechanisms. Designs and establishes information systems for compling demonstration payment and service data for evaluator use. Develops cost reporting and billing systems. Acts as liaison between governmental agencies, service contractors, evaluation

contractors and Medicare carriers and intermediaries participating in demonstration activities.

Dated: June 30, 1979.

Hale Champion,

Acting Secretary.

[FR Doc. 79-21810 Filed 7-13-79; 8:45 am]

BILLING CODE 4110-35-M

Office of Education

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Civil Rights Committee of the National Advisory Council on Women's Educational Programs. Notice of the meeting is required pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATES: August 1, 1979, 7:00 p.m. to 9:00 p.m. and August 2, 1979, 8:30 a.m. to 3:00 p.m.

ADDRESS: 1832 M Street, NW., #821, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Laura R. Summers, National Advisory Council on Women's Educational Programs, 1832 M Street, NW., #821, Washington, D.C. 20036, (202) 653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Public Law 95-561. The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to Public Law 95-561, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under Pub. L. 95-561.

The agenda for the Civil Rights Committee will include discussion of Federal civil rights laws, regulations and enforcement programs. Records will be kept of the proceedings and will be available for public inspection at the Council offices at 1832 M Street, NW., Suite 821, Washington, D.C. 20036.

Signed at Washington, D.C., on July 11, 1979.

Joy R. Simonson,

Executive Director.

[FR Doc. 79-21804 Filed 7-13-79; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

Office of Social Services Policy; Statement of Organization, Functions and Delegations of Authority

This notice amends Part A of the statement of organization, functions and delegations of authority of the Department of Health, Education, and Welfare, Office of the Secretary, by modifying that certain part of Chapter AE "Office of the Assistant Secretary for Planning and Evaluation" (41 FR 47277, dated 10-28-76 and 43 FR 30131, dated 7-13-78), which relates to social services and human development. The proposed changes will result in:

Increased attention to the complex problems of delivering appropriate long-term care services; greater coherence among the Department's units regarding this area; giving increased attention to developing baseline data for improved policies; increasing ability to synthesize analyses, research, evaluation and demonstration efforts; and applying organizational titles which more accurately reflect functions.

This notice effects the following changes:

(a) It changes the name of the Office of Social Services and Human Development to the Office of Social Services Policy.

(b) It changes the name of the Division of program Planning and Evaluation to the Division of Children, Youth and Family Policy.

(c) It changes the name of the Division of Policy Research and Analysis to the Division of Rehabilitation and Disability Policy.

(d) It establishes the Division of Long-Term Care Policy within the Office of Social Services Policy (new AE.20.D.1).

(e) It makes certain editorial changes in the description of the Office of Social Services Policy and its component divisions (AE.20.D.2&3).

The revised section AE.20.D reads as follows:

D. The Office of Social Services Policy is the principal office within the Office of the Assistant Secretary for Planning and Evaluation which directly interfaces with the Department's POCs and agencies administering social services and human development programs and is concerned with issues relating to rehabilitation, disability, deinstitutionalization, and long-term care matters. It coordinates with OS offices and POCs which have roles and responsibilities related to the planning, policy analysis and legislative formulation processes and conducts research, analysis, and evaluation activities in these areas.

1. The Division of Long-Term Care Policy is responsible for coordination of policy planning with respect to institutional and community based long-term care (LTC). Specific functions include: Design and execution of research studies on the basic characteristics of supply and demand; options for organizing, financing, and delivering services; review and monitoring of departmental LTC research and demonstration activities; review and analysis of legislative and regulatory changes impacting on LTC policies; liaison with other agencies and levels of government when appropriate; developing necessary baseline data; staffing or serving on interdepartmental task forces dealing with LTC issues; and formulation of a departmental demonstration strategy for LTC.

2. The Division of Children, Youth and Family Policy is responsible for policy coordination, longe-range planning, economic analysis, program analysis, evaluation, and information dissemination related to human services for children, youth, and family. The Division oversees and assits the development of legislative, budgetary, regulatory, and research/evaluation proposals for programs typically administered by the Office of Human Development Services; performs independent policy research and evaluations of these program functions; prepares and publishes annual Technical Notes on the Title XX Comprehensive Annual Service Program Plans; and is responsible for the maintenance of a national clearinghouse for improving the management of human services programs.

3. The Division of Rehabilitation and Disability Policy is responsible for the conduct of research, planning, analysis, and evaluation in the areas of social

services and human development concerning disability, rehabilitation, an deinstitutionalization issues. Functions include: Direct analysis of the interrelationships of policies and programs in the areas of social services human development, disability, rehabilitation, and deinstitutionalization with those of income maintenance, health, education, housing, transportation and manpower programs; technical consultation to other divisions of the Office of the Secretary, agencies; and staffing or serving on interdepartmental task forces in these areas.

Dated: July 5, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-21811 Filed 7-13-79; 8:45 am]

BILLING CODE 4110-12-M

Center for Disease Control

Health Incentive Grants for Comprehensive Public Health Services; Announcement of Request for Grant Applications

The Center for Disease Control announces that State health authorities are requested to apply for fiscal year 1980 Health Incentive Grants to assist States in providing comprehensive public health services. This new Health Incentive Grant program is authorized under Section 314(d) of the Public Health Service Act (42 U.S.C. 246(d)), as amended by Title II of Pub. L. 95-626, The Health Services Extension Act of 1978.

The purpose of these grants is to assist State and local health departments in developing and providing appropriate comprehensive public health services. Effective October 1, 1979, the Health Incentive Grant program replaces the previous 314(d) program of formula grants which were awarded on the basis of population and income. The new program provides an incentive mechanism which will encourage States and local health authorities to invest more resources in public health programs in order to obtain increased Federal support for these programs. This new program gives State and local agencies flexibility in identifying their priority health problems and allocating resources to them, but also increases program and fiscal accountability requirements. The law mandates reporting through a uniform National reporting system, and authorizes the Secretary to obligate up to $1 million of funds appropriated under Section 314(d) in any year to support that system.

The President's Budget requests $52 million to support Health Incentive Grants in fiscal year 1980. Congress has as yet taken no action regarding appropriations for Section 314(d) grants. All potential applicants should be aware that no grants will be made if Congress does not appropriate funds for the program. If funds are made available, fiscal year 1980 grants will be made in accordance with the statutory formula to all States with approved applications. The Secretary will approve a State's application if it is accompanied by an acceptable work program., appropriate assurances, and a satisfactory method of equitable distribution of grant funds among State and local public health entitites as required by Section 314(d). Applications are being requested so that applications may be reviewed and grants awarded as early as possible, once funds are made available.

Only State health authorities are eiligible applicants. The term "State" includes the 50 States, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

Regulations governing the Section 314(d) Health Incentive Grant program are forthcoming. Until regulations are issued, all information and guidance provided are subject to the qualifications that they reflect preliminary policies only; subsequent policies reflected in the regulations may require revisions in applications. Copies of grant applications should be received at the appropriate Department of Health, Education, and Welfare Regional Office listed below, and the Center for Disease Control, by July 31, 1979. Applications must be submitted for review by the Statewide Health Coordinating Council, the Health Systems Agency(s) located in the State, and the OMB Circular A-95 clearinghouse for the State.

Application kits, instructions, and related information may be obtained from the Grants Management Officer, Procurement and Grants Office, Center for Disease Control, 255 East Paces Ferry Road, Room 319, Atlanta, Georgia 30305. Grant applications should be returned to the same address.

Consultation and technical assistance regarding the development of an application is available by contacting the Center for Disease Control or the appropriate Department of Health, Education, and Welfare Regional Office.

Dated: July 6, 1979.

William H. Foege,

Director, Center for Disease Control.

Department of Health, Education, and Welfare

Regional Health Administrators

Edward J. Montminy, Regional Health Administrator (Acting), DHEW—Region I, John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-6827.

Nicholas J. Galluzzi, M.D., Regional Health Administrator, DHEW—Region II, Federal Building, 26 Federal Plaza, New York, New York 10007, (212) 264-2561.

H. McDonald Rimple, M.D., Regional Health Administrator, DHEW—Region III, Gateway Building #1, 3521-35 Market Street, Mailing Address: P.O. Box 13716, Philadelphia, Pennsylvania 19101, (215) 596-6637.

George A. Reich, M.D., Regional Health Administrator, DHEW—Region IV, 101 Marietta Towers, Suite 502, Atlanta, Georgia 30323, (404) 221-2316.

E. Frank Ellis, M.D., Regional Health Administrator, DHEW—Region V, 300 South Wacker Drive, 33rd Floor, Chicago, Illinois 60606, (312) 353-1385.

Gerald D. Barton, M.D., Regional Health Administrator (Acting), DHEW—Region VI, 1200 Main Tower Building, Rm. 1385, Dallas, Texas 75202, (214) 767-3879.

William B. Hope, Jr., Sc.D., Regional Health Administrator (Acting), DHEW—Region VII, 601 East 12th Street, Kansas City, Missouri 64106, (816) 374-3293.

Hilary H. Connor, M.D., Regional Health Administrator, DHEW—Region VIII, 1194 Federal Building, 1961 Stout Street, Denver, Colorado 80294, (303) 837-4461.

Sheridan L. Weinstein, M.D., Regional Health Administrator, DHEW—Region IX, 50 United Nations Plaza, San Francisco, California 94102, (415) 556-5810.

Michael R. Street, Regional Health Administrator (Acting), DHEW—Region X, 1321 Second Avenue, M.S./502, Arcade Plaza Building, Seattle, Washington 98101, (206) 442-0432.

[FR Doc. 79-21883 Filed 7-13-79; 8:45 am]

BILLING CODE 4110-86

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

California Wilderness Inventory Program; Final Initial Inventory Decisions and; Draft Intensive Inventory Report

July 1979.

Under authority delegated to the State Director, California by the Director, Bureau of Land Management, I hereby determine that the public lands administered by the Bureau of Land Management, California, outside the California Desert Conservation Area, as described in Part I of California BLM's Final Initial Inventory Report and Draft

Intensive Inventory Report of July 1979, have been inventoried according to the provisions of the Bureau's Wilderness Inventory Handbook of September 27, 1978; and that 86 initial inventory units have been found *not* to meet the criteria for Wilderness Study Area identification.

This determination is based upon a situation evaluation prepared for each initial inventory unit and an analysis of public comments received during the formal public review and comment period conducted March 1–June 2, 1979. California's Draft Initial Inventory Report was released March 1, 1979, notice of which was published in the **Federal Register** dated March 5, 1979.

These 86 initial inventory units determined not to meet the criteria for identification as Wilderness Study Areas will no longer be subject to the management restrictions imposed by Section 603 of the Federal Land Policy and Management Act of 1976, Public Law 94–579.

These inventory units are identified, and findings regarding them are summarized, in Part I of the above report published July 1979. This report is available from the Bureau of Land Management (Wilderness), Room E–2921, 2800 Cottage Way, Sacramento, California 95825. Copies of this report are currently being sent to all persons on BLM's California statewide wilderness mailing list.

These final initial inventory determinations are effective August 15, 1979. For the purposes of this determination, each inventory unit is considered individually and separately from every other inventory unit. Should any amendment to these determinations be made by the BLM State Director, California, as a result of new information received following this publication, that amendment will be formally published in the **Federal Register** and will become effective 30 days following such publication. This 30 day extension will apply only to the amendment and not to the original designations.

Persons wishing to protest any of the determinations of the initial inventory units made herein shall have 30 days after this publication in the **Federal Register**, on or before August 15, 1979, to file a written protest. Protests should address specific inventory units, must include a clear and concise statement of reasons for the protest, and must furnish supporting data to the State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825. The State Director, California will render a written decision on any protest so received.

Any person adversely affected by the State Director's decision on a written protest may appeal such decision by following normal administrative procedures applicable to formal appeals to the Interior Board of Land Appeals which are published in 43 CFR Part 4.

Part II of the above report is California BLM's Draft Intensive Inventory Report on 275 units. These intensive inventory units are in addition to the 86 units included in Part I of the report.

Publication of this notice in the **Federal Register** begins a 90-day public review and coment period on these preliminary wilderness inventory determinations on the 275 intensive inventory units. In these preliminary determinations, all or part of 94 units, comprising 1,101,679 acres of public lands administered by BLM California, are proposed as Wilderness Study Areas.

The public is invited to comment on the narrative findings and maps included within Part II of the report and to submit additional information to assist in the assessment of wilderness characteristics on these public lands. Public comment forms are contained within the report.

During the formal public comment period July 16, 1979 through October 15, 1979, the following public meetings are scheduled for public comments on these intensive inventory findings.

Public Meeting Schedule

Bureau of Land Management Schedule of Meetings on Statewide Draft Intensive Wilderness Inventory Units

Redding

Monday, August 20, 7:00 to 10:00 p.m., Holiday Inn, 1900 Hilltop Dr.

Bakersfield

Monday, August 20, 7:00 to 10:00 p.m., Beale Branch Library Auditorium, 1315 Truxtun Ave.

Fresno

Tuesday, August 21, 7:00 to 10:00 p.m., Industrial Arts Bldg., Rm. 101, California State University, N. Maple Ave. & E. Shaw Ave.

Bishop

Wednesday, August 22, 7:00 to 10:00 p.m., Civic Auditorium, 377 W. Line Street,

Susanville

Wednesday, August 22, 7:00 to 10:00 p.m., Hotel Mt. Lassen, Banquet Room, Main St. & Lassen.

Reno

Thursday, August 23, 7:00 to 10:00 p.m., Renewable Resource Center, Rm. 104, University of Nevada, 1000 Valley Rd.

El Cajon

Monday, August 27, 2:00 to 5:00 p.m., and 7:00 to 10:00 p.m., German American Club, 1017 S. Mollison St.

San Francisco

Monday, August 27, 4:00 to 6:00 p.m., and 7:00 to 9:00 p.m., State Office Bldg., Rm. 1194, 455 Golden Gate Ave.

Los Angeles

Tuesday, August 28, 7:00 to 9:00 p.m., Greater Los Angeles, Press Club, Board Room, 600 N. Vermont Ave.

Sacramento

Wednesday, August 29, 7:00 to 10:00 p.m., Lillard Bldg., Rm. 101, Sacramento City College, 3835 Freeport Blvd.

Ukiah

Wednesday, August 29, 7:00 to 9:00 p.m., Multi-purpose Room, Nokomis Elementary School, 495 Washington.

Garberville

Thursday, August 30, 7:00 to 9:00 p.m., Veteran's Memorial Hall, Courthouse.

All public comments will be recorded, analyzed, evaluated and filed for permanent reference. All comments will be treated equally, whether they are mailed in or presented verbally or in writing at a public meeting. The public is encouraged to comment specifically on whether the information gathered is correct and accurately represents the wilderness characteristics and roads which exist. Other comments received will be noted for use in later study or report phases as appropriate.

Robert E. Metzger,

Acting State Director, California.

[FR Doc. 79-21640 Filed 7-13-79; 8:45 am]

BILLING CODE 4310-84-M

[Bureau Order No. 701, Amdt No. 29]

Lands and Resources—Redelegation of Authority

Bureau Order No. 701, dated July 23, 1964, is further amended as follows:

Paragraph (1) of Section 1.2 is amended to read:

Part I—Redelegations of Authority in State Directors

* * * * *

Section 1.2—*General and Miscellaneous Matters.*

* * * * *

(1) *Acquisitions of lands or interests in lands.* Act on matters involving the acquisition of lands or interests in lands

under the O&C Act of August 28, 1937 (43 U.S.C. 1181a, 1181b) (Oregon only), the Federal Aid Highway Act of 1962 (23 U.S.C. 101 et seq.), the Wild and Scenic Rivers Act (16 U.S.C. 1277), the National Trails System Act (16 U.S.C. 1241 et seq.), the King Range National Conservation Area Act (16 U.S.C. 460y, 460y-1) (California only), the Taylor Grazing Act of June 28, 1934 (43 U.S.C. 315 et seq.), the National Parks and Recreation Act of 1978 (16 U.S.C. 1246 et seq.), the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and Annual Appropriations Acts of the Department of the Interior and Related Agencies, including negotiated purchases and including recommendations to the Regional Solicitor that condemnation proceedings be filed with the Attorney General of the United States where authrorized; also the approval of projects for the construction of roads and trails to provide access to public lands subject to the above acts.

Arnold E. Petty,

Acting Associate Director.

July 2, 1979.

[FR Doc. 79-21946 Filed 7-13-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Commissioner of Reclamation; Delegation of Authority

Notice is hereby given that the Assistant Secretary of the Interior—Land and Water Resources has revised the general program delegation of authority to the Commissioner of Reclamation. The revised delegation, published in Chapter 1, Part 255 of the Department of the Interior Manual, was issued in Release No. 2174 dated June 6, 1979, and is published in its entirety below.

Additional information regarding the revised delegation of authority may be obtained from Mr. Frank Ellis, Bureau of Reclamation, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-5671.

Dated: July 5, 1979.

Guy R. Martin,

Assistant Secretary of the Interior.

Department of the Interior; Departmental Manual

Delegation Series; Part 255 Bureau of Reclamation; General Program Delegation; Chapter 1—Commissioner of Reclamation; 255 DM 1.1

1.1 *Delegation.* The Commissioner of Reclamation is authorized, except as provided in 200 DM 1 and in 255 DM 1.2, to:

A. Perform the functions and exercise the authority now or hereafter vested in the Secretary of the Interior, or in the Department of the Interior, by:

(1) The Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391 *et seq.*), and acts amendatory thereof or supplementary thereto;

(2) The Water Conservation and Utilization Act of August 11, 1939 (53 Stat. 1418; 16 U.S.C. 590y *et seq.*), as amended;

(3) The Warren Act of February 21, 1911 (36 Stat. 925; 43 U.S.C. 523 *et seq.*);

(4) The Columbia Basin Project Act of May 27, 1937 (50 Stat. 208; 16 U.S.C. 835 *et seq.),* as amended;

(5) The Fort Peck Project Act of May 18, 1938 (52 Stat. 403; 16 U.S.C. 833 *et seq.*), as amended;

(6) The Hungry Horse Dam Act of June 5, 1944 (58 Stat. 270; 43 U.S.C. 593a *et seq.*);

(7) The Colorado River Front Work and Levee System Act of January 21, 1927 (44 Stat. 1010, 1021), as amended;

(8) The Falcon Dam Act of June 18, 1954 (68 Stat. 255), as amended (77 Stat. 475);

(9) The act of August 31, 1954 (68 Stat. 1045), relating to the Palo Verde Irrigation District;

(10) Coulee Dam Community Act of 1957 (71 Stat. 524);

(11) Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended, and Executive Order 11200. The authorities of the Commissioner under this Act and Executive Order shall be restricted to the following:

(a) The authority to designate areas under his jurisdiction at which recreation fees will be charged as specified by Section 1, 2, and 3 of Executive Order 11200;

(b) The authority to post such designated areas as specified by Section 4 of Executive Order 11200;

(c) The authority to select from the fees established by 36 CFR 1227 the specific fees to be charged at the designated areas in accordance with Section 5(a) of Executive Order 11200;

(12) Section 7 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 213) for areas under his jurisdiction, subject to review and coordination of outdoor recreation plans by the Heritage Conservation and Recreation Service;

(13) Sections 5 and 8 of the Flood Control Act of 1944 (58 Stat. 887) for areas under his jurisdiction;

(14) Section 303 of the Colorado River Basin Project Act of September 30, 1968 (82 Stat. 885; 43 U.S.C. 1501 *et seq.*) to the extent not already delegated under (1) above; and

(15) The Colorado River Basin Salinity Control Act of June 24, 1974 (88 Stat. 266) to the extent not already delegated under (1) above.

B. Act on behalf of the Secretary of the Interior in carrying out the provisions of contracts heretofore or hereafter executed pursuant to any of the foregoing acts.

1.2 *Limitations.* Excepted from 255 DM 1 is authority to:

A. Take action in maters for which authority has been delegated on a functional basis in 205 DM.

B. Acquire any interest in property by condemnation;

C. Make the findings authorizing construction of a new project, new division of a project, or supplemental works on a project, in accordance with subsection (a) of Section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187; 1193; 43 U.S.C. 485 h(a));

D. Act for the Secretary of the Interior in approving and adopting project feasibility reports as the Secretary's proposed reports or as his reports to the President and to the Congress;

E. Certify for the Secretary of the Interior as to the adequacy of soil surveys and land classification, and as to the productivity of land, as a condition precedent to the initiation of construction, in accordance with the Interior Department Appropriation Act, 1954 (67 Stat. 261 266; 43 U.S.C. 390a);

F. Execute and issue Public Notices opening lands to homestead entry and Public Announcements offering lands for sale; however, this limitation shall not prohibit the amendment of such Public Notices or Public Announcements and their publication in the **Federal Register** by the Commissioner of Reclamation when, in his judgment, adjustments in the provisions thereof are in the best interest of sound project development and such adjustments do not modify the basic requirements for homestead entry on public lands of the United States;

G. Establish rates for "project use" power and energy.

H. Take the following actions under the act of August 31, 1954 (68 Stat. 1045):

(1) Approve and execute the contract with the Palo Verde Irrigation District required by section 2 of said act;

(2) Make the loan or loans to the Palo Verde Irrigation District authorized by section 4(c) of said act;

(3) Grant to the United States the interests in land within the Colorado River Indian Reservation referred to in section 4(d) of said act;

I. Act for the Secretary of the Interior under section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524);

J. Withdraw public lands.

1.3 *Redelegation.* The Commissioner of Reclamation may, in writing, redelegate to officers and employees of the Bureau the authority granted in 255 DM 1.1, and he may authorize written redelegations of such authority.

1.4 *Exercise of Authority.* The following administrative instructions, additional to those elsewhere prescribed, shall be observed by officers and employees of the Bureau of Reclamation in the exercise of the legal authority delegated by 255 DM 1 or redelegated pursuant to it.

A. *Lands.* (1) The concurrence of the Bureau of Land Management shall be obtained before final action is taken to:

(a) Survey, subdivide, or sell public lands withdrawn for townsite purposes; and

(b) Effect exchanges involving public lands, except public lands within the Columbia Basin Project and the Gila Project.

(2) Prior Secretarial approval shall be obtained for issuance of any license for the construction or operation of a voltage of more than 100 kilovolts for the distribution of electric power and energy on public lands under Reclamation withdrawal or lands acquired for Reclamation purposes.

B. *Contracts.* Before contracts of the following types, or amendments therof or supplements thereto, are executed, such contract must have Secretarial approval as to form:

(1) Repayment contracts and water-service contracts for irrigation, municipal, domestic, or industrial water, except:

(a) Contracts for payment of construction charges for lands acquired by States for use as highway rights-of-way;

(b) Contracts to furnish water from Columbia Basin Project works for municipal supply or miscellaneous purposes in accordance with proviso numbered (2) of subsection (c) of Section 9 of the Reclamation Project Act of 1939 (53 Stat. 1187, 1194; 43 U.S.C. 485h(c));

(c) Interim irrigation water service contracts for terms not to exceed 1 year and quantities not to exceed 10,000 acre-feet per contractor; and

(d) Interim municipal, industrial, domestic, and miscellaneous water service contracts for terms not to exceed 1 year and quantities not to exceed 500 acre-feet per contractor.

(2) Contracts for the transfer of the care, operation, and maintenance of irrigation works and facilities to water users' organizations;

(3) Recordable contracts covering excess lands;

(4) Contracts for delivery or wheeling of project use power and energy, including contracts for the sale of energy in falling water to be used in the generation of hydroelectric power and energy, when the proposed contracts contain provisions which do not conform to standard or special provisions previously approved by the Secretary of the Interior: *Provided,* That minor variations shall not be regarded as nonconformity; and

(5) Repayment contracts for development of recreation at existing Reclamation reservoirs in accordance with Section 7 of the Federal Water Project Recreation Act of 1965 (79 Stat. 213).

[FR Doc. 79-21864 Filed 7-13-79; 8:45 am]

BILLING CODE 4310-09-M

LEGAL SERVICES CORPORATION

Grants and Contracts

July 12, 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 is is considering the grant application submitted by:

Legal Services of Arkansas in Fayetteville, Arkansas to serve Arkansas, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Conway, Dallas, Desha, Drew, Grant, Lincoln, Montgomery, Quashita, Pike, Polk, Prairie and Union Counties.

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, Atlanta Regional Office, 615 Peachtree Street, NE., 9th Floor, Atlanta, Georgia 30308.

Dan J. Bradley,

President.

[FR Doc. 79-21854 Filed 7-13-79; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

July 12, 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:

California Indian Legal Services in Oakland, California to serve Inyo and Mono Counties.

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, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, California 94104.

Dan J. Bradley,

President.

[FR Doc. 79-21855 Filed 7-13-79; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-301]

Florida Power Corp. et al; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license and its appended Technical Specifications for Operation for the Crystal river Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment revises the Technical Specifications to allow "racking out" the

power supply breakers for the high pressure injection isolation valves during Mode 4 operation. these flow paths are isolated as part of the overpressure mitigating system at the facility. This action satisfies the requirements of license condition 2.C.(6). This condition is therefore removed from the license.

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) and 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 January 23, 1978, as supplemented July 3, 1979, (2) Amendment No. 21 to License No. DPR–72, and (3) the Commissions'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 Crystal river Public Library, Crystal River Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of July 1979.

For The Nuclear regulatory Commission.

Robert W. Reid,

Cheif, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79–21791 Filed 7–13–79; 8:45 am]

BILLING CODE 7590–01–M

KMC, Inc.; Denial of Petition for Rulemaking

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has denied a petition for rulemaking submitted by letter dated October 23, 1978, by KMC, Inc., 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006, on behalf of itself and eighteen electric utilities.

KMC petitioned the Commission to defer implementation of a rule in 10 CFR Part 73 entitled "Security Personnel Qualification, Training and Equipment Requirements." This rule was published for comment in the **Federal Register** on July 5, 1977 (42 FR 34321), and was published in final form on August 23, 1978 (43 FR 37421), with an effective date of October 23, 1978. The petition requests deferral of this rule for nuclear power plants only.

The petitioner states four reasons for deferring implementation of this regulation. The first is that a duplication of regulatory requirements exists in the Nuclear Regulatory Commission (NRC) because of the various offices "overlapping sphere of influence," and that there seems to be a "maximum effort" attitude, in that protection for nuclear power plants is equivalent to the protection of special nuclear material. Examples given by petitioner to support these contentions are:

(1) The overlap of the contingency planning rule with 10 CFR 73.55. That is, 10 CFR 73.55 had already required response procedures which, in essence, are contingency plans and the application of contingency plans to nuclear power plants was an extension of contingency plans for nuclear fuel cycle facilities.

(2) The duplication of guidance to support the new Security Personnel Qualification, Training and Equipment Requirements in 10 CFR Part 73. Reference is made to NUREG–0219 developed by the Office of Nuclear Reactor Regulation and NUREG–0464 developed by the Office of Standards Development to show that an apparent overlap exists in this area.

(3) The petition also asserts that prior experience has shown that NUREG documents "have frequently been accorded the force and effect of regulations, with licensees expected to document any justification from any planned deviations."

The Commission believes that a more thorough analysis of response procedures than is required by 10 CFR 73.55 is necessary and is attained by adherence to the requirements of the contingency plan rule which can be aided by following the standard format and content guide for this rule, Regulatory Guide 5.54. However, if a licensee has addressed all the elements of the contingency plan rule in response to the other requirements of 10 CFR 73.55, then no additional information need be provided for contingency plans and duplication need not occur (see footnote (5) of 10 CFR 50.34(d) and footnote (1) of 10 CFR 73.40(b). These notes were published March 3, 1978, effective June 6, 1978, as part of the contingency planning rule and are controlling guidance for the staff).

With regard to NUREG–0219 and NUREG–0464, the scope and intent of these documents are considerably different. NUREG–0219 developed a method for determining job descriptions for all security positions, the duties for each job, the tasks associated with each duty, and the performance objectives for all critical tasks. Its emphasis is primarily to help the licensee to develop an assignment plan for security personnel coupled with the determination of the criteria under which each critical task will be evaluated. If security personnel met the critical task criteria they would be qualified for that particular task and no training would be required. On the other hand, if personnel were deficient in certain tasks then either references in NUREG–0219 or NUREG–0464 could be used as the training vehicle to bring personnel up to the required level of proficiency. NUREG–0219 primarily presents a method for determining the jobs to be assigned to security personnel and the associated performance objectives, whereas NUREG–0464 is one of many documents which can be used to train personnel to meet these performance objectives.

With regard to the third assertion that NUREG documents have the force and effect of regulations, the Commission has modified the draft documents that were out for comment, and on which the petition was apparently based, to indicate that these documents are not mandatory. NUREG–0219 and NUREG–0464, which were significantly revised in answer to public comments, contain statements which made this clear. For example, NUREG–0219 on page 1–1, fifth paragraph, says—

"The sample qualification plan found in part 3 should not be considered a requirement, but only a guide; each specific site plan is reviewed on its own merits."

Also NUREG–0464 in Vol. I, Section 1.1, third paragraph, says—

"Nothing contained in this manual shall be construed to either: (1) Take precedence over; (2) serve as an adjunct to; or (3) serve as an extension of, Title 10 of the Code of Federal Regulations. This training manual is intended to make available assistance and guidance for developing security training programs to persons interested in utilizing such assistance and guidance."

Therefore, although some of the training requirements of the proposed

regulation may have been included in these documents, they are included as information on the scope of training required and are not mandatory. Furthermore, the training does not have to be administered if individuals are qualified for their assigned jobs.

The second issue deals with the use of "offensive" weapons and use of deadly force in self-defense and defense of others. A question raised is why the Commission requires "extensive paramilitary training in the use of deadly force when at the same time consistently avoiding the posture of condoning the use of such force." The petitioner apparently interprets positions taken in a Commission paper (SECY–78–350), wherein the Commission staff recommended against seeking Federal legislation which would clearly empower guard forces to use deadly force to protect special nuclear materials, as a posture of not condoning the use of force.

In reply to this, the physical security rules applicable to power reactors and the fuel cycle in fact incorporate the requirement that licensees instruct guards to use deadly force when necessary in self-defense and defense of others (see 10 CFR 73.55(h)(4)(v) and 73.50(g)(4)). The staff recommendation not to seek legislation, adopted by the Commission, was based upon the opinion that current authority under state law for use of deadly force was adequate. Training in weapons use is a reasonable requirement when the potential use of deadly force under certain circumstances may be needed and is recognized in the physical protection rules. What the Commission does not condone is unjustified use of deadly force. Additionally, weapons training can reduce the incidence of unnecessary or careless use of weapons.

In addition, the petitioner quotes certain parts of a Commission briefing [1] held on September 6, 1978 (referred to in the petition as occurring on May 17, 1978) to support the position that where state law imposes a duty to retreat before using deadly force, then the use of high powered semiautomatic weapons, or the use of any other sophisticated offensive weapons, or the use of offensive military tactics to attack potential saboteurs may be contrary to such state and local laws, and thus guard training and qualification in these areas are questionable without "clear Federal (NRC) direction enabling such employment."

There are at least two comments that should be made with respect to the petitioner's view. First, we could not identify in the guard training rule (particularly Appendix B) the "offensive military tactics" referred to in the petition. Second, the petitioner misconstrues the applicable rules. As stated previously, the response rule requires the licensee to instruct guards to use deadly force when the guard has a reasonable belief it is necessary in self-defense or defense of others. State law sets the context for the use of such force which may in a few states include restraints imposed by the duty to retreat concept (it is the Commission's view, however, that in most if not all realistic situations, exceptions to the duty to retreat rule would mitigate its application, e.g., the rule usually does not apply in a place of "business," and retreat in perfect safety must be available). To the extent a licensee's physical security plan incorporates the carrying or availability of specific weaponry depending on the specific needs of the site, it is again reasonable to require training and qualification in the use of those weapons with the clear understanding that circumstances of justifiable use are set by state law.

The third issue deals with the perceived threat level of sabotage. The petitioner cites a part of the statement of considerations for 10 CFR 73.55 (42 FR 10836) in addition to sections of a Sandia Laboratory report entitled "Safety and Security of Nuclear Power Reactors to Acts of Sabotage," SAND–75–0504, March 1976, to conclude that providing the same level of protection for significant amounts of special nuclear materials and nuclear power plants is "arbitrary and capricious."

The number of security personnel, the level of training, and the qualification of these personnel are not necessarily the same at nuclear power plants as they are for the protection of formula quantities of strategic special nuclear material (SSNM). In fact, the Commission has proposed regulations which consider the protection against a greater threat level for such SSNM than for nuclear power plants (43 FR 35327, August 9, 1978). Apart from this, the guard training rule specifies that security personnel should be qualified to their assigned duties, and their training should be equivalent if their duties are equivalent whether they are protecting SSNM or nuclear power plants. The new regulation, moreover, permits additional flexibility in that security personnel need only be qualified and trained in accordance with their duties specified in the physical security plan.

The fourth issue involves costs. Although admitting that cost cannot be evaluated at this time, petitioner seems to be asserting that it is an unjustifiable burden, and that the draining of resources for safeguards "takes its toll in motivation and morale of those persons responsible to safely maintain and operate the nuclear facilities."

The costs to implement the requirements have been developed in the value/impact assessment (VIA) (in Public Document Room) that accompanied the rule. The petitioner's estimate of *initial* total guard training costs is higher than those estimated in the VIA by about three to six times and his total *annual* costs are lower than those estimated in the VIA by about one-third. The VIA estimated that the total increase to the public costs per kWh for electricity for *initial* guard training as .043% and for *annual* guard training as .61%. In the long term, then, the VIA actually estimates a higher cost than petitioner. The Commission does not consider these small incremental costs to be excessive.

As regards to the draining of resources, it is realized that safeguards does require additional resources. However, as in safety where training and procedures are used to assure that health and safety will be maintained, proper training and qualification procedures for security personnel are needed to assure that safeguards incidents do not lead to events which could affect health and safety or be inimical to the common defense and security. Also, it is expected that, after the initial development of the qualification and training plans, plant management can delegate the maintenance of these plans to the security organization.

In view of the foregoing, the Commission has denied the petition filed by KMC. Copies of this petition and the Commission's letter of denial are available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Washington, D.C., this 10th day of July, 1979.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79–21789 Filed 7–13–79; 8:45 am]

BILLING CODE 7590–01–M

[1] Although the staff is responding to the merits of the allegation, the petitioner's use of briefing material in his petition is contrary to 10 CFR 9.103.

[Docket No. 50-186]

Negative Declaration Regarding Amendment to Facility License No. R-103, University of Missouri

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Facility License No. R-103 issued to the University of Missouri (the licensee), which revised Technical Specifications for operation of the University of Missouri Research Reactor (the facility) located in Columbia, Missouri.

The amendment revises the provisions in the Technical Specifications relating to limitations on gaseous radioactivity release, in accordance with the licensee's application for amendment dated February 15, 1977, as supplemented March 27, 1978.

The Commission has prepared an environmental impact appraisal for the amendment and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 5th day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-21793 Filed 7-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-271]

Vermont Yankee Nuclear Power Corp.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 53 to Facility Operating License No. DPR-28, issued to Vermont Yankee Nuclear Power Corporation which revised the license for operation of the Vermont Yankee Nuclear Power Station (the facility) located in Windham County, Vermont. The amendment is effective as of its date of issuance.

The amendment grants an exemption from the Commission's regulations which extend the effective date by which the licensee shall conform to the inservice inspection provisions of 10 CFR 50.55a(g) from July 30, 1979 to January 30, 1980.

The application 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 the 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 the amendment.

For further details with respect to this action, see (1) the licensee's submittal dated April 29, 1977, (2) Amendment No. 53 to License No. DPR-28, (3) the Commission's related Safety Evaluation, and (4) the Commission's letter to the licensee dated July 9, 1979. 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 Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont.

A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 9th day of July 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #3, Division of Operating Reactors.

[FR Doc. 79-21792 Filed 7-13-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-27]

Washington State University; Proposed Renewal of Amended Facility Operating License

The United States Nuclear Regulatory Commission (the Commission) is considering renewal of Amended Facility Operating License No. R-76, issued to Washington State University (the licensee), for operation of the TRIGA Reactor located on the licensee's campus in Pullman, Washington.

The renewal would extend the expiration date of Amended Facility Operating License No. R-76 to July 8, 2019, in accordance with the licensee's timely application for renewal dated May 15, 1979.

Prior to renewal of the license, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By August 15, 1979, the licensee may file a request for a hearing with respect to renewal of the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in

the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the renewal action under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted in intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated May 15, 1979, as supplemental June 4, 1979, and as may be further supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Md., this 9th day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79–21790 Filed 7–13–79; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AN 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 (OBM) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms 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

Food Safety and Quality Service
*Application for service
PY–32
on occasion
Poultry and egg processors; 30 responses; 3 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—2525214

New Forms

*Weekly Bulk Terminal Stocks of No. 4 and Residual Fuel Oils
EIA–175B
Weekly
Terminal operating companies; 2,016 responses; 1,008 hours
Jefferson B. Hill, 395–5867

Survey of Participants in Field Evaluation of Room Air Conditioners
CS–65
Single time
20 participants in field test of RAC's; 20 responses; 5 hours
Jefferson B. Hill, 395–5867

Fuel Oil Identification Survey
EIA–402
Single time

Fuel oil companies; 12,000 Responses; 6,000 hours
Jefferson B. Hill, 395–5867

Revisions

Tanker and Barge Shipments of Crude Oil and Petroleum Products
EIA–170
Monthly
Petroleum Companies; 288 Responses; 922 hours
Jefferson B. Hill, 395–5867

Bulk Terminal Stocks of No. 4 and Residual Fuel Oils
EIA–175A
Weekly
Terminal operating companies; 1,008 Responses; 4,385 hours
Jefferson B. Hill, 395–5867

Sales of Asphalts and Road Oils
EIA–171
Annually
Firms that sell asphalt and road oils; 130 Responses; 767 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245–7488

New Forms

Office of Human Development
Social Services Reporting Requirements Selected Issues—Validity and Data Use
Single time
A samp. of per. on HEW mailing key-sel. State tit. XX rep.; 500 responses; 250 hours
Barbara F. Young, 395–6132

Social Security Administration
Post Validation Report for Beneficiaries
SSA–4590
Single time
Mothers rec. soc. sec. w/one or 2 child. and res. in Canada; 875 responses, 219 hours
Barbara F. Young, 395–6132

Revisions

Social Security Administration
*Request for Enrollment in Supplementary Medical Insurance
SSA–4040
On occasion
Appl. for supple. med. insur. under the medicare prog.; 50,000 responses, 4,167 hours
Barbara F. Young, 395–6132

Extensions

Health Resources Administration
*Application Form—National Health Service Corps Scholarship
On occasion
Health professions student scholarship applicants; 10,000 responses—5,000 hours
Richard Eisinger, 395–3214

Reinstatements

Social Security Administration
Review of Negative Case Actions
SSA–6401
Semiannually
Welfare recipients; 55,458 responses, 29,943 hours
Barbara F. Young, 395–6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John T. Murphy—755–5190

New Forms

Office of the Secretary
Project Improvement Program and Budget Worksheet
HUD–9835, 9835 A and B, and HUD–9824
Annually
Project owners/managers; 2,000 responses, 4,000 hours
Arnold Strasser, 395–5080

Office of the Secretary
Management Review Report/ Questionnaire
HUD–9834, 9834 A and B
Annually
Project owners/managers; 4,000 responses, 4,000 hours
Arnold Strasser, 395–5080

Office of the Secretary
Request for Transfer Funds From Project Improvement
Account and Quarterly Performance Report
HUD–9823B and HUD–9824A
Monthly
Project owners/managers; 8,000 responses, 8,000 hours
Arnold Strasser, 395–5080

Policy Development and Research
Baltimore Evaluation Study (Survey)
Single time
Balt. hm-own. 55 yrs. or more liv. in own. hm. sin. 10/77; 750 respones; 375 hours
Arnold Strasser, 395–5080

Policy Development and Research
*HUD/YCCIP Demonstration Project Community Impact
Telephone Survey 1979
Semi-annually
Adult residents in 4 neighborhoods; 800 responses, 266 hours
Arnold Strasser, 395–5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Employment and Training Administration
Impact Evaluation of Youth Incentive Entitlement Pilot Projects
ETA–13
Single time
Youth and parents in pilot and control sites; 9,395 responses, 6,538 hours
Arnold Strasser, 395–5080

Revisions

Employment Standards Administration
Weekly Payroll Reports—29 CFR, Part 3, Sec. 3.3 and 3.4
WH–1243
Weekly
Federal construction contractors and subcontractors; 2,250,000 responses, 1,125,000 hours
Arnold Strasser, 395–5080

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer—Linwood A. Rhodes—632–0084

Reinstatements

Research Annual Technical Report
Annually
Research contractors, 85 responses, 860 hours
Marsha D. Traynham, 395–6140

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312–751–4693

Reinstatements

*Appeals From Determination Under the Raiload Unemployment Insurance Act
UI–85 (4–50) and UI–86 (4–69)
On occasion
Railroad workers, 110 responses, 37 hours
Barbara F. Young, 395–6132

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–21903 Filed 7–13–79; 8:45 am]
BILLING CODE 3110–01–M

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Adjustment of Specialty Steel Quotas

AGENCY: Office of the Special Representative for Trade negotiations.

ACTION: Adjustment of Specialty Steel Quotas.

SUMMARY: The Special Representative for Trade Negotiations hereby adjusts the quotas in the stainless steel bar and alloy tool steel product categories as set forth below.

This action subdivides the global quotas for stainless steel bar and alloy tool steel, established pursuant to Presidential Proclamation 4665, for the period June 14, 1979, through February 13, 1980. Separate country quotas for Japan, Canada, and Sweden in each category and separate country quotas for Austria in the alloy tool steel category are hereby established for the three bimonthly restraint periods beginning on August 14, 1979, October 14, 1979, and December 14, 1979. Residual quota baskets in both product categories for each restraint period are hereby established to ensure that aggregate totals correspond to the global quotas originally proclaimed.

This action also authorizes Japan, Canada and Sweden to carry forward, i.e. borrow for present use quota quantities from future restraint periods, certain quota quantities from their separate country quotas in the bar and alloy tool steel categories and Austria to carry forward certain quota quantities from its separate country quotas in the alloy tool steel category in order to establish separate country quotas for the first restraint period (June 14–August 13, 1979).

EFFECTIVE DATE: The adjustments set forth below shall be effective on July 18, 1979.

FOR FURTHER INFORMATION CONTACT: Karen Alleman, Office of the Special Representative for Trade Negotiations, Room 725, Washington, D.C. 20506 (202–395–7203).

SUPPLEMENTARY INFORMATION: Pursuant to Presidential Proclamation 4668 of July 11, 1979 and subparagraph (d) of headnote 2, subpart A, part 2 of the Appendix to the Tariff Shedules of the United States (TSUS), the Special Representative is authorized to adjust the quota qunatities for items 923.20 through 923.26, TSUS, if he determines that such adjustments are necessary or appropriate to assure equitable treatment in a manner consistent with the objective of phasing-out import relief. In particular, subparagraph (d)(1) allows the Special Representative to allocate specific quota quantities to any country or instrumentality on an item by item basis. Subparagraph (d)(2) allows the Special Representative to adjust the quota quantities for items 923.20 through 923.26 among restraint periods.

The Special Representative has determined that, in order to assure equitable treatment for Japan, Canada, Sweden and Austria, in a manner consistent with the objective of phasing-out import relief, it is necessary and appropriate to adjust the quota quantities for items 923.22 (stainless steel bar) and 923.26 (alloy tool steel): (1) by establishing separate quota quantities for Japan, Canada, and Sweden in both the bar and alloy tool steel categories and for Austria in the alloy tool steel category for the three successive restraint periods beginning August 14, 1979; (2) by establishing new quota quantities for imports of stainless steel bar from all foreign suppliers other than Japan, Canada, or Sweden and new quota quantities for imports of alloy tool steel from all foreign suppliers other than Japan, Canada, Sweden, or Austria for the above three restraint periods; and (3) by allowing Japan, Canada, and Sweden in the stainless steel bar category and these countries and Austria in the alloy tool steel category to carry forward part of their quota quantities for the three restraint periods beginning August 14, 1979 in order to establish separate country quotas for the June 14, 1979–August 13,

In the alloy tool steel category, these adjustments are designed to ensure that Canada, Japan, Sweden, and Austria are permitted to enter steel during the period June 14, 1979–February 13, 1980 at the same rate that they could have entered steel during the third restraint year (June 14, 1978–June 13, 1979) of the import relief program as provided for under proclamation 4445, as amended. In the stainless steel bar category, the new quota quantities for the three restraint periods beginning August 14, 1979 created for Japan, Canada, and Sweden represent these countries' historical share of the global quotas for these three restraint periods.

Accordingly, subpart A, part 2 of the Appendix to the TSUS is amended by deleting items 923.22 and 923.26 and substituting the following new items 923.22 and 923.26:

	Quota quantity (in short tons)			
	Effective on or after—			
	June 14, 1979	Aug. 14, 1979	Oct. 14, 1979	Dec. 14, 1979
923.22 Bars of stainless steel of the types provided for in item 608.52:				
Entered during the period from June 14, 1979, through July 17, 1979, inclusive	4,800			
Other:				
Japan	2,287	2,193	2,319	2,361
Canada	329	300	220	225
Sweden	214	254	269	274
Other	None	1,612	1,706	1,737
923.26 Alloy tool steel of the types provided for in items 608.52, 608.76, 608.78, 608.85, 608.88, 609.06, 609.07, and 609.08 within the specifications of headnote 2(a)(iii):				
Entered during the period from June 14, 1979, through July 17, 1979, inclusive	4,100			
Other:				
Japan	166	58	638	664
Canada	288	315	336	349
Sweden	1,231	1,305	1,392	1,451
Austria	349	375	401	417
Other	None	1,267	1,351	1,407

Robert S. Strauss,
Special Representative for Trade Negotiations.

[FR Doc. 79-21971 Filed 7-13-79; 8:45 am]
BILLING CODE 3190-01-M

PRESIDENT'S COMMISSION ON PENSION POLICY

Report of Staff Contacts

The President's Commission on Pension Policy has directed its staff to maintain and publish for the public a listing of contacts of a substantive nature made with individuals, organizations and groups interested in the activities of the Commission.

The following is the staff report of such contacts for the month of June.

Jim Hacking, American Association of Retired Persons
Betty Duskin, National Council of Senior Citizens
Chester Salkind, American Society of Pension Actuaries
Merrill Randol, U.S. House of Representatives Select Committee on Aging
Ian Lanoff, Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor
Kathy Gill, Bureau of National Affairs Pension Reporter
The Actuary Club of New York
Mike Schneider, Dept. of Housing and Urban Development

Barbara Mehlsack, Counsel to U.S. House of Representatives Committee on Education and Labor
Sid Levy, Kiplinger Letter
Fred Tarpley and Glen Morrow, Small Business Administration
Dennis Green, Ford Motor Company
Dallas Salisbury, Employee Benefit Research Institute
Arnold Strasser, Office of Management and Budget
Bill Birdsall, Joint Economic Committee
Jack Carroll, Social Security Administration
Harry Posman, U.S. Department of Health, Education and Welfare
Dean LeBaron, Alan Strassman and John Bennett, Batterymarch Financial Management Corp.
Bob Evans, Xerox Corporation
Grant McMurray, Rogers, Casey and Barksdale, Inc.
Mike Leibig and Judy Katz, Zwerdling and Maurer (law firm)
Jerry Feigen, Small Business Administration
James Hacking and Thomas Borzzelli, National Retired Teachers Association
Betty Dustin, National Council of Senior Citizens
Bureau of National Affairs Advisory Board
Hastings Keith, Aspen Institute
Financial Analysts Federation
Fran Rothstein, National Governors' Association
Jim Ball, Arthur Andersen & Company
Robert Dinkelmeyer, U.S. Department of Treasury
Doug Norwood, Office of Management and Budget
Mike Leibig and Andy Katz, Zwerdling and Mauer
Aetna Insurance
Connecticut General Insurance
Aaron Krute and Ralph Treitel, Social Security Administration
Walter Kolodrubetz, David McCarthy and John Mondejar, U.S. Department of Labor
Richard Lewis and Steve Schrenzel, Thomas L. Jacobs and Associates
Seymour Hayman, Dellwood Foods

Signed at Washington, D.C., this 10th day of July 1979.

Thomas C. Woodruff,

Executive Director.

[FR Doc. 79-21865 Filed 7-13-79; 8:45 am]

BILLING CODE 6820-99-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-16002; File No. SR-BSECC-79-6]

Boston Stock Exchange Clearing Corp.; Self-Regulatory Organization, Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on June 27, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change ("Rule Change") as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Rule Change imposes a 2¢ per share charge on members of Boston Stock Exchange Clearing Corporation ("BSECC") on trades made through the Intermarket Trading System ("ITS") other than those executed on Boston Stock Exchange as a result of commitments to trade received at the Boston Stock Exchange.

Clearing Corporation's Statement of Basis and Purpose

The purpose of the Rule Change is to reimburse the clearing agency for certain additional costs which it incurs in connection with the clearance and settlement of trades made through ITS due to the participation of Boston Stock Exchange in ITS.

The Rule Change will inable BSECC to facilitate the prompt and accurate clearance and settlement of securities transactions and to carry out the purposes of Section 17A of the Exchange Act by allowing it, in an economically practical manner, to provide a comparison service for and to clear and settle trades made through the ITS where one participant to the transaction is a member of Boston Stock Exchange, Inc.

The Agreement between the various registered securities exchanges under which the plan for the operation of ITS has been set forth imposes the responsibility for the comparison of any trade made through ITS upon the participating exchanges. SIAC, the computer systems and services subsidiary of New York Stock Exchange, Inc. and American Stock Exchange, Inc., generates a clearing tape of ITS transactions and submits such tape for processing to the appropriate clearing agencies which process trades for the ITS participant exchanges. The information from the ITS tape must be compared by the clearing agencies with the information they receive from their own participants. Providing this service, including the correction of trade information, is an additional service to those already provided to Boston Stock Exchange, Inc. by BSECC and requires additional labor and expense.

The ITS plan also provides that the clearing and settlement of ITS transactions "will be processed with all other transactions through established clearing interfaces." For BSECC this has raised special problems due to the fact that its clearing and settlement system entails physical delivery of stock certificates on a trade-for-trade basis. In order to make its system compatible with the CNS and book-entry systems used to clear trades executed on other exchanges and in order to provide linkage to those clearing agencies which clear securities for other ITS participants, BSECC instructed clearing agencies servicing Midwest, Pacific and Philadelphia Stock Exchanges to send ITS trades where the contra side is BSECC, to BSECC's account at National Securities Clearing Corporation ("NSCC") New York. BSECC settles all ITS trades through the facilities of NSCC and Depository Trust Company ("DTC") as a participant in each of these organizations. The special ITS requirements also requires the establishment of an ITS processing unit with five employees, four of whom are located in Boston and one in New York City. Also, new data processing systems were developed and additional computer processing services are used to process ITS trades. The ITS processing unit compares, clears and settles ITS trades, assures the accuracy of trading information and processes the delivery of securities and cash in Boston and New York. The approximate additional securities processing expenses entailed by ITS are as follows:

DTC, Midwest & NSCC fees & charges—$3,500.00 per month.
Personnel costs—5,000.00 per month.
Computer processing services—4,000.00 per month.

Besides these additional expenses, there is a financing cost of approximately $9,000.00 per month required by reason of the fact that payment for ITS securities must be made in New York through the New York settlement services at least one business day before delivery of the physical securities can be obtained from BSECC participants in Boston and BSECC's participants will not pay until delivery in Boston.

It is expected that the fee imposed in the proposed rule change will generate approximately $11,500.00 additional income for the clearing corporation which is sufficient to pay most of the direct expenses set forth above.

As is seen, the necessity for the imposition of the fees grows out of the higher expenses incurred by BSECC in connection with the comparison, clearance and settlement of ITS trades. These higher expenses are due to the extra steps necessary to make Boston's trade-for-trade, physical-delivery system compatible with the CNS book-entry systems in use at the so-called "national" exchanges.

BSECC realizes that the fee would not be required but for the incompatibility

between the Boston and NSCC–DTC system and while it can be demonstrated that the fee has little, if any, adverse effect upon Boston's participation in ITS nor upon competition and is properly allocated between users, it is important to discuss the reasons for the incompatibility.

The Boston exchange facilities, including its brokerage subsidiary, Boseco, Inc., its depository facility, New England Securities Depository Trust Company, the Exchange itself and BSECC, have emphasized a regional and competitive approach to which, at the same time, is compatible with, the national goals set forth in Sections 6 and 17A of the Exchange Act. Periodically, as New York's exchange, clearing and settlement facilities have merged or expanded, as brokerage mergers have occurred, as regional brokers have been forced out of business, as access to the "national market system" and the "national clearing system" has been limited to access through a few large (usually New York-based) brokers and banks, Boston's exchange facilities have, of necessity, been forced to reexamine this approach. Particularly, they have been forced to consider whether or not they should tie themselves completely into NSCC and DTC or whether to attempt to serve a different market—viz., regional brokers who might have no need for CNS and many of whose customers are still used to dealing in stock certificates and the regional banks which might not find it advantageous to join DTC but are still independent enough not to wish to tie themselves into a larger (and aggressively competing) bank which does have direct access to DTC.

Boston's members and participants who serve on the governing bodies of its various entities have chosen the latter approach, and incompatibility within the context of "national" goals sometimes results. Boston believes that, by serving its region, it promotes the national system by giving more entities access to it and believes that its ITS fee should, by supporting the regional concept, be recognized as serving a national end.

In fact, and although any fee may tend to inhibit use of a service, BSECC suggests that its ITS fee has had no such effect. The daily volume of shares traded through the ITS facilities at Boston Stock Exchange has risen slightly during each month of Boston's participation in the program, with the ratio of BSE-ITS volume to total BSE volume rising during the period that the additional charge has been in effect.

Rule 19b–4 also requires a discussion of the equitable allocation of reasonable dues, fees and other charges amongst its participants. The BSECC believes that the present fee is allocated fairly between participants in BSECC in that it is imposed upon all participants which make *active* use of the system by sending commitments to trade to another exchange rather than those whose offers are subject to acceptance by others from other exchanges through the ITS system and, therefore, have no choice in the matter. The BSECC believes that the imposition of the fee upon those who make active use of the ITS system is as equitable an allocation as any fee imposed upon an active user.

The BSECC also filed an identical proposed rule change under Paragraph (A) of Section 19(b)(3) of the Securities Exchange Act of 1934, Securities Exchange Act Release Nos. 15703 (April 4, 1979) and 15903 (June 6, 1979), 44 FR 21922 and 34673, which became effective for a six months period expiring September 8, 1979 (See SR–BSECC–79–1 and SR–BSECC–79–3).

No comments have been solicited, except that the organization representing specialists on the floor of the Boston Stock Exchange which expressed opposition to the fee described in SR–BSECC–79–1 has stated that it is not opposed to the fee described herein. However, comments will be solicited from the members of the BSE and BSECC.

BSECC believes that its fees should, by allowing Boston members to participate in ITS, promote competition between those members and members of other exchanges. Once again, it should be noted that the fee has had no discernible adverse effect on the numbers of ITS trades originating from the Boston Exchange.

By August 20, 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.

The Commission is concerned that this proposed rule change may raise significant questions regarding the financing of the national market system. Therefore, the Commission requests that participants in the ITS, brokers and dealers who have or may in the future use the ITS and interested investors submit comments on the proposed rule change. Among the questions which commentators may wish to address are the following: (1) How financing questions relate to the goals of a national market system, (2) whether charges for participation in a national market system should be uniform, (3) whether the costs to execute a transaction in the national market system should depend upon whether it is executed in the market center of receipt or an electronically linked market, (4) whether particular charges are a disincentive to participation in a national market system, (5) whether any charges imposed by self-regulatory organizations constitute an unncessary burden on competition, (6) whether charges should be uniform for the members of a particular market center or depend upon usage of a national market system facility, (7) the manner by which all self-regulatory organizations propose to finance national market system facilities, and (8) whether different financing considerations apply to national securities exchanges and national securities associations.

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 August 15, 1979.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 10, 1979.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–20695 Filed 7–13–79; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 10767; 812–4457]

Banque Nationale de Paris; Application

July 9, 1979.

Notice is hereby given that Banque Nationale de Paris ("Applicant"), c/o Peter H. Darrow, Esq., Cleary, Gottlieb,

Steen & Hamilton, 1 State Street Plaza, New York, New York 10004, filed an application on March 30, 1979, and an amendment thereto on July 2, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the largest commercial bank in France and the fourth largest commercial bank in the world. At the end of 1977, its consolidated assets, deposits and shareholders' funds amounted to approximately $54,000,000,000, $44,000,000,000 and $488,000,000, respectively. Applicant represents that it was formed in 1966 and is the successor, through various mergers, to banks that were established in France during the nineteenth century and were nationalized in 1945. French law requires that a minimum of 75% of Applicant's capital stock must be retained by the Republic of France. On December 31, 1978, the Republic of France held approximately 91.4% of Applicant's outstanding shares.

According to the application, Applicant's primary business activities are the receipt of deposits and the extension of credit. Applicant states that it is also engaged, to a limited extent, in investment banking, investment advisory and custodianship activities. Applicant represents that at December 31, 1977, it had 1,864 French offices and that it and its subsidiaries and affiliates had over 400 offices in 62 countries. Applicant states that its operations in the United States include subsidiaries in New York and California, branches in New York and Chicago, an agency in California and representative offices in New York and Houston. The principal office of Applicant is located at 16 Boulevard des Italiens, Paris, France 75008.

Applicant states that at the end of 1977 its loans represented approximately 86% of its total assets and provided approximately 78% of its net income. According to the application, at the end of 1977 deposits represented approximately 81.5% of Applicant's liabilities and are received from individuals, commercial businesses, governmental entities, banks and other financial institutions. Deposits include demand, savings and time deposits. Applicant also receives funds from the sale of its shares.

Applicant represents that it is regulated by the National Credit Council, the Bank Control Commission, the Bank of France and the French Banking Association. Applicant states that such entities regulate its liquidity ratio, reserve requirements, specific requirements regarding types of loans, restrictions on equity investments, and interest rates. Applicant states that it is required to submit periodic reports on its activities. According to the application, Applicant is subject to on-site inspections by the Bank Control Commission, which may impose wide-ranging sanctions for violations of bank regulations. Applicant states that the French Banking Association may also institute actions alleging violations of banking regulations.

According to the application, Applicant proposes to issue and sell unsecured prime quality commercial paper notes denominated in United States dollars to a commercial paper dealer in the United States which will then reoffer the notes in minimum denominations of $100,000 to the types of investors that ordinarily participate in the United States commercial paper market. Applicant states that during the first year in which the notes are sold the aggregate amount outstanding will average from $150 million to $200 million. Applicant represents that its notes will rank *pari passu* among themselves and equally with all its other unsecured, unsubordinated indebtedness, including its deposit liabilities. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its American counsel that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer in the notes will provide each offeree with a memorandum describing Applicant's business and containing Applicant's most recent publicly available financial statements. Applicant represents that such memoranda will be updated periodically to reflect material changes in Applicant's financial status. Applicant further represents that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive as those used in the presently proposed offering. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure memoranda.

Applicant represents that it will appoint a bank in the United States or the Commission as its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it expressly will accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid by Applicant. Applicant represents that it will similarly consent to jurisdiction and appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty whether it would be considered an investment company as defined under the Act.

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.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant argues that as a French commercial bank subject to extensive regulation by French banking authorities, it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since otherwise they would be precluded from purchasing Applicant's commercial paper notes. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–21794 Filed 7–13–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 10768]

Credit Lyonnais; Application for an Order Exempting Applicant From All Provisions of the Act

July 9, 1979.

Notice is hereby given that Credit Lyonnais ("Applicant"), c/o Peter O. A. Solbert, Esq., Davis Polk & Wardwell, 1 Chase Manhattan Plaza, New York, New York 10005; filed an application on February 14, 1979, and amendments thereto on April 26, 1979 and June 29, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the second largest commercial bank in France and among the ten largest commercial banks in the world. On December 31, 1977, Applicant's consolidated assets, deposits, and shareholders' equity was approximately 248 billion French francs, 205 billion francs and 2 billion francs, respectively. Applicant represents that it was founded in 1863 and nationalized in 1946. Applicant states that under French law, a minimum of 75% of Applicant's capital stock must be retained by the Republic of France and the remainder may be distributed to employees of Applicant and various designated French institutions. On December 31, 1978, the Republic of France held approximately 92% of Applicant's outstanding shares.

According to the application, Applicant is a commercial bank primarily engaged in making loans and receiving deposits. Applicant states that it is also engaged, to a much lesser extent, in underwriting and selling securities outside the United States. Applicant represents that it has over 2,300 branches in France and branches, subsidiaries or affiliates in 52 countries. Applicant states that its operations in the United States include branches in New York, Chicago and Los Angeles and a minority interest in Europartners Securities Corp., a registered broker-dealer. The principal executive office of Applicant is located at 19, Boulevard des Italiens, Paris, France 75002.

Applicant states that at the end of 1977, its loans and advances represented approximately 60.2% of assets and provided more than 70% of Applicant's revenues. Applicant states that in 1977 it held deposits accounting for approximately 12% of all French bank deposits and its share of the French domestic bank credit market totalled approximately 10.9%. According to the application, deposits represent 88.1% of Applicant's total liabilities and are received from individuals, banks, commerical businesses, governments and government agencies. Applicant represents that deposits include demand, savings and time deposits.

Applicant states that it is regulated by the National Credit Council, the Bank Control Commission and the Bank of France. Applicant states that these entities regulate its liquidity, minimum capital and net worth ratios, its reserve requirements, and other aspects of banking operations. Applicant represents that it is required to submit periodic reports on its activities. According to the application, Applicant is subject to on-site inspections by the Bank Control Commission, which may impose wide-ranging sanctions for violations of bank regulations.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes in minimum denominations of $100,000 through United States commercial paper dealers. Applicant represents that the notes will be sold to institutional investors and other entities and individuals that ordinarily purchase commercial paper notes. Applicant states that it expects the average amount of commercial paper outstanding during the year after the program commences to be $300,000,000. Applicant states that it proposes to make this offering in the United States to provide, in many cases, a less expensive method of short-term financing and to provide an alternative source of United States dollars during any temporary disruption in the Eurodollar market. Applicant represents that its notes will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of Applicant, including the liability to depositors, and superior to rights of shareholders. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its special counsel in the United States that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper

by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer will provide each offeree of the notes with a memorandum describing Applicant's business and containing Applicant's financial statements. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's business or financial status. Applicant further represents that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive as those used in the United States offerings of such securities. Applicant states, however, that no such offering memorandum or prospectus need be made available as a condition to this order in connection with the deposit taking or other ordinary commercial banking activities of Applicant's branches in the United States. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the foregoing undertakings concerning disclosure documents.

Applicant represents that it will appoint a bank or trust company, a corporation providing corporate services for lawyers, or the Commission as its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it expressly will accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid by Applicant. Applicant represents that it will similarly consent to jurisdiction and appoint an agent for service of process in suits arising from any other offerings of debt securities that it may make in the United States. In the future, Applicant states that it may distribute equity securities to its employees in the United States as presently authorized under French law.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty whether it would be considered an investment company as defined under the Act.

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.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant argues that as a French commercial bank subject to extensive regulation by French banking authorities, it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since otherwise they would be precluded from purchasing Applicant's commercial paper notes. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–21795 Filed 7–13–79; 8:46 am]

BILLING CODE 8010–11–M

[Release No. 10763; 812–4487]

Johnston Mutual Fund; Filing of Application for Order of Exemption

July 9, 1979.

Notice is hereby given that The Johnston Mutual Fund ("Applicant"), One Boston Place, Boston, Massachusetts 02106, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified managment investment company, filed an application on June 5, 1979, and an amendment thereto on July 6, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to compute the net asset value per share of one of its three series, the Johnston Cash Management Fund (the "Cash Management Fund"), to the nearest one cent on a share value of one dollar using times other than the close of trading on each day on which the New York Stock Exchange is open for trading. In all other respects, portfolio securities held by Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("Release No. 9786"). All interested person are referred to the application on file with the

Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized on March 30, 1979 as a Massachusetts business trust for the purpose of succeeding to the business of The Johnston Mutual Fund Inc., a no-load, diversified management investment company registered under the Act, pursuant to a reorganization from a New York corporation to a Massachusetts business trust. It is structured as a "series company" with three series of shares, one of which will represent interests in the portfolio of assets to be transferred to it by The Johnston Mutual Fund Inc. Immediately following the reorganization, it excepts to issue, and has filed a Preliminary Prospectus with respect to, two new series of shares, one of which, the Cash Management Fund, is to be a "money market" fund designed as an investment vehicle for institutional and individual investors with cash balances or cash reserves. The investment objective of the Cash Management Fund is to maximize current income consistent with the preservation of capital and liquidity. It also states that Douglas T. Johnston & Co., Inc., which currently serves as investment adviser for The Johnston Mutual Fund Inc., will act as investment adviser to the Cash Management Fund.

Applicant further states that the Cash Management Fund will invest in a portfolio of money market instruments, consisting exclusively of obligations issued or guaranteed as to principal and interest by the government of the United States or by its agencies or instrumentalities; U.S. dollar denominated certificates of deposits or bankers' acceptances of U.S. banks and their branches located outside of the U.S. and U.S. branches of foreign banks, provided that the bank has capital, surplus, and undivided profits (as of the date of its most recently published annual financial statements) in excess of $100,000,000 (or the equivalent in the case of foreign banks) at the date of investment; commercial paper, which at the time of investment, is rated Prime–1 by Moody's Investors Service, Inc. or A–1 by Standards & Poor's Corporation, or is issued by companies having an outstanding debt issue currently rated Aaa or Aa by Moody's or AAA or AA by Standard & Poor's; corporate obligations having a maturity of one year or less and rated Aaa or Aa by Moody's or AAA or AA by Standard & Poor's; and repurchase agreements with respect to any of the foregoing types of instruments.

According to the application, the following policies will be followed by Applicant with respect to the operation of the Cash Management Fund: (1) portfolio instruments having remaining maturity in excess of 60 days will be valued on a mark-to-market basis; (2) portfolio instruments with a remaining maturity of 60 days or less will be valued utilizing the amortized cost valuation technique; (3) sales, redemptions and repurchases of such Fund's shares will be effected at prices calculated to the nearest one cent on a share having a $1.00 nominal value ("penny rounding"); (4) investments will be made only in instruments having a remaining maturity of one year or less, although obligation as underlying repurchase agreements may have a maturity in excess of one year; and (5) the average maturity of all instruments in its portfolio (computed on a dollar-weighted basis) will be maintained at 120 days or less. Applicant further proposes to determine a net asset value for purposes of effecting sales, redemptions and repurchases of the Cash Management Fund's shares as of 12:00 Noon, New York time, rather than the close of trading on the New York Stock Exchange ("Stock Exchange"). In addition, Applicant proposes to utilize the opening and closing of the New York office of the Federal Reserve System to govern the days on which the Cash Management Fund will be open for business rather than the opening and closing of the Stock Exchange for trading.

Rule 22c–1 adopted under the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof issuing any redeemable security shall sell, redeem or repurchase any security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Subsection (b) of Rule 22c–1 defines the term "current net asset value" of a redeemable security as that value computed on each day during which the New York Stock Exchange is open for trading, not less than once daily as of the time of the close of trading on such exchange. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to current market value for portfolio securities with respect to which market quotations are readily available and for other securities and assets fair value as determined in good faith by the board of directors of the registered company. Section 2(a)(41) defines, in pertinent part, the term "value" in a similar manner.

In Release No. 9786 the Commission issued an interpretation of Rule 2a–4 expressing its view that (1) it is inconsistent with the provisions of Rule 2a–4 for money market funds to value their assets on an amortized cost basis except with respect to portfolio securities with remaining maturities of 60 days or less and provided that such valuation method is determined to be appropriate by each respective fund's board of directors, and (2) it is inconsistent with the provisions of Rule 2a–4 for money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" such funds' portfolio valuation as required by Rule 2a–4. On the basis of the foregoing, Applicant submits that without an exemption from the provisions of Section 2(a)(41) and Rules 2a–4 and 22c–1 under the Act, the Cash Management Fund would be prohibited from determining its net asset value in the manner and at the time set forth above.

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 provision or provisions under the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested Applicant represents that it under stands that potential investors in its shares, especially bank trust departments and trust companies, have indicated that they are not concerned with the theoretical differences which might occur between the yield achieved through "market" pricing and the yield computed by using the "penny rounding" valuation method described herein. Applicant further represents that such potential investors are vitally concerned that the net asset value of their shares remain stable and that the daily net income declared on their investment not exhibit the volatility which can often occur when changes in

market prices cause substantial changes in yield on a daily or weekly basis due to the offsetting of unrealized gains or losses against fund income, and have indicated that they would forced to forego investing in a fund which did not meet these requirements.

Management of Applicant further believes that computing the net asset value per share of its Cash Management Fund to the nearest one cent on a share value of one dollar as described above will allow the Cash Management Fund to maintain a constant net asset value per share under usual or ordinary circumstances and thereby permit it to serve the interests and requirements of the Cash Management Fund's shareholders notwithstanding its use of the mark-to-market method, as opposed to the amortized cost method, of valuing its portfolio instruments having remaining maturities in excess of 60 days. The application further represents that the Trustees of Applicant have determined in good faith that the method of calculating the net asset value per share of Cash Management Fund under such circumstances is appropriate and in the best interest of the Cash Management Fund's shareholders.

Applicant states that it believes that calculation of the net asset value of its Cash Management Fund shares once daily as of 12:00 Noon, New York time, will enable it to best serve its shareholders and to operate at optimum efficiency. Noon pricing will permit the Cash Management Fund normally to provide same day funds to redeeming shareholders. In addition to effecting purchases and redemptions as of 12:00 Noon, New York time, the Cash Management Fund will pay its daily dividend of net income to shareholders of record as of such time (including shares purchased but excluding shares redeemed prior to that time). Paying the daily dividend at noon will permit the Applicant to provide same day dividend information during the afternoon to institutional investors which require such information for internal accounting purposes. It is asserted that pricing the Cash Management Fund shares at the close of the Stock Exchange in lieu of, or in addition to, the noon price would have no bearing on this Fund's operations since the securities in which it will invest will not be traded on such exchange. Moreover, it is asserted that pricing at such time in addition to noon pricing would simply add an additional expense for this Fund without any corresponding benefit.

With respect to the proposal to utilize the opening and closing of the New York office of the Federal Reserve System ("New York office") to govern the days on which the Cash Management Fund will be open for business rather than the opening and closing of the Stock Exchange for trading, Applicant asserts that this policy will more realistically reflect the Cash Management Fund's actual capability to transact business with its shareholders and will parallel the trading days for the types of instruments in which the Cash Management Fund will invest. According to the application, purchases of the Cash Management Fund's shares must be made via wire transfer of moneys, and the proceeds of redemptions will be transmitted to shareholders solely through the Federal Reserve System wire facilities. Applicant further asserts that this standard will allow the Cash Management Fund to accept purchase and redemption requests on any day on which the Stock Exchange is closed for trading but the New York office of the Federal Reserves System is open (two such days in 1979), thereby permitting purchasers of the the Cash Management Fund's shares to receive that day's dividend and enabling shareholders requiring moneys to secure wire transfer of redemption proceeds on that day. While Applicant under this proposed policy would, of course, be closed on any day on which the Stock Exchange is open for trading but the New York office of the Federal Reserve System is closed (four such days in 1979), Applicant represents that wire transfer of moneys could not in any event be effected on such a day.

Applicant states that it has agreed that the order it seeks may be conditioned upon the following:

1. Applicant's Trustees, in supervising the operations of the Cash Management Fund and delegating special responsibilities involving such Fund's management to Applicant's investment adviser, undertake—as a particular responsibility within their overall duty of care owed to shareholders of the Cash Management Fund—to assure to the extent resonably practicable, taking into account current market conditions affecting the investment objectives of the Cash Management Fund, that the price per share of the Cash Management Fund as computed for purposes of distribution, redemption and repurchase, rounded to the nearest one cent, will not deviate from $1.00. Applicant understands that its Trustees can fully carry out this undertaking by (i) requiring Applicant's investment adviser to adopt policies calculated to prevent such price, as so rounded, from deviating from $1.00 except under unusual or extraordinary circumstances and (ii) periodically reviewing the investment adviser's management of the Cash Management Fund pursuant to such policies at regularly scheduled meetings of the Trustees.

2. The Applicant will maintain a dollar-weighted average portfolio maturity in the Cash Management Fund appropriate to its objective of maintaining a stable price per share, and the Applicant will not (i) purchase an instrument for the Cash Management Fund with a remainng maturity of greater than one year, except that obligations underlying repurchase agreements may have a maturity in excess of one year, or (ii) maintain a dollar-weighted portfolio maturity in the Cash Management Fund in excess of 120 days; and

3. Purchases of portfolio instruments for the Cash Management Fund, including securities underlying repurchase agreements, will be limited to such high quality instruments as are described in this application and are outlined above, except that certificates of deppsit of foreign branches of United States banks and United States branches of foreign banks will be limited to instruments which are obligations of the parent bank in addition to the issuing branch.

Notice is further given that any interested person may, not later than July 31, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if

ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21796 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10765; 812-4462].

Kansallis-Osake-Pankki; Application for an Order of the Act Declaring That Applicant Is Not an Investment Company or, Alternatively, for an Exemption Order

July 9, 1979.

Notice is hereby given that Kansallis-Osake-Panki ("Applicant") c/o John W. Erickson, Esq., White & Case, 280 Park Avenue, New York, New York 10017, filed an application on April 12, 1979, and an amendment thereto on July 2, 1979, for an order of the Commission pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act") declaring that Applicant is not an investment company within the meaning of the Act because Applicant is primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities or, alternatively, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its principal office is located at Aleksanterinkatu 42, Helsinki, Finland, and that it is the largest commercial bank in Finland. According to the application on December 31, 1978, Applicant's consolidated assets and deposits, amounted to approximately $4,337,000,000 and $3,688,000,000 respectively. Applicant states that it had 20,250,000 shares of common stock outstanding as of December 31, 1978, which represented $128,500,000 in aggregate market value. Applicant states that it has 434 branches in Finland and representative banks, including one subsidiary bank, in nine countries.

According to the application, Applicant's principal business consists of receiving deposits, handling payment transactions and making loans. As a commercial bank, Applicant represents that its customer base covers a major part of Finland's industry and commerce, and that it handles a major portion of the payments traffic in the Finnish economy. In addition to its commercial lending activities, Applicant provides other traditional banking services such as checking and savings accounts, financial and performance guarantees, and trust services, including investment consultancy services. Applicant also provides a broad range of international banking services, and represents that it handles a substantial part of all Finnish foreign payment transactions. Applicant also states that it is involved in both the domestic and international capital markets by way of managing, underwriting and placing securities for its customers, and that it acts as a securities broker in Finland.

Applicant states that on December 31, 1978, its consolidated loans, advances and credits represented approximately 83% of its total assets and 98% of deposits. Interest income from such loans, advances, and credits accounted for 66% of Applicant's total income, and Applicant's investment securities amounted to $254,000,000 or 6% of Applicant's consolidated assets for the year ending December 31, 1978. According to the application, 79% of Applicant's deposits are those of Finnish citizens, companies and other Finnish entities.

According to the application, Applicant is closely supervised and regulated by the Finnish government. Under Finnish banking legislation all banks are supervised by the Bank Inspectorate, which is responsible, in turn, to the Ministry of Finance. This supervision includes among other things formal inspection at periodic intervals. The banking legislation also sets minimum liquidity and solvency requirements, and significant restrictions on the ability of commercial banks to engage in, or own equity interests in, non-banking operations. In addition, the Bank of Finland, Finland's central bank, sets quotas under which each commercial bank qualifies for central bank credit, sets the interest rates for such credit, and sets penalty interest rates for credit in excess of such quotas. The Bank of Finland may also temporarily buy bonds from the commercial banks and has the right to call for cash reserve deposits from the banks.

According to the application, Applicant proposes to issue and sell unsecured prime quality commercial paper notes and banker's acceptances, in bearer form and denominated in United States dollars, to a commercial paper dealer in the United States which will then reoffer the notes in minimum denominations of $100,000 to institutional investors and other entities and individuals in the United States who normally purchase commercial paper. Applicant states that it does not intend to sell either the notes or acceptances in the United States in excess of an aggregate of $100,000,000 at any one time outstanding. Applicant states that its purpose for making this offering is to provide an alternative source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market. Applicant represents that its notes and acceptances will rank *pari passu* among themselves, equally with all its other unsecured, unsubordinated indebtedness, including the liability to depositors, and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its American counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any further issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer will provide each offeree of the notes or acceptances with a memorandum describing Applicant's business and containing Applicant's most recent publicly available fiscal year end balance sheet and income statement, which shall have been audited in such manner as is customary by Finnish auditors. Applicant represents that such memoranda will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's financial position. Applicant further represents that any future offerings of its securities in the United States will be made on the basis of disclosure documents at least as comprehensive as

those used in the presently proposed offering, and that such disclosure documents will be provided to each offeree who has indicated an interest in Applicant's securities then offered, prior to the sale of such securities to such offeree, except that in the case of an offering made pursuant to a registration statement under the Securities Act of 1933, such disclosure documents will be provided to such persons and in a manner as may be required by that Act and the rules and regulations thereunder. Applicant consents to having any order granting the requested relief under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure memoranda.

Applicant represents that it will appoint a bank in the United States or the Commission as its agent to accept service of process in any action based on the notes or acceptances and instituted in any state or federal court by the holder of any of its notes or acceptances. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York with respect to any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes or acceptances have been paid by Applicant. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis". Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

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 under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant asserts that it is subject to extensive regulation by Finnish banking authorities and therefore that application of the requirements of the Act to applicant would be unnecessary and burdensome. As a Finnish commercial bank subject to such regulation, Applicant argues that it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since they would otherwise be precluded from purchasing Applicant's commercial paper. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order pursuant to Section 6(c) of the Act disposing of the application herein will be issued as of course following said date unless the Commission there after 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 recieve 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.

[FR Doc. 79-21797 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10766; 812-4454]

POST-och Kreditbanken, Pkbanken; Application for an Order Exempting Applicant From All Provisions of the Act

July 9, 1979.

Notice is hereby given that POST-och KREDITBANKEN, PKBANKEN ("Applicant") c/o H. Rodgin Cohen, Esq., Sullivan & Cromwell, 125 Broad Street, New York, New York 10004, filed an application on March 22, 1979, and an amendment thereto on May 24, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that its Head Office is located at Hamngatan 12, Stockholm Sweden and that it is the largest commercial bank in Sweden. According to the application, the Kingdom of Sweden owns 99.69% of Applicant's share capital. Applicant further states that it was founded in 1974 as the result of the merger of Postbanken and Sveriges Kreditbank, and operates under the same regulations as other banks in Sweden. Applciants states that, on December 31, 1977, its total assets amounted to approximately $11,536,900,000, total deposits to approximately $9,784,500,000 and total share capital to approximately $145,283,000. Applicant states that it presently has 135 branch office throughout Sweden.

According to the application, Applicant's principal business consists of making loans, a major percentage of which are made to commercial borrowers or to finance housing, and receiving deposits. Deposits are received primarily from individuals, but are also received from commercial businesses, local authorities and government agencies, including the Swedish Post Office Administration. Applicant states that such deposits represent approximately 80% of Applicant's liabilities, and that on December 31, 1977, its loans and

advances represented approximately 57% of applicant's total assets and interest income therefrom provided approximately 83.4% of its total operating income. According to the application, other major assets of Applicant include government securities and bonds amounting to approximately 26% of total assets. Applicant also states that it conducts a substantial trust business with $1,031,800,00 of assets in over 4,000 trust accounts, and states that it is involved in foreign exchange business common to large international banks. In addition, Applicant states that it is engaged in underwriting and selling securities outside the United States, but represents that such underwriting activities account for only 1.1% of Applicant's total income.

Applicant represents that under the Swedish Bank Companies Act ("Bank Act"), Applicant's business is subject to inspection and supervision by the Swedish Bank Inspection Board ("Inspection Board"). Applicant states that the Inspection Board prescribes Applicant's accounting principles, requires Applicant to submit monthly statements of financial condition and conducts periodic inspections to ensure that Applicant's business is operated in accordance with the Bank Act. Under the Bank Act, the Inspection Board is granted various enforcement powers and may intervene in management decision to enforce the Bank Act or to preserve the solvency of Applicant. The Bank Act also requires Applicant to maintain a specified capital base coverage. In addition, the Swedish central bank, Sveriges Riksbank, regulates the liquid asset ratio and the reserve requirements that must be maintained by Applicant.

According to the application, Applicant proposes to issue and sell unsecured prime quality commercial paper notes in bearer form and denominated in United States dollars to a commercial paper dealer in the United States which will then reoffer the notes in minimum denominations of $100,000 to institutional investors and other entities and individuals in the United States that normally purchase commercial paper. Applicant states that it does not intend to sell the notes in the United States in excess of an aggregate of $100,000,000 at any one time outstanding. Applicant states that its purpose for making this offering is to provide an alternative source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market. Applicant represents that its notes will rank *pari passu* among themselves, equally with all its other unsecured indebtedness, including liability to depositors, and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its American counsel that the Offering will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer will provide each offeree of the notes with a memorandum describing Applicant's business and containing Applicant's most recent annual audited financial statements. Applicant represents that such memoranda will be at least as comprehensive as those customarily used by United States bank holding companies in offering commercial paper in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's financial position. Applicant further represents that any future offerings of its securities in the United States will be made on the basis of disclosure documents at least as comprehensive as those used in the presently proposed offering, and consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure memoranda.

Applicant represents that it appoint a bank in the United States or the Commission a its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the city and state of New York with respect to any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of precess in suits arising from any other offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defined investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total sssets (exclusive of government securities and cash items) on an unconsolidate basis". Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

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 under the Act, or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant asserts that it is subject to extensive regulation by Swedish banking authorities and therefore that application of the requirements of the Act to Applicant would be unnecessary and burdensome. As a Swedish commercial bank subject to such regulation, Applicant argues that it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since they would otherwise be precluded from purchasing Applicant's commercial paper. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than

August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein 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.

[FR Doc. 79–21798 Filed 7–13–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 10770; 812–4427]

Skandinaviska Enskilda Banken; Application for an Order Exempting Applicant From All Provisions of the Act

July 9, 1979.

Notice is hereby given that Skandinaviska Enskilda Banken ("Applicant"), c/o H. Rodgin Cohen, Esq., Sullivan & Cramwell, 125 Broad Street, New York, New York 10004, filed an application on January 30, 1979, and amendments thereto on April 11, 1979, and July 2, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the largest privately owned commercial bank in Sweden and the 88th largest commercial bank in the world. On December 31, 1977, its consolidated assets, deposits, and shareholders' funds amounted to approximately $12,500,000,000, $8,589,000,000, and $368,000,000, respectively. Applicant has 371 branches in Sweden and subsidiaries or affiliates in six countries, including Scandinavian Securities Corporation, a registered broker-dealer which is Applicant's only subsidiary in the United States. The registered head office of Applicant is located at Kungstradgardsgatan 8, Stockholm, Sweden.

According to the application, Applicant's principal business consists of making loans to a variety of commercial and consumer borrowers and receiving deposits. Applicant also states that it conducts a trust business with individuals, corporations and foundations and provides private investment advisory services. Applicant states that it is also engaged, to a limited extent, in underwriting and selling securities outside the United States.

Applicant states that on December 31, 1977, its loans and advances represented approximately 45% of its total assets and its net interest earnings provided approximately 60% of its total operating income. Applicant's other major assets include deposits at other banks and securities, each of which represented approximately 15% of Applicant's total assets on such date. According to the application, deposits represented 70% of Applicant's total liabilities and are received from individuals, banks, commercial businesses, governments and government agencies. Deposits include demand, savings and time deposits. Applicant also receives funds from the sale of its shares, which are listed on the Stockholm Stock Exchange. Applicant states that Swedish individuals and institutions account for approximately 75% of Applicant's deposits and 85% of advances and loans made by Applicant.

Applicant represents that under the Swedish Bank Companies Act ("Bank Act"), Applicant's business is subject to inspection and supervision by the Swedish Bank Inspection Board ("Inspection Board"). Applicant states that the Inspection Board prescribes Applicant's accounting principles, requires Applicant to submit monthly statements of financial condition and conducts periodic inspections to ensure that Applicant's business is operated in accordance with the Bank Act. Under the Bank Act, the Inspection Board is granted various enforcement powers and may intervene in management decisions to enforce the Bank Act or to preserve the solvency of Applicant. The Bank Act also requires Applicant to maintain a specified capital base coverage. In addition, the Swedish central bank, Sveriges Riksbank, regulates the liquid asset ratio and the reserve requirements that must be maintained by Applicant.

According to the application, Applicant proposes to issue and sell unsecured prime quality commercial paper notes in bearer form and denominated in United States dollars to a commercial paper dealer in the United States which will then reoffer the notes in minimum denominations of $100,000 to institutional investors and other entities and individuals in the United States who normally purchase commercial paper. Applicant states that it does not intend to sell the notes in the United States in excess of an aggregate of $100,000,000 at any one time outstanding. Applicant states that its purpose for making this offering is to provide an alternative source of supply of United States dollars to supplement dollars currently obtained in the Eurodollar market. Applicant represents that its notes will rank *pari passu* among themselves, equally with all its other unsecured, unsubordinated indebtedness, including the liability to depositors, and ahead of its share capital. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its American counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer will provide each offeree of the notes with a memorandum describing Applicant's business and containing Applicant's most recent annual audited financial statements. Applicant represents that such memoranda will be at least as comprehensive as those customarily

used by United States bank holding companies in offering commercial paper in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's financial position. Applicant further represents that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive as those used in the presently proposed offering. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure memoranda.

Applicant represents that it will appoint a bank in the United States or the Commission as its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it expressly will accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid by Applicant. Applicant represents that it will similarly consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty whether it would be considered an investment company as defined under the Act.

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.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant asserts that it is subject to extensive regulation by Swedish banking authorities and therefore that application of the requirements of the Act to Applicant would be unnecessary and burdensome. As a Swedish commercial bank subject to such regulation, Applicant argues that it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further than an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since otherwise they would be precluded from purchasing Applicant's commercial paper notes. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon reqest 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.

[FR Doc. 79-21799 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10769; 812-4435]

Societe Generale; Application for an Order Exempting Applicant From all Provisions of the Act

July 9, 1979.

Notice is hereby given that Societe Generale pour favoriser le developpement du Commerce et de l'Industrie en France ("Applicant") c/o Jonathan M. Clark, Esq., Davis, Polk, & Wardwell, 1 Chase Manhattan Plaza, New York, New York 10005 filed an application on February 14, 1979, and amendments thereto on April 27, 1979 and June 29, 1979, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the third largest bank in France and that on December 31, 1977, it was the sixth largest in the world. On that date, Applicant and its consolidated subsidiaries had total assets, deposits, and capital and reserves of approximately $52.4 billion, $46.2 billion and $444 million, respectively. Applicant represents that it was founded in 1864 and nationalized in 1946. Applicant states that under French law, a minimum of 75% of Applicant's capital stock must be retained by the Republic of France and the remainder may be distributed to employees of Applicant and various designated French institutions. On December 31, 1977, the Republic of France held approximately 93% of Applicant's outstanding shares.

According to the application, Applicant is a commercial bank engaged in extending credit and accepting deposits. Applicant states that it also provides other banking services traditional in Europe such as international interbank operations and underwriting activities. Applicant represents that it has approximately 2,300 branch offices in France and offices in over 43 countries. Applicant states that its operations in the United States include a branch in New York City, a 20.13% interest in European American Bancorp. Inc., a registered bank holding company, and a 100%

interest in Hudson Securities, Inc., a registered Broker-dealer and a registered investment adviser. The Principal office of Applicant is located at 29, Boulevard Hausemann, Paris, France 75009.

Applicant states that at the end of 1977, its loans and advances represented approximately 48% of assets and provided approximately 70% of its net income. Applicant states that in 1977 it held deposits accounting for approximately 10% of all French bank deposits (excluding the post office savings system) and its share of the French domestic bank credit market totalled approximately 11%.

Applicant represents that it is regulated by the National Credit Council, the Bank Control Commission and the Bank of France. Applicant states that such entities regulate its liquidity ratio, reserve requirements, interest rates and other aspects of banking operations. Applicant represents that it is required to submit periodic reports on its activities. According to the application, Applicant is subject to on-site inspections by the Bank Control Commission, which may impose wide-ranging sanctions for violations of bank regulations.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes in minimum denominations of $100,000 through United States commercial paper dealers. Applicant represents that the notes will be sold to institutional investors and other entities and individuals that ordinarily purchase commercial paper notes. Applicant states that it expects the average amount of commercial paper outstanding during the year after the program commences to be $300,000,000. Applicant states that it proposes to make this offering in the United States to provide, in many cases, a less expensive method of short-term financing and to provide an alternative source of United States dollars during any temporary disruption in the Eurodollar market. Applicant represents that its notes will rank *pari passu* among themselves, equally with all other unsecured, unsubordinated indebtedness of Applicant, including the liabilities to depositors, and superior to rights of shareholders. Applicant plans to sell the notes without registration under the Securities Act of 1033 ("1933 Act"), in reliance upon an opinion of its special counsel in the United States that the offering will qualify for an exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical ratings, and that its American counsel shall have certified that such rating has been received, Applicant undertakes to ensure that the dealer will provide each offeree of the notes with a memorandum describing Applicant's business and containing Applicant's financial statements. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's business or financial status. Applicant further represents that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive as those used in United States offerings of such securities. Applicant states, however, that no such offering memorandum or prospectus need be made available as a condition to this order in connection with the deposit taking or other ordinary commercial banking activities of Applicant's branches in the United States. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with the foregoing undertakings concerning disclosure documents.

Applicant represents that it will appoint a bank or trust company, a corporation providing corporate services for lawyers, or the Commission as its agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it expressly will accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes have been paid by Applicant. Applicant represents that it will similarly consent to jurisidiction and appoint an agent for service of process in suits arising from any other offerings of debt securities that it may make in the United States. In the future, Applicant states that it may distribute equity securities to its employees in the United States as presently authorized under French law.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Applicant states that there is uncertainty whether it would be considered an investment company as defined under the Act.

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.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant argues that as a French commercial bank subject to extensive regulation by French banking authorities, it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant asserts further that an exemption pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors, since otherwise they would be precluded from purchasing Applicant's commercial paper notes. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 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 personnally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–21800 Filed 7–13–79; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 10771; 812–4444]

Svenska Handelsbanken; Application for an Order Declaring That Applicant Is Not an Investment Company or, Alternatively, for an Order Exempting Applicant From All Provisions of the Act

July 9, 1979.

Notice is hereby given that Svenska Handelsbanken ("Applicant") c/o John W. Erickson, Esq., White & Case, 280 Park Avenue, New York, New York 10017, filed an application on February 26, 1979, and amendments thereto on March 30, 1979 and June 22, 1979, for an order of the Commission pursuant to Section 3(b)(2) of the Investment Company Act of 1940 ("Act") declaring that Applicant is not an investment company, or, alternatively, for an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the second largest privately owned commercial bank in Sweden. At the end of 1978, Applicant's consolidated assets, deposits, and shareholder funds amounted to approximately $13,766,000,000, $10,146,000,000, and $498,200,000, respectively. Applicant states that it was established in 1871 and presently has approximately 470 branches in Sweden and subsidiaries, correspondent banks and representative offices throughout the world. Applicant states that it has a wholly-owned banking subsidiary, Nordic American Banking Corporation, in the United States. The central head office of Applicant is located at Kungstradgardsgatan 2, Stockholm, Sweden.

According to the application, Applicant's business consists of receiving deposits from, handling payments for, and making loans to individuals, companies, municipalities, and other government and financial institutions. Applicant also states that it operates a trust department which provides investment advisory services to institutions and individuals. Applicant states that it is also engaged, to a limited extent, as a broker, underwriter and distributor of securities.

Applicant states that, as of December 31, 1978, its loans represented approximately 63% of its consolidated assets and represented approximately 75% of its consolidated revenue. According to the application, Applicant's investment securities represented on that date 19% of its consolidated assets. Applicant represents that on December 31, 1978, Swedish individuals, Swedish commerce and industry, and Swedish institutions accounted for approximately 74% of Applicant's deposits and 94% of loans made by Applicant.

Applicant represents that its business is subject to inspection and supervision by the Swedish Bank Inspection Board ("Inspection Board"). Applicant states that the Inspection Board requires Applicant to report continuously in accordance with a fixed reporting system and conducts periodic inspections of Applicant to examine the administration and financial condition of Applicant. In addition, Applicant states that the Swedish central bank, Sveriges Riksbank, regulates Applicant's liquidity ratio, reserve requirements and interest rates.

According to the application, Applicant proposes to issue and sell prime quality commercial paper notes and bankers' acceptances to a commercial paper dealer in the United States which will then reoffer the notes in minimum denominations of $100,000 to American institutional investors and other entities and individuals who normally purchase commercial paper and/or bankers' acceptances. Applicant states that its purpose for making this offering in the United States is to obtain an attractive source of supply of United States dollars. Applicant represents that the notes and the bankers' acceptances will rank *pari passu* among themselves, equally with all its other unsecured, unsubordinated indebtedness, including Applicant's depositor liabilities, and ahead of its share capital. Applicant plans to sell the notes and bankers' acceptances without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its American counsel that the offering will qualify for the exemption from the registration requirements of the 1933 Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of securities and any future issue of securities shall have received, prior to issuance, one of the three highest investment grade ratings from at least one of the nationally recognized statistical rating organizations, and that its American counsel shall have certified that such rating has been received. Applicant undertakes to ensure that the dealer will provide each offeree who has indicated an interest in Applicant's securities, and prior to any sale of the notes or bankers' acceptances, with (i) a memorandum describing Applicant's business, (ii) Applicant's most recent publicly available fiscal balance sheet and income statement and (iii) Applicant's most recent publicly available unaudited interim balance sheet and income statement. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings and bankers' acceptances offerings in the United States. Such memoranda will be updated periodically to reflect material changes in Applicant's financial status. Applicant further represents that any future offerings of its securities in the United States will be done on the basis of disclosure documents at least as comprehensive as those used in the presently proposed offering. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in Applicant's securities then being offered, prior to any sale of such securities to such offeree, except that in the case of an offering made pursuant to

a registration statement under the 1933 Act, such disclosure documents will be provided to such persons and in such manner as may be required by such Act and the rules and regulations thereunder. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure documents.

Applicant represents that it will appoint its special United States counsel as its agent to accept service of process in any action based on the notes or bankers' acceptances and instituted in any state of federal court by the holder of any of its notes or bankers' acceptances. Applicant further represents that it expressly will accept the jurisdiction of any state or federal court in the City and State of New York in respect of any such action and that both its appointment of an authorized agent and its consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the notes and the bankers' acceptances have been paid by Applicant. Applicant represents that it will similarly consent to jurisdiction and appoint an agent for service of process in suits arising from any other offerings of securities that it may make in the United States, which offering Applicant states may include debt securities but not shares of its capital stock.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis".

Section 3(b)(2) of the Act provides, in pertinent part, that notwithstanding the definition of investment company contained in Section 3(a)(3) of the Act, an issuer is not an investment company if the Commission, upon application by such issuer, finds and by order declares it to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

Applicant states that if its loans are considered to be securities there is an issue concerning whether Applicant would be considered an investment company subject to the Act. Consequently, Applicant requests an order pursuant to Section 3(b)(2) of the Act declaring that it is not an investment company. Applicant argues that its commercial bank loans are not securities for the purposes of the Federal securities laws. Applicant also asserts that it is primarily engaged in the business of banking rather than in the business of investing, reinvesting, owning, holding, or trading in securities.

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.

Applicant requests an order pursuant to Section 6(c) of the Act exempting it from all provisions of the Act. Applicant asserts that it is a Swedish commercial bank subject to extensive regulation by Swedish banking authorities and as such, it is significantly different from the type of institution that Congress intended the Act to regulate. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than August 3, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order pursuant to Section 6(c) of the Act disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-21801 Filed 7-13-79; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 676]

Participation of Private-Sector Representatives of U.S. Delegations

As announced in Public Notice No. 623 (43 FR 37783), August 24, 1978, the Department is submitting its June 1979 list of U.S. accredited Delegations which included private-sector representatives.

Publication of this list is required by Article IV(c)(4) of the guidelines published in the **Federal Register** on August 24, 1978.

Dated: July 2, 1979.

Paul J. Byrnes,

Director, Office of International Conferences.

U.S. Delegation to the Sixth Meeting of the Committee on Aircraft Noise, International Civil Aviation Organization (ICAO), Montreal, May 23–June 7, 1979

Member

Charles R. Foster, Associate Administrator for Aviation Standards, Federal Aviation Administration, Department of Transportation.

Advisers

Gordon Banerian (May 26–June 7), Propulsion Program Manager, National Aeronautics and Space Administration.

Lloyd Hunt, Office of International Aviation Affairs, Federal Aviation Administration, Department of Transportation.

Clemens A. Powell, Jr. (May 23–25), Aerospace Technologist, National Aeronautics and Space Administration.

John O. Powers, Chief Environmental Scientist, Federal Aviation Administration, Department of Transportation.

Private Sector Advisers

Richard D. FitzSimmons, Director, Advanced Supersonic Transport, Douglas Aircraft Company, Long Beach, California.

Richard E. Russell (May 26–June 7), Chief Engineer, Boeing Commercial Airplane Company, Seattle, Washington.

Harry Sternfeld, Jr. (May 23–25), Acoustical Engineer, Boeing Commercial Airplane Company, Philadelphia, Pennsylvania.

U.S. Delegation to the Meeting of the Group of Advisers to Governments on Standardization, Economic Commission for Europe (ECE), Geneva, May 28–June 1, 1979

Representative

Howard I. Foreman, Deputy Assistant Secretary for Products Standards, Department of Commerce.

Advisers

Allen J. Farrar, Legal Adviser, National Bureau of Standards, Department of Commerce.

Vincent D. Travaglini, Director, Office of International Finance and Investment, Bureau of International Economic Policy and Research, Department of Commerce.

Private Sector Adviser

Daniel W. Smith, Director, International Operations, American National Standards Institute, New York, New York.

U.S. Delegation to the Intergovernmental Confernece on Scientific and Technological Information for Development (UNISIST II) of the United Nations Educational, Scientific, and Cultural Organization, Paris, May 28–June 1, 1979

Representative

Melvin S. Day, Director, National Technical Information Service, Department of Commerce.

Alternate Representative

Lee G. Burchinal, Ph. D., Senior Program Associate, Division of International Programs, National Science Foundation.

Adviser

Linda Allen, Director, Office of Development Information and Utilization, Agency for International Development.

Private Sector Advisers

Charles Bourne, Staff Scientist, Lockheed Information Systems, Inc., Palo Alto, California.

Judith Werdel, Professional Associate, International Scientific and Technolgical Information Programs, National Academy of Sciences.

U.S. Delegation to the Eighteenth Session of the Harmonized Systems Committee (HSC), Customs Cooperation Council (CCC), Brussels, June 4–22, 1979

Representative

Paul G. Giguere (6/11–22), Chief, Special Projects Branch, Office of Regulations and Rulings, United States Customs Service, Department of the Treasury.

Alternate Representative

Eugene L. Rosengarden (6/4–15), Director, Office of Nomenclature, Valuation and Related Activities, International Trade Commission.

Advisers

Bruce Friedman (6/4–8), Attorney, United States Customs Service, Department of the Treasury.

Holm Kappler (6/18–22), Attorney, International Trade Commission.

Walter E. Neece (6/18–22), Economic Survey Division, Bureau of Census, Department of Commerce.

Sterling J. Nicholson (6/4–15), International Commodity Analyst, Economic Survey Division, Bureau of the Census, Department of Commerce.

Dennis C. Sequeira, Customs Attache, U.S. Mission to the European Communities, Brussels.

Private Sector Adviser

Irene W. Meister, Ph. D. (6/4–5), Vice President, International American Paper Institute, New York, New York.

U.S. Delegation to the Preparatory Group on the High Level Conference on Employment of Women, Organization for Economic Cooperation and Development (OECD), Paris, June 5–6, 1979

Representative

Alexis Herman, Director, Women's Bureau, Department of Labor.

Adviser

Nancy Gordon, Executive Director, Interdepartmental Task Force on Women, Executive Office of the President.

Private Sector Adviser

Terry T. Saario, Program Officer, Ford Foundation, New York, New York.

U.S. Delegation to the First Meeting of the Intergovernmental Committee for Physical Education and Sport of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, June 5–9, 1979

Representative

The Honorable, Jerry Apodaca, Chairman, President's Council on Physical Fitness and Sports, Sante Fe, New Mexico.

Alternate Representative

Simon A. McNeely, Senior Program Coordination Officer, Office of Education, Department of Health, Education and Welfare.

Advisers

Herbert Rathner, Special Assistant for Sports and Physical Education, International Communication Agency.

Raymond A. Wanner, Ph. D., Education Attache, United States Permanent Delegation to UNESCO, Paris.

Private Sector Advisers

Fay R. Biles, Ph. D., President-Elect, American Alliance for Health, Physical Education and Recreation, Washington, D.C.

Carl A. Troester, Jr., Ed. D., Executive Director, American Council on International Sports, Washington, D.C.

U.S. Delegation to the Diplomatic Conference to Negotiate a Convention on Conservation of Migratory Species of Wild Animals Bonn, June 11–23, 1979

Representative

William Alston Hayne, Deputy Assistant Secretary of State for Environmental and Population Affairs, Department of State.

Alternate Representative

Lynn Greenwalt, Director, United States Fish and Wildlife Service, Department of Interior.

Advisers

Gerard Bertrand, Director, Office of International Affairs, United States Fish and Wildlife Service, Department of Interior.

William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, Washington, D.C.

James Drewry, Office of General Counsel, National Oceanic and Atmospheric Administration.

Prudence Fox, Foreign Affairs Officer, International Organizations and Agreements Division, National Marine Fisheries Service, Department of Commerce.

Mary McLeod, Office of the Legal Adviser, Department of State.

Gillian Milovanovic, Office of Fisheries Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Cameron Sanders, Office of Environmental Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State.

Terry Wolkerstorfer, Special Assistant for International Affairs to the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior.

Private Sector Advisers

Faith Thompson Campbell, Natural Resources Defense Council, Washington, D.C.

Richard K Yancey, Assistant Secretary, Department of Wildlife and Fisheries, International Association of Fish and Wildlife Agencies, Baton Rouge, Louisiana.

U.S. Delegation to the Group of the Chairman, United Nations Cocoa Conference, UNCTAD, London, June 13–15, 1979

Representative

John P. Ferriter, Chief, Topical Products Division, Bureau of Economic and Business Affairs, Department of State.

Alternative Representative

Paul P. Pilkauskas, American Embassy, London.

Adviser

Ralph Ives, Resources Policy Division, Department of Commerce.

Private Sector Advisers

Julian Hemphill, Consultant, New York Cocoa Exchange, New York, New York.

Harold J. Gettinger, Vice President, Commerical, M & M/Mars, Inc., Hackettstown, New Jersey.

U.S. Delegation to the 23d Session of the Subcommittee on Subdivision, Stability and Load Lines of the Maritime Safety Committee (MSC), Intergovernmental Maritime Consultative Organization (IMCO), London, June 18–22, 1979

Representative

Edward H. Middleton, Technical Adviser, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Alternative Representative

William A. Cleary, Chief, Hull Scientific Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

Jay S. Howell, Naval Architect, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

George Levine, Division of Ship Design, Office of Ship Construction, Maritime Administration, Department of Commerce.

Private Sector Advisers

George C. Nickum, President, Nickum and Spaulding Associates, Inc., Naval Architects and Marine Engineers, Seattle, Washington.

Thomas P. Robinson, Shipbuilders Council, Washington, D.C.

U.S. Delegation to the Second Session of the Working Group on Conflict Between an Appellation of Origin and a Trademark Preparatory Intergovernmental Committee on the Revision of the Paris Convention for the Protection of Industrial Property, WIPO, Geneva, June 18–29, 1979

Representative

Sidney W. Diamond, Assistant Commissioner for Trademarks, Patent and Trademark Office, Department of Commerce.

Alternative Representative

Michael K. Kirk, Director, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce.

Private Sector Advisers

George R. Clark, Vice President, International Patent and Trademark Association, Chicago, Illinois.

William E. Schuyler, Chairman, Intellectual Property Owners, Inc., Washington, D.C.

U.S. Delegation to the Working Group on International Shipping Legislation, Sixth Session, United Nations Conference on Trade and Development (UNCTAD), Geneva, June 18–29, 1979

Representative

C. William Johnson, Office Of International Finance and Investment, Department of Commerce.

Adviser

Peter R. Keller, United States Mission, Geneva.

Private Sector Adviser

Walter G. Perry, Consultant, American Institute of Marine Underwriters, New York, New York.

U.S. Delegation to the 30th Session of the Subcommittee on the Carriage of Dangerous Good of the Intergovernmental Maritime Consultative Organization (IMCO), London, June 25–29, 1979

Representative

William N. Spence, Captain, USCG, Chief, Cargo and Hazardous Materials Divisions, United States Coast Guard, Department of Transportation.

Alternate Representative

Larry H. Gibson, Lieutenant, USCG, Chief, Cargo Systems Branch, Office of Merchant Marine Safety, United States Coast Guard, Department of Transportation.

Advisers

Edward A. Altemos, Lieutenant, USCG, International Standards Coordinator, Office of Hazardous Materials Operations, Research and Special Programs Administration, Department of Transportation.

H. Clay Black, Shipping Attaché, American Embassy, London.

Lyman S. Henderson, Staff Scientist, Federal Research, Science and Education Administration, Department of Agriculture.

Private Sector Advisers

Michael T. Bohlman, Manager, Tank Container Engineering, Sea-Land Service Incoroporated, Elizabeth, New Jersey.

Donald W. Gates, Vice President, Chief Surveyor, National Cargo Bureau Incorporated, New York, New York.

Susan C. Saltzman, Hazardous Materials Documentation Coordinator, E. I. du Pont de Nemours and Company, Inc., New York, New York.

U.S. Delegation to the 87th and 88th Sessions, International Wheat Council and Conference of Governments, London, June 27–29, 1979

Representative

Thomas R. Saylor, Associate Administrator, Foreign Agricultural Service, Department of Agriculture.

Alternate Representatives

John A. Boyle, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State.

Lawrence E. Hall, Grain and Feed Division, Foreign Agricultural Service, Department of Agriculture.

Advisers

James V. Parker, Assistant Agricultural Attaché, American Embassy, London.

Edmund Parsons, Office of Food Policy and Programs, Bureau of Economic and Business Affairs, Department of State.

George S. Shanklin, Office of the General Sales Manager, Department of Agriculture.

Private Sector Adviser

M. E. Hedlund, Vice President, Great Plains Wheat, Inc., Washington, D.C.

[FR Doc. 79-21611 Filed 7-13-79; 8:45 am]

BILLING CODE 4710-19-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD (79-094)]

Chemical Transportation Advisory Committee; Meeting of Subcommittee on Chemical Vessels

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 Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held on Thursday, August 16, 1979, beginning at 9:00 am, Room 770, Custom House, 6 World Trade Center, New York, New York, 10048. The agenda for this meeting is as follows:

To discuss proposed changes that would update and revise the safety standards for self-propelled vessels carrying hazardous liquids, 46 CFR part 153.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements. Any member of the public may present a written statement to the Subcommittee at any time. For additional information, contact: Captain William N. Spence, Commandant (G–MHM/83), U.S. Coast Guard, Washington, D.C. 20590 [202] 426–2306.

For scheduling and for providing adequate seating, those wishing to present oral statements or attend the meeting should notify Captain Spence's office no later than the day before the meeting.

Issued in Washington, D.C., on ————.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief Office of Merchant Marine Safety.

[FR Doc. 79-21924 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-14-M

Federal Railroad Administration

[Docket No. RFA 511-79-1]

Guarantee of Obligation; Receipt of Application

Project. Notice is hereby given that Auto-Train Corporation (applicant), 1801 K Street, N.W., Washington, D.C. 20006, has filed an application with the Federal Railroad Administration (FRA) under

section 511 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 831, to secure a guarantee from the United States of the payment of the principal balance of, and any interest on, an obligation to rehabilitate equipment. Applicant proposes that the principal amount of the obligation be $4,526,500.

Applicant proposes to provide FRA with a second lien of $3.5 million in certain equipment that is the subject of a sale/leaseback agreement. Applicant further proposes to provide FRA with a first lien on applicant's leasehold interest in 34 bi-level auto carriers and 20 tri-level auto carriers. The value of the security interest offered in these leases is approximately $1.5 million.

The proceeds of the loan are to be used by applicant to finance the repair and rehabilitation of its fleet, consisting of 15 locomotives, 55 passenger cars and 82 auto carriers. Applicant's passenger cars and auto carriers would have to be designated as equipment by FRA under section 501(2) of the Act in order to permit Federally-guaranteed funds to be expended for their repair and rehabilitation.

Justification for project. Applicant states that the work program described above will restore its equipment to a safe and reliable condition and will permit future maintenance of the equipment under an established maintenance cycle, that the project is necessary to ensure safe and reliable service, and that the project will enable Applicant to meet the public demand for its passenger and automobile common carrier service.

Comments. Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the application. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgment of the comments will be provided.

The FRA has not approved or disapproved this application, nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: June 14, 1979.

Comment closing date: On or before August 15, 1979.

Charles Swinburn,

Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 79-21861 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-06-M

[Docket No. RFA 505-77-5]

Purchase of Redeemable Preference Shares; Revision of Application

Project: The Federal Railroad Administration ("FRA") notified the public on June 29, 1977 (42 FR 33100) that the Illinois Central Gulf Railroad Company ("applicant"), 233 North Michigan Avenue, Chicago, Illinois 60601, had filed an application with the FRA under section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976, 45 U.S.C. 825, seeking financial assistance through the sale to the United States of redeemable preference shares ("shares") in the years 1977 through 1981 having an aggregate par value of $164,750,014. The FRA subsequently notified the public on September 7, 1978 (43 FR 39882) that the applicant had filed a revision of this application seeking purchase of shares by the FRA in the years 1979 through 1982 in the aggregate amount of $123,462,000.

The applicant has now filed a further revision of this application with the FRA seeking purchase of shares by FRA in the years 1979 through 1982 in the aggregate amount of $58,856,000. Applicant proposes to redeem the par value of the shares and to pay dividends on the shares in accordance with a schedule such that payments will commence 11 years from the date of issuance of the shares and the par value of the shares will be redeemed within 30 years of their date of issuance.

The proceeds of the sale of the shares are to be used by the applicant to rehabilitate and improve rail facilities located on its East Cairo District, the Paducah and Illinois Railroad and bridges located on applicant's rail line in its Bluford District, as more fully described in the above-referenced notice published in the **Federal Register** on June 29, 1977, as well as on the Chicago and Champaign Districts which work was not previously referenced.

The work will be performed in accordance with the following schedule:

Element	Project	Completion date	FRA funding[1] (in millions)
I	East Cairo Division	1980	$1.3
VII	Paducah and Illinois Railroad	1981	3.8
II	Bridges (Bluford District)	1982	10.9
VI	Chicago and Champaign Districts	1982	28.0
V	Fulton District	1982	14.8
Total			58.8

[1] Excludes (i) deductions for the value of salvage released and (ii) increases for contingency costs.

Justification for project. The applicant states that the project will enable it to maintain and improve essential freight services, will allow increased operating speeds and reduce accidents, and will expedite traffic flow within yard areas.

Comments. Interested persons may submit written comments on the revised application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590, not later than the comment closing date shown below. Such submission should indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

To the extent permitted by law, the application will be made available for inspection during normal business hours in Room 5415 at the above address of the FRA in accordance with the regulations of the Office of the Secretary of Transportation set forth in Part 7 of Title 49 of the Code of Federal Regulations.

The comments will be considered by the FRA in evaluating the application. Any commenter who wishes to have FRA acknowledge the receipt of his or her comments should include a self-addressed, stamped post card with the comments. No other acknowledgment of comments will be provided.

The FRA has not approved or disapproved this application nor has it passed upon the accuracy or adequacy of the information contained therein.

(Sec. 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Pub. L. 94-210), as amended.)

Dated: July 10, 1979.

Comment closing date: July 26, 1979.

Charles Swinburn,

Associate Administrator for Federal Assistance, Federal Railroad Administration.

[FR Doc. 79-21853 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

[Docket No. IP79-6; Notice 1]

Carlisle Tire & Rubber Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Carlisle Tire & Rubber Company of Carlisle, Pennsylvania, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1331 et seq.) for an apparent noncompliance with 49 CFR 571.119, Motor Vehicle Safety Standard No. 119, *New Pneumatic Tires for Vehicles Other Than Passenger Cars.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition for a determination of inconsequentiality is published in accordance with section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraph S6.5(f) of Standard No. 119 requires tires to be marked with "the actual number of plies and the composition of the ply cord material in the sidewall * * * ." Carlisle has manufactured 839 Sawtooth boat trailer tires between March 7, 1979, and March 26, 1979, stamped "4 ply nylon." The correct designation, however, is "2 ply nylon." All other information is said to be correct and petitioner believes that its noncompliance is inconsequential as it relates to motor vehicle safety since the tires meet all the performance requirements of Standard No. 119.

Interested persons are invited to submit written data, views and arguments on the petition of Carlisle Tire & Rubber Company described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: August 15, 1979.

(Sec. 102, Pub. L. 93-492, 99 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.1)

Issued on July 10, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-21871 Filed 7-13-79; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

[Notice No. 114]

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 4687 (Sub-24TA), filed May 31, 1979. Applicant: BURGESS & COOK, INC., P.O. Box 458, Fernandina Beach, FL 32034. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Plastic articles and materials,* from Jacksonville, FL to points in AL, GA, NC, and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coastal Bag Company, 627 N. Lane Avenue, Jacksonville, FL 32205. Send protests to: G. H. Fauss, Jr., Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 31367 (Sub-34TA), filed April 30, 1979. Applicant: H. F. CAMPBELL & SON, INC., Rural Delivery No. 1, Millerstown, PA 17062. Representative: John M. Musselman, P.O. Box 1146, 410 N. Third St., Harrisburg, PA 17108. Bananas, from New York, NY, and Port Newark, NJ, and points in their respective commercial zones, to Harrisburg, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Santanna Banana Co., P.O. Box 1403, 12th & Kelker Sts., Harrisburg, PA 17105. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. Seventh St., Room 620, Phila, PA 19106.

MC 34087 (Sub-11TA), filed June 1, 1979. Applicant: NORMAN HILLS, Rural Delivery No. 1, McAllister Rd., Fredonia, NY 14063. Representative: (same as above). Contract carrier—irregular routes. *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Holland, MI to all points in the states of NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Heinz USA, Div. of H. J. Heinz Comany, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Richard H. Cattadoris, DS,

ICC, 910 Federal Bldg., 111 West Huron St., Buffalo, NY 14202.

MC 42487 (Sub-918TA), filed May 7, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. 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. III(b) (1) Between Glens Falls, NY and the international boundary line between the U.S. and Canada at or near Champlain, NY serving the intermediate points of Plattsburgh, and Champlain, NY and serving junction U.S. Hwy 9 and NY Hwy 149 and junction U.S. Hwy 9 and NY Hwy 314 for joinder only: From Glens Falls over U.S. Hwy 9 to the international boundary line between the U.S. and Canada at or near Champlain, NY, and return over the same route. (2) Between Pittsfield, MA and the international boundary line between the U.S. and Canada at or near Highgate Springs, VT, serving all intermediate points and the off-route point of Pownal, VT for joinder only: From Pittsfield over U.S. Hwy 7 to the international boundary line between the U.S. and Canada at or near Highgate Springs, VT, and return over the same route. (3) Between Glens Falls, NY and the junction U.S. Hwy 9 and NY Hwy 149 and Rutland, VT, serving no intermediate points, for joinder only: From Glens Falls over U.S. Hwy 9 to junction U.S. Hwy 9 and NY Hwy 149, then over NY Hwy 149, to junction U.S. Hwy 4, then over U.S. Hwy 4 to Rutland, and return over the same route. (4) Between Glens Falls, NY and the junction U.S. Hwy 9 and NY Hwy 314 and the junction U.S. Hwy 2 and U.S. Hwy 7, serving no intermediate points, for joinder only: From Glens Falls over U.S. Hwy 9 to junction NY Hwy 314, then over NY Hwy 314 to VT Hwy 314 (via ferry), then over VT Hwy 314 to U.S. Hwy 2, then over U.S. Hwy 2 to junction U.S. Hwy 2 and U.S. Hwy 7. (5) Between Glens Falls, NY and Lebanon, NH, serving the intermediate points of Woodstock and White River Junction, VT, for joinder only: From Glens Falls over U.S. Hwy 9 to junction U.S. Hwy 9 and NY Hwy 149, then over NY Hwy 149 to junction U.S. Hwy 4, then over U.S. Hwy 4 to Lebanon, and return over the same route. (6) Between Malone, NY and Swanton, VT, serving the intermediate point of Rouses Point, NY, for joinder only: From Malone over U.S. Hwy 11 to junction U.S. Hwy 21 and U.S. Hwy 2, then over U.S. Hwy 2 to junction VT Hwy 78, then over VT Hwy 78 to Swanton, and return over the same route. (7) Between Malone, NY and Champlain, NY, serving no intermediate points, for joinder only: From Malone over U.S. Hwy 11 to Champlain, and return over the same route. Serving all intermediate and off-route points in Chittenden and Rutland Counties, VT in connection with Routes 2, 3, 4 and 5 described above.

Note.—Applicant intends to tack.

III(c) Applicant intends to tack the proposed authority with its present authority at Pittsfield, MA; Glens Falls, NY and Malone, NY. The authority to serve Pittsfield, MA and Glens Falls, NY is found in Consolidated Freightways Docket MC 42487 (Sub-578). The authority to serve Malone, NY is found in Docket MC 42487 (Sub-881). Applicant will join all of its present authorities at present common points of service to provide service to and from points throughout the United States. III(d) Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in Tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are 94 statement in support of this application. (See application). Send protests to: District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 42487 (Sub-920), filed June 1, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. Common carrier; regular routes: *General Commodities*, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. 1. Between San Antonio, TX and Laredo, TX, serving no intermediate points but serving the junction U.S. Hwy 81 and U.S. Hwy 57 for purposes of joinder only: From San Antonio over U.S. Hwy 81 to Laredo, and return over the same route. 2. Between San Antonio, TX and Corpus Christi, TX, serving no intermediate points but serving the junction of U.S. Hwy 77 and Interstate Hwy 37 and the junction U.S. Hwy 281 and U.S. Hwy 59 for purposes of joinder only: From San Antonio over U.S. Hwy 281 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 37, and then over Interstate Hwy 37 to Corpus Christi, and return over the same route. 3. Between San Antonio, TX and McAllen, TX serving no intermediate points but serving the junction of U.S. Hwy 281 and U.S. Hwy 59 for purposes of joinder only: From San Antonio, TX over U.S. Hwy 281 to junction U.S. Hwy 83, and then over U.S. Hwy 83 to McAllen, and return over the same route. 4. Between San Antonio, TX, and Brownsville, TX, serving no intermediate points but serving the junction of U.S. Hwy 77 and Interstate Hwy 37 and the junction U.S. Hwy 281 and U.S. Highway 59 for purposes of joinder only: From San Antonio over U.S. Hwy 281 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction Interstate Hwy 37, and then over Interstate Hwy 37 to junction U.S. Hwy 77, and then over U.S. Hwy 77 to Brownsville, and return over the same route. 5. Between San Antonio, TX and the junction of U.S. Hwy 77 and Interstate Hwy 37, serving the intermediate point of Victoria, TX: From San Antonio over U.S. Hwy 87 to Victoria, TX and then over U.S. Hwy 77 to junction U.S. Hwy 77 and Interstate Hwy 37, and return over the same route. 6. Between San Antonio, TX and Eagle Pass, TX serving no intermediate points but serving the junction U.S. Hwy 81 and U.S. Hwy 57 for purposes of joinder only: From San Antonio over U.S. Hwy 81 to junction U.S. Hwy 57, then over U.S. Hwy 57 to junction U.S. Hwy 277, and then over U.S. Hwy 277 to Eagle Pass, and return over the same route. 7. Between Eagle Pass, TX and McAllen, TX from Eagle Pass over U.S. Hwy 277 to junction U.S. Hwy 83, and then over U.S. Hwy 83 to McAllen, and return over the same route. 8. Between McAllen, TX and Brownsville, TX serving no intermediate points but serving the junction of U.S. Hwy 83 and U.S. Hwy 77: From McAllen over U.S. Hwy 83 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route. 9. Between Victoria, TX and Laredo, TX, serving no intermediate points: From Victoria over U.S. Hwy 59 to Laredo, and return over the same route. 8. Between McAllen, TX and Brownsville, TX serving no intermediate points but serving the junction of U.S. Hwy 83 and U.S. Hwy 77: From McAllen over U.S. Hwy 83 to junction U.S. Hwy 77, then over U.S. Hwy 77 to Brownsville, and return over the same route. 9. Between Victoria, TX and Laredo, TX, serving no intermediate points: From Victoria over U.S. Hwy 59 to Laredo, and return over the same route. 10. Between Houston, TX and Victoria, TX, serving no intermediate points: From Houston over U.S. Hwy 59 to Victoria, and return over the same

route. *General commodities, except those of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.* (1) Between Dallas, TX and Texarkana, TX, serving no intermediate points: From Dallas over Interstate Hwy 30 to junction U.S. Hwy 71, and then over U.S. Hwy 71 to Texarkana, and return over the same route. (2) Between Mineola, TX and Marshall, TX, serving the intermediate point of Longview, TX: From Mineola over U.S. Hwy 80 to Marshall, and return over the same route. (3) Between Mineola, TX and Lufkin, TX, serving the intermediate point of Tyler, TX: From Mineola over U.S. Hwy 69 to Lufkin and return over the same route. (4) Between Texarkana, TX and Marshall, TX, serving no intermediate points: From Texarkana over U.S. Hwy 59 to Marshall, and return over the same route. (5) Between Marshall, TX and Lufkin, TX, serving no intermediate points: From Marshall over U.S. Hwy 59 to Lufkin, and return over the same route. (6) Between Tyler, TX and Gladewater, TX, serving no intermediate points: From Tyler over U.S. Hwy 271 to Gladewater, TX and return over the same route. (7) Between Houston, TX and Lufkin, TX, serving no intermediate points: From Houston over U.S. Hwy 59 to Lufkin, and return over the same route, for 180 days. Applicant intends to tack the proposed authority with its present authority in Dallas, TX; Mineola, TX; Houston, TX and San Antonio, TX. Authority at Dallas, Houston, Mineola and San Antonio, TX is found in Docket No. MC 42487 Sub 708. Applicant also intends to tack this authority with regular and irregular route authority as it may obtain in the future. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): There are 111 statements in support attached to this application which may be examined at the ICC in Washington, D. C. or copies of which may be examined in the field office named below. Send protests to: D/S N. F. Foster, 211 Main St., Suite 500, San Francisco, CA 94105.

MC 42487 (Sub-921TA), filed June 6, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: H. P. Strong, P.O. Box 3062, Portland, OR 97208. Common carrier; regular routes: *General Commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, serving Austin and Temple, TX as intermediate points in connection with carrier's presently authorized regular route operations, between Dallas, TX and San Antonio, TX, for 180 days. Note: Applicant intends to tack this authority with its present regular and irregular route authority at Dallas, TX pursuant to authority held in SUB 708. It is also the intent of applicant to tack this authority with such regular and irregular route authority as it may obtain in the future. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in Tariffs on file with the Commission. Supporting shipper(s): There are 39 statements in support attached to this application which may be examined at the ICC in Washington, D.C., or copies of which may be examined in the field office named below. Send protests to: D/S N. F. Foster, 211 Main St., Suite 500, San Francisco, CA 94105.

MC 146307 (Sub-2TA), filed June 1, 1979. Applicant: FRONTIER PROVISIONERS, INC., 409 E. Emma St., Lafayette, CO 80026. Representative: C. Dean Bott (same as applicant). *Liquor and wine, noi,* from Louisville and Lawrenceberg, KY and Lawrenceberg, IN to Denver and Grand Junction, CO for 180 days. Underlying ETA filed seeking 90 days authority. SUPPORTING SHIPPER: Beverage Distributors Corp., 5270 Fox St., Denver CO 80216. SEND PROTECTS TO: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202. Supporting Shipper(s): Beverage Distributors Corp., 5270 Fox St., Denver, CO 80216. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 55886 (Sub-20TA), filed March 27, 1979. Applicant: BLUE LINE TRANSFER CO., INC., 3rd & Broomall Sts., P.O. Box 4, Chester, PA 19016. Representative: Raymond A. Thistle, Jr., 5 Cottman Court, Homestead Rd & Cottman St., Jenkintown, PA 19046. *Paper and paper products, plastic materials—expanded, casual furniture and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk) between Scott Paper Co. facilities in the States of DE, DC, ME, MA, NJ, NY, OH, PA and VA, on the one hand, and, on the other, points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Co., Scott Plaza I, Philadelphia, PA 19113. Send protests to: T. M. Esposito, Trans. Asst., 101 S. 7th St., Room 620, Philadelphia, PA 19106.

MC 60186 (Sub-60TA), filed May 18, 1979. Applicant: NELSON FREIGHTWAYS, INC., 47 East St., Rockville, CT 06066. Representative: Clifford J. O. Nelson (same as applicant). Electrical appliances from Columbia, MD located in the Baltimore, MD Commercial Zone to points in VT, for 180 days. Supporting shipper(s): General Electric Co., Appliance Park East, Columbia, MD 21046. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06101.

MC 70557 (Sub-13TA), filed May 17, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, Illinois 60630. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Illinois 60603. *Carbonated beverages, non-alcoholic, equipment, materials and supplies used in the manufacture of above items,* between the facilities of Shasta Beverage Co., Houston, TX on the one hand, and, on the other points, in LA for 180 days. An underlying ETA was filed for 90 days authority. Supporting shipper(s): Shasta Beverage, 7333 Major, Houston, TX 77061. Send protests to: Annie Booker, TA, 219 South Deaborn Street, Room 1386, Chicago, IL 60604.

MC 95876 (Sub-280TA), filed June 1, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, MN 56301. Representative: William L. Libby (same address as applicant). *Iron and steel articles* from Cleveland, Niles, Warren and Youngstown, OH to points in IA, MN, NE, ND, SD and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corporation, P.O. Box 6778, Cleveland, OH 44101. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 105007 (Sub-58TA), filed May 31, 1979.Applicant: MATSON TRUCK LINES, INC., 1407 St. John Avenue, Albert Lea, MN 56007. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. *Moulded rubber inflations* from Johnson Creek, WI to Albert Lea, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Universal Milking Machine, division of Univerals Co-operatives, Inc. 408 South First Avenue, Albert Lea, MN 56007.

Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 10827 (Sub-509TA), filed May 23, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith P.O. Box 225888, Dallas, TX 75265. *Rubber compound* from Chicago, IL to points in OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schlegel Illinois, Inc. 341 W. Superior, Chicago, IL 60610. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 108207 (Sub-510TA), filed May 24, 1979. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 225888, Dallas, TX 75265. Representative: M. W. Smith, P.O. Box 225888, Dallas, TX 75265. *Foodstuffs* (except in bulk), from the facilities of Anderson Clayton Foods at Jacksonville, IL, to points in CA, CO, IN, IA, KS, LA, MI, MN, MS, MO, NE, OH, TX and Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods, Inc., P.O. Box 226165, Dallas, TX 75266. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 108247 (Sub-6TA), filed May 23, 1979. Applicant: WESTCHESTER MOTOR LINES, INC., Furniture Division, 35 Edgemere Road, New Haven, CT 06512. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, DC 20005. *New furniture, cabinets, and furniture parts thereto,* from Brooklyn, NY to points in OH for 180 days. Supporting shipper(s): Supreme Equipment & Systems Corporations, 170 53rd Street, Brooklyn, NY 11232. Send protests to: J. D. Perry, Jr., DS/ICC, 135 High Street, Hartford, CT 06101.

MC 113106 (Sub-74TA), filed May 24, 1979. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmount Ave., Baltimore, MD 21224. Representative: Chester A. Zyblut, 1030 15th St. NW., Washington, DC 20005. *Malt beverages and related advertising materials,* from the facilities of Pabst Brewing Company, Newark, NJ to points in PA, MD, DE, DC, OH and points in NY located on and west of I–81, for 90 days. An underlying ETA seeks 90 days. Supporting shipper(s): John R. Behrends, Pabst Brewing Company, 917 W. Juneau Ave., Milwaukee, WI 53201. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 115826 (Sub-480TA), filed June 1, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Fruit juice and fruit juice concentrates,* from DeLand, Umatilla, FL and their commercial zones to Albuquerque, NM, Denver, CO and their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nobel, Inc., 1101 West 48th Avenue, Denver, CO 80217. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-481TA), filed June 1, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meat in boxes,* from Los Angeles, CA and its commercial zone to points in DE, TX, and VA, for 180 days. Supporting shipper(s): Century Service and Warehouse, Inc., P.O. Box 2121, Huntington Park, California 90255. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-482TA), filed June 1, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Chemicals, NOI, cleaning, defoaming and paint removing compounds, solvents, plastic liquid, ink, plastic sheeting, machinery, machinery parts, paint, lacquer, varnish and paint thinner,* between facilities of Thiokol/Dynachem Corporation, Orange County, CA, on the one hand, and on the other hand, Indianapolis and Terre Haute, IN, Elmhurst, IL, Herndon, VA, Charlotte and Matthews, NC, Moss Point, MS, Kearney, NJ, Farmingdale, NY, Woburn and South Hadley Falls, MA; and from Moss Point, MS to Charlotte and South Hadley Falls, MA, for 180 days. Supporting shipper(s): Thiokol/Dynachem Corporation, P.O. Box 12047, Santa Ana, CA 92711. Send protests to: Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 116806 (Sub-7TA), filed May 16, 1979. Applicant: HUTTON TRANSPORT, LIMITED, R.R. No. 1, Lakeside, Ontario, Canada NOM 2G0. Representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. *Cement, cement brick and block and prestressed and precast cement products,* from the international boundary line between the United States and Canada at points in MI and NY to IL, IN, MI, NY, OH, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper, Canada Building Materials Co., 1958 Kipling Ave., Rexdale, Ontario, Canada, M9W 4J3; the St. Marys Cement Co., 2200 Younge St., Toronto, Ontario, Canada, M4S 2C6; Pre Con Co., 35 Rutherford, RD, South Brampton, Ontario, Canada L6W 3J4. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Bldg., Lansing, MI 48933.

MC 119767 (Sub-359TA), filed May 14, 1979. Applicant: BEAVER TRANSPORT CO., P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Flavoring syrup, flavoring compounds, flavoring extract, and beverage preparations,* except in bulk, from Louisville, KY to Rochester, MN and points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepsi Co., Inc., Purchase, NY 10577. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 120616 (Sub-5TA), filed May 31, 1979. Applicant: A. V. DEDMON TRUCKING, INC., Highway 150 East, Shelby, NC 28150. Representative: N. Dixon Lackey, Jr., 224 East Warren St., Shelby, NC 28150. *General commodities, except those requiring special equipment* between points and places in Cleveland, Cherokee, Swain, Haywood, Transylvania, Madison, Buncombe, Henderson, McDowell, Caldwell, Catawba, Gaston, Mecklenburg, Forsyth, Davidson, Guilford, Cumberland, and Burke, Counties, NC and between points and places in said counties, on the one hand, and points and places in NC on and West of US Highway 17 from the SC state line to Vanceboro and on and West of NC Highway 43 from Vanceboro to Norlina, on the other hand, and between points and places in the counties named above on the one hand and points and places in the states of GA, SC and VA on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack the authority herein applied for with MC 120616. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below or Headquarters. Send protests to: D/S Terrell Price, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 123876 (Sub-2TA), filed May 24, 1979. Applicant: PRATT TRANSPORTATION CO., INC., 2565 St. Marys Avenue, P.O. Box 1501, Omaha, NE 68101. Representative: Duane L. Stromer, (same address as applicant).

Liquid fertilizer, in bulk, in tank trucks, from Perry, NE to points in KS and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical Corporation, P.O. Box 2120, Houston, TX 77001. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 124117 (Sub-37TA), filed May 23, 1979. Applicant: EARL FREEMAN AND MARIE FREEMAN d.b.a. MID-TEEN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Glass containers* from Terre Haute, IN and its commercial zone to Memphis, TN and its commercial zone, for 180 days. Supporting shipper(s): Midland Glass Company, Inc., P.O. Box 55, Cliffwood, NJ 07721. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 126327 (Sub-6TA), filed March 12, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Foodstuffs* (except frozen and in bulk) (1) from the facilities of Nabisco, Inc., Buena Park and Oakland, CA to points in ID, NV, OR, and WA; (2) from facilities of Nabisco, Inc., Portland, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ, 07936. Send protests to: District Supervisor M. M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

MC 126327 (Sub-7TA), filed April 13, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Paper, paper products, and wood pulp,* from Wallula, WA to points in AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 2885, Portland, OR 97208. Send protests to: District Supervisor M. M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

MC 126327 (Sub-8TA), filed May 23, 1979. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Paper and paper products,* from the facilities of Crown Zellerbach at or near Lebanon, North Portland, Portland, Wauna, and West Linn, OR and Comas, Port Angeles and Port Townsend, WA to points in AZ, CA, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Crown Zellerbach, 1500 Southwest First Ave., Portland, OR 97201. Send protests to: District Supervisor N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 126736 (Sub-121TA), filed May 29, 1979. Applicant: FLORIDA ROCK AND TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, FL 32201. Representative: L. H. Blow (same as applicant). *Silica sand, in bulk, in dump vehicles,* from the facilities of Wedron Silica Company, at or near Lugoff, SC, to Warner Robbins, GA for 180 days. Supporting shipper(s): Midland Glass Company, P.O. Box 557, Cliffwood, NJ 07721. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 128007 (Sub-138TA), filed May 11, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison, Topeka, KS 66603. *Bicarbonate of Soda,* when used as a feed ingredient, from Fostoria and Old Fort, OH; Green River, WY, and St. Louis, MO. to points in AL, FL, GA, OK, TN, TX and Little Rock AR, Shreveport, LA and Jackson, MS; 180 days. Supporting shipper: Southeastern Minerals; Marshall Minerals, Bainbridge, GA. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 128746 (Sub-52TA), filed May 2, 1979. Applicant: D'AGATA NATIONAL TRUCKING, CO., 3240 S. 61st St., Phila., PA 19153. Representative: Edward J. Kiley, 1730 M St., Suite 501, Washington, DC 20036. *Malt beverages,* in containers, from Oswego and Onondaga Counties, NY to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Co., 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: T. N. Esposito, TA, 101 S. 7th St., Room 620, Phila., PA 19106.

MC 129387 (Sub-95TA), filed May 22, 1979. Applicant: PAYNE TRANSPORTATION, INC., P.O. Box 1271, Huron, SD 57350. Representative: Charles E. Dye (same address as applicant). *(1) Automobile accessories; (2) home canning kits; (3) cleaning compounds; (4) plastic, metal, wooden and rubber articles; and (5) materials, equipment and supplies used in the manufacture and distribution of commodities in (1), (2), (3), and (4) above* between Savage, Minneapolis, and St. Paul, MN and Huron, SD and their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mastermotive, Inc., 5440 West 125th Street, Savage, MN 55378. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 129537 (Sub-35TA), filed May 21, 1979. Applicant: REEVES TRANSPORTATION CO., Route 5, Dew's Pond Rd., Calhoun, GA 30701. Representative: John C. Vogt, Jr., 406 N. Morgan Street, Tampa FL 33602. *Carpeting, floor covering, carpet padding, materials supplies and equipment used in the installation and manufacture thereof* to, from and between all points in Floyd, Bartow, Chattooga, Muscogee, Gordon, Whitfield, Murray, Walker, Catoosa and Troup Counties, GA on the one hand and all points in the state of OK on the other hand. Supporting shipper(s): There are 38 shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 136246 (Sub-27TA), filed May 25, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Liquid fertilizer,* from Council Bluffs, Eldora, and Clinton, IA to points in NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Suppliers, Inc., P.O. Box 538, Eldora, IA 50627. Send protests to: Carroll Russell, ICC, Suite 620, 110 N. 14th St., Omaha, NE 68102.

MC 136786 (Sub-158TA), filed May 24, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Ave., Des Moines, IA 50321. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. *Such commodities as are dealt in by wholesale and retail drug, department and food business houses (except in bulk) moving in vehicles equipped with mechanical refrigeration* from Waxdale and Racine, WI to points in OR and WA, restricted to shipments involving substition of trailer on flatcar service for over the road motor carrier service for a portion of the through movement, for 180 days. Supporting shipper(s): S. C. Johnson & Son, Inc., 1525 Howe St., Racine, WI 523403. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138627 (Sub-69TA), filed May 16, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Lumber and lumber mill products,* from Big Falls, MN to points in IL, IN, IA, NE, ND, SD, and WI

for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Page & Hill Forest Products, Inc., Big Falls, MN 56627. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138627 (Sub-70TA), filed May 16, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Lumber and lumber mill products,* from points in MN to points in AR, IL, IN, IA, KS, KY, MI, MO, NE, ND, OH, OK, SD, TN, TX, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northland Hardwood Lumber Company, P.O. Box 166, Northome, MN 56661. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138627 (Sub-71TA), filed May 18, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Wallboard,. fiberboard, pulpboard, and strawboard,* from International Falls, MN to Points in AR, IL, IN, IA, KS, KY, MI, MO, NE, OH, OK, and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 2885, Portland, OR 97208. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 142487 (Sub-3TA), filed February 14, 1979. Applicant: JOHN H. KOOY TRUCKING, INC., 3926 Shelby Road, Lynwood, WA 98036. Representative: James T. Johnson, 1610 IBM Bldg., 1200 5th Ave., Seattle, WA 98101. *Synthetic rubber sealants and coatings in pails and drums,* from Glendale, CA to points in OR and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Products Research & Chemical Corporation, 3623 Sixth Avenue South, Seattle, WA 98134. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 143607 (Sub—10TA), filed May 18, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Route 6, Waco, TX 76706. Representative: Steve Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. *Contract carrier, irregular routes: Packaged products* from the facilities of Hi-Port Industries, at or near Highland, TX to NM, AZ, CO, KS, MO, AR, LA, MS, KY, TN, AL, GA, FL, SC, NC, CA, IL, IN, OH, WY and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hi-Port Industries, P.O. Box 755, Highlands, TX 77562. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 144027 (Sub-12TA), filed June 4, 1979. Applicant: WARD CARTAGE AND WAREHOUSING, INC., Route #4, Glasgow, KY. 42141. Representative: Walter Harwood, Atty., P.O. Box 15214, Nashville, TN 37215. General Commodities (with usual exceptions), between Nashville, TN, on the one hand, and, on the other, points in FL, east of the Apalachicola River. (Applicant intends to interline with other carriers.) Supporting shipper(s): Approx. 167 supporting shippers, located in FL, TN, & KY. Send protests to: Linda H. Sypher, D/S, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 144557 (Sub-11TA), filed June 5, 1979. Applicant: HUDSON TRANSPORTATION, INC., P.O. Box 847, Troy, AL 36081. Representative: James T. Crawley, 125 Henderson Highway, P.O. Box 847, Troy, AL 36081. *Canned and preserved foodstuffs (except in bulk)* from the facilities of Heinz USA, Division of H.J. Heinz Company, at or near Greenville, SC to points in AL, GA, MS, the New Orleans, LA commercial zone, and points in FL on and west of FL highway 79, for 180 days. Supporting shipper(s): Heinx USA, Division of H.J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 144587 (Sub-1TA), filed May 29, 1979. Applicant: DON E. Keith, 2990 Pierce Road, Bakersfield, CA 93308. Representative: Don E. Keith (same address as applicant). *Common:* Irregular: *Asphalt, asphalt emulsion and road oil in bulk in tank vehicles,* from Bakersfield, CA, to all points in the State of Nevada, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Golden Bear Division, Witco Chemical Corp., P.O. Box 378, Bakersfield, CA 93302. Send protests to: Irene Carlos, T/A, I.C.C., P.O. Box 1551, Los Angeles, CA 90053.

MC 144897 (Sub-3TA), filed May 23, 1979. Applicant: SUN FREIGHTWAYS, INC., P.O. Box 5386, Lubbock, TX 79417. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. *General commodities* (except Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of Kirby West, at or near Andrews, TX to Amarillo and Lubbock, TX and Clovis, NM, interchange points; and from such interchange points to the facilities of Kirby West, at or near Andrews, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kirby West, P.O. Box 670, Andrews, TX 79714. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 144956 (Sub-4TA), filed June 1, 1959. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 7034, 30th Street Southeast, Calgary, AB, Canada T2G 1N9. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402. *Lumber* and *lumber mill products* (1) from ports of entry on the International Boundary line between the U.S. and Canada located in WA, ID and MT to points in AZ, CA, ID, NM and NV; and (2) from points in MT and ID to points along the U.S.-Canada International Boundary line located in MT, ID and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Taiga Wood Products, Ltd., 4400 Dominion St., Burnaby, BC, Canada V5M 3X6; Ralph S. Plant, Ltd., 475 W. Georgia St., Vancouver, BC, Canada V6B 3T2; Northwood Building Materials, 6146 Beresford St., Burnaby, BC, Canada V5J 1K. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 144957 (Sub-6TA), filed May 18, 1979. Applicant: PETERCLIFFE, LTD., 11933 71st Avenue, Palos Heights, IL 60463. Representative: Leslie Peters, 11933 71st Avenue, Palos Heights, IL 60463. *General commodities,* restricted to traffic moving on Freight Forwarder bills of lading for 180 days between OK, NM, TX and LA on the one hand and on the other CA, AR, NV, UT, IL, MO, WI, TN, NC, SC, FL, GA, MA, NY, NJ, CT, PA, MD, Johnson and Leavenworth counties, KS. Supporting shipper(s): Three Supporting Shippers. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 144996 (Sub-1TA), filed May 9, 1979. Applicant: D. H. SHARER & SON, INC., R.D. 2 box C, New Oxford, PA 17350. Representative: Walter K. Swartzkopf, Jr., 407 N. Front St., Harrisburg, PA 17101. *Dry fertilizer and fertilizer ingredients,* in bulk, in dump vehicles, from facilities of Allied Chemical Corp. in Hopewell, VA to points in DE, MD, NJ, NY, PA, WV, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Chemical Corp., P.O. Box 2120,

Houston, TX 77001. Send protests to: ICC Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 145827 (Sub-3TA), filed May 22, 1979. Applicant: Long Rock Co., P.O. Box 188, Princeville, IL 61559. Representative: Douglas G. Brown, INB Center—Suite 555, Springfield, IL 62701. *Silicon Carbide*, in bulk, in dump trailers, and in drums and bags on flat trailers from Niagara Falls, NY to points in the states of IL, IN, MI, OH and WI for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): General Abrasive Division,-Dresser Industries, Inc., 2000 College Avenue, Niagara Falls, NY 14305. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145856 (Sub-1TA), filed May 29, 1979. Applicant: TIME CONTRACT CARRIERS, INC., 17734 Sierra Highway, Canyon Country, CA 91351. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Frozen Food Stuffs, in vehicles equipped with mechanical refrigeration*, from the facilities of Kitchens of Sara Lee located at Chicago, and Deerfield, IL, and New Hampton, IA, to points in AZ, CA, and NV, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukegan Rd., Deerfield, IL 60015. Send protests to: Irene Carlos, T/A, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 145956 (Sub-1TA), filed May 31, 1979. Applicant: TRANSMEDIC CARRIERS, INC., P.O. Box 1394, Largo, FL 33540. Representative: Paul Meilleur, 1340 Indian Rocks Road, Belleair, FL 33516. *Bananas and tropical fruits in maritime containers* from Mobile, AL and Gulfport, MS to Peoria, IL, Ft. Wayne and Indianapolis, IN, Louisville, KY, St. Louis, MO, Grand Rapids, MI, Memphis and Nashville, TN and their commercial zones. Above restricted to transportation in temperature controlled marine containers. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645; The Koger Co., 1014 Vine St., Cincinnati, OH 45201. Send protests to: Donna M. Jones, T/A, ICC, Suite 101, 8410 NW., 53rd Terr., Miami, FL 33166.

MC 146327 (Sub-3TA), filed May 31, 1979. Applicant: UNITED TRUCKING COMPANY, P.O. Box 1158, Miles City, MT 59301. Representative: Joe Gerbase, Anderson, Brown, Gerbase, Cebull & Jones, 100 Transwestern Building, Billings, MT 59101. *Wine, champagne and brandy* from Chicago, IL to points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mogan David Wine Corporation, 3737 South Sacramento, Chicago, IL 60632. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146327 (Sub-4TA), filed May 30, 1979. Applicant: UNITED TRUCKING COMPANY, P.O. Box 1158, Miles City, MT 59301. Representative: Joe Gerbase, Anderson, Brown, Gerbase, Cebull & Jones, 100 Transwestern Bldg., Billings, MT 59101. *Wine, champagne and brandy* from points in and north of Monterey, Kings, Tulare and Inyo Counties, CA to points in MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Paul Masson, Inc., P.O. Box 21069, San Jose, CA 95151; E. & J. Gallo Winery, P.O. Box 1130, Modesto, CA 95353; Almaden Vineyards, 2055 South 7th, San Jose, CA 95112; United Vintners, Inc., 601–4th Street, San Francisco, CA. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146586 (Sub-1TA), filed April 9, 1979. Applicant: CHARLES P. BREWSTER, d.b.a. BREWSTER DISTRIBUTING, 109 North Major Street, Eureka, IL 61530. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Foodstuffs*, except in bulk, from the facilities of Anderson Clayton Foods at Jacksonville, IL to points in AL, AR, FL, GA, IN, KY, LA, MS, MO, NC, OH, PA, SC, TN and TX, for 180 days. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 226165, Dallas, TX 75266. Send protests to: T/A Annie Booker, Room 1386, 219 S. Dearborn, Chicago, IL 60604.

MC 146686 (Sub-2TA), filed March 29, 1979. Applicant: G. M. G. EXPRESS, INC., 2020 State Road 31 E, Jeffsonville, IN 47130. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *General commodities (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between points in IN on and south of U.S. Hwy 40 (but including all of Marion County, IN) on the one hand, and on the other, Louisville, KY and its Commercial Zone (as defined by the Commission) for 180 days. Restriction: Restricted to traffic having a prior or subsequent movement by rail or water. Supporting shippers: 8 supporting shippers. Send protests to: Beverly J. Williams, Trans. Asst., ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 146756 (Sub-2TA), filed May 22, 1979. Applicant: WAGNER TRUCKING, 6585 Dawn Way, Inver Grove, MN 55075. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Building materials* from St. Paul, MN to points in ND, SD and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Emmer Twin Cities, Inc., 31 West Arch, St. Paul, MN 55103. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 146797 (Sub-1TA), filed April 13, 1979. Applicant: LAWRENCE SUMPTER d.b.a. SUMPTER EXPRESS, Rt. 10, Box 463A, Columbus, IN 47201. Representative: Stephen M. Gentry, 1500 Main Street, Speedway, IN 46224. *Plastic articles* from the facilities of Amoco Container Company at or near Seymour, IN to points in CA for 180 days. Supporting shipper: Amoco Container Company, P.O. Box 1000, Seymour, IN 47274. Send protests to: Beverly J. Williams, Transport Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 147047 (Sub-1TA), filed June 1, 1979. Applicant: CAPITAL WIRE AND CABLE CORPORATION d.b.a. CWC TRUCKING COMPANY, 910 10th Street (P.O. Box 7), Plano, TX 75074. Representative: William Sheridan, 1025 Metker, Irving, TX 75062. *Silica ground or pulverized in bags* from plantsite and storage facilities of Illinois Minerals Company at or near Cairo, IL to Dallas, and Houston, TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Illinois Minerals Company, 2035 Washington Ave., Cairo, IL 62914. Send protests to: Opal M. Jones, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

MC 147076 (Sub-1TA), filed May 4, 1979. Applicant: COMMERCIAL ZONE CARTAGE, INC., 11460 Reading Road, Cincinnati, OH 45241. Representative: Jerry Rutledge, P.O. Box 505, West Chester, OH 45069. *Contract carrier:* irregular route: Shoes and materials, supplies used in the manufacture and distribution of such, between Cincinnati, OH and New York City, NY, Hoboken, NJ, Hanover and Brockton, MA and Los Angeles, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Shoe Corporation, 1658 Herald Ave., Cincinnati, OH 45212. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147117 (Sub-1TA), filed May 22, 1979. Applicant: W. B. CUDDEBACK, 1183 Broadway, El Cajon, CA 92021. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles,

CA 90010. *Contract:* irregular: *(1) Cast iron pipe* from the facilities of Griffin Pipe Co., located at Lynchburg, VA, and from the facilities of U.S. Pipe Co., located at Chattanooga, TN, to the facilities of Universal Cast Iron Mfg. Co., located at South Gate, CA, and *(2) Cast iron articles,* from the facilities of Universal Cast Iron Mfg. Co., located at South Gate, CA, to Lynchburg, VA, under a continuing contract with Universal Cast Iron Mfg. Co., of South Gate, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Universal Cast Iron Mfg. Co., 5404 Tweedy Place, South Gate, CA 90280. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147127 (Sub-1TA), filed May 31, 1979. Applicant: MC LAURIN TRUCKING COMPANY, P.O. Box 26506, Charlotte, NC 28213. Representative: Donald J. Balsley, Jr., 1747 Pennsylvania Ave, NW Suite 1050, Washington, DC 20006. *(1) such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and empty pallets on return,* from points and places in Mecklenburg County, NC to points and places in Columbia and Richmond Counties, GA; Greene, Hawkins, Knox and Sullivan Counties, TN, and VA and WV; and from points and places in Chatham County, GA, to points and places in NC; and from points and places in Kanawha and Cabell Counties, WV to points and places in NC. *(2) materials equipment and supplies used in the manufacture of the commodities listed in (1),* from points and places in Columbia and Richmond Counties, GA, Greene, Hawkins, Knox and Sullivan Counties, TN and VA and WV to points and places in Mecklenburg County, NC; and from points in NC to points and places in Chatham County, GA and Kanawha and Cabell Counties, WV. *(3) chemicals (except in bulk),* from points and places in Gaston County, NC to points and places in SC and from points and places in York County, to points and places in Mecklenburg and Guilford Counties, NC, for 180 days. Supporting shipper(s): M. Lowenstein & Sons, Inc., P.O. Box 10352, Rock Hill, SC 29730; The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: D/S Terrell Price, 800 Briar Creek Rd., Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 147237 (Sub-1TA), filed May 21, 1979. Applicant: DEAN ANDERSON, d.b.a. DEAN ANDERSON TRUCKING, P.O. Box 392, Cumberland, WI 54829. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. *Fabricated steel* from Lakeland, Barron County, WI to points in MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jack C. Baker, d.b.a. Baker Welding, P.O. Box 625, Cumberland, WI 54829. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 147257 (Sub-1TA), filed June 8, 1979. Applicant: CHILD BROS. INC., 5 Blayne Ave., Dixfield, ME 04224. Representative: Eugene Child (same address as applicant). Contract: Irregular: *Coal,* in bulk, in dump type vehicles from Winslow and Westbrook, ME to the port of entry on the International Boundary Line between the U.S. and Canada at or near Jackman, ME. Restricted to transportation performed under bilateral contract with Zielinski Brothers, Agawam, MA. Supporting shipper(s): Edward, Mitchell and John Zielinski, d.b.a. Zielinsiki Brothers, 218 Shoemaker Lane, Agawam, MA 01001. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 147287 (Sub-1TA), filed May 30, 1979. Applicant: RICHARD FAY DAVIS, d.b.a., RFD TRUCKING, 451 Turf Drive, Virginia Beach, VA 23452. Representative: Wilmer B. Hill, Attorney At Law, Suite 805, 666 Eleventh Street, NW., Washington, D.C. 20001. *Contract—irregular: Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except Hides, inedible skins and pieces thereof, and commodities in bulk, in tank vehicles), from Amarillo, Dumas, Plainview, and Wichita Falls, TX to Norfolk, VA, under contract with Economy Stores, Inc., Norfolk, VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Economy Stores, Inc., 1157 Production Road, Norfolk, VA 23501. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond VA 23240.

MC 147296 (Sub-1TA), filed May 29, 1979. Applicant: DONALD J. MURRAY d.b.a., DON MURRAY TRUCKING, 1145 Wesley Drive, Lapeer, MI 48446. Representative: Donald J. Murray, 1145 Wesley Drive, Lapeer, MI 45446. Metals, NOI between Warren, MI on the one hand, and on the other, Houston TX; between Warren, MI on the one hand, and on the other Columbus, OH, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): General Electric Company, Carboloy Division, 1117 E. Eight Mile, Warren, MI 48089. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 147316 (Sub-TA), filed May 3, 1979. Applicant: CRESTON TRANSPORTATION, INCORPORATED, East Highway 34, Creston, IA 50801. Representative: Frank W. Davis, Jr., 2600 Ruan Center, Des Moines, IA 50309. *Empty cans, empty bottles, and components thereof,* from points in IA to points in MN, IL, WI, NE, IN, MI and MO for 180 days. Supporting shipper(s): Southwest Distributing Company, Industrial Road Parkway, Creston, IA 50801. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 147326 (Sub-TA), filed April 4, 1979. Applicant: NEWPORT AIR FREIGHT, INC., Airport Road, Newport, VT 05855. Representative: Cecil Wright (same address as applicant). Common, irregular routes: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), *all on a priority basis with prior or subsequent movement by air.* Between Caledonia, Essex and Orleans Counties, VT on the one hand, and, on the other, Logan International Airport at or near East Boston, MA, for 180 days. Supporting shippers(s): There are approximately 14 statements of support attached to the application which may be examined at the ICC in Washington, DC or copies of which may be examined in the field office named below. Send protests to: ICC, PO Box 548, Montpelier, VT 05602.

MC 147327 (Sub-TA), filed March 19, 1979. Applicant: VALLEY TRANSFER & STORAGE, INC., P.O. Box 13236, Spokane, WA 99206. Representative: Jim Wallingford (same as above). (1) *Lumber, veneer and forest products,* between points in ID, MT, OR, and that part of WA lying in and east of Okanogan, Chelan, Kittitas, Yakima, and Klickitat Counties; (2) *steel and aluminum culvert and accessorial parts and fittings therefor,* from points in Clark and Spokane Counties, WA to points in ID, MT, and OR; (3) *pre-engineered metal buildings and accessorial parts and fittings therefor,* from points in Spokane County, WA to points in ID, MT, and OR; (4) *cement and sand and mixes thereof, in sacks,* from points in Spokane County, WA to points in ID, MT, and OR, for 180 days. Supporting shippers(s): There are 10 shippers. Their statements may be examined at the office listed below and

headquarters. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 41406 (Sub-141TA), filed March 26, 1979, and published in the **Federal Register** issue of June 11, 1979, and republished as corrected this issue. Applicant: Artim Transportation System, Inc., 7105 Kennedy Avenue, P.O. Box 2178, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Ave., Hammond, IN 46323. *Agricultural, Construction* & industrial machinery, engines and equipment and merchandise as is dealt in or used by lawn, garden and leisure product dealers, between the facilities of Allis-Chalmers, at or near LaPorte, IN, Milwaukee and Fort Washington, WI on the one hand, and, on the other, points in the US located in and east of ND, SD, NE, CO, OK and TX., for 180 days. Supporting shipper(s): Allis-Chalmers Corp., P.O. Box 512, Milwaukee, WI 53201. Send protests to: T/A Annie Booker, Room 1336, 219 S. Dearborn, Chicago, IL 60604. The purpose of this republication is to indicate the proper territorial description applied for.

MC 4267 (Sub-6TA), filed March 30, 1979, and published in the **Federal Register** issue of June 1, 1979, and republished as corrected in this issue. Applicant: C. L. Jillich Truck Line, Inc., 16200 Dixie Highway, Markham, IL 60426. Representative: Anthony T. Thomas, 6017 Cermak Road, Cicero, IL 60650. *Contract Carrier: Iron and Steel Articles,* (1) From Chicago, IL and Gary, IN to points in OH and (2) From the facilities of Republic Steel Corp. at Canton, Cleveland, Massillon, Niles, Youngstown and Warren, OH to points in IL and points in IN located in the Chicago, IL Commercial Zone for 180 days. Supporting shipper(s): Republic Steel Corp., P.O. Box 6778, Cleveland, OH 44101. Send protests to: T/A Annie Booker, Room 1386, ICC, 219 S. Dearborn, Chicago, IL 60604. The purposed of this republication is to indicate the contract status of this carrier and to better describe the area in IN sought as a destination.

MC 30657 (Sub-30TA), filed April 4, 1979, and published in the **Federal Register** issue of June 1, 1979, and republished as corrected in this issue. Applicant: DIXIE HAULING COMPANY, 340 Englewood Ave., SE., Atlanta, GA 30315. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Contract Carrier: irregular routes: Iron or steel articles,* from the facilities of Armco, Inc., Conyers, GA, to points in AR, KY, LA, VA and WV, and from the facilities of Armco, Inc., Middletown, OH and Ashland, KY to the facilities of Armco, Inc., Conyers, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armco, Inc., 703 Curtis St., Middletown, OH 45043. Send protests to: Sara K. Davis TA, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309. The purpose of this republication is to add the origin for the second portion of this movement.

MC 143267 (Sub-71TA), filed April 23, 1979, and published in the **Federal Register** issue of June 11, 1979, and republished as corrected in this issue. Applicant: CARLTON ENTERPRISES, INC., P.O. Box 520, Mantua, OH 44255. Representative: Neal A. Jackson, Esq., 1155 15th St., NW., Washington, DC 20005. *Such articles as are dealt in or used by agricultural equipment, industrial equipment, and motor vehicle manufacturers or dealers* (except items in bulk) in truckload quantities between the facilities of or used by International, Harvester Company in IL, KY, TN, WI, and Shadyside and Springfield, OH, on the one hand, and, on the other points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Harvester Company, 401 N. Michigan Ave., Chicago, IL 60611. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Bldg., Cleveland, OH 44199.

The purpose of this republication is to indicate the proper territorial description of the authority sought.

By the Commission.

H.G. Homme, Jr.,

Secretary.

[FR Doc. 79-21923 Filed 7-13-79; 8:45 am]

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[Volume No. 89]

Permanent Authority Decisions

Decided: June 20, 1979.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests, such as are allowed to applications filed prior to March 1, 1979, to these applications will be rejected. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, and has the necessary equipment and facilities for performing that service, and (2) has either performed service within the scope of the application or has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to confrom to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common

control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board 3 Members Parker, Fortier, and Hill.

H. G. Homme, Jr.,

Secretary.

FF 516F, filed March 2, 1979. Applicant: SAM-SON DISTRIBUTION CENTER, INC., 290 Larkin Street, Buffalo, NY 14210. Representative: Brian S. Stern, 2425 Wilson Boulevard, Arlington, VA 22201. To operate as a *freight forwarder*, in interstate commerce, in 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, used motor vehicles, and commodities requiring special equipment), from points in the United States (except AK and HI) to ports of entry on the international boundary line between the United States and Canada at Buffalo and Niagara Falls, NY, restricted to the transportation of traffic moving through the facilities of Sam-Son Distribution Center, Inc., at Buffalo, NY. (Hearing site: Buffalo or Rochester, NY.)

MC 11027 (Sub-475F), filed March 8, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fabricated metal poles*, from Houston, TX, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, OH, SC, TN, VA, and WV. (Hearing site: Houston, TX, or Washington, DC.)

MC 11207 (Sub-476F), filed March 8, 1979. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *non-electric reflective traffic control products*, and (2) *equipment, machinery, materials*, and *supplies* used in the manufacture and distribution and installation of the commodities named in (1) above, (except commodities in bulk) between the facilities of Pave-Mark Corp at or near Smyrna, GA, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, OK, TX, and TN. (Hearing site: Atlanta, GA, or Washington, DC.)

MC 12837 (Sub-2F), filed March 8, 1979. Applicant: MARY KAMM TOURS, INC., 145 W. 8th Street, Cambridge, OH 43725. Representative: Charles A. Webb, Suite 800 South, 1800 M Street NW., Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a *broker*, at Cambridge, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at points in OH and WV, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Columbus, OH.)

MC 26396 (Sub-236F), filed March 8, 1979. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. BOX 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *concrete mausoleum crypts*, from Denver, CO, to (1) points in AZ, NE, NM, MT, KS, UT, SD, ND, OK, TX, WY, NV, OR, WA, CA and ID, and (2) to ports of entry on the International boundary line between the United States and Canada located in WA, ID, MT and ND. (Hearing site: Billings, MT.)

MC 42487 (Sub-906F), filed March 6, 1979. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, automobiles, and commodities requiring special equipment), (1) between Columbia, MO, and the facilities of CR Filter Systems, Inc., at or near Eldon, MO: From Columbia, MO, over U.S. Hwy 63 to Jefferson City, MO, then over U.S. Hwy 54 to Eldon, MO, and return over the same route, serving no intermediate points except the junction of U.S. Hwys 50, 63, and 54 at Jefferson City, MO, for purposes of joinder only, and (2) serving the facilities of CR Filter Systems, Inc., at or near Eldon, MO, as an off-route point in connection with carrier authorized regular route operations. (Hearing site: St. Louis, MO or Chicago, IL.)

MC 73616 (Sub-4F), filed March 7, 1979. Applicant: BILKAWYS EXPRESS CO., a corporation, 830 Old Corlies Avenue, Neptune, NJ 07753. Representative: Edward M. Alfano, 530 Mamaroneck Avenue, Harrison, NY 10528. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Broome, Delaware, Sullivan, and Ulster Counties, NY, on the one hand, and, on the other, New York, NY, points in CT, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, and Westchester, Counties, NY, and points in Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Sussex, those in Somerset north of Raritan River, Union, and Warren Counties, NJ. (Hearing site: New York, NY.)

Note.—Applicant seeks to substitute single-line service for existing joint-line service.

MC 78687 (Sub-61F), filed March 6, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, West Cayuga Street, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Jones & Laughlin Corp., at or near Aliquippa and Pittsburgh, PA, to points in NY except those in Rockland, West Chester, Nassau, and Suffolk Counties, and New York, NY.) (Hearing site: Pittsburgh, PA.)

MC 100666 (Sub-449F), filed March 7, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *air pollution control equipment* and *dust collectors*, from the facilities of W. W. sly Manufacturing Co. at or near Mathiston, MS, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 102616 (Sub-982F), filed March 5, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquefied petroleum gas*, in bulk, in tank vehicles, from the facilities of Texas Eastern Pipeline Corporation at or near Oakland City, IN, to points in TN. (Hearing site: Omaha, NE, or Chicago, IL.) Condition.—Any certificate issued here shall be limited in point of time to a period expiring 5 years from its effective date.

MC 102616 (Sub-983F), filed March 8, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Dow Chemical U.S.A. at Channahon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL, or Washington, DC.)

MC 102616 (Sub-984F), filed March 5, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer*, in bulk, in tank vehicles, from Muscatine, IA, to points in IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 115826 (Sub-429F), filed March 8, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *beads and pulverized glass*, from the facilities of Potters Industries, Inc., at or near (1) Cleveland, OH, Anaheim, CA, Potsdam, NY, Carlstadt and West Caldwell, NJ, and Apex, NC, to points in United States (except AK and HI), and (2) Brownwood, TX, to points in the United States (except AK and HI). (Hearing site: Denver, CO.)

MC 117686 (Sub-250F), filed March 5, 1979. Applicant: HIRSCHBACH MOTOR LINES, INC., P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *such commodities* as are dealt in by wholesale and retail stores and materials and supplies used in conducting such business (except foodstuffs and commodities in bulk) when transported in mixed loads with (b) *artificial turf, neoprene foam padding, floor coverings;* and (2)(a) *materials and supplies* used in the installation, manufacture and distribution of the commodities named in 1(b) above, when transported in mixed loads with the commodities in (1)(b) above (except commodities in bulk), from Dalton, GA, to Minneapolis, MN. (Hearing site: Minneapolis, MN; or Chicago, IL.) MC 125996 (Sub-76F), filed March 5, 1979. Applicant: GOLDEN TRANSPORTATION, INC., P.O. Box 26908, Salt Lake City, UT 84125. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE, and Emporia and Wichita, KS, to points in AZ, CA, and NV, restricted to the transportation of traffic orginating at the above named origins. (Hearing site: Omaha, NE or Kansas City, MO.) MC 126927 (Sub-2F), filed March 6, 1979. Applicant: PANTHER TRANSPORTATION, INC., 7301 West 15th Avenue, Gary, IN 46406. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid sugar and corn syrup* in bulk, in tank vehicles, between the facilities of Revere Sugar Corporation at Charlestown, MA, Brooklyn, NY, and Chicago, IL, on the one hand, and, on the other, points in IL, IA, KS, KY, MI, MO, OH, and TN. (Hearing site: Chicago, IL.)

MC 128246 (Sub-39F), filed March 5, 1979. Applicant: SOUTHWEST TRUCK SERVICE, a corporation, P.O. Box AD, Watsonville, CA 95076. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, and (2) *equipment, materials and supplies* (except in bulk) used in the conduct of such business, in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., at or near Los Angeles and Ontario, CA, to points in AZ, CO, ID, MT, NV, MN, OR, UT, WA, and WY, under continuing contract(s) with Kraft, Inc. of Chicago, IL. (Hearing site: Los Angeles, CA or Phoenix, AZ.)

MC 128917 (Sub-5F), filed March 12, 1979. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336.

Representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, from Inkom, ID, to points in Summit and Wasatch Counties, UT. (Hearing site: Boise, ID or Portland, OR).

MC 135107 (Sub-7F), filed March 5, 1979. Applicant: HIGHWAY DUMPHAULERS, INC., P.O. Box 3164, Little Rock, AR 72203. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in bulk, in dump vehicles, from points in Adair, Cherokee, Haskell, Latimer, La Flore, McIntosh, Muskogee, Okmulgee, Pittsburg, Sequoyah, and Wagner Counties, OK, to points in Wichita, Archer, Young, Pinto, Erath, Hamilton, Coryello, Bosque, Hood Parder, Jack, Clay, Montague, Wise, Somervell, McLennan, Hill, Johnson, Tarrant, Denton, Cooke, Grayson, Collin, Dallas, Ellis, Varro, Limestone, Freestone, Anderson, Henderson, Kaufman, Vanzand, Rains, Hunt, Fannin, Lamar, Delta, Hopkins, Wood, Smith, Cherokee, Nacogdoches, Rusk, Gregg, Upshur, Titus, Red River, Bowie, Cass, Camp, Marion, Harrison, Panola, Shelby, and Wall Counties, TX, those points in LA and MS on and north of U.S. Hwy 84, and points in AR. (Hearing site: Little Rock, or Fort Smith, AR.)

MC 136086 (Sub-16F), filed March 5, 1979. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Avenue, Fontana, CA 92335. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *talc* and *soapstone* (except in bulk), from the facilities of Pioneer Talc Co., at or near Allamore, TX, a railhead in Hudspeth County, approximately 10 miles west of Van Horn, TX, to points in AZ and CA, under continuing contract(s) with Seaway Shipping & Trading, Ltd., of San Francisco, CA. (Hearing site: Los Angeles, CA.)

MC 139156 (Sub-9F), filed March 12, 1979. Applicant: FAITH TRUCK LINES, INC., 14326 S. Wood St., P.O. Box 713, Dixmoor, IL 60426. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chemicals*, in bulk, from the facilities of Dow Chemicals USA at Channahon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Chicago, IL.)

MC 141197 (Sub-33F), filed March 12, 1979. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Road, Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed ingredients*, from Kansas City, KS, to points in AR, CO, IA, LA, MO, NE, and OK. (Hearing site: Kansas City, MO.)

MC 143267 (Sub-60F), filed March 8, 1979. Applicant: FITZSIMMONS TRUCKING, INC., 617 Fourth Avenue S.E., Waseca, MN 56093. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *printed matter*, and (2) *equipment and supplies* used by printing companies (except commodities in bulk), between Franklin, KY, on the one hand, and, on the other, points in the United States (except AK and HI) under continuing contract(s) with Brown Printing Company, Inc., of Waseca, MN. (Hearing site: St. Paul, MN.)

MC 144927 (Sub-14F), filed March 9, 1979. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pulpboard and sheathing paper*, from Clifton and Whippany, NJ, and Riegelsville, PA, to points in IL, OH, IN, TN, KY, and AL. (Hearing site: Washington, D.C.)

MC 145317 (Sub-4F), filed March 2, 1979. Applicant: QUALITY SERVICE TANK LINES, INC., 9022 Perrin Beitel, San Antonio, TX 78217. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cement*, in bulk, from points in Comal County, TX, to points in LA, OK, AR, and NM. (Hearing site: San Antonio or Austin, TX).

MC 145406 (Sub-31F), filed March 7, 1979. Applicant: MIDWEST EXPRESS, INC., 380 E. Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, meat by-products and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (except hides and commodities in bulk) from the facilities of Wilson Foods Corporation at Cherokee, IA, to points in IL. (Hearing site: Dallas, TX or Kansas City, MO.)

MC 145746 (Sub-2F), filed March 8, 1979. Applicant: MINDEMANN TRUCKING, INC., W220 N5355 Townline Road, Sussex, WI 53089. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Road, Madison, WI 53719. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brewers* and *west spent grains, and animal feed* in bulk, in dump vehicles, from points in Milwaukee County, and Rochester Township, Racine County, WI, to points in IL, north of U.S. Highway 136, under continuing contract(s) with Murphy Products Company, Inc., of Burlington, WI. (Hearing site: Milwaukee, WI.)

MC 146326 (Sub-3F), filed March 5, 1979. Applicant: JOHN ALGER, SR. d.b.a. ALGER TRANSPORTATION, 9811 Redman Avenue, Omaha, NE 68134. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *telephone equipment*, and (b) *equipment, materials*, and *supplies* used in the installation of telephone systems, (except commodities in bulk, in tank vehicles), from Omaha, NE, to Sunset, Whitney Ranch, Mulford, Los Angeles, and San Diego, CA, and Phoenix, AZ, and (2) *empty reels* and *cores*, in the reverse direction. (Hearing site: Omaha, NE, or Kansas City, MO.)

MC 146416 (Sub-3F), filed March 9, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, a corporation, 155 N. Eucla Ave., P.O. Box 476, San Dimas, CA 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products, and meat byproducts*, and *articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC

209 and 766, (except commodities in bulk, in tank vehicles), (1) from Denver, CO, to points in AL, AZ, CA, CT, DE, FL, GA, IL, MD, MA, MI, MN, NH, NJ, NY, OH, OR, PA, SC, TX, UT, WA, and WI, and (2) from Sterling, CO, to points in CA, CT, IL, MD, MA, MI, NH, NJ, NY, OH, PA, and DC. (Hearing site: Denver, CO, or Los Angeles, CA.)

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[Volume No. 22]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, and Intrastate Applications

Dated: June 28, 1979.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 7647 (M1F) (Notice of filing of petition to modify territorial description), filed June 4, 1979. Petitioner: J. & S. TRUCKING SERVICE, INC., 309 W. Elizabeth Ave., Linden, NJ 07036. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Petitioner holds a motor *common carrier* certificate in MC 7647, issued February 10, 1977, authorizing transportation over irregular routes, of (1) *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, NY, and those points in New York within 5 miles of New York, NY, and all of and any New York Municipality any part of which is within 5 miles of New York, NY, on the one hand, and, on the other, points in Hudson, Bergen, Union, Middlesex, Monmouth, Somerset, Essex, Morris, Passaic, and Ocean Counties, NJ; and (2) *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 points in New Jersey within 5 miles of New York, NY, on the one hand, and, on the other, points in Hudson, Bergen, Union, Middlesex, Monmouth, Somerset, Essex, Morris, Passaic, and Ocean Counties, NJ, restricted in (2) above to the transportation of shipments having an immediately prior or subsequent movement by water. By the instant petition, petitioner seeks to modify the territorial description by eliminating reference to the 10 specified New Jersey Counties indicated and, in lieu thereof, substituting "points in New Jersey".

MC 16682, and Subs 59, 63, 69, 72, 74, 78, 87, and letter-notice Subs E 2, 4, 10, and 14 (M1F), (Notice of Filing of Petition to Modify Certificates and Letternotices), filed February 2, 1979. Petitioner: MURAL TRANSPORT, INC., P.O. Box 1785, No. Brunswick, NJ 08902. Representative: W. C. Mitchell, 370 Lexington Avenue, New York, NY 10017. Petitioner holds motor *common carrier* certificates (1) in MC-16682, served February 28, 1972, authorizing transportation, over irregular routes, of (a) *Commercial and institutional furniture and fixtures, uncrated,* between points in CT, MA, NJ, NY and PA, on the one hand, and, on the other, points in the United States (except AK and HI), (b) *Commercial and institutional furniture, fixtures and equipment, uncrated,* (i) between points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MN, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VI, WV, and DC, (ii) between St. Louis, MO, and points in IL (except Chicago), IN, MI, OH, and WI, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MN, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, and DC (iii) between points in AL, CT, DE, FL, GA, IL (except Chicago), IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IA, KS, MO (except St. Louis), MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, and (iiii) between points in IL (except Chicago and points within 20 miles thereof), IN, (except points within 20 miles of Chicago, IL), MI, OH, WI, and St. Louis, MO, (c) *New and used furniture (uncrated),* other than commerical and institutional furniture and fixtures, and hotel and kitchen equipment, between New York, NY, on the one hand, and, on the other, points in FL, (d) *Commercial and institutional furniture and fixtures, uncrated,* (i) from St. Louis, MO, to points in AR and IA, and (ii) from Beatrice, NE, to points in AR, ID, IA, MT, ND, OK, OR, SD, WA, and WY, (e) *New furniture and new commercial and institutional fixtures and equipment, uncrated* (except new office and business machines), from points in TX, to points in the United States (except AK and HI), with no transportation for compensation on return except as otherwise authorized (f) *New furniture, uncrated, and commercial and institutional fixtures and equipment, (uncrated),* (except office and business machines), (i) from points in AR, to points in the United States (except AK and HI), with no transportation for compensation on

return except as otherwise authorized, (ii) from points in CO to points in MN, IA, MO, AR, ND, SD, NE, KS, OK, TX, MT, WY, CO, NM, ID, UT, AZ, NV, WA, OR, CA, and points in that part of LA west of the Mississippi River, with no transportation for compensation on return except as othewise authorized, (iii) from Oklahoma City, OK, to points in CA, AZ, NM, TX, KS, MO, AR, LA, AL, MS, FL, and TN, with no transportation for compensation on return except as otherwise authorized, (g) *Commercial and institutional furniture and fixtures and kitchen equipment, uncrated,* between New York, NY, points in GA, NC, SC, FL, and OH, (h) *Hotel equipment and kitchen equipment, uncrated,* (i) between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, (ii) between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IA, KS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY (iii) between points in CT, MA, NJ, NY, and PA, on the one hand, and, on the other, points in the United States (except AK and HI), (i) *Table shuffleboard games, parts of table shuffleboard games, and accessories, uncrated,* between Chicago, IL, and East Orange, NJ, on the one hand, and, on the other, points in the United States, (except AK and HI), (j) *Table or table top shuffleboards, uncrated, parts of table shuffleboards, and accessories,* from Orange, Union City, and Union, NJ, to points in the United States (except AK and HI) with no transportation for compensation on return except as otherwise authorized, (k) *New furniture, uncrated,* (i) between New York and Long Island City, NY, on the one hand, and, on the other, points in CT, DE, FL, IL, MD, MA, MI, NJ, NH, NY, NC, OH, PA, RI, SC, VT, VA, and DC, (except no service authorized from points in MI, to New York and Long Island City, NY), (ii) between New York, NY, and points in GA, IN, ME, and WI (iii) between Chicago, IL, and points in FL, GA, ME, NH, NC, SC, VT, and VA, (iiii) from Fayetteville and Syracuse, NY, to Houston, TX, Oklahoma City, OK, Memphis and Nashville, TN, New Haven, CT, St. Louis, MO, Milwaukee, WI, and points in CA and FL, with no transportation for compensation on return except as otherwise authorized, (iiiii) from Fayetteville, NY, to points in VA and GA with no transportation for compensation on return, except as otherwise authorized, (1) *Such new furniture and new houshold furnishings, uncrated,* as are dealt in by retail furniture and department stores and dealers, when transported on the delivery instructions of such stores or dealers, between New York, NY, on the one hand, and, on the other, points in AL, KY, MS, TN, and WV; (2) in MC–16682 Sub 63, serving February 19, 1965, authorizing transportation over irregular routes of *Hospital equipment, crated and uncrated,* from points within the Los Angeles, CA commercial zone, as defined in 3 M.C.C. 248, to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC, with no transportation for compensation on return except as otherwise authorized. RESTRICTION: Service for crated hospital equipment shall be restricted to crated items moved in mixed loads of crated and uncrated hospital equipment; (3) in MC–16682 Sub 59, served March 19, 1965, authorizing transportation over irregular routes of (a) *New furniture, uncrated,* from points in Los Angeles and Orange Counties, CA, to points in the United States (except AK, HI, AZ, ID, OR, MT, WA, WY, El Paso County, TX, that part of UT north of U.S. Hwy 40, Douglas and Ormsby Counties, NV, and that part of NV north of U.S. Hwy 50), with no transportation for compensation on return, except as otherwise authorized, and (b) *Store fixtures and equipment, office fixtures and kitchen fixtures, uncrated,* when moving to a store, office or kitchen for installation, from points in Los Angeles and Orange Counties, CA, to points in the United States (except points in AK and HI), with no transportation for compensation on return, except as otherwise authorized; (4) in MC–16682 Sub 69, served July 13, 1966, authorizing transportation, over irregular routes, of *Refrigerators, uncrated,* from Fort Smith, AR, to points in the United States (except AK and HI), with no transportation for compensation on return, except as otherwise authorized; (5) in MC–16682 Sub 72, served March 23, 1972, authorizing transportation of (a) *Such commodities* as are dealt in by persons engaged in the manufacture or sale of commercial and institutional furniture and fixtures, uncrated, between New York, NY, on the one hand, and, on the other, points in that part of VA on and east of U.S. Hwy 15, and (b) Uncrated commercial and institutional furniture and fixtures and uncrated hotel and restaurant equipment, between points in the New York, NY commecial zone as defined by the Commission, on the one hand, and, on the other, points in CT, DE, MD, NJ, NY, PA, RI, VA, and DC; (6) in MC–16682 Sub 74, served March 23, 1972, authorizing transportation over irregular routes of (a) *Uncrated new furniture and new commercial and institutional furnishings,* between points in the Philadelphia, PA, commercial zone as defined by the Commission, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, MO, KS, AR, TX, LA, MS, AL, FL, GA, SC, NC, TN, KY, WV, VA, points in that of PA west of a line beginning at the PA–NY State line, and extending along U.S. Hwy 11 to Lemoyne, PA, then along Interstate Hwy 83 to York, PA, then along unnumbered highway through Jacobus, Loganville, and Shrewsbury, PA, to the PA–MD State line, and points in that part of NY on north and west of a line beginning at the NY–MA State line, and extending along NY Hwy 2 to Troy, NY, and then along NY Hwy 7 to the NY–PA State line, and (b) *Musical instruments,* (except pianos), *and household appliances, new and used, uncrated,* other than those transported as a part of a household goods movement, as defined by the Commission, between points in the Philadelphia, PA commercial zone as defined by the Commission, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, OH, MO, KS, AR, TX, LA, MS, AL, FL, GA, SC, NC, TN, KY, WV, VA, IL, IN, MI, points in that part of PA on and west of a line beginning at the PA–NY state line, and extending along U.S. Hwy 11 to Lemoyne, PA, then along Interstate Hwy 83 to York, PA, then along unnumbered hwy through Jacobus, Loganville, and Shrewsbury, PA, to the PA–MD State line, and points in that part of NY north and west of a line beginning at the NY–MA State line, and extending along NY Hwy 2 to Troy, NY, then along NY Hwy 7 to the NY–PA State line; (7) in MC–16682 Sub 78, served March 28, 1972, authorizing transportation over irregular routes of (a) *Uncrated new furniture and new commercial and institutional furniture, fixtures and equipment,* from Omaha, NE, Burlington, IA, and points in the Chicago, IL, commercial zone, as defined by the Commission, to Kansas City, MO–KS, (b) *New furniture, new household appliances, uncrated, and new commercial and institutional furniture, fixtures, and appliances, uncrated,* between points in the Kansas City, MO–KS commercial zone, as defined by the Commission, and points within 25 miles thereof, on the one hand, and, on the other, points in MO, AR, OK, KS, NE, and IA, (c) *New furniture, new household applicances, new commercial and institutional furniture, fixtures, and*

applicances, and new floor coverings, uncrated, (i) between points in the Kansas City, MO–Kansas City, KS commercial zone, as defined by the Commission, and points within 25 miles thereof, on the one hand, and, on the other, points in AZ, CA, CO, KY, MN, NM, ND, SD, TN, TX and WV, (ii) from points in the Kansas City, MO–Kansas City, KS, commercial zone, as defined by the Commission, and points within 25 miles thereof, to points in IL, IN, MI, NY, OH, PA, and WI, with no transportation for compensation on return except as otherwise authorized, (d) *New and used commercial and institutional furniture, and fixtures, uncrated,* between Kansas City, MO, on the one hand, and, on the other, points in AL, DE, FL, GA, ID, LA, MD, MS, MT, NV, NJ, NC, OR, SC, UT, VA, WA, WY, and DC, (e) *Furniture, pianos, electric organs and other musical instruments, home appliances, radios, carpets and rugs,* and *commercial and institutional fixtures and appliances, uncrated,* except such of the named commodities as included in the term household goods, as defined by the Commission, between points in MO, on the one hand, and, on the other, points in KS, (f) *Uncrated physician's dentists' and hospital equipment,* (i) between Kansas City, MO–KS, and points within 25 miles thereof, and (ii) between Kansas City, MO–KS, and points within 25 miles thereof, on the one hand, and, on the other, Chicago, IL, Detroit, MI, Philadelphia, PA, and points in KS, NE, IA, MO, WI, OH, and NY, (g) *New floor coverings, uncrated,* between points in Kansas City, MO-Kansas City, KS commercial zone, as defined by the Commission, and points within 25 miles thereof, on the one hand, and, on the other, points in AR, IA, NE, and OK, (h) *Coin-operated vending machines, uncrated,* between Kansas City, MO, on the one hand, and, on the other, points in MN and those in the United States in and east of a line beginning at Lake Superior and extending along the western boundary of WI to the Mississippi River and then along the east bank of the Mississippi River to the Gulf of Mexico, (i) *Dentists' equipment, uncrated,* between Kansas City, MO, on the one hand, and, on the other, points in WA, OR, ID, MT, CO, ND, SD, OK, TX, MN, LA, CA, and UT; (8) in MC–16682 Sub 87, served January 21, 1975, authorizing transportation over irregular routes of (a) *New furniture* (except store fixtures), *ice refrigerators, cabinets, kitchen sinks, uncrated, new office and hospital equipment, and laboratory equipment, and laboratory furniture,* (except kitchen equipment), *uncrated,* (i) Betweeen New York, NY, on the one hand, and, on the other, points in ME, VT, NH, MA, CT, RI, NJ, NY, PA, DE, MD, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, and DC. RESTRICTION: No service is authorized next-above from origin points in Northunberland, Snyderm Montour, Lycoming, Union, and Warren Counties, PA, and Chautauqua and Cattaraugus Counties, NY, (ii) from Merrick, Long Island, Nassau County, NY to points in the above-named States and DC, with no transportation for compensation on return, except as otherwise authorized, and (b) *Children's vehicles, uncrated,* from New York, NY, and Merrick, NY, to points in the above-named States and DC, with no transportation for compensation on return except as otherwise authorized. Mural Transport, Inc., also holds letter-notices (1) in MC–16682 Sub E–2, published in the **Federal Register** of June 10, 1974, and republished in the **Federal Register** of June 24, 1974, effective July 10, 1974, authorizing transportation over irregular routes of *New Furniture, uncrated,* (a) from Chicago, IL commercial zone, to points in AZ, CA, CO, KS, OK, and TX, (b) from Chicago, IL commercial zone, to points in ID, NV, OR, UT, WA, and WY, (c) from Kansas City, MO, to points in ID, MT, NV, OR, WA, and WY, (d) from Kansas City, MO–KS commercial zone, to points in AL, FL, GA, MS, NC, SC and VA, (e) from Kansas City, MO–KS commercial zone to points in CT, DE, ME, MA, NH, NJ, RI and VT, (f) from New York, NY, to points in AZ, CA, ID, NV, NM, OR, UT, WA, and WY, (g) from New York, NY, to Houston, TX, Oklahoma City, OK, and points in CA, (h) from New York, NY, to points in CO, KS and OK (i) from points in DE, MD, NJ, NY (other than New York, NY), PA and DC, to points in AZ, CA, ID, NV, NM, OR, UT, WA, and WY (except from points in MD, PA, and DC, to points in AZ, ID, UT, and WA, from points in DE, MD, PA and DC, to points in NM, and from points in MD, NY, PA, and DC, to points in WY), (j) from points in CT, ME, MA, RI and VT, to points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY (except points in VT to points in MT and WY), (k) from points in CT, DE, ME, MD, MA, NH, NJ, NY (other than New York, NY), PA, RI, VT, and DC, to points in AZ, NM and TX (except from points in MD, PA and DC, to points in NM and from points in DE, MD, NJ, PA, and DC, to points in TX), (1) from points in CT, ME, MA, NH, NY (other than New York, NY), RI, and VT to points in CO, KS and OK (except from points in RI and VT to points in CO, and from points in NY to points in OK), (m) from points in AZ, CA, CO, KS, MO and NM to points in CT, DE, NJ, and RI (except from points in AZ to NJ and RI, and from points in MO to points in CT and NJ), (n) from points in AZ, CA, CO, KS, NM and SD, to points in ME, NH and VT, (o) from points in AZ, CA, CO, KS, MO, NM, ND and SD, to points in MD, MA, and DC, (except from points in CO, KS, MO, ND and SD, to points in MD, and DC), (p) from points in MI, to points in CT, ME, MA, NH, and RI, (q) between points in CT, MA, NJ and NY (other than New York, NY), on the one hand, and, on the other, points in FL, (r) between points in CT, MA and NY (other than New York, NY), on the one hand, and, on the other, points in DE, MD, MI, NC, OH, SC, VA and DC, (s) between points in CT, MA, NJ and NY (other than New York, NY), on the one hand, and, on the other, points in GA, IN and WI (t) between points in CT, MA, NJ and NY, (other than New York, NY), on the one hand, and, on the other, points in AL, KY, LA, MS, MO, TN and WV (except between points in NJ and points in WV), (u) between points in ME, on the one hand, and, on the other, points in FL, (v) between points in ME, and, on the other, points in DE, IL, MD, MI, NJ, NC, OH, PA, SC, VA and DC, (w) between points in ME, NH, NC, VT and VA, on the one hand, and, on the other, points in KS and OK, (x) between points in FL, GA, ME, NH, NC, SC, VT, and VA, on the one hand, and, on the other, points in ID, MT, OR, UT, WA and WY, (y) from points in CO to points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WI and DC, and (z) from Oklahoma City, OK, to points in AL, CT, DE, FL, GA, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and DC; (2) in MC–16682 Sub E–4, published in the **Federal Register**, issue of June 7, 1974, authorizing transportation over irregular routes of *New Commercial and Institutional Furniture, and Fixtures, uncrated,* between points in AZ, CA, CO, NM and TX, on the one hand, and, on the other, points in IA and MO, (3) in MC–16682 Sub E–10, published in the **Federal Register** of August 16, 1974, authorizing transportation over irregular routes of *New furniture, uncrated,* (a) from New York, NY, to points in AZ, NM and TX (other than points in Angelina, Austin, Bowie, Brazoria, Camp, Cass, Chambers, Cherokee, Colorado, Ft. Bend, Franklin, Galveston, Gregg, Hardin, Harris, Harrison, Houston, Jasper, Jefferson, Liberty, Marion, Matagorda, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Red River, Rusk, Sabine, San Augstine, San Jacinto, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Walker, Waller, Wharton

and Wood Counties, TX), (b) from points in CT, DE, ME, MA, NH, NJ, NY, (other than New York, NY), RI and VT, to Oklahoma City, OK (except from DE), and points in CA (c) from points in AZ, CA, CO, KS, NM and SD, to points in IL, IN, MI, NY, OH, PA and WI (except from NM and SD to points in MI and WI), (d) between points in FL, ME, NH, NC, SC, VT and VA, on the one hand, and, on the other, points in AZ, CA, CO, NM, SD and TX, except: (1) between points in FL, on the one hand, and, on the other, points in AZ, NM and TX, (2) between points in NC, SC and VA, on the other hand, and, on the other, points in TX and (3) between points in SC, on the one hand, and, on the other, points in NM, (e) between points IN, and WI, on the one hand, and, on the other, point in in CT, DE, MA, NJ, NH, NY, RI, VT (except between points IN, on the one hand, and, on the other, points in DE), and (4) in MC–16682 Sub E–14, published in the **Federal Register**, of February 4, 1975, authorizing transportation over irregular routes, of *New Commercial and Institutional Furniture, fixtures and equipment, uncrated* (a) between Chicago, IL, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV and DC, and (b) between Chicago, IL, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, KS, MO (except St. Louis, MO), MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY. The uncrated restrictions in the foregoing letter-notices were dependent upon the uncrated restrictions in the certificates referred to above.

By the instant petition, petitioner seeks to modify the above authorities and letter-notices to eliminate the uncrated restrictions so that henceforth petitioner may provide both a crated and an uncrated service on the above commodities to and from the points involved.

MC 107496 (Sub-1059) (M1F) (Notice of Filing of Petition To Remove a Restriction), filed June 12, 1979. Petitioner: Ruan Transport Corp., 666 Grand Avenue, 3200 Ruan Center, Des Moines, IA 50309. Representative: E. Check, (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 107496 Sub 1059, issued March 31, 1978, authorizing transportation over irregular routes, of (1) *petroleum and petroleum products*, in bulk, from points in Mead, Perkins, Ziebach, Dewey, Corson, and Haakon Counties, SD, to points in Morton, Oliver, Burleigh, and Starke Counties, ND; and (2) *liquid petroleum gas*, in bulk, from Memphis, TN, to points in Alabama, Arkansas, Mississippi, Missouri, and Tennessee, restricted in (2) above (a) to the transportation of LPG having a prior movement by water, and (b) to the extent that it authorizes dangerous commodities shall be limited in point of time to a period expiring March 31, 1983. By the instant petition, petitioner seeks to modify the authority by deleting the following restriction imposed on (2): (a) to the transportation of LPG having a prior movement by water.

MC 135616 (Sub-12) (M1F) (Notice of Filing of Petition To Modify Permit), filed February 12, 1979. Petitioner: Perrysburg Trucking Co., Inc., 24892 Thompson Road, Perrysburg, OH 43551. Representative: David C. Venable, 666 Eleventh Street NW., Washington, DC 20001. Petitioner holds a motor *contract carrier's* permit in MC–135616 Sub 12 issued September 6, 1978, authorizing the transportation over irregular routes of *glass*, and *materials, equipment, and supplies* used in the manufacture and distribution of glass, (except commodities in bulk), between the facilities of Tempglass, Inc., at or near Perrysburg, OH, on the one hand, and, on the other, points in the United States (except AK, HI, and OH), under continuing contract(s) with Tempglass, Inc., of Perrysbury, OH. By the instant petition, petitioner seek to modity the authority as follows: add Libby-Owens-Ford Company in the territorial description and to add Libby-Owens Ford Company of Toledo, OH, as a contracting shipper.

MC 140760 (M1F) (Notice of Filing of Petition To Modify Permit), filed March 13, 1979. Petitioner: Hartle Trucking Co., a corporation, Main Street, Shippenville, PA 16254. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Petitioner holds a motor *contract carrier* permit in MC 140760 issued December 20, 1977, authorizing transportation, over irregular routes, of Coal, in dump vehicles, from points in Clarion County, PA, to points in Ashtabula, Lake, Trumbull, Mahoning, and Cuyahoga Counties, OH, under a continuing contract(s) with Black Gold Coal Corporation, of Ashtabula, OH, and H & G Coal & Clay Co., Inc. of Shippenville, PA. By the instant petition, petitioner seeks to modify the above authority by adding Jefferson County, PA to the origin territory.

MC 143059 (M1F) and MC 143059 (Sub-E–1(M1F)) filed January 22, 1979. Applicant: MERCER TRANSPORTATION COMPANY, P.O. Box 35610, 12th & Main Streets, NW., Louisville, KY 40232. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th St., NW., Washington, D.C. 20004. Petitioner holds motor *common carrier* certificate MC–143059 dated June 6, 1977, authorizing transportation, over irregular routes of: *machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in AR, KS, LA, MS, NM, OK and TX; between points in TX, on the one hand, and, on the other, points in CO, WY, UT and MT; between points in KS and CO, on the one hand, and, on the other, points in NM; between points in TX, OK, KS and NM, on the one hand, and, on the other points in UT, WY, ID, and MT; between Memphis, TN, and points in OK, on the one hand, and, on the other, points in MS; between points in MS, on the one hand, and, on the other, points in TX, AR and LA; between Memphis, TN, and points in LA, AR, KS, MS, NM, OK and TX, on the one hand, and on the other, points in GA, AL and FL; between points in GA, AL and FL; between points in AR, LA, TX, OK, KS, MO, IA, NE and WY; between points in AL, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WI, WV, and the District of Columbia; between points in AZ, ID, NV, WA, OR, NM, MT, UT and CO; between points in AZ, ID, NV, WA, OR, NM, MT, UT, and CO, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY and the District of Columbia; between points in AZ, AR, CO, KS, LA, MO, MT, NE, NV, NM, OK, TX, UT and WY, on the one hand, and, on the other, points in CA. Restriction: The service authorized herein is subject to the following conditions: The authority granted herein is restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The authority granted herein is restricted against the transportation of traffic (1) from Lone Star, TX, to Memphis, TN, and points in AL, AR, FL, GA, KS, LA, MS and OK; (2) from the plant sites and warehouse facilities of Jones & Laughlin Steel Corporation at or near Gainesville, TX, to points in AR, LA, MO, OK and TX; and (3) from the plant site Tex-Tube Division, Detroit Steel Corporation at

Houston, TX, to points in the U.S. (except AK, HI and TX).

In "E" Letter-Notice operating authority MC-143059 (Sub-E-1), petitioner is authorized to operate as a common carrier, by motor vehicle, over irregular routes, transporting: machinery, equipment, materials and supplies, used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe. (1) Between points in CA, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, WY and DC (points in AZ or NV);* (2) between points in LA, MI, AL, GA and FL, on the one hand, and, on the other, points in UT, ID and WY (points in TX);* (3) between points in CA on and south of I-Hwy. 80, on the one hand, and, on the other, points in WA (points in NV);* (4) between points in CA, on, north and west of a line beginning at the Pacific Ocean and extending along CA Hwy. 128 to junction I-Hwy. 80, then along I-Hwy. 80 to junction CA Hwy. 99, then along CA Hwy. 99 to junction CA Hwy. 32, then along CA Hwy. 32 to junction CA Hwy. 36, then along CA Hwy. 36 to junction CA Hwy. 89, then along CA Hwy. 89 to junction CA Hwy. 299, then along CA Hwy. 299 to junction U.S. Hwy. 395 to the CA-OR State line, on the one hand, and, on the other, points in WA on, north and east of a line beginning at the International Boundary line between the United States and Canada, and extending along WA Hwy. 21 to junction U.S. Hwy. 2, then along U.S. Hwy. 2 to junction U.S. Hwy. 10, then along U.S. Hwy. 10 to the WA-ID State line (points in NV);* (5) between points in CA on and south of a line beginning at the Pacific Ocean and extending along CA Hwy. 41 to junction CA Hwy. 120, then along CA Hwy. 120 to junction U.S. Hwy. 6, then along U.S. Hwy. 6 to the CA-NV State line, on the one hand, and, on the other, points in OR (points in NV);* (6) between points in CA on and south of a line beginning at the Pacific Ocean and extending along CA Hwy. 41 to junction CA Hwy. 120, then along CA Hwy. 120 to junction U.S. Hwy. 6, then along U.S. Hwy. 6 to the CA-NV State line, on the one hand, and, on the other, those points in OR on and north of a line beginning at the Pacific Ocean and extending along U.S. Hwy. 20 to junction OR Hwy. 126, then along OR Hwy. 126 to junction U.S. Hwy 26, then along U.S. Hwy. 26 to the OR-ID State line (points in NV);* (7) between points in CA on and north of I-Hwy. 80 (except points in Modoc and Lassen Counties), on the one hand, and, on the other, those points in OR on and east and north of a line beginning at the OR-CA State line, and extending along U.S. Hwy. 395, then along U.S. Hwy. 395 to junction U.S. Hwy. 26, then along U.S. Hwy. 26 to the Pacific Ocean (points in NV);* (8) between points in CA, on the one hand, and, on the other, points in ID (points in NV);* (9) between points in LA, on the one hand, and, on the other, points in MT (points in TX and OK);* (10) between points in AR, on the one hand, and, on the other, points in UT, ID and MT (points in TX, OK, and KS);* (11) between points in MS, on the one hand, and, on the other, points in MO, IA and NE (points in AR);* (12) between points in AL, GA, and FL, on the one hand, and, on the other, points in MO, IA and NE (points in AR);* (1) between points in IA, on the one hand, and, on the other, points in SC; (2) between those points in IA on and east of U.S. Hwy. 63, on the one hand, and, on the other, those points in TN on and west of U.S. Hwy. 45-E and U.S. Hwy. 45; (c) between points in IA on and east of U.S. Hwy. 71, and on and west of U.S. Hwy. 63, on the one hand, and, on the other, those points in TN on and west and south of a line beginning at the KY-TN State line and extending along U.S. Hwy. 45-E, then along U.S. Hwy. 45-E to junction U.S. Hwy. 64, then east along U.S. Hwy. 45-R to junction U.S. Hwy. 64, then east along U.S. Hwy. 64 to the TN-NC State line; (3) between points in IA on and east of U.S. Hwy. 71, and on and west of Hwy. 63, on the one hand, and, on the other, points in TN on and west and south of a line beginning at the TN-KY State line, and extending along U.S. Hwy. 45-E to junction U.S. Hwy. 45, then along U.S. Hwy. 45 to junction U.S. Hwy. 64, then along U.S. Hwy. 64 to the TN-NC State line; (4) between points in IA on and west of Hwy. 71, on the one hand, and, on the other, points in TN, NC, and VA; (5) between those points in IA on and east of a line beginning at the IA-MO State line, and extending along U.S. Hwy. 71, then along U.S. Hwy. 71 to the IA-MN State line, then along IA-MN State line to junction U.S. Hwy. 69, then south along U.S. Hwy. 69 to junction U.S. Hwy. 20, then east along U.S. Hwy. 20 to junction U.S. Hwy. 218, then south along U.S. Hwy. 218 to junction U.S. Hwy. 34, then east along U.S. Hwy. 34 to the IO-IL State line, then along the IL-IA State line to the IA-MO State line, then along the IA-MO State line to point of beginning on the one hand, and, on the other, those points in NC on and east and south of a line beginning at the NC-SC State line and extending along U.S. Hwy. 21 to junction U.S. Hwy. 70, then east along U.S. Hwy. 70 to Onslow Bay (points in AR);* (14) between points in IA, on the one hand, and, on the other, points in AL, GA, and FL (points in AR);* (15) between points in IA, on the one hand, and, on the other, points in MS (points in AR);* (16) between points in TX, on the one hand, and, on the other, points in TN, SC, NC, KY, OH, VA, WV, MD, DE, DC, PA, NJ, NY, CT, RI, MA, VT, NH, and ME (points in MS);* (17) between points in TX on and east and south of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy. 75 to junction U.S. Hwy 59, then north along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. 259 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to the TX-LA State line, to points in ND (points in MS);* (18) between points in TX on and west of a line beginning at the Gulf of Mexico, and extending along U.S. Hwy 75 to junction U.S. Hwy 90, then south along Alt. U.S. Hwy 90 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to the International Boundary line between the United States and Mexico on the one hand, and, on the other, points in ND on and east of ND Hwy 1 (points in MS);* (19) between points in TX on and north and west of a line, beginning at TX-NM State line, and extending along U.S. Hwy 70 to junction TX Hwy 283, then along TX Hwy 283 to the TX-OK State line on the one hand, and, on the other, those points in IL on and east and south of a line beginning at the IL-KY State line, and extending along U.S. Hwy 51 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to the IL-IN State line, points in IN on and east of U.S. Hwy 31, and on and north of Hwy 40 (points in MS);* (20) between points in TX on and south and east of a line beginning at the TX-NM State line, and extending along U.S. Hwy 70 to junction TX Hwy 282, then along TX Hwy 283 to the TX-OK State line on the one hand, and, on the other points in IL and IN (points in MS);* (21) between points in TX on and east and south of a line beginning at the International Boundary between the United States and Mexico, and extending along U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 90, then east along U.S. Hwy 90 to junction U.S. Hwy 59, then along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. Hwy 259 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX-LA State line, on the one hand, and, on the other, points in MN (points in MS);* (22) between points in TX on and west of a line beginning at the International

Boundary between United States and Mexico, and extending along U.S. Hwy 77 to junction U.S. Hwy 90, then north along U.S. Hwy 90 to junction U.S. Hwy 59, then north along U.S. Hwy 59 to junction U.S. Hwy 259, then along U.S. Hwy 259 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the TX–LA State line, then north along the TX–LA State line to junction U.S. Hwy 80, then south along U.S. Hwy 80 to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction U.S. Hwy 79, then south along U.S. Hwy 79 to junction U.S. Hwy 81, then along U.S. Hwy 81 to junction U.S. Hwy 90, then south along U.S. Hwy 90 to Del Rio, TX, near the International Boundary line between United States and Mexico, then along TX-Mexico Boundary to point of beginning on the one hand, and, on the other, points in MN on and east of MN Hwy 65 (points in MS);* (23) between points in TX on and west and south of a line beginning at the TX–OK State line, and extending alonng U.S. Hwy 75 to junction U.S. Hwy 80, then west along U.S. Hwy 80 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction U.S. Hwy 180, then west along U.S. Hwy 180 to the TX–NM State line, on the one hand, and, on the other, points in WI (points in MS);* (24) between points in TX on and west of a line beginning at the TX–OK State line and extending along U.S. Hwy 75 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction U.S. Hwy 281, then north along U.S. Hwy 281 to the TX–OK State line, on the one hand, and, on the other, those points in WI on and east of U.S. Hwy 51 (points in MS);* (25) between points in LA, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MN, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WV, WI, and DC; (points in MS);* (26) between points in AR, on the one hand, and, on the other, points in TN, SC, NC, VA, WV, OH, MD, PA, DE, DC, NJ, NY, CT, RI, MA, VT, NH, and ME (points in MS);* (27) between points in AR on and south of US Hwy 70, on the one hand, and, on the other, points in IL, IN and SD (points in MS); *(28) between points in AR on and north of U.S. Hwy 70, on the one hand, and, on the other, points in IN on and south and east of a line beginning at the IN–IL State line, and extending along U.S. Hwy 50 to junction IN Hwy 3 then north along IN Hwy 3 to the IN–MI State line (points in MS);* (29) between points in AR on and south and west of a line, beginning at the AR–MO State line, and extending along U.S. Hwy 63 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the AR–TN State line, on the one hand, and, on the other, points in KY (points in MS);* (30) between points in AR on and east and north of a line beginning at the AR–MO State line, and extending along U.S. Hwy 167 to junction U.S. Hwy 64, then along U.S. Hwy 64 to the AR–TN State line, on the one hand, and, on the other, points KY on and east of I Hwy 75 (points in MS);* (31) between points in AR on and east of Hwy 67, on the one hand, and, on the other, points in ND and MN (points in MS);* (32) between points in Kansas, on the one hand, and, on the other, points in TN, VA, NC, and SC (points in MS);* (33) between points in KS on and west and south of a line beginning at the KS–OK State line and extending along U.S. Hwy 83 to junction U.S. Hwy 50, then west along U.S. Hwy 50 to the KS—CO State line on the one hand, and, on the other, points in OH (points in MS);* (34) between points in KS on and south of Hwy 160, on the one hand, and, on the other, points in OH on and east of a line beginning at the OH–KY State line, and extending along U.S. Hwy 23, then north along U.S. Hwy 23 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to the OH-WV State line, and points in PA (points in MS);* (35) between points in KS on and west and south of a line beginning at the KS-NE State line and extending along U.S. Hwy 81 to junction U.S. Hwy 54, then east along U.S. Hwy 54 to the KS-MO State line, on the one hand, and, on the other, points in CT, DC, KY, MD, NJ, NY, RI, NH, VT, MA, and WV (points in MS);* (36) between points in NE on the one hand, and, on the other, points in TN, NC, SC, and VA; and (2) between points in NE on and west of U.S. Hwy 83, on the one hand, and, on the other, points in CT, DC, DE, and points in IL on and south of U.S. Hwy 13, points in KY on and west of U.S. Hwy 231, and on and south of U.S. Hwy 62, and points in MA, MD, ME, NJ, RI, and WV on and south of U.S. Hwy 60 (West Memphis, AR and South Haven, MS);* (37) between points in NE, on the one hand, and, on the other, points in AL, GA, and FL (points in KS or AR);* (38) between points in NE on the one hand, and, on the other, points in MS (points in AR);* (39) between points in WY, on the one hand, and, on the other, points in TN, NC, SC, KY, and WV; (2) between points in WY on and west of a line beginning at the WY–CO State line and extending along WY Hwy 430 to junction US Hwy 187, then along US Hwy 187 to junction U.S. Hwy 89, then along US Hwy 89 to the WY–MT State line, on the one hand, and, on the other, points in NY on and east of a line beginning at the NY–PA State line, and extending along I Hwy 81 to junction NY Hwy 7, then east along NY Hwy 7 to junction NY Hwy 30, then north along NY Hwy 30 to junction NY Hwy 8, then north along NY Hwy 8 to junction U.S. Hwy 9, then along U.S. Hwy 9 to the International Boundary line between the United States and Canada, points in NH, VT, and those points in PA on and south and east of a line beginning at PA–WV State line and extending along I Hwy 70 to junction I Hwy 76, then along I Hwy 76 to junction I Hwy 81, then north along I Hwy 81 to the PA–NY State line; (3) between points in WY, on the one hand, and, on the other, points in IL on and south of IL Hwy 13, points in IN on and south of U.S. Hwy 50, and points in OH on and south of U.S. Hwy 50; (4) between points in WY on and west of WY Hwy 120 and WY Hwy 789, on the one hand, and, on the other, points in WV; and (5) between points in WY on and east of WY Hwy 120 and WY Hwy 789, on the one hand, and, on the other, points in WV on and south of U.S. Hwy 60 (West Memphis, AR and South Haven, MS);* (40) between points in WY, on the one hand, and, on the other, points in AL, GA, and FL (points in AR);* (41) between points in WY, on the one hand, and, on the other, points in MS (points in AR);* (42) between points in MO, on the one hand, and, on the other, points in NC, SC, and VA (points in West Memphis, AR and South Haven, MS);* (43) between points in MO on and west of a line beginning at the MO–KS State line, and extending along U.S. Hwy 66 to junction U.S. Hwy 65, then south along U.S. Hwy 65 to junction 60, then east along U.S. Hwy 60, to the MO–KY State line, on the one hand, and, on the other, points in CT, DC, DE, MD, NH, NJ, NY, RI, and VT (West Memphis, AR and South Haven, MS);* (44) between points in MO on and east and south of a line beginning at the MO–AR State line, and extending along U.S. Hwy 63, then along U.S. Hwy 63 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to the MO–AR State line, on the one hand, and, on the other, points in MI on and east of I Hwy 75, and points in OH (West Memphis, AR and South Haven, MS);* (45) between points in MO on and west and south of a line beginning at the MO–IA State line, and extending along U.S. Hwy 65, then south along U.S. Hwy 65, to junction U.S. Hwy 40, then east U.S. Hwy 40 to junction U.S. Hwy 63, then south along U.S. Hwy 63 to the MO–AR State line, on the one hand, and, on the other, points in TN (West Memphis, AR and South Haven, MS),* (46) between points in MO on and east of a line beginning at the MO–IA State

line and extending along U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 40, then east along U.S. Hwy 40 to junction U.S. Hwy 63, then north along U.S. Hwy 63 to the MO–IA State line, on the one hand, and, on the other, points in TN on and south of U.S. Hwy 70; (47) between points in MO on and east and south of a line beginning at the MO–AR State line and extending along U.S. Hwy 63 to junction U.S. Hwy 60, then MO–KY State line, on the one hand, and, on the other, points in PA, points in ND on and west and south of a line, beginning at the International Boundary line between United States and Canada, and extending along U.S. Hwy 83, then south along U.S. Hwy 10, then east along U.S. Hwy 10 to junction ND Hwy 3, then south along ND Hwy 3 to the ND–SD State line, points in SD on and west of a line beginning at the SD–ND State line and extending along U.S. Hwy 85 to junction U.S. Hwy 385, then south along U.S. Hwy 385 to the SD–NE State line (West Memphis, AR and South Haven, MS);* (48) between points in MO on and south and west of a line beginning at the MO–KS State line and extending along U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to the MO–KY State line, on the one hand, and, on the other, points in MA and ME (West Memphis, AR and South Haven, MS);* (49) between points in MO on and south and west of a line beginning at the MO–KS State line and extending along U.S. Hwy 66 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 60, then east along U.S. Hwy 60, to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO–AR State line, on the one hand, and, on the other, points in KY on and east of U.S. Hwy 31–E, points in OH on and east and south of a line beginning at the OH-KY State line and extending along U.S. Hwy 23, then along U.S. Hwy 23, to junction U.S. Hwy 50, then along U.S. Hwy 50 to the OH–WV State line, and points in WV (West Memphis, AR and South Haven, MS);* (50) between points in Missouri, on the one hand, and, on the other, points in GA, AL, and FL (points in AR);* (51) between points in MO, on the one hand, and, on the other, points in MS (points in AR);* (52) between points in OK, on the one hand, and, on the other, points in CT, DE, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC (South Haven, MS);* (53) between points in OK on and south and west of a line beginning at the OK–TX State line and extending along U.S. Hwy 66 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to the OK–TX State line, on the one hand, and, on the other, points in Illinois on and east of U.S. Hwy 51 (South Haven, MS);* (54) between points in OK on and east of a line beginning at the OK–TX State line, and extending along U.S. Hwy 281 then along U.S. Hwy 281 to junction OK Hwy 33, then along OK Hwy 33 to junction U.S. Hwy 177, then south along U.S. Hwy 177 to junction U.S. Hwy 70, then west along U.S. Hwy 70 to junction U.S. Hwy 77, then south along U.S. Hwy 77 to the OK–TX State line, on the one hand, and, on the other, points in IL on and east and south of a line beginning at the IL–KY State line and extending along U.S. Hwy 51 to junction IL Hwy 54, then east along IL Hwy 54 to junction U.S. Hwy 150, then east along U.S. Hwy 150 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the IL–IN State line (South Haven, MS);* (55) between points in OK on and east and south of a line beginning at the OK–TX State line, and extending along U.S. Hwy 77 to junction OK Hwy 19, then east along OK Hwy 19 to junction OK Hwy 1, then north along OK Hwy 1 to junction U.S. Hwy 270,then east along U.S. Hwy 270 to the OK–AR State line, on the one hand, and, on the other, points in IL (South Haven, MS);* (56) between points in OK on and north of a line beginning at the OK–TX State line, and extending along U.S. Hwy 66, then along U.S. Hwy 66, to junction U.S. Hwy 281, then north along U.S. Hwy 281 to junction OK Hwy 33, then east along OK Hwy 33 to junction U.S. Hwy 177, then south along U.S. Hwy 177 to junction OK Hwy 19, then along OK Hwy 19 to junction OK Hwy 1, then along OK Hwy 1 to junction U.S. Hwy 270, then east along U.S. Hwy 270 to the OK–AR State line, on the one hand, and, on the other points in Illinois on and south of IL Hwy 13 (South Haven, MS);* (57) between points in OK on and south of I Hwy 40, on the one hand, and, on the other, points in IN (South Haven, MS);* (58) between points in OK on and north of I Hwy 40 (except those points on and east of a line beginning at the OK–KS State line and extending along U.S. Hwy 183 to junction U.S. Hwy 64, then east along U.S. Hwy 64 to junction U.S. Hwy 81, then north along U.S. Hwy 81 to the OK–KS State line), on the one hand, and, on the other, points in IN on and east and south of a line beginning at the IN–MI State line, and extending along U.S. Hwy 31 to junction U.S. Hwy 40, then south along U.S. Hwy 40 to the IN–IL State line (South Haven, MS);* (59) between points in OK on and west and south of a line beginning at the OK–KS State line, and extending along U.S. Hwy 77, then south along U.S. Hwy 77 to junction U.S. Hwy 60, then east along U.S. Hwy 60 to the OK–MO State line, on the one hand, and, on the other, points in MI (South Haven, MS);* (60) between points in OK on and east and south of a line beginning at the OK–TX State line, and extending along U.S. Hwy 69 to junction U.S. Hwy 270, then east along U.S. Hwy 270 to the OK–AR State line, on the one hand, and, on the other, points in WI (South Haven, MS);* (61) between points in OK on and south of I Hwy 40, on and north of U.S. Hwy 270, and on and west of U.S. Hwy 69, on the one hand, and, on the other, points in WI on and east of U.S. Hwys 51, 151 and 41, and WI Hwy 57 (South Haven, MS);* Restriction: The service authorized herein is subject to the following condidtions; The authority granted herein is restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. The authority granted herein is restricted against the transportaton of traffic (1) from Lone Star, TX, to Memphis, TN, and points in AL, AR, FL, GA, KS, LA, MS, and OK; (2) from the plant sites and warehouse facilities of Jones & Laughlin Steel Corporation, at or near Gainesville, TX, to points in AR, LA, MO, OK, and TX; and (3) from the plant site of Tex-Tube Division, Detroit Steel Corporation, at Houston, TX, to points in the United States (except AK, HI, and TX). The purpose of this filing is to eliminate the gateways denoted by asterisks above.

By the instant petiton, petitioner seeks the removal in its Certificate MC–143059 and MC–143059 (Sub–E–1), of the following restrictive words: "The authority granted herein is restricted to the transportation of traffic originating at or destined to pipeline rights-of-way. Hearing.—This proceeding is assigned for hearing on July 31, 1979 through August 3, 1979, at 9:30 a.m. local time in Room 635, U.S. Post Office Bldg., 6th and Broadway, Louisville, KY.

MC 143650 (Sub-1) (M1F) (Notice of filing of petition to modify permit), filed January 20, 1979. Petitioner: RAPID DAIRY TRANSPORT, INC., 1745 Torringford West Street, Torrington, CT 06790. Representative: Hugh M. Joseloff, 80 State Street, Hartford, CT 06103. Petitioner holds a motor *contract carrier* permit in MC 143650 (Sub-1) issued August 31, 1978, authorizing transportation, over irregular routes, transporting: Liquid industrial waste, from points in NY, MA, NH, VT, RI, ME, PA, and NJ to Thomaston, CT, under a continuing contract(s) with Liqwacon Corporation, of Thomaston, CT. By the instant petition, petitioner seeks to modify the commodity description to

read: Liquid and solid industrial waste, and to modify the territorial description to include all points in CT as a destination in lieu of Thomaston, CT.

MC 144036 (M1F) (Notice of filing of petition to remove restrictions), filed March 23, 1979. Petitioner: J. R. PHILLIPS TRUCKING LTD, R. R. No. 2, Maidstone, Ontario, Canada NOR 1KO. Representative: S. Harrison Kahn, Suite 733 Investment Building, 1511 K St. N.W., Washington, DC 20005. Petitioner holds a motor *common carrier* certificate in No. MC 144036, issued September 8, 1978, authorizing transportation over irregular routes, of *scrap metals*, in bulk, (1) from ports of entry on the international boundary line between the United States and Canada, located at or near Port Huron and Detroit, MI, to points in that part of Michigan on and south of Michigan Hwy 55, restricted to the transportation of traffic orginating at the facilities of Zalev Brothers Limited, Windsor, Ontario, Canada, and (2) from points in that part of Michigan on and south of Michigan Hwy 55 to ports of entry on the international boundary line between the United States and Canada, located at or near Port Huron and Detroit, MI, restricted to the transportation of traffic destined to the facilities of Zalev Brothers Limited, Windsor, Ontario, Canada. By the instant petition, petitioner seeks to modify the authority by deleting the restrictions in (1) and (2) above.

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 135797 (Sub-141F) (Republication), filed August 21, 1978, published in the **Federal Register** October 26, 1978, and republished this issue. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Arkansas 72745. Representative: Daniel C. Sullivan, 10 South LaSalle St., Chicago, Illinois 60603. A Decision of the Commission, Review Board No. 1, dicided June 7, 1979, finds that the future and present public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting, (1) *such commodities* as are dealt in by manufacturers of metal utility boxes, tool chests, medical cabinets, benches, and shelves, and (2) *materials and supplies* used in the manufacture of the commodities described in (1) above (except commodities in bulk), between points in the United States (except Alaska and Hawaii), restricted to the transportation of traffic originating at or destined to the facilities of Waterloo Industries, Inc., of Lumidor Manufacturing, 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 modify the commodity description.

MC 136476 (Sub-8F) (Republication), filed June 13, 1978, published in the **Federal Register** issue of August 10, 1978, and republished this issue. Applicant: TRANSPORT WEST, INC., P.O. Box 2015, Eugene, OR 97401. Representative: Nick I. Goyak, 555 Benjamin Franklin Plaza, One Southwest Columbia, Portland, OR 97258. A Decision of the Commission, Review Board No. 3, decided May 11, 1979, and served June 1, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of *lumber and lumber mill products*, from points in Clark, Cowlitz, Lewis, King, Snohomish, Thurston, Klickitat, and Mason Counties, WA, and Douglas, Josephine, Polk, Marion, Linn, Benton, Multnomah, Clackamas, Lane, Jackson, and Yamhill Counties, OR, to points in Boulder, Douglas, Adams, Arapahoe, Jefferson, El Paso, Denver, Pueblo, Weld, and Larimer Counties, CO, Santa Clara, San Mateo, Alameda, Contra Costa, San Francisco, Kern, Fresno, Merced, Sacramento, San Joaquin, Stanislaus, Monterey, Orange, Santa Cruz, Ventura, Tulare, San Diego, Solano, Napa, Sonoma, Marin, San Bernardino, and Los Angeles Counties, CA, and Maricopa, Pima and Coconino Counties, AZ, under continuing contracts with Strong Tie Structures, of Eugene, OR, and Fremont Forest Products, of Eugene, OR, will be consistent with the public interest and the national Transportation policy, 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 addition of Fremont Forest Products, of Eugene, OR, as a supporting shipper.

MC 139495 (Sub-339F) (Republication), filed March 20, 1978, published in the **Federal Register** issue of May 11, 1978, and republished this issue. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. A Decision of the Commission, Review Board No. 2, decided November 24, 1978, and served February 5, 1979, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting *drugs, toilet preparations, cosmetics, shampoos, and washing compounds* (except in bulk, in tank vehicles), from Cockeysville, MD, to points in AL, FL, GA, NC, SC, TN, and TX. Applicant is fit, willing and able properly to perform the granted 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 delete Essex, MD, as a origin point, and add Tennessee as a destination state.

MC 139495 (Sub-379) (Republication), filed August 10, 1978, previously noticed in the **Federal Register** issue of September 26, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. A Decision of the Commission, Review Board No. 5, decided May 23, 1979 and served June 19, 1979, finds that the present and future public convenience and necessity require operation by applicant to operate as a common carrier, by motor vehicle, over irregular routes, transporting *trays* and *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of

Pepperidge Farm, Incorporated, at Dowingtown, New Holland, Philadelphia, and Fogelsville, PA, and Milford, DE, to points in AR, CA, IL, NE, TX, and UT, restricted to the transportation of shipments originating at the named origin facilities and destined to the named destination States. Applicant is fit, willing and able properly to perform such service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code and the Commission's regulations. The purpose of this republication is reflect service from the facilities located at New Holland, PA.

MC 142059 (Sub-35F) (Republication), filed April 14, 1978, published in the **Federal Register** issue of July 27, 1978, and republished this issue. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). A decision of the Commission, Review Board Number 2, decided May 7, 1979, and served May 31, 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 irregular routes, in the transportation of (1) *swimming pools, file cabinets, closets and radiator enclosures, knocked down;* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above in packages, between Carlstadt, NJ, on the one hand, and, on the other, points in and west of OH, KY, TN, GA, FL, and points west thereof (except AK and HI), 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 addition of FL as a serving point.

MC 143711 (Republication) was reassigned to MC 147341, filed September 2, 1977, previously noticed in the **Federal Register** issue of October 14, 1977. Applicant: MID-ATLANTIC TRANSPORTATION, INC., 379 Worcester Road, Framingham, MA 01701. Representative: James E. Mahoney, 34 State Street, Boston, MA 02109. A decision of the Commission, Division 1, Acting as an Appellate Division, decided January 24, 1979, and served February 22, 1979, finds that the present and future public convenience and necessity require operations by petitioner in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen citrus products,* from points in FL to the facilities of Hendries Frozen Foods, Inc., at Southboro, MA, and the facilities of Winter Hill Frozen Foods, Inc., at Westboro, MA. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to show it as a *common carrier,* rather than a *contract carrier.*

MC 144537F (Republication), filed April 5, 1978, published in the **Federal Register** August 17, 1978, and republished this issue. Applicants: MARVIN Y. NEELEY and NANCY B. NEELEY, a partnership, d.b.a. SHUN PIKE TOURS, 100 South County Line Road, Telford, PA 18969. Representative: Dennis Helf, Sixth and Chestnut Streets, Perkasie, PA 18944. A decision of the Commission, Administrative Law Judge, dated April 6, 1979, and served April 13, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate and foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting passengers, including baggage of passengers when transported in the same vehicle, in non-scheduled, door to door service, limited to the transportation of not more than twelve passengers in any one vehicle, not including the driver thereof, between points in Bucks, Montgomery, Lehigh and Northampton Counties, PA, on the one hand, and, on the other, La Guardia Airport and John F. Kennedy International Airport, New York, NY, 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 modify the commodity and territorial description.

MC 144842 (Sub–1F) (Republication), filed June 14, 1978, published in the **Federal Register** issue of August 10, 1978, and republished this issue. Applicant: CLIFFORD L. RIGGINS, d.b.a. RIGGINS TRUCKING, 1005 West Maple Street, Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th Street, N.W., Washington, D.C. 20005. A Decision of the Commission, *Review Board No. 3,* decided March 29, 1979, and served May 1, 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 irregular routes, transporting (1) *frozen foods* and (2) *commodities otherwise exempt under 49 U.S.C. Section 10526(a)(6) in mixed loads with frozen foods.* from the facilities of Mrs. Paul's Kitchens, Inc., at Philadelphia and Doylestown, PA, Braddock, NJ, and Crisfield, MD to points in California, Colorado, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Texas; and (3) *frozen vegetables,* from Sunnyvale, CA, to the facilities of Mrs. Paul's Kitchens, Inc., at the origins named in (1) above, restricted in (1) above to the transportation of shipments originating at the named origins; 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 modify the commodity description and add the restriction.

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the **Federal Register** with a copy being furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business

identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 112934 (Sub-9F), filed February 2, 1979. Applicant: AUTOBUSES INTERNACTIONALES, S. de R. L., 208 Palo Verde, Meadowvista, NM 88063. Representative: Edwin E. Piper, Jr., 1115 Sandia Savings Building, Albuquerque, NM 87102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting *passengers and their baggage*, (1) Between the boundary of the United States and Mexico at or near El Paso, TX, and Silver City, NM: From the United States-Mexico Boundary at or near El Paso, TX, and the Ports of Entry thereon, over the stanton Street, Santa Fe and any other Downtown Bridges through El Paso, TX, over city streets, to junction NM Hwy 28, then over NM Hwy 28 to junction Interstate 10 at or near Mesilla, NM, then over Interstate 10 to junction with US Hwy 180 at or near Deming, NM, then over US Hwy 180 to Silver City, NM, and return over the same route, serving all intermediate points, including Deming and Mesilla, NM, except that service is restricted against passengers and their baggage originating at El Paso, TX, and destined to Deming, NM, and also restricted against passengers and their baggage originating at Deming, NM, and destined to El Paso, TX, (2) Between Meadowvista, NM, and the Ports of Entry on the United States-Mexico Boundary Line at or near El Paso, TX: From Meadowvista, NM, over unspecified city streets to junction NM Hwy 273, then over NM Hwy 273 to junction NM Hwy 28 at or near La Union, NM, then over NM Hwy 28 to the NM-TX State line, then over TX Farm Rd. 1905 to junction with TX Hwy 20 at or near Anthony, NM, then over TX Hwy 20 through Anthony, TX, and Canutillo, TX, to junction TX Farm Road 260 (Country Club Road), then over TX Farm Road 260 (Country Club Road) to junction NM Hwy 273, then over NM Hwy 273 through Meadowvista and Anapra, NM, to junction TX Hwy 20, then over TX Hwy 20 to El Paso, TX, then over El Paso city streets and over the Stantion Street, Santa Fe Street and any other Downtown Bridges to the Ports of Entry on the United States-Mexico Boundary Line, and return over the same route, serving all intermediate points, including La Union, Anthony and Meadowvista, NM; and Anthony, Canutillo and El Paso, TX. (Hearing site: El Paso, TX.)

MC 147325F, filed May 21, 1979. Applicant: ALBERT L. LYNCH, d.b.a. LYNCH TRUCK SERVICE, 2624 Arrowhead Drive, Springfield, IL 62702. Representative: Albert L. Lynch (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, cement, limestone, mineral filler, commodities in bulk, and those requiring special equipment), between Chicago and Springfield, IL, and St. Louis, MO. (Hearing site: Washington, DC.)

Finance Applications

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 protest 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 Conversation Act of 1975.

MC-F-13982F. Authority sought for purchase by NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th Street, Hickory Hills, IL 60457, of the operating rights of D. F. GIAMMETTA, d.b.a. B &G TRANSFER COMPANY, 935 W. 4th Street, Davenport, IA 52802, of control of such rights through the transaction. Applicants' attorney: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: General commodities, except those if unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commidities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over irregular routes between Bettendorf and Davenport, IA and Carbon Cliff, East Moline, Moline, Milan, Rock Island, and Silvis, IL; Household Goods, between Bettendorf and Davenport, IA, and Carbon Cliff, East Moline, Moline, Milan, Rock Island and Silvis, IL, on the one hand, and, on the other, points in IA and IL. Vendee is authorized to operate as a common carrier in the State of IL. Application has been filed for temporary authority under section 210a(b).

Note.—MC 99683 (Sub-4F) is a directly related matter.

MC-F-13983F. Applicant (Transferee): MILLSTEAD VAN LINES, INC., P.O. Box 878, Bartlesville, OK 74004. Applicant (Transferor): KINGS VAN & STORAGE, INC., c/o Bankruptcy Court, Federal Courthouse, 200 N.W. 4th Street, Oklahoma City, OK 73102. Representative: C. L. Phillips, 1411 Classen Blvd., Room 248, Oklahoma City, OK 73106. Authority sought for purchase by Millstead Van Lines, Inc., P.O. Box 878, Bartlesville, OK 74004, of a portion of the operating rights of Kings Van & Storage, Inc., c/o Bankruptcy Court, Federal Courthouse, 200 N.W. 4th Street, Oklahoma City, OK 73102, and for acquisition by Richard A. Horton and Helen A. Horton, both of 401 S.W. Sunset Blvd., Bartlesville, OK 74003, or control of such rights through the transaction. Applicants' Representative: C. L. Phillips, 1411 Classen Blvd., Room 248, Oklahoma City, OK 73106. Operating rights sought to be transferred: (1) MC 292 (lead), paragraph C, authorizing operations as a common carrier, over irregular routes, transporting: *used office and store furniture and store fixtures*, between points and places in OK, on the one hand, and, on the other, points and places in CO, IL, LA, MO, and NM. (2) MC-292 (Sub No. 11), authorizing operations as a common carrier, over irregular routes, transporting: *household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 1F M.C.C. 467, between Philadelphia,

PA, on the one hand, and, on the other, points and places in PA, DE, MD, NJ, NY, and DC. By Petition for Modification filed with this application, applicant requests that the authority in MC 292 (lead), paragraph C, be modified to read as follows: *Household goods*, as defined by the Commission, between points in OK, on the one hand, and, on the other, points in CO, IL, LA, MO, and NM. Transferee is authorized to operate as an irregular route common carrier in the states of AR, CO, IL, IN, IA, KS, KY, ME, MA, MI, MO, MT, NE, NJ, NM, NY, OH, OK, PA, RI, TN, TX, WV, WY. Application has been filed for temporary authority under section 210a(b).

Note.—MC 37203 (Sub-11F) is a directly related matter.

MC–F–14035F. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Michigan 48180. Representatives: Martin J. Leavitt, Attorney for R–W Service System, Inc., Law Offices of Sullivan and Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Michigan 48167; Carl L. Steiner, Attorney for Chippewa Motor Freight, Inc., Axelrod, Goodman, Steiner & Bazelon, 39 S. LaSalle Street, Chicago, Illinois 60603. Applicant seeks to acquire that portion of the authority issued to Chippewa Motor Freight, Inc. in MC–109538 authorizing operations as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Building materials and supplies*, and *iron and steel articles* between Oxford, OH and points within 25 miles thereof, on the one hand, and on the other, points in OH and that part of IN south of U.S. Hwy 24 and east of U.S. Hwy 41, including points on the indicated portions of the highways specified. Vendee is authorized to operate as a common carrier in all the States in the United States (except Alaska and Hawaii). Hearing site: Washington, D.C., Chicago, IL, or Cincinnati, OH.

MC–F–14043F. Authority sought for control by Trimac Transportation Group Limited, 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9 of Soulanges Cartage & Equipment Company, Limited, 7150 Hochelaga Street, Montreal, Quebec, Canada, and for acquisition by Trimac Limited, 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, J. R. McCaig, 736 8th Avenue, S.W., Calgary, Alberta, M. W. McCaig, 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, and the Estate of R. W. McCaig, 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, for control of Soulanges Cartage & Equipment Company, Limited through the acquisition of Trimac Transportation Group Limited. Applicant's attorneys: Richard H. Streeter and Edward K. Wheeler, 1729 H Street, N.W., Washington, D.C. 20006. Operating rights sought to be controlled: (1) Cement, in bags and in bulk, as a contract carrier by motor vehicle over irregular routes, from ports of entry on the U.S./Canada Boundary line in NH, NY and VT, to points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, and St. Lawrence Counties, NY, Addison, Caledonia, Chittenden, Essex, Fraklin, Lamoille, Orange, Orleans, and Washington Counties, VT, and Carroll, Coos, and Grafton Counties, NH, with no transportation for compensation on return except as otherwise authorized, and (2) Cement, as a contract carrier, by motor vehicle, over irregular routes, from ports of entry on the U.S./Canada Boundary line, located in NH, NY, VT and ME, to points in ME, MA, CT, NY (except points in Clinton, Franklin, Hamilton, Herkimer, Jefferson, Lewis, and St. Lawrence Counties), VT (except points in Addison, Caledonia, Chittenden, Essex, Fraklin, Lamoille, Orange, Orleans, and Washington Counties), and NH (except points in Carroll, Coos, and Grafton Counties), with no transportation for compensation on return except as otherwise authorized. Trimac Transportation Group Limited does not hold authority from this Commission. However, Trimac Transportation Group Limited controls H. M. Trimble & Sons Ltd., 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, which is authorized to operate as a common carrier in ND, AK, WA, MT, AZ, AR, WI, WY, CA, CO, IL, IA, TN, TX, KS, ID, KY, LA, UT, MN, MS, MO, NE, NV, NM, OK, OR and SD. Trimac Transportation Group Limited and Stothert Holdings Ltd. jointly control Oil & Industry Suppliers Ltd., 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, which is authorized to operate as a common carrier in WA, OR, ID, MT, WY, ND, SD, MN, WI, UT, CO, NE, KS, IA, MO, IL, IN, NM, TX, OK and AR; and Mercury Tanklines Limited, 736 8th Avenue, S.W., Calgary, Alberta T2P 2P9, which is authorized to operate as a contract carrier between points in KY, IL, OH, MD, MI, CA, PA, NY and VA and points on the U.S./Canada International Boundary Line in MI, NY, MN, WA, ND and MT. Approval of control of these carriers was given by the I.C.C. in Docket Nos. MC–F–9553 and MC–F–10380. In addition, an application is presently pending in Docket No. MC–F–14015, wherein Trimac Transportation Group Limited and Stothert Holdings Ltd. are seeking approval of control of Municipal Tank Lines Limited. An application has not been filed for temporary authority under Section 11349 (formerly 210a(b)). Approval of this 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.

Motor Carrier Board Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

Finance Docket No. 29070F, filed June 20, 1979. Transferee: GARRETT FORWARDING COMPANY, a Washington Corporation, 516 James St., Seattle, WA 98104. Transferor: GARRETT FORWARDING COMPANY, a Nevada Corporation, 2055 Garrett Way, Pocatello, ID 83201. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Freight Forwarder Permit No. FF–336, issued May 15, 1969, as follows: *Used*

household goods, baggage, and *used automobiles,* between points in the United States (including AK and HI), restricted to traffic having its origin or destination at a point outside the 48 coterminous States and DC. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–77890, filed October 10, 1978. By decision of the Motor Carrier Board entered May 10, 1979, this proceeding was reopened and the previous decision of the Board entered January 30, 1979, was modified to authorize the transfer to P D Express, Inc., 1413 Evaline Drive, Columbia, OH 43221, of certificates held by Aller & Sharp, Inc., 817 West Fifth Ave., Columbus, OH 43212, in No. MC 123069 Subs 19, 21, and 22, issued March 20, 1979, March 1, 1979, and March 1, 1979, respectively, The operating rights to be transferred authorize printed matter, from Kokomo, IN, to points in OH: salt and salt products, in packages, from Rittman, Fairport, and Ladi, OH, to Chicago, IL, and points in IN: and salt and salt products, in containers, from Akron, OH, to Chicago, IL, and points in IN. Applicant's representative: Daniel C. Sullivan, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Any interested person may file a petition for reconsideration within 20 days from the date of this publication.

MC–FC–77953, filed December 11, 1978. Transferee: LEPRECHAUN LINES, INC., doing business as LEPRECHAUN LINES, Route 32, P.O. Box 2628, Newburgh, NY 12550. Transferor: WEST POINT TOURS, INC., Terminal Bldg., Highland Falls, NY 10928. Representative: J. G. Dail, Jr., Attorney for transferee, P.O. Box LL, McLean, VA 21101 and Arthur J. Piken, Attorney for Transferor, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate No. MC–95375, issued June 12, 1978, as follows: Passengers and their baggage, restricted to traffic originating at the points indicated, in charter operations, from points in Orange County, NY to points in PA, NY, NJ, CT, VT, NH, and DC. Transferee presently holds authority in No. MC–112108 Subs 1, and 3, issued June 6, 1975, as corrected, and November 1, 1977, respectively. Application for temporary authority under Section 210a(b) has not been filed.

MC–FC–78008, filed January 18, 1979. Tranferee: REITZEL TRUCKING CO., INC., 7401 Fremont Pike, Perrysburg, OH 43551. Transferor: EDGAR W. LONG, INC., 3815 Old Wheeling Road, Zanesville, OH 43701. Representative: Andrew Jay Burkholder, Beery & Spurlock Co. L.P.A., 275 East State Street, Columbus, OH 43215. Representative: Richard H. Brandon, Sanborn, Brandon & Duvall, 220 West Bridge Street, Dublin, OH 43017. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate No. MC–119547 (Sub-No. 1), as issued April 26, 1968, as follows, glassware, machine-made and uncut, (except ampules, bottles, carboys, demijohns, and jars) from Toledo, OH, to points in that part of Pennsylvania on and East of U.S. Hwy 11, and to points in DC, MD, DE, NJ, and VA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC–FC–78016, filed January 22, 1979. Transferee: COLORADO-DENVER/ WAREHOUSE-DELIVERY, INC., 4902 Smith Rd., Denver, CO 80216. Transferor: MOUNTAIN MOTOR WAY, INC., 4902 Smith Rd., Denver, CO 80216. Representative: Edward C. Hastings, Attorney At Law, 666 Sherman St., Denver, CO 80203. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–127575 (Sub-No. 2) and (Sub-No. 6) issued June 10, 1976 and March 20, 1978, as follows: Regular routes, General commodities with exceptions between Denver, Colo., and Frisco, Colo., serving all intermediate points west of the Continental Divide, and the off-route points of Breckenridge and Montezuma, Colo.: Between Denver, Colo., and Idaho Springs, Colo., serving no intermediate points: Between Denver, Colo., and Silver Plume, Colo., serving all intermediate points: and serving the hydroelectric dam project of Public Service Company of Colorado, located on Cabin Creek of U.S. Highway 6, approximately 5 miles south of Georgetown, Colo., as an off-route point in connection with carrier's regular-route operations authorized herein between Denver, Colo., and Frisco, Calif. IRREGULAR ROUTES: (g) *General commodities,* with exceptions between Denver, Colo., on the one hand, and, on the other, Black Hawk, Central City, and Rollinsville, Colo. Between Silver Plume, Colo., and the East Portal of Eisenhower Memorial Tunnel on Interstate Highway 78, 11 miles west of Silver Plume, Colo. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under Section 210a(b). Applicant has filed a related application in docket No. MC–FC–77725.

MC 78011, filed January 12, 1979. Transferee: WILLIAM HOLT, doing business as HOLT TRUCKING, Box 53, Moores Hill, IN 47032. Transferor: CECIL "SANDY" BURNETT TRUCKING AND RADIATOR SERVICE, INC., R.R. 2, Box 30, Lawrenceburg, IN 47025. Representative: Theodore K. High, Esq., attorney for transferee, 2208 Central Trust Tower, Cincinnati, OH 45202. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC–141230 and (Sub-No.2), issued May 13, 1976 and June 21, 1978, respectively as follows: (g) *Sand and gravel aggregate,* from the facilities of the Ohio Gravel Co., located at or near Hooven, Hamilton County, OH to the facilities of C-Block of Indiana, Inc., in Lawrenceburg, Dearborn County, IN; from the facilities of the Harrison Sand and Gravel Co., Harrison, Hamilton County, OH to the facilities of Top Quality Concrete Co., Inc., in Lawrenceburg, Dearborn County, IN; from the facilities of the Ohio Gravel Co., in Hooven, Hamilton County, OH to the facilities of the Dearborn Gravel Co., in Greendale, Dearborn County, IN and *sand, gravel, bank run, sand and gravel aggregate, rock and dirt,* between the facilities of the Dearborn Gravel Co., at or near Greendale, Dearborn County, IN, and the facilities of American Materials Corp., at or near Harrison, Hamilton County, OH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under Section 210a(b).

MC–FC–78081, filed March 29, 1979. Transferee: H. Dwight Jones and Robert D. Jones, a partnership, doing business as JONES TRANSFER COMAPNY, 129 West Broadway, Centralia, IL 62801. Transferor: Oscar Paul Jones (H. Dwight Jones, Administrator), doing business as JONES TRANSFER COMPANY, 129 West Broadway, Centralia, IL 62801. Representative: H. Dwight Jones, 998 Jonas Ave., Centralia, IL. Authority sought for purchase by transferee of the operating rights of transferor held in Certificates Nos. MC 103167 and 103167 Sub-1, issued November 19, 1942, and July 30, 1947, authorizing transportation of household goods, between points in Illinois on and south of U.S. Highway 40, on the one hand, and, on the other, points in IN, MO, IA, AR, LA, KS, OK, TX, MI, OH, KY, TN, and MS. Transferee holds no authority from the Commission. Application for temporary authority has not been filed.

MC–FC–78084, filed April 2, 1979. Transferee: THE OHIO AUTOMOBILE CLUB, a Corporation, 174 E. Long St., Columbus, OH 43215. Transferor: THE OHIO AAA ASSOCIATION, a Corporation, 6155 Huntley Rd., Columbus, OH 43229. Representative: Gerald P. Wadkowski, 85 E. Gay St., Columbus, OH 43215. Authority is sought for the purchase by transferee of the operating rights of transferor, as set forth in Brokers License No. MC–130311, issued December 15, 1975, as follows: Operations as a *broker*, at Columbus, OH, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in all expense round-trip tours, in special and charter operations, beginning and ending at points in OH (except Hamilton, Cuyahoga, and Lucas Counties), and extending to points in the United States (Except AK and HI). Transferee presently holds no authority from this Commission. Authority Application has not been filed for temporary authority under 49 U.S.C. § 11349.

MC–FC–78154, filed May 25, 1979. Transferee: DARRELL MADDEN, doing business as DARRELL D. MADDEN TRUCKING, 2232 Maime Eisenhower Ave., Boone, IA 50036. Transferror: DAKOTA EXPRESS, INC., 550 E. Fifth St. S., South St. Paul, MN 55075. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309. Authority sought for the purchase by transferree of a portion of the operating rights of transferor, as set forth in Certification No. MC–83217 (Sub-No. 22), issued April 28, 1970, as follows: *Meats, meat products and meat byproducts and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Schuyler Packing Company, at Schuyler, NE, to points in IL, IA, MN, ND, SD, and WI, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. Transferree presently holds authority from this Commission under MC–141154 (Sub-No. 2). Application for temporary authority has been filed under 49 U.S.C. § 11349. Note: MC–83217 (Sub-No. 22), issued December 20, 1967 was modified by order dated July 28, 1969 and cancelled upon issuance of the same-numbered certificate on April 28, 1979.

MC–FC–78155, filed April 9, 1979. Transferee: CAMPBELL GRAIN CORPORATION, Box 94, Humeston, IA 50123. Transferor: GERALD E. CARPENTER, R. R. 2 Box 241, Maxwell, IA 50161. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Permit No. MC–143046 (Sub-No. 2), issued May 26, 1978, as follows: *Liquid soil conditioners*, in bulk, from the facilities of Carpenter Sales, Inc., at Bondurant, IA, to points in AL, AZ, AR, CA, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, SD, TN, TX, VT, VA, and WI, under continuing contract with Carpenter Sales, Inc., of Bondurant, IA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. § 11349.

MC–FC–78157, filed May 24, 1979. Transferee: J. H. SIMS TRUCKING COMPANY, INC., 505 S. Palmetto Ave., Ontario, CA 91761. Transferor: TRADE SPECIALTIES TRUCKING, INC., 715 W. Broadway, Mesa, AZ 85202. Representative: Richard C. Celio, 1415 W. Garvey Ave., Suite 102, West Covina, CA 91790. Authority sought for the purchase by transferee of the operating rights of transferor, as set forth in Permit No. MC–139947 (Sub-No.1), issued August 15, 1977, as follows: *Asphalt roofing materials*, and *such commodities* as are used in the construction and installation of roofs, from Barstow, Camarillo, Carona, Long Beach, Los Angeles, Oakland, Riverside, San Francisco, San Leandro, Santa Clara, South Gate, and Wilmington, CA, to points in AZ, under continuing contract(s) with Southwest Roofing Supply Co., and A & H Supply Co., Inc., both of Phoenix, AZ. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. § 11349.

MC–FC–78164, filed April 30, 1979. Transferee: BIG STATE MOTOR FREIGHT, INC., 750 West Second Ave., Anchorage, AK 99501. Transferor: CHEECHAKO TRUCKING CO., INC., d/b/a Alaska Truck Transport, 416 3rd & Grabel, Fairbanks, AK 99701. Representative: Henry J. Camarot, 750 West Second Ave., Anchorage, AK 99501. Authority sought for the purchase by transferee of operating rights held by transferor in Certificate No. MC 142890, issued July 15, 1977, authorizing general commodities, with exceptions, between points in AK, except points east of an imaginary line constituting a southward extension of the United States (Alaska)-Canada (Yukon Territory) Boundary line other than Haines, AK. Transferee holds no authority from the Commission; temporary authority is sought.

MC–FC–78166, filed June 4, 1979. Transferor: P & S SERVICE, INC., 770 Tonnele Avenue, Jersey City, NJ 07307. Transferee: ON THE SPOT TOWING SERVICE, INC., Route 46 and Baldwin Road, Parsippany, NJ 07054. William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought for purchase by Transferee of the operating rights of Transferor, as set forth in Certificate No. MC 124198 issued October 5, 1972, as follows: *Wrecked or disabled trucks, tractors, buses, and passenger cars*, in towaway service, requiring the use of wrecker equipment, between points in NJ and NY, on the one hand, and, on the other, points in CT, DE, MA, NJ, NY, PA, and RI; and *replacement vehicles* for such wrecked or disabled trucks, tractors, and passenger cars, in towaway service, from points in NJ and NY, to points in CT, DE, MA, NJ, NY, PA and RI. Transferee presently holds no authority from this Commission. Application has not been filed for Temporary Authority under Section 210a(b).

MC 78167, filed June 4, 1979. Transferee: DICK L. SMITH, d.b.a. SMITH TRUCKING CO., 401 South Washington, Bloomfield, IA 52537. Transferor: LES MATHRE TRUCKING, INC., 417–8th St., Story City, IA 50248. Authority sought for purchase by transferee of transferor's operating rights in Certificate No. MC 139379, issued August 2, 1974, authorizing transportation of meats, meat products and meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Tama Meat Packing Corporation, at Tama, IA, to points in IL, IN, MI, MN, NE, OH, SD, and WI. Transferee holds no authority from the Commission. Temporary lease authority is not sought. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309.

MC–FC–78174, filed May 18, 1979. Transferee: TRANS-SOUTHWEST CARRIERS INC., 1001 south 500 West, Bountiful, UT 84010. Transferor: CLARENCE E. LINDSEY SR., d.b.a. Lindsey Motor Lines (Clarence E. Lindsey, Jr., Executor), 1516 south 1600 East, Salt Lake City, UT 84106. Representative: Billy L. Lindsey, 1001 South 500 West, Bountiful, UT 84010. Authority sought for purchase by transferee of the entire operating rights of transferor, as set forth in Certificate MC–100892, issued May 21, 1968, as

follows: *Flour,* from Honeyville, UT and points within two miles thereof, and Logan, Ogden, Brigham City, and Salt Lake City, UT, to points in Coconino, Navajo, Yavapai, and Maricopa Counties, AZ; and from South Jordan, UT, to points in AZ on U.S. Hwy 89 and Alternate U.S. Hwy 89, north of and including Townsend, AZ, and points in Coconino and Navajo Counties, AZ. *Fresh fruits, fresh or dried vegetables, hay, grain, feed, seeds, and cottonseed cake,* between points in UT, on the one hand, and, on the other, points in AZ. *Brick, building stone, flagstone, lumber, finished lumber mill products, poles, mine props, and fence posts,* from points in AZ north of U.S. Hwy 66, to points in UT; and from points in Salt Lake, Weber, Davis, and Utah Counties, UT, to the Glen Canyon Dam Site in AZ and points within 10 miles thereof. *Livestock,* between points in Rich County, UT, on the one hand, and, on the other, points in Lincoln and Uinta Counties, WY, Bannock, Bear Lake, Caribou, and Franklin Counties, ID, and Box Elder, Cache, and Weber Counties, UT. *Stock and poultry feed,* between points in Rich County, UT, on the one hand, and, on the other, Lincoln and Uinta Counties, WY, Bannock, Bear Lake, and Caribou Counties, ID, and Weber County, UT. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78178, filed June 6, 1979. Transferee: JOSEPH HEENAN, JR., 76 Main St., Tidioute, PA 16351. Transferor: JOSEPH HEENAN, d.b.a. HEENAN TRUCKING COMPANY, 9 Second St., Tidioute, PA 16351. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Authority sought for the purchase by transferee of the operating rights of transferor in Permit No. MC 128930, issued June 17, 1968, authorizing structural steel, from Lackawanna, NY, Sparrows Point, MD, Cleveland, OH, and Weirton, WV, to Corry, PA; steel trusses, steel weldments, and steel girders, from Corry, PA, to points in NY, OH, WV, IN, and IL, under contract with Rogers Structural Steel Co., of Corry, PA. Transferee holds no authority from the Commission. Temporary lease authority is not sought.

MC–FC–78180, filed June 8, 1979. Transferee: WACO DRIVERS SERVICE, INC., 138 Atando Ave., Charlotte, NC 28206. Transferor: AERO DISTRIBUTING CO., INC., 4814 Fulton Industrial Blvd., Atlanta, GA 30336. Representative: Archie B. Culbreth, Suite 202—2200 Century Parkway, Atlanta, GA 30345. Authority sought for purchase by transferee of a portion of the operating rights in Permit No. MC 142668 Sub 2, issued August 12, 1977, and those granted by decision of Review Board Number 1 by decision served September 12, 1978. The involved operating rights authorize such merchandise as is dealt in by home products distributors, from the facilities of Amway Corporation, in Fulton County, GA, to points in KY, NC, SC, VA, WV, and that portion of TN located east of the western traversal of the Tennessee River, under contract with Amway Corporation; and such merchandise as is marketed by home products distributors, from Chattanooga, Knoxville and Kingsport, TN, to those points in TN in and east of Clay, Jackson, Putnam, DeKalb, Warren, Grundy and Marion Counties, TN, under contract with Avon Products, Inc. Transferee holds no authority from the Commission. A temporary authority application has not been filed.

MC–FC–78183, filed June 7, 1979. Transferee: JOSEPH P. ELMS, d.b.a. ARVADA TRANSFER, 18683 Weld County Rd., No. 15, Johnstown, CO 80534. Transferor: ORVILLE JENKINS AND ESTHER A. JENKINS, d.b.a. ARVADA TRANSFER, 7701 N. Raleigh St., Westminster, CO 80030. Representative: John P. Thompson, 450 Capitol Life Center, Denver, CO 80203. Authority sought for purchase by transferee of the entire operating rights of transferor, as set forth in Certificate MC–39963, issued March 7, 1979, and Certificate of Registration MC–39963 (Sub-No. 2), issued April 16, 1979, as follows: *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, over a specified regular route between Denver and Arvada, CO. *General commodities,* between Arvada, CO and points within 9 miles of Arvada and Denver, CO, subject to certain restrictions. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC–FC–78188, filed May 7, 1979. Transferee: WILLIAM G. CUTLER, 15 Liberty St., Concord, NH 03301. Transferor: NORTHERN TRANSPORTATION SERVICES, INC., Ripley Rd., Rutland, VT 05701. Representative: James M. Burns, Johnson's Bookstore Bldg., Suite 413, 1383 Main St., Springfield, MA 01103. Authority sought for acquisition of control by transferee of transferor through purchase of all of the capital stock of Northern Transportation Services, Inc. and through such transaction control of the property Broker License MC–130286, issued January 5, 1978, as follows: operations as a broker at Rutland, VT, of *Commodities* which, because of size or weight, require the use of special equipment or special handling, and *related machinery parts* and *related contractors' equipment, materials, and supplies,* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, between points in VT, NH, and ME, on the one hand, and, on the other, points in the United States (except AK and HI). Applicant presently holds no authority from this Commission. Application has been filed for temporary authority under 49 U.S.C. § 11349.

Operating Rights Application(s) Directly Related to Finance Proceedings

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.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such protests shall conform 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.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for

those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points. Persons unable to intervene under Rule 247(k) may file a petition for leave to intervent under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which paricipation by the petitioner would broaden the issues or delay the processing.

Verified statements in opposition should not be tendered at this time. A copy fo the protest or petition to intervene 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 37203 (Sub-11F), filed April 2, 1979. Applicant: MILLSTEAD VAN LINES, INC., P.O. Box 878, Bartlesville, OK 74004. Representative: C. L. Phillips, 1411 Classen Boulevard, room 248, Oklahoma City, OK 73106. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in LA, NM, and MO, on the one hand, and, on the other, points in CO, NE, IA, IL, IN, and KY; (2) between points in CO and IL, on the one hand, and, on the other, points in NE, IA, IN, and KY; (3) between points in NM, KS, and AR, on the one hand, and, on the other, points in CO, MO, IL, and LA; (4) between points in NM, on the one hand, and, on the other, AR: (5) between points in TX and MO, on the one hand, and, on the other, points in NM, CO, LA, and IL; (6) between points in TX and MO; (7) between points in DE, MD, and DC, on the one hand, and, on the other, points in Mclean County, IL; (8) between points in MT and WY, on the one hand, and, on the other, points in CO, NM, MO, IL, and LA; (9) between points in TN, on the one hand, and, on the other, points in CO, NM, MO, IL, and LA; (10) between points in DE, MD, and DC, on the one hand, and, on the other, points in NM; (11) between points in DE, MD, and DC, on the one hand, and, on the other, points in McDonald, Barry, Newton, Lawrence, Dade, Barton, Jasper, and Vernon Counties, MO; (12) between points in DE, MD, and DC, on the one hand, and, on the other, points in Miller, Lafayette, Little River, Howard, Hempstead, Sevier, Pike, Polk, Montgomery, Scott, Sebastian, Logan, Crawford, Franklin, Johnson, Washington, Madison, Benton, and Carroll Counties, AR; (13) between points in OK, on the one hand, and, on the other, points in DE, MD, and DC; (14) between points in Kansas on and south of a line beginning at the Kansas-Colorado Stateline on KS Highway 96 to its intersection with U.S. Highway 183, thence along U.S. Highway 183 to its intersection with U.S. Highway 50, thence along U.S. Highway 50 to its intersection with U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Oklahoma Stateline, on the one hand, and, on the other, points in DE, MD, and DC; (15) between points in TX, on the one hand, and, on the other, points in DE, MD, and DC. (Hearing site: Oklahoma City, OK).

Note.—The purpose of this application is to eliminate the gateway points of (1) Oklahoma, (2) Oklahoma, (3) Oklahoma, (4) Oklahoma, (5) Oklahoma, (6) Oklahoma, (7) Philadelphia, PA; (8) Tulsa, OK, (9) Oklahoma, (10) Philadelphia, PA, (11) Philadelphia, PA, (12) Philadelphia, PA, (13) Philadelphia, PA, (14) Philadelphia, PA, (15) Philadelphia, PA. This matter is directly related to Docket No. MC–F–13983F, published in a previous section of this FR issue.

MC 99683 (Sub-4F), filed April 2, 1979. Applicant: NORTH SHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th Street, Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Authority sought to operate 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, and commodities requiring special equipment), (a) Between Bettendorf and Davenport, IA and Carbon Cliff, East Moline, Moline, Milan, Rock Island and Silvis, IL, on the one hand, and, on the other, points in Stephenson, Winnebago, Boone, McHenry, Lake, Cook, DuPage, Kane, DeKalb, LaSalle, Lee, Ogle, Carroll, Will, Grundy, Kankakee and Kendall Counties, IL; and (b) From St. Louis, MO to Bettendorf and Davenport, IA and Carbon Cliff, East Moline, Moline, Milan, Rock Island and Silvis, IL. *RESTRICTION:* Restricted against the transportation of shipments moving between any points authorized to be served by applicant in regular-route operations. Note: The purpose of this application is to eliminate the gateway points in Moline, IL. This matter is directly related to Docket No. MC–F–13982, published in a previous section of this FR issue (Hearing site: Chicago, IL).

MC 109397 (Sub-454F), (republication), filed April 27, 1979. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801. Representative: Anthony N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. Such *contractors' equipment, machinery* and *machinery parts, heavy* and *bulky articles, articles requiring special handling or rigging, self-propelled articles*, each weighing 15,000 pounds or more, and related *machinery, equipment, tools, parts*, and *supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), incidental to and used in connection with the construction, repairing, or dismantling of pipelines, between points in AL, AR, CO, FL, GA, IA, KS, KY, LA, MN, MS, MO, NE, NM, ND, OK, OR, SD, TN, TX, WA, WI, WY, MA, RI, CT, NJ, DE, MD, NC, and DC. 2. *Commodities*, which because of size or weight require special equipment, and related *machinery parts*, and related *contractors' materials* and *supplies* when their transportation is incidental to commodities requiring special equipment, and *self-propelled articles* each weighing 15,000 pounds or more, and related *machinery, equipment, tools, parts*, and *supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), incidental to and used in connection with the construction, repairing or dismantling of pipelines, between points in CA, on the one hand, and, on the other, points in the United States (except AK, HI, OR, VT, ME, and NH). 3. *Commodities*, which because of size or weight require special equipment, and related *machinery parts*, and related *contractors' materials* and *supplies* when their transportation is incidental to commodities requiring special equipment, and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, equipment, tools, parts, and supplies* moving in conntection therewith (restricted to self-propelled articles which are transported on trailers), incidental to and used in connection with the construction, repairing, or dismantling of gas, gasoline, and oil pipe

lines, between points in CA, on the one hand, and, on the other, points in the United States (except AK and HI). Restriction: Restricted to traffic moving to or from pipe line rights-of-way. 4. *Commodities,* which because of size or weight require special equipment, and related *machinery parts,* and related *contractors' materials* and *supplies* when their transportation is incidental to commodities requiring special equipment, and *self-propelled articles* each weighing 15,000 pounds or more, and related *machinery, equipment, tools, parts,* and *supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; between points in AR, CO, IA, KS, LA, MO, NM, OK, TX, WY, WI, ND, SD, MN, IL, IN, OH, PA, NJ, DE, MD, NC, WV, VA, NY, CT, RI, MA, and DC. 5. *Commodities,* which because of size or weight require special equipment, and related *machinery parts,* and related *contractors' materials* and *supplies* when their transportation is incidental to commodities requiring special equipment, and *self-propelled articles* each weighing 15,000 pounds or more, and related *machinery, equipment, tools, parts,* and *supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (a) Between points in CA, on the one hand, and, on the other, points in AR, CO, IA, KS, KY, LA, MO, NE, NM, OK, TX, WI, ND, SD, MI, MN, IL, IN, OH, PA, NJ, DE, MD, NC, WV, VA, NY, CT, RI, MA, and DC. (b) Between NV, on the one hand, and, on the other, points in ID, WI, MN, MI, OH, NC, VA, WV, MD, DE, PA, NY, NJ, CT, MA, RI, and DC. 6. *Commodities,* the transportation of which because of size or weight requires the use of special equipment or handling, and *parts of commodities,* the transportation of which because of their size or weight requires the use of special equipment or handling, and *self-propelled articles,* each weighing 15,000 pounds or more, and related *machinery, equipment, tools, parts,* and *supplies* moving in connection therewith (restricted to self-propelled articles which are transported on trailers); (a) Between points in AR, CO, IA, KS, LA, MO, NM, OK, TX, WY, WI, ND, SD, MN, IL, IN, OH, PA, NJ, DE, MD, NC, WV, VA, NY, CT, RI, MA, and DC. (b) Between points in CA and points in Clark County, NV, on the one hand, and, on the other, points in CO, NM, KS, OK, TX, LA, AR, MO, IA, WI, MN, ND, SD, IL, MI, IN, OH, KY, NC, VA, WV, MD, DE, PA, NY, NJ, CT, MA, RI, and DC. (c) Between points in WA, UT, and OR, on the one hand, and, on the other, points in WI, ND, SD, MN, MI, NC, VA, WV, MD, DE, PA, NJ, NY, CT, RI, MA, and DC. (d) Between points in MI, on the one hand, and, on the other, points in KY, IA, MO, AR, LA, TX, OK, KS, NM, CO, WY, WI, ND, SD, and MN. (e) Between points in KY, on the one hand, and, on the other, points in ND, SD, MN, NC, VA, WV, MD, DE, OH, PA, NY, NJ, CT, MA, RI, and DC. 7. *Oilfield equipment* and *supplies,* except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in MO, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 8. *Pipe, pipe-line material, machinery* and *equipment* incidental to and used in connection with the construction, repairing, or dismantling of pipelines, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in WA, OR, WY, NM, NE, ND, MN, WI, MI, IA, MO, AR, LA, MS, IN, OH, WV, and KY, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 9. *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in WY, NM, LA, AR, MO, NE, IA, IN, and KY, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 10. (a) *Commodities,* the transportation of which because of their size or weight requires the use of special equipment or handling, and *parts of commodities,* the transportation of which because of their size or weight requires the use of special equipment or handling, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, and (b) *self-propelled articles* each weighing 15,000 pounds or more, transported on trailers, and related *machinery, tools, parts,* and *supplies* moving in connection therewith, between points in IL, IN, WY, NM, IA, MO, AR, KY, and LA, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 11. (a) *Commodities,* the transportation of which because of their size or weight requires the use of special equipment or handling, and *parts of commodities,* the transportation of which because of their size or weight requires the use of special equipment or handling, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, and (b) *self-propelled articles* each weighing 15,000 pounds or more, transported on trailers, and related *machinery, tools, parts,* and *supplies* moving in connection therewith, between points in WI, MN, and ND, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 12. *Machinery, equipment, materials,* and *supplies* used in or in connection with the construction, operation, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, other than pipelines used for the transmission of water or sewerage, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in AK, on the one hand, and, on the other, points in UT, OK, TX, KS, CA, PA, GA, NY, TN, FL, VA, SD, MT, CO, AL, and IL—restricted to traffic moving to or from AK or foreign commerce. 13. *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in NV, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 14. *Machinery, equipment, materials,* and *supplies* used in or in

connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage—restricted to shipments moving to or from pipeline rights-of-way, and except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in AZ, CT DE, ID, MA, MD, ME, NH, NC, NJ, NV, RI, SC, VT, and DC, on the one hand, and, on the other, ports of entry on the Pacific Cost and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce.15. *Machinery, equipment, materials,* and *supplies* used in or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines for the transportation of water and sewerage, including the stringing and picking up of pipe—restricted to traffic originating at or destined to pipeline rights-of-way, and except commodities moving in tank vehicles, new passenger automobiles and Classes A and B explosives, between points in AZ, CT, DE, ID, MA, MD, ME, NH, NC, NJ, NV, RI, SC, VT, and DC, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 16. *Earth drilling machinery* and *equipment,* and *machinery, equipment materials, supplies* and *pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites and (c) the injection or removal of commodities into or from holes or wells, except commodities moving in tank vehicles, new passenger automobiles, and Classes A and B explosives, between points in WY, NM, NE, IA, MO, AR, LA, KY, NV, and IN, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to or from AK or foreign commerce. 17. *Steel roofing,* from Phoenix, AZ, and *reinforcing bars,* from Helena, AZ, to ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to AK or foreign commerce. 18. *Plastic pipe, conduit, couplings, fittings, vinyl siding,* and *accessories* used in the installation of those commodities, from Williamsport, MD, to ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic originating at the facilities of Certain-Teed Products Corporation in Williamsport, MD, and further restricted to traffic moving to AK or foreign commerce. 19. *Lumber, lumber products,* and *particle board,* from the facilities of Olinkraft, Inc., located at or near Winnfield and Lillie, LA, and Huttig, AR, to ports of entry on the Pacific Coast and those on the United States-Canada Boundary line—restricted to traffic moving to AK or foreign commerce. 20. *Liquid* and *food processing* and *handling* and *packaging machinery* and *equipment* thereof, which because of size or weight require special handling or special equipment, between UT, WA, CA, and OR, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to traffic originating at or destined to the facilities of Crown Cork & Seal Company and its subsidiaries. 21. *Aerospace craft* which because of size or weight require special equipment or handling, and *parts* of aerospace craft which because of size or weight require special equipment or handling, between points in CA, WA, NE, MN, SD, ND, AZ, OR, WY, UT, NM, TX, OK, CO, IA, KS, MO, AR, LA, ID, MT, and NV, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA. 22. (a) *Antipollution systems,* which because of size or weight require special equipment or handling; and (b) *parts* of commodities in (a) above, from points in NJ, to points in LA, CA, WA, OR, ID, and MT. 23. *Lumber* and *wood products,* which because of size or weight require special equipment or handling, and *parts* of lumber and wood products, from points in ID and MT, to points in CO, IA, LA, NM, OK, TX, IL, IN, MI, OH, KY, PA, MA, RI, CT, NY, NJ, DE, MD, WV, VA, NC, and DC. 24. (a) *Aircraft ground support equipment* (except automobiles, trucks and buses as defined in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766), which because of size or weight requires the use of special equipment, and (b) *self-propelled aircraft ground support equipment* weighing 15,000 pounds or more, transported on trailers, between points in WA, OR, UT, NV, AZ, and CA, on the one hand, and, on the other, points in the United States (except AK and HI). 25. *Steel bar joists and long spans,* from Congaree, SC, to points in the United States (except AK and HI). 26. *Aircraft* and *aircraft parts* which because of size or weight require the use of special equipment, and *equipment* and *machinery* and *parts* and *materials* and *supplies* used in the maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk and except automobiles, trucks and buses as defined in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766), between points in IN, KY, NM, WY, UT, WI, OR, ND, and SD, on the one hand, and, on the other, points in the United States (except AK and HI). 27. (1) *Turbines, steam condensers, feed water heaters, weldments* and *heat exchangers,* (2) *parts* of the commodities in (1) above and (3) *iron* and *steel castings* and *forgings,* restricted in (1) above to the transportation of commodities which because of size or weight require the use of special equipment, and in (2) above to the transportation of parts which because of size or weight do not require the use of special equipment in mixed loads with commodities in (1) above, between points in TX, OK, NM, CO, KS, OH, UT, WA, OR, CA, WY, AR, LA, MO, IA, WI, IL, and KY, on the one hand, and, on the other, points in the United States (except AK and HI). 28. (1) *Turbines, steam condensers, feed water heaters, weldments* and *heat exchangers,* (2) *parts* of the commodities in (1) above and (3) *iron* and *steel castings* and *forgings,* restricted in (1) above to the transportation of commodities which because of size or weight require the use of special equipment and in (2) above to the transportation of parts which because of size or weight do not require the use of special equipment in mixed loads with commodities in (1) above, between points in ME, VT, and NH, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA. 29. (1) *Turbines, steam condensers, feed water heaters, weldments* and *heat exchangers,* (2) *parts* of the commodities in (1) above and (3) *iron* and *steel castings* and *forgings,* restricted in (1) above to the transportation of commodities which because of size or weight require the use of special equipment and in (2) above to the transportation of parts which because of size or weight do not require the use of special equipment in mixed loads with commodities in (1) above, between points in ND, SD, MN, NY, PA, MD, DC, VA, WV, and NC, on the one hand, and, on the other, points in the United States in and west of MN, IA, MO, AR, and LA. 30. *Iron* and *steel articles,* from points in CA, to points in AL, AK, AZ, CA, FL, GA, ID, OR, SC, TN, UT, CO, AR, IL, IA, KS, KY, LA, MI,

NM, NC, OH, OK, PA, TX, VA, WA, WV, WY, WI, and MN. 31. *Pre-finished vinyl* or *paper-covered paneling, gypsum board, hardboard, composition board* and *molding,* which because of size or weight require special equipment, from the plant site of Sioux Veneer Panel Co., at or near Boise, ID, to points in OR and WA. 32. *Steel roofing,* from Phoenix, AZ, and *reinforcing bars,* from Helena, AZ, to points in CA. 33. Such *contractors' equipment, heavy* and *bulky articles, machinery* and *machinery parts,* and *articles requiring specialized handling or rigging,* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between points in MT, ND, and SD, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, VA, WV, and DC. 34. *Electric controllers* and *instruments* requiring special equipment or special handling by reason of size or weight, incidental to and used in connection with the construction, repairing, or dismantling of pipelines, (a) From points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NY, ND, OH, OK, OR, PA, SD, TN, TX, VA, WA, WV, WI, and WY, to points in ME, VT, NH, and SC. (b) From points in CT, MA, NJ, DE, and MD, to points in AL, AR, CO, FL, GA, IL, IN, LA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NY, ND, OH, OK, OR, PA, SD, TN, TX, VA, WA, WV, WI, and WY. (c) From points in NC, to MN, ND, SD, NE, OR, and WA. 35. *Antipollution systems* and *antipollution system parts* requiring special handling or rigging, which are fabricated metal products, from points in NY, PA, MD, VA, and NC, to points in the United States in and west of WI, IL, MO, AR, and LA. 36. *Antipollution systems* and *antipollution system parts* requiring specialized handling or rigging, which are iron and steel articles, from points in NY, PA, MD, VA, and NC, to points in the United States in and west of WI, IL, MO, AR, and LA. 37. *Antipollution equipment* and *supplies,* from points in MD, NC, VA, NY, and PA, to points in the United States in and west of ND, SD, NE, KS, OK, and TX. 38. *Turbines, steam condensers, feed water heaters, weldments, heat exchangers, and iron* and *steel castings* and *forgings,* which because of size or weight require special equipment or handling, between VT, NH, ME, NY, PA, and MD, on the one hand, and, on the other, points in and west of IN, KY, AR, and LA. 39. *Zinc* and *zinc products,* which because of size or weight require the use of special equipment, from points in VA, NC, CT, DE, MD, MA, NJ, NY, PA, RI, WV, and DC, to points in and west of TX, OK, KS, NE, SD, and ND. 40. *Refined copper,* which because of size or weight requires the use of special equipment, from points in VA, NC, CT, DE, MD, MA, NJ, NY, PA, RI, WV, and DC, to points in and west of TX, OK, KS, NE, SD, and ND. 41. *Aluminum* and *aluminum articles,* which because of size or weight require the use of special equipment, from points in VA, NC, CT, DE, MD, MA, NJ, NY, PA, RI, WV, and DC, to points in and west of TX, OK, KS, NE, SD, and ND. 42. (1) *Tractors* with or without *attachments* (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks,* with or without bodies designed for off-highway use; (2) *parts, attachments* and *accessories* for the commodities described in (1) above; which because of size or weight require the use of special equipment, from the plant sites and facilities of Caterpillar Tractor Co., located in Scott County, IA, to points in VA, NC, CT, DE, MD, MA, NJ, NY, PA, RI, WV, and DC. 43. *Insulated wallboard* and *roof insulation,* which because of size or weight require the use of special equipment, from points in VA, NC, CT, DE, MD, MA, NJ, NY, PA, RI, WV, and DC, to points in and west of TX, OK, KS, NE, SD, and ND. 44. *Iron* and *steel articles,* between points in CA, on the one hand, and, on the other, points in CO. 45. Such *earth drilling machinery* and *equipment,* and *machinery, equipment, materials, supplies* and *pipe* incidental to, used in or in connection with, the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; the completion of holes or wells drilled; the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and the injection or removal of commodities into or from holes or wells; which because of size or weight require special equipment, and *related machinery parts* and *related contractors' materials* and *supplies* when their transportation is incidental to the transportation of commodities which because of size or weight require special equipment, or are self-propelled, weighing 15,000 pounds or more, transported on trailers; (a) Between points in CA, on the one hand, and, on the other, points in NE, ND, and SD. (b) Between points in NE, on the one hand, and, on the other, points in CT, DE, DC, IL, IN, MD, MA, MI, NJ, NY, NC, OH, PA, RI, VA, and WV. (c) Between points in NV, on the one hand, and, on the other, points in OH, PA, MI, NY, MA, RI, CT, NJ, DE, MD, WV, VA, NC, and DC. 46. *Radioactive materials* and *radioactive material handling containers,* which because of size or weight require the use of special equipment or handling, between points in WY, CO, NM, KS, OK, TX, LA, AR, MO, IA, WA, OR, ID, MT, UT, KY, IN, and WI, on the one hand, and, on the other, points in the United States (except AK and HI). 47. *Lumber, particleboard* and *plywood,* which because of size or weight require the use of special equipment, from points in MA, RI, CT, NJ, NY, PA, MD, DE, DC, VA, NC, WV, OH, IN, MI, and IL, to points in and west of TX, OK, KS, NE, SD, and ND. 48. *Pollution control systems, parts* and *attachments* for pollution control systems, which require special handling or rigging, and *equipment, materials* and *supplies* used in the installation, operation, and maintenance of pollution control systems, from points in MD, NC, VA, NY, PA, CT, MA, and RI, to points in the United States (except AK, HI, IL, MI, IN, OH, WV, NC, VA, DE, MD, DC, PA, NY, NJ, CT, RI, MA, VT, NH, and ME). 49. *Pollution control systems, parts* and *attachments* for pollution control systems, and *equipment, materials* and *supplies* used in the installation, operation, and maintenance of pollution control systems, from points in NJ, to points in the United States (except AK, HI, IL, MI, IN, OH, WV, NC, VA, DE, MD, DC, PA, NY, NJ, CT, RI, MA, VT, NH, and ME). 50. *Aluminum products* and *fabricated* or *structural steel* requiring specialized handling or rigging, from points in MA, CT, RI, NJ, NY, PA, WV, VA, NC, DC, OH, IN, MI, and IL, to points in the United States (except AK, HI, IL, IN, MI, OH, WV, NC, VA, DE, MD, DC, PA, NY, NJ, CT, RI, MA, VT, NH, and ME). 51. *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, requiring specialized handling or rigging, between points in NE, on the one hand, and, on the other, points in OH, MI, PA, WV, VA, NY, NJ, NC, MD, DE, DC, MA, RI, and CT. 52. *Aluminum,* which because of size or weight requires special equipment, between points in WA, OR, WY, UT, CO, NM, TX, OK, KS, IA, MO, AR, LA, MT, ID, KY, IL, IN, and WI, on the one hand, and, on the other, points in the United States in and east of TX, OK, KS,

NE, SD, and ND. 53. (a) *Bulk conveyor systems, pressure vessel systems, heating* and *cooling systems, antipollution systems,* the transportation of which because of size or weight requires special equipment or handling, and (b) *parts* of items in (a) above, between points in UT, OR, WA, CA, CO, NM, TX, OK, KS, ND, SD, ID, MT, MN, WI, OH, IA, MO, AR, LA, KY, IL, and IN, on the one hand, and, on the other, points in the United States (except AK and HI). 54. *Transformers,* which because of size or weight require the use of special equipment, from points in CA, to points in AL, AK, FL, GA, MS, SC, and TN. 55. *Metal buildings* and *metal wall sections* requiring special handling or rigging, (a) from points in MA, CT, RI, NY, NJ, PA, MD, DE, DC, VA, WV, NC, and OH, to points in the United States (except AK and HI), and (b) from points in CA, OR, WA, MT, ID, UT, NM, CO, WY, KS, OK, TX, IA, ND, SD, MN, WI, IL, IN, MO, AR, LA, and KY, to points in MA, RI, CT, NY, NJ, MD, DE, DC, VA, NC, WV, PA, and OH. 56. (a) *Pre-cut buildings* which because of size or weight require special equipment; and (b) *parts, attachments, materials,* and *supplies* for pre-cut buildings, from points in LA, TX, OK, AR, NM, MO, KS, CO, UT, WY, IL, IN, WI, KY, OH, ND, SD, MN, WA, ID, MT, OR, CA, NC, VA, WV, DC, MD, DE, PA, NJ, CT, MA, RI, NY, and MI, to points in the United States (except AK and HI). 57. *Iron* or *steel articles* which because of size or weight require special equipment, from points in MA, RI, CT, NY, NJ, PA, MD, DE, DC, WV, VA, and NC, to points in and west of LA, AR, MO, IA, and MN. 58. *Zinc* and *zinc products,* from points in Montgomery County, TN, to points in the United States in and west of ND, SD, NE, KS, OK, and TX. 59. *Commodities,* the transportation of which because of size or weight requires the use of special equipment, and related *machinery, parts,* and related *contractors' materials* and *supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment; *self-propelled articles,* each weighing 15,000 pounds or more, and related *machinery, tools, parts,* and *supplies* moving in connection therewith—restricted to commodities which are transported on trailers; (a) Between points in MT and ID, on the one hand, and, on the other, points in MA, RI, CT, NJ, NY, PA, MD, DE, DC, VA, NC, WV, OH, MI, SD, NC, MN, and UT. (b) Between points in ID, on the one hand, and, on the other, ports of entry on the Pacific Coast and those on the United States-Canada Boundary line-restricted to traffic moving to or from AK or foreign commerce. 60. *Liquid* and *food processing* and *handling* and *packaging machinery* and *equipment* thereof, which because of size or weight require special handling or special equipment, between points in ID and MT, on the one hand, and, on the other, points in the United States (except AK, HI, CA, UT, OR, and WA). Restricted to traffic originating at or destined to the facilities of Crown Cork & Seal Company and its subsidiaries. 61. *Aircraft* and *aircraft parts* which because of size or weight require special equipment, and *equipment* and *machinery* and *parts* and *materials* and *supplies* used in the maintenance, servicing, repairing, and operation of aircraft (except commodities in bulk and except automobiles, trucks, and busses as defined in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766), between points in ID and MT, on the one hand, and, on the other, points in the United States (except AK and HI). 62. (1) *Turbines, steam condensers, feed water heaters, weldments* and *heat exchangers,* (2) *parts* of the commodities in (1) above, and (3) *iron* and *steel castings* and *forgings,* restricted in (1) above to the transportation of commodities which because of size or weight require the use of special equipment and in (2) above to the transportation of parts which because of size or weight do not require the use of special equipment in mixed loads with commodities in (1) above, between points in ID and MT, on the one hand, and, on the other, points in the United States (except AK and HI). 63. *Electric controllers* and *instruments* which because of size or weight require special equipment, from points in CT, MA, NJ, NY, PA, DE, MD, VA, and NC, to points in ID and MT. 64. Asphalt mixing systems which because of size or weight require special equipment, between King County, WA, on the one hand, and, on the other, points in ID and MT. 65. *Electronic equipment, machinery* and *systems* requiring specialized handling or rigging, between VT, on the one hand, and, on the other, points in ID and MT. 66. *Source, special nuclear,* and *by-product materials, radioactive materials,* which because of size or weight require special equipment or handling, and *related reactor experiment equipment, component parts,* and *associated materials,* between points in ID, CA, FL, and NV, on the one hand, and, on the other, points in the United States (except AK and HI). 67. *Source, special nuclear,* and *by-products materials, radioactive materials,* which because of size or weight require special equipment or handling, and *related reactor equipment, component parts,* and *associated materials,* between points in WV, MD, DE, DC, MI, PA, NJ, NY, CT, RI, MA, OH, WI, ND, SD, MN, ID, MT, WY, CO, NM, TX, OK, KS, IA, MO, AR, IN, CA, UT, OR, and WA, on the one hand, and, on the other, points in the United States (except AK and HI). 68. *Single* or *concentric cylinders* or *containers,* loaded or empty, which because of size, or construction require special equipment or handling, and *accessories, components* and *related parts* thereof moving in connection therewith, between the Nevada Test Site of the United States Atomic Energy Commission located near Mercury, NV, on the one hand, and, on the other, points in AR, CO, IA, KS, KY, LA, MO, NM, OK, ID, MT, TX, WI, ND, SD, MI, MN, IL, IN, OH, PA, NJ, DE, MD, NC, WV, KY, VA, NY, CT, RI, MA, DC, WA, OR, WY, and UT: Hearing site: At the same time and place as directly related Tri-State Motor Transit Co.—Merger—Parkhill Truck Company proceeding in Docket No. MC-F-13956F.

Note.—The purpose of this application is to eliminate the gateways for the above paragraphs as follows:

No. 1. Eliminates gateways of IL, IN, VA, and WV.
No. 2. Eliminates gateways of WY, IL, and IN.
No. 3. Eliminates gateways of NV, ID, MT, and UT.
No. 4. Eliminates gateways of IN, IL, and WI.
No. 5. (a) Eliminates gateways of NV, IL, and SD. (b) Eliminates gateways of SD, IL, and WY.
No. 6. (a) Eliminates gateways of IL, IN, OH, and WI. (b) Eliminates gateways of WY, NM, UT, WI, IN, and IL. (c) Eliminates gateways of WI, and IL. (d) Eliminates gateways of IL, OH, WI, and IN. (e) Eliminates gateways of IN and WI.
No. 7. Eliminates gateway of KS.
No. 8. Eliminates gateways of UT, KS, OK, and IL.
No. 9. Eliminates gateways of CO, KS, and OK.
No. 10. Eliminates gateways of CO, IL, KS, and OK.
No. 11. Eliminates gateways of CO, WI, and KS.
No. 12. Eliminates gateway of WA.
No. 13. Eliminates gateways of MT, WY, and CO.
No. 14. Eliminates gateway of MT.
No. 15. Eliminates gateway of MT.
No. 16. Eliminates gateways of IL, KS, OK, and MT.
No. 17. Eliminates gateway of UT.
No. 18. Eliminates gateway of PA.
No. 19. Eliminates gateway of KS.
No. 20. Eliminates gateways of WY, CO, and IA.
No. 21. Eliminates gateways of WY, AR, LA, IL, and MO.
No. 22. Eliminates gateways of OH, AR, and WY.

No. 23. Eliminates gateways of MO and IL.
No. 24. Eliminates gateways of WY, NM, UT, WI, and IN.
No. 25. Eliminates gateway of Hope, AR.
No. 26. Eliminates gateways of IL, WI, and CO.
No. 27. Eliminates gateways of Tulsa, OK, Round Rock, TX, and UT.
No. 28. Eliminates gateways of IL, Tulsa, OK, and Round Rock, TX.
No. 29. Eliminates gateways of IL, Tulsa, OK, and Round Rock, TX.
No. 30. Eliminates gateway of Pierce County, WA.
No. 31. Eliminates gateway of WY.
No. 32. Eliminates gateway of NV.
No. 33. Eliminates gateway of TX.
No. 34. (a) Eliminates gateway of VA. (b) Eliminates gateways of SC, TN, and NE. (c) Eliminates gateway of NE.
No. 35. Eliminates gateway of Jonesburg, MO.
No. 36. Eliminates gateway of Hope, AR.
No. 37. Eliminates gateway of Washington County, OK.
No. 38. Eliminates gateways of KY, LA, IL, IN, and OK.
No. 39. Eliminates gateway of Corpus Christi, TX.
No. 40. Eliminates gateway of Amarillo, TX.
No. 41. Eliminates gateway of Grayston County, TX.
No. 42. Eliminates gateway of TX.
No. 43. Eliminates gateway of San Antonio, TX.
No. 44. Eliminates gateway of UT.
No. 45. (a) Eliminates gateway of NV. (b) Eliminates gateways of IL and IN. (c) Eliminates gateways of IL and IN.
No. 46. Eliminates gateways of IL and KY.
No. 47. Eliminates gateways of Silsbee and Bon Weir, TX.
No. 48. Eliminates gateways of Jefferson County, KY and Washington County, OK.
No. 49. Eliminates gateway of Jefferson County, KY.
No. 50. Eliminates gateway of Charlotte, NC.
No. 51. Eliminates gateways of IL and IN.
No. 52. Eliminates gateway of Brazoria County, TX.
No. 53. Eliminates gateways of Houston, TX, Tulsa, OK, WI, UT, and WY.
No. 54. Eliminates gateways of WY and UT.
No. 55. Eliminates gateways of WY, IL, WI, IN, and Homer City, PA.
No. 56. Eliminates gateways of Polk County, AR, WI, IL, and WY.
No. 57. Eliminates gateway of Jewett, TX.
No. 58. Eliminates gateway of Corpus Christi, TX.
No. 59. (a) Eliminates gateways of IL, CO, KY,and WI. (b) Eliminates the gateway of CO.
No. 60. Eliminates gateway of WY.
No. 61. Eliminates gateways of CO, IL, MN, and OR.
No. 62. Eliminates gateways of Sunnyvale and Marlboro, CA, Round Rock, TX, and Tulsa, OK.
No. 63. Eliminates gateway of KY.
No. 64. Eliminates gateway of WY.
No. 65. Eliminates gateway of IL.
No. 66. Eliminates gateways of KY, IL, and Grundy County, IL.
No. 67. Eliminates gateways of IL, KY, Grundy County, IL, and NM.
No. 68. Eliminates gateways of Albuquerque, NM, Los Alamos, NM, IL, and OH.

This is a matter directly related to a finance proceeding in MC-F-13956F—Tri-State Motor Transit Co.—Merge—Parkhill Truck Company. (Hearing site: Tulsa, OK.)

Note.—The purpose of this republication is to indicate the correct authority sought. Previous notices published May 17, 1979 and June 13, 1979, inadvertently omitted portions of the authority sought.

Motor Carrier Alternate Route Deviations

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 20872 (Deviation No. 2), LIME CITY TRUCKING COMPANY INCORPORATED, 1455-65 Swan St., Huntington, IN 46750, filed May 14, 1979. Carrier's representative: Joseph P. Murdock, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions over deviation routes as follows: (1) From Ft. Wayne, IN over U.S. Hwy 30 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Chicago, IL, (2) From Huntington, IN over IN Hwy 9 to Columbia City, IN, then over U.S. Hwy 30 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Chicago, IL, (3) From Huntington, IN over IN Hwy 9 to junction IN Hwy 114, then over IN Hwy 114 to junction IN Hwy 5, (4) From South Bend, IN over U.S. Hwy 31 to junction U.S. Hwy 30, then over U.S. Hwy 30 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Chicago, IL, (5) From South Bend, IN over U.S. Hwy 31 to junction U.S. Hwy 30, then over U.S. Hwy 30 to Ft. Wayne, IN, (6) From South Bend, IN over IN Hwy 331 to junction U.S. Hwy 30, (7) From South Bend, IN over U.S. Hwy 33 to junction IN Hwy 19, then over IN Hwy 19 to junction U.S. Hwy 6, and (8) From South Bend, IN over IN Hwy 2 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Chicago, IL, 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 Ft. Wayne, IN over U.S. Hwy 24 to Huntington, IN, then over IN Hwy 5 to junction IN Hwy 114, then over IN Hwy 114 to junction IN Hwy 15, then over IN Hwy to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 152, then over IN Hwy 152 to junction U.S. Hwy 20, then over U.S. Hwy 20, then over U.S. Hwy 20 to Chicago, IL, (2) From South Bend, IN over IN Hwy 23 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 152, then over IN Hwy 152 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Chicago, IL, and (3) From South Bend, IN over IN Hwy 23 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IN Hwy 15, then over IN Hwy 15 to junction IN Hwy 114, then over IN Hwy 114 to junction IN Hwy 5, then over IN Hwy 5 to junction U.S. Hwy 24, then over U.S. Hwy 24 to Ft. Wayne, IN and return over the same routes.

MC 29555 (Deviation No. 31), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Building, St. Paul, MN 55104, filed May 18, 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 the junction of U.S. Hwys 67 and 34 west of Galesburg, IL, then over U.S. Hwy 67 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to junction Illinois Hwy 2, then over Illinois Hwy 2 to Rockford, IL 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 the junction of U.S. Hwys 67 and 34 west of Galesburg, IL, then over U.S. Hwy 34 to the Chicago commercial zone, then over U.S. Hwy 20 to Rockford, IL and return over the same route.

MC 29555 (Deviation No. 32), BRIGGS TRANSPORTATION CO., North 400, Griggs-Midway Bldg., St. Paul, MN 55104, filed June 6, 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 Muscatine, IA over IA and IL Hwys 92 to junction Interstate Hwy 80, then over

Interstate Hwy 80 to junction U.S. Hwy 51, then over U.S. Hwy 51 to Rockford, IL 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 Muscatine, IA over U.S. Hwy 61 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction IL Hwy 92, then over IL Hwy 92 to junction U.S. Hwy 34, then over U.S. Hwy 34 to Chicago, IL then over U.S. Hwy 20 to Rockford, IL and return over the same route.

MC 43421 (Deviation No. 37), DOHRN TRANSFER COMPANY, 4016 9th St., Rock Island, IL 61201, filed June 11, 1979. Carrier's representative: Edward G. Bazelon, 39 S. La Salle St., Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Tulsa, OK over U.S. Hwy 169 to junction Interstate Hwy 35, then over Interstate Hwy 35 to Kansas City, MO 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 Tulsa, OK over U.S. Hwy 66 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Kansas City, MO and return over the same route.

MC 48958 (Deviation No. 90), ILLINOIS-CALIFORNIA EXPRESS, INC., 601 Ross St., P.O. Box 9050, Amarillo, TX 79189, filed June 5, 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 Dallas, TX over Interstate Hwy 20 (U.S. Hwy 80) to junction U.S. Hwy 84, then over U.S. Hwy 84 to junction U.S. Hwy 62, then over U.S. Hwy 62 to Hobbs, NM 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 Dallas, TX over TX Hwy 114 to Rhome, TX, then over U.S. Hwy 287 to Amarillo, TX, then over U.S. Hwy 60 to junction U.S. Hwy 70, then over U.S. Hwy 70 to junction NM Hwy 18, then over NM Hwy 18 to Hobbs, NM and return over the same route.

MC 48958 (Deviation No. 89), ILLINOIS-CALIFORNIA EXPRESS, INC., 601 Ross St., P.O. Box 9050, Amarillo, TX 79189, filed June 5, 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 Amarillo, TX over U.S. Hwy 87 (Interstate Hwy 27) to Lubbock, TX, then over U.S. Hwy 84 to junction Interstate Hwy 20 (U.S. Hwy 80), then over Interstate Hwy 20 to Abilene, Tx 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 Amarillo, TX over U.S. Hwy 287 to junction U.S. Hwy 283, then over U.S. Hwy 283 to Seymour, TX, then over TX Hwy 199 to Olney, TX, then over TX Hwy 79 to junction U.S. Hwy 283, then over U.S. Hwy 283 to Albany, TX, then over U.S. Hwy 180 to junction TX Hwy 351, then over TX Hwy 351 to Abilene, TX and return over the same route.

MC 108835 (Deviation No. 12), HYMAN FREIGHTWAYS, INC., 1745 University Ave., St. Paul, MN 55104, filed June 6, 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 Minneapolis-St. Paul, MN over city streets to Interstate Hwy 35W, then over Interstate Hwy 35W to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction Interstate Hwy 80, then over Interstate Hwy 80 to junction Interstate Hwy 74, then over Interstate Hwy 74 to Bloomington, IL 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 Minneapolis-St. Paul, MN over U.S. Hwy 12 to Chicago, IL, then over U.S. Hwy 66 to Bloomington, IL 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 109533 (Deviation No. 21), OVERNITE TRANSPORTATION COMPANY, P.O. Box 1216, Richmond, VA 23209, filed May 21, 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 95 and VA Hwy 207 over VA Hwy 207 to junction U.S. Hwy 301, then over U.S. Hwy 301 to junction U.S. Hwy 50 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 junction Interstate Hwy 95 and VA Hwy 207 over Interstate Hwy 95 to junction U.S. Hwy 50, then over U.S. Hwy 50 to junction U.S. Hwy 301 and return over the same route.

MC 110325 (Deviation No. 35), TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009, filed May 21, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting, *general commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over a deviation route as follows: from the junction of U.S. Hwys 69 and 169 over combined U.S. Hwys 69 and 169 to junction Interstate Hwy 70, then over Interstate Hwy 70 to the junction of Interstate Hwys 70 and 25, 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 the junction of U.S. Hwys 69 and 169 over U.S. Hwy 69 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction IA Hwy 2, then over IA Hwy 2 to Nebraska City, NB, then over U.S. Hwy 75 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 6, then over U.S. Hwy 6 to junction Interstate Hwys 70 and 25, and return over the same route.

Motor Carrier Alternate Route Deviations

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 Passengers (49 CFR 1042.2(c)(9)).

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 Passengers

MC 55312 (Deviation No. 11), CONTINENTAL TENNESSEE LINES,

INC., 327 Gayoso Ave., Memphis, TN 38103, filed May 21, 1979. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nashville, TN over Interstate Hwy 65 to Smiths Grove, KY and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Nashville, TN over US Hwy 31E to Scottsville, KY, then over KY Hwy 101 to Smiths Grove, KY and return over the same route.

Motor Carrier Intrastate Application(s)

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.

Georgia Docket 9497–M, filed June 8, 1979. Applicant: N. D. T., INC., 4171 Winters Chapel Rd., P.O. Box 48210. Certificate of Public Convenience and Necessity sought to operte a freight service, as follows: Transportation of: *Foodstuffs, household products, health and beauty aids and grocery store operating supplies including shipping and handling materials and advertising and display materials* as are dealt in by wholesale and retail grocery houses, between the warehouse of Jewel T Discount Grocery Stores, Division of Jewel T Company, Inc., on the one hand, and all points in Georgia, on the other hand, over no fixed route; also for corresponding authority to conduct operations in interstate and foreign commerce within the limits of the intrastate authority granted, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October, 1962. Intrastate, interstate and foreign commerce authority sought. Haring: July 24, 1979 10 a.m., Georgia Public Service Commission, 177 State Office Building, 244 Washington St., Atlanta, GA. Requests for procedural information should be addressed to Georgia Public Service Commission, 244 Washington Street, S.W., Atlanta, GA 30334, and should not be directed to the Interstate Commerce Commission.

Iowa Docket MV–A–79–13, filed April 19, 1979. Applicant: ARNIE'S MOTOR FREIGHT, INC., 701 First Ave., N., Altoona, IA 50007. Representative: Russell H. Wilson, 3839 Merle Hay Rd., Suite 200, Des Moines, IA 50310. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, to Ames and Huxley, IA. Intrastate, interstate and foreign commerce authority sought. Hearing: Modified Procedure July 2, 1979, Des Moines, IA. Requests for procedural information should be addressed to Iowa Transportation Regulation Board, Department of Transportation, 300 Fourth Street, Des Moines, IA 50319, and should not be directed to the Interstate Commerce Commission.

New York Docket T–2403, filed May 9, 1979. Applicant: WADSWORTH & REILLY EXPRESS, INC., 9319 Mallory Road, Washington Mills, NY 13479. Representative: Murray J. S. Kirshtein, 118 Bleecker Street, Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* between all points in the counties of Chenango, Herkimer, Madison, Oneida and Otsego. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

Texas Docket 002627C2A, filed June 15, 1979. Applicant: CENTRAL FREIGHT LINES, INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillips Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, from Center, TX, over Texas Hwy 7 to Nacogdoches, TX, and return over the same route, serving the termini and all intermediate points, and the off-route points of the plantsite of P. P. Growers near Smith, TX. Hearing: If uncontested, July 17, 1979. Requests for procedural information should be addressed to Railroad Commission of Texas, Transportation Divison, Capitol Station—P.O. Drawer 12967, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

Note.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336 and 4337 and with all services now authorized in interstate and foreign commerce under authorizes granted in MC 30867 and all subs thereunder. Applicant seeks no duplicate authority. Intrastate, interstate and foreign commerce authority sought.

Transportation of Waste Products for Reuse or Recycling

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in *"Waste" Products*, Ex Parte MC 85, 124 M.C.C. 583 (1976). Requests are processed as seeking authority between all points in the United States.

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the Interstate Commerce Commission *within 20 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence *within 30 days* of the date of its notice in the **Federal Register**, subject to its tariff publication effective date.

P–4–79 (Special certificate—Waste products), filed May 11, 1979. Applicant: TIVERTON RECYCLING CO., 20 Cornell Road, Tiverton, RI 02878. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, MA 02645. Sponsors: Glass Container Corp. of Indianapolis, IN and Dayville, CN; Maine Recycling Corp. of Topsham, ME; Barnstable Board of Health of Hyannis, MA; Incinerator—Recycling Center of Pelham, NH; Town of Tiverton, RI, John De Costa, Highway Superintendent. Commodities: Waste Products (glass cullet).

P–5–79 (Special certificate—Waste products), filed May 30, 1979. Applicant:

TRUEX CORP., 821 Main Road, Westport, MA 02790. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Road, Harwich, MA 02645. Sponsor: Maine Recycling Corp. of Topsham, ME. Commodities: Waste Products (glass cullet).

P-20-77 (Special certificate—Waste products) (Amendment), filed June 22, 1979. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garwin, Scopeletis & Garwin, 1301 Merchants Plaza, Indianapolis, IN 46204. Sponsors: Grossman International Incorporated, Columbus, OH; Nelson Paper Recycling, Inc., Romulus, MI; Madison Paper Recycling Co., Madison, WI; Inland Container Corporation, Indianapolis, IN; Container Corporation of America, Carol Stream, IL. Commodities: Waste Products.

Note.—The purpose of this amendment is to add the above-named sponsors.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21902 Filed 7-13-79; 8:45 am]

BILLING CODE 7035-01-M

Fourth Section Application for Relief

July 11, 1979.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. July 31, 1979.

FSA No. 43716, Southwestern Freight Bureau, Agent No. B-7, iron or steel articles, in carloads, Ceico, Ohio to stations in Louisiana and Texas in supp. 432 to its Tariff ICC SWFB 4850, effective August 9, 1979. Grounds for relief—market competition.

By the Commission.

H. G. Homme, Jr.,

Secretary.

[FR Doc. 79-21915 Filed 7-13-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 137
Monday, July 16, 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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July 11, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: July 18, 1979, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

Power Agenda—329th Meeting, July 18, 1979, Regular Meeting (10 a.m.)

CAP-1. Project No. 516 and Docket No. E-7791, South Carolina Electric & Gas Co.
CAP—2. Docket Nos. ER79-389 and ER79-390, Florida Power Corp.
CAP—3. Docket Nos. ER79-284 and ER79-404, Idaho Power Co.
CAP—4. Docket No. ER79-195, Florida Power Corp.
CAP—5. Docket No. ER79-276, General Public Utilities Service Corp.
CAP—6. Docket No. ER79-391, Central Illinois Light Co.
CAP—7. Docket No. ER79-378, Florida Power and Light Co.
CAP—8. Docket No. ER79-381, West Penn Power Company & Duquesne Light Co.
CAP—9. Docket No. ER79-8494, Minnesota Power & Light Co.
CAP—10. Docket No. ER78-522, Virginia Electric and Power Co.
CAP—11. Docket Nos. ER76-131, ER76-552, and ER78-25, Kansas City Power & Light Co.
CAP—12. Project No. 2305, Sabine River Authority of Texas and Sabine River Authority, State of Louisiana

Miscellaneous Agenda—329th Meeting, July 18, 1979, Regular Meeting

CAM-1. Docket No. RM79- , Amendments to the Notice Requirements of the Federal Power Act

Gas Agenda—329th Meeting, July 18, 1979, Regular Meeting

CAG-1. Docket Nos. RP79-21 and RP71-11 (PGA Nos. 79-2 and 79-2a), Tennessee Natural Gas Lines, Inc.
CAG-2. Docket No. RP79-77 and RM78-23, Mississippi River Transmission Corp.
CAG-3. Docket No. RP 73-94 (PGA No. 79-2), Valley Gas Transmission, Inc.
CAG-4. Docket Nos. RP75-3 and RP75-75, Transcontinental Gas Pipe Line Corp.
CAG-5. Docket Nos. AR64-2, et al., AR61-2, AR69-1, et al., AR67-1, et al., G-1964, G-12706, G-18841, RP65-59, RP69-13 and RP70-29, et al., Texas Eastern Transmission Corp.
CAG-6. Docket Nos. G-9547, G-12801, G-18406, RP60-2, RP61-18, RP63-1 and RP65-1, United Gas Pipe Line Co.
CAG-7. Docket Nos. G-1964, G-12706, G-18841 and RP65-59, Texas Eastern Transmission Corp.
CAG-8. Docket Nos. G-20273 and RP66-7, Columbia Gas Transmission Corp.
CAG-9. Docket No. RP72-136 (PGA No. 79-1), Florida Gas Transmission Co.; Docket No. RP78-58 (PGA 79-2), South Texas Natural Gas Gathering Co.
CAG-10. Docket No. RP79-12, El Paso Natural Gas Co.
CAG-11. Docket No. CI78-111, Petroleum, Inc.; Docket No. CI79-427, Amoco Production Co.; Docket No. CI78-868, Amoco Production Co.; Docket No. CI79-419, Case-Pomeroy Oil Corp. Docket No. CI78-588, Cities Service Co.; Docket No. CI78-792, Cotton Petroleum Corp.; Docket No. CI78-793, Cotton Petroleum Corp.; Docket No. CI78-809, Cotton Petroleum Corp.; Docket No. CI79-418, Felmont Oil Corp.; Docket No. CI78-796, Getty Oil Co.; Docket No. CI79-435, Getty Oil Co.; Docket No. CI79-467, Kerr McGee Corp.; Docket No. CI79-468, Kerr McGee Corp.; Docket No. CI78-180, CI78-181, CI78-182, Texaco Inc.; Docket No. CI79-433, Transco Exploration Co.; Docket No. CI79-465, Transco Exploration Co.; Docket No. CI78-884, Mobil Oil Corp.; Docket No. CI78-1074, Mobil Oil Corp.; Docket Nos. CS78-637, et al., Barth Energy Corp., Et Al.; Docket Nos. CI77-422, CI77-84, CI77-594, CI77-587, and CI76-759, Getty Oil Co.; Docket Nos. CI71-181, Et Al., Herman Lang, Et Al.; Docket Nos. CI77-777, CI77-782, CI77-789, CI78-607, CI78-608, CI77-884, CI78-1074, and CI78-1075, Mobil Oil Corp.; Docket No. CI72-145, Gulf Oil Corp.; Docket No. CI77-348, Transco Exploration Co.
CAG-12. Docket Nos. CI76-586, et. al., Atlantic Richfield Co., et al.
CAG-13. Docket Nos. CP78-327, et.al., (CP78-349), Tennessee Gas Pipeline Co., Midwestern Gas Transmission Co. and Southern Natural Gas Co.
CAG-14. Docket No. CP76-87, El Paso Natural Gas Co.
CAG-15. Docket No. CP78-119, Northwest Pipeline Corp., Docket No. CP78-165, Northwest Pipeline Corp., Docket No. CP78-232, Colorado Interstate Gas Co., Docket No. CP78-287, Western Transmission Corp., Docket No. CP79-146, Michigan Wisconsin Pipe Line Co., Docket No. CP79-151, Michigan Wisconsin Pipe Line Co., Docket No. CP79-165, El Paso Natural Gas Co., Docket No. CP79-166, El Paso Natural Gas Co., Docket No. CP79-280, Michigan Wisconsin Pipe Line Co., Docket No. CP77-415, El Paso Natural Gas Co., Docket No. CP77-416, Michigan Wisconsin Pipe Line Co., Docket No. CP77-611, Western Transmission Corp.
CAG-16. Docket No. CP79-274, National Fuel Gas Supply Corp.
CAG-17. Docket No. CP79-72, National Gas Pipeline Co. of America
CAG-18. Docket No. CP79-262, Transcontinental Gas Pipe Line Corp.
CAG-19. Docket No. CP79-249, Natural Gas Pipeline Co. of America and Columbia Gulf Transmission Co.
CAG-20. Docket No. CP79-248, Mississippi River Transmission Corp. and United Gas Pipe Line Co.
CAG-21. Docket No. CP79-261, United Gas Pipe Line Co.
CAG-22. Docket No. CP77-627, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and Columbia Gulf Transmission Co.
CAG-23. Docket No. CP79-217, Columbia Gas Transmission Corp.
CAG-24. Docket No. TC79-51, Alabama-Tennessee Natural Gas Co., Docket No. TC79-10, Algonquin Gas Transmission Co., Docket No. TC79-32, Arkansas Louisiana Gas Co., Docket No. TC79-17, Cities Service Gas Co., Docket No. TC79-36, Colorado Interstate Gas Co., Docket No. TC79-16, Columbia Gas Transmission Corp., Docket No. TC79-31, Consolidated Gas Supply Corp., Docket No. TC79-20, East Tennessee Natural Gas Co., Docket No. TC79-41, Eastern Shore Natural Gas Co., Docket No. TC79-25, El Paso Natural Gas Co., Docket No. TC79-5, Florida Gas Transmission Co., Docket No. TC79-19, Granite State Gas Transmission, Inc.,

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Power Agenda—329th Meeting, July 18, 1979, Regular Meeting

I. Licensed Project Matters

P-1. Docket No. E-9530, *Pyramid Lake Paiute Tribe of Indians*, complainant, v. *Sierra Pacific Power Company*, respondent. Truckee-Carson Irrigation District and Washoe County Water Conservation District, additional respondents.

II. Electric Rate Matters

ER-1. Docket No. E-8855, Boston Edison Co.
ER-2. Docket No. ER76-205, Southern California Edison Co.
ER-3. Docket Nos. E-9002 and ER76-122, Commonwealth Edison Co.
ER-4. Docket No. ER79-227, Middle South Services, Inc.
ER-5. Docket No. ER79-279, Virginia Electric and Power Co.
ER-6. Docket No. ER79-399, Cleveland Electric Illuminating Co.
ER-7. Docket No. ER78-509, Northern Indiana Public Service Co.
ER-8. Docket No. EL79-8, Central Power and Light Co., et al.
ER-9. Docket No. E-9408, American Electric Power Service Corp.
ER-10. Docket No. ER78-19 (Phase I) and ER78-81, Florida Power and Light Co.

Miscellaneous Agenda—329th Meeting, July 18, 1979, Regular Meeting

M-1. Reserved.
M-2. Reserved.
M-3. Docket No. RM79-, Delegation of the Commission's authority to various staff office directors.
M-4. Docket No. RM79-, advance payments.
M-5. Docket No. RM79-, final regulations for subparts A, C, D and E of Part 274 of the Natural Gas Policy Act.
M-6. Docket No. RM79-8, final rule prescribing 15 year minimum duration for new contracts for some sales of certain OCS gas.
M-7. Docket No. RM79-, withdrawal of notice of determination.
M-8. Notices of well category determinations.
M-9. Docket No. GP79-6, (JD 79-1781).
M-10. Docket Nos. OR79-1, I&S-9089, IS79-4, FS79-1 and FS79-2, Williams Pipe Line Co.
M-11. Docket No. OR79-3, Lakehead Pipeline Co.
M-12. Docket No. RM79-, final part 284 regulations under the Natural Gas Policy Act of 1978.

Gas Agenda—329th Meeting, July 18, 1979, Regular Meeting

I. Pipeline Rate Matters

RP-1. Docket No. RP 79-76, Cities Service Gas Co.
RP-2. Docket No. RP75-94, Great Lakes Gas Transmission Co.

II. Producer Certificate Matters

CI-1. Docket No. G-12446, Texas Eastern Transmission Corp.; Docket No. CI66-890, Continental Oil Co.; Docket No. CI66-891, Sun Oil Co.; Docket No. CI66-919, General Crude Oil Co.; Docket No. CI66-892, M. H. Marr.
CI-2. Docket No. G-14562, Tennessee Gas Pipeline Co. (Successor to Tennessee Gas Transmission Co.); Docket No. G-13680, Continental Oil Co.; Docket No. G-13827, Mobil Oil Corp. (Successor To Magnolia Petroleum Co.); Docket No. G-13948, Newmont Oil Co.; Docket No. G-19855, Continental Oil Co.; Docket No. G-19580, Atlantic Richfield Co. (Successor To Atlantic Refining Co.); Docket No. G-19851, Cities Service Co. (Successor To Cities Service Oil Co.); Docket No. G-19900, Getty Oil Co. (Successor To Tidewater Oil Co.)
CI-3.; Docket No. G-18671, Dorchester Gas Producing Co.; Docket No. AR64-1, et al., Area Rate Proceeding, et al., (Hugoton-Anadarko Area)

III. Pipeline Certificate Matters

CP-1. Docket No. CP75-287, Northwest Pipeline Corp.; Docket No. CP-110, Washington Natural Gas Co. as Project Operator
CP-2. Docket No. CP79-133, ONG Western Inc.
CP-3. Docket No. CP77-457, Northwest Gas Pipeline Corp.
CP-4. Docket No. CP78-532, Ozark Gas Transmission System.
CP-5. Docket No. CP-78-433, Michigan Consolidated Gas, Co., Interstate Storage Division. Docket No. CP-78-527, Great Lakes Gas Transmission Co.; Docket No. CP-78-545, Michigan Winsconsin Pipe Line Co.; Docket No. CP79-22, Tennessee Gas Pipeline Co., United Gas Pipeline Co. and Midwestern Gas Transmission; Docket No. CP 79-84, Panhandle Eastern Pipe Line Co.; Docket No. CP79-98, Panhandle Eastern Pipe Line Co. and Trunkline Gas Co.; Docket No. CP-79-104, Midwestern Gas Transmission Co.; Docket No. CP79-163, Natural Gas Pipeline Co. America.; Docket No. CP-68-248, Tennessee Gas Pipeline Co.
CP-6. Docket No. TC79-127, Columbia Gas Transmission Corp.

Kenneth F. Plumb,

Secretary.

[S-1404-79 Filed 7-12-79; 3:37 pm]

BILLING CODE 6740-02-M

2

July 12, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 19, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

1. *Secretary of Labor, MSHA, and United Mine Workers of America* v. *Monterey Coal Co.*, HOPE 78-469, etc., and *Secretary of Labor, MSHA*, v. *Old Ben Coal Company*, VINC 79-119-P. (Consolidated Oral Argument)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-1405-79 Filed 7-12-79; 3:37 pm]

BILLING CODE 6820-12-M

3

July 12, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., July 20, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following:

1. *Secretary of Labor, MSHA*, v. *Coaltrain Corp.*, MORG 79-26-P.
2. *Secretary of Labor, MSHA, and United Mine Workers of America*, v. *Canterbury Coal Co.*, PITT 78-127, etc.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S-6820-12 Filed 7-12-79; 3:37 pm]

BILLING CODE 6820-12-M

4

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, July 17, 1979.

PLACE: Hearing Room A, Interstate Commerce Commission Building, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423.

STATUS: Open Regular Conference.

MATTERS TO BE CONSIDERED:

1. Market Dominance—Status Report and Discussion.
2. Possible Exemption of TOFC/COFC Traffic (General Discussion, Including Related Motor Carrier Issues).

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, Telephone: 202–275–7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S–1399—79 Filed 7–12–79; 11:35 am]

BILLING CODE 7035–01–M

5

LEGAL SERVICES CORPORATION.

Committee on Provision of Legal Services.

TIME AND DATE: 9 a.m., Friday, July 20, 1979.

PLACE: The Century Plaza Hotel, The Westwood Room, Avenue of the Stars, Los Angeles, California.

STATUS: Open Meeting.

MATTERS TO BE CONSIDERED:

1. Adoption of Agenda.
2. Approval of Minutes of May 19, 1979 Meeting.
3. *Office of Field Services*—

(a) Corporation's mechanisms, strategies and approaches for meeting our statutory mandate and regulatory responsibilities.
(b) Delivery System Study Conversion Issue.
(c) Progress Report on Reggie Report and Contract Issues.

4. *Office of Program Support*—

(a) Summary of 1979 training activities and projections for 1980 budget, including client training and other related matters.

5. *Research Institute*—

(a) Report on the Institute's activities.

6. *President's Report*—

(a) Plans and priorities for the future.
(b) Status report regarding current program activities.

CONTACT PERSON FOR MORE INFORMATION: Dellanor Young, Office of the President, telephone (202) 376–5100.

Issued: July 11, 1979.

Dan J. Bradley,

President.

[S–1401–79 Filed 7–12–79; 11:35 pm]

BILLING CODE 5820–35–M

6

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on July 26, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Open meeting.

MATTTERS TO BE CONSIDERED: Consideration of final adoption of changes to the Commission's rules of procedure.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell, (202) 634–4015.

Dated: July 12, 1979.

[S–1402–79 Filed 7–12–79; 11:35 am]

BILLING CODE 7600–01–M

7

PAROLE COMMISSION: National Commissioners (The Commissioners presently maintaining offices at Washington, D.C. Headquarters.)

TIME AND DATE: Thursday, July 12, 1979 at 9:30 a.m.

PLACE: Room 828, 320 First Street, NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at beginning of the meeting.

CHANGES IN THE MEETING: On July 11, 1979, the Commission determined that the date and time for the above meeting be changed to Monday, July 16, 1979, at 9:30 a.m.; and that the above change be announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst, (202) 724–3094.

[S–1403–79 Filed 7–12–79; 11:35 am]

BILLING CODE 4410–01–M

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission held a closed meeting on Thursday, July 12, 1979, at 9:45 a.m., in Room 825, 500 North Capitol Street, Washington, D.C.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries attended the closed meeting. Certain staff members who were responsible for the calendared matters were also present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the item considered at the closed meeting was considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Evans, Pollack and Karmel determined that (i) the aforesaid meeting should have been held in closed session and (ii) Commission business required consideration of this matter and no earlier notice thereof was possible.

The subject matter of the closed meeting held on Thursday, July 12, 1979, at 9:45 a.m. was:

Regulatory matter bearing enforcement implications.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Mike Rogan at (202) 755–1638.

[S–1407–79 Filed 7–12–79; 3:37 pm]

BILLING CODE 8010–01–M

9

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES.

International Information Exchange.

TIME: 8:30 a.m.

DATE: July 31, 1979.

PLACE: Department of State, 2201 C Street NW., Conference Room 1107, Washington, D.C. 20520.

STATUS: Open.

MATTERS TO BE DISCUSSED: Small group discussions to identify four to six issues that are appropriate for discussion at the White House Conference by the delegates concerning the role of U.S. libraries and information services within the international information community. The Conference will be held in Washington, D.C. on November 15–19, 1979.

Report of small group discussion.

CONTACT PERSONS FOR MORE INFORMATION: Kathleen Smith, Coordinator; Janet Smalley, Assistant Coordinator, (202) 653–6252.

Marilyn K. Gell,

Director.

July 11, 1979.

[S–1400–79 Filed 7–12–79; 11:35 am]

BILLING CODE 7527–01–M

Reader Aids

Federal Register

Vol. 44, No. 137

Monday, July 16, 1979

INFORMATION AND ASSISTANCE

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

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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/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

34475 6–15–79 / Commission determinations and review of jurisdictional agency determinations

GENERAL SERVICES ADMINISTRATION

20688 4–6–79 / Federal procurement; new editions of standard forms

34498 6–15–79 / Miller Act bonds and bond premiums

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of Child Support Enforcement—

28802 5–17–79 / State plans; bonding of employees and handling of cash receipts

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Government National Mortgage Association—

34119 6–14–79 / List of attorneys-in-fact

INTERIOR DEPARTMENT

Land Management Bureau—

34834 6–15–79 / Off-road vehicles,use of public land

NUCLEAR REGULATORY COMMISSION

34466 6–15–79 / Physical protection of irradiated reactor fuel in transit

POSTAL SERVICE

34497 6–15–79 / Preparation for mailing; second-class bulk mailings, key rate second-class publications

TREASURY DEPARTMENT

Customs Service—

34478 6–15–79 / Changes in Customs field organization

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 July 12, 1979

Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1978)

Quantity	Volume	Price	Amount
_____	Title 45—Public Welfare (Part 500 to End)	$8.25	$_____
_____	Title 46—Shipping (Part 200 to End)	6.50	_____
_____	Title 47—Telecommunication (Part 80 to End)	7.00	_____
_____	Title 49—Transportation (Parts 1200 to 1299)	6.50	_____
		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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